

JOSIAH K. NISHITA
County Clerk



MARGARET C. CLARK
Deputy County Clerk

RECEIVED

OFFICE OF THE COUNTY CLERK

COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/county/clerk

2020 JAN 27 AM 11:44

OFFICE OF THE
COUNTY COUNCIL

January 27, 2020

Honorable Riki Hokama, Chair
Healthy Families and Communities Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Hokama:

By letter dated January 9, 2020 (County Communication No. 20-26), the Director of Finance transmitted 166 contracts/grants for filing with the County Clerk.

At the January 24, 2020 Council meeting, the foregoing communication was filed; however, Contract C6562-2 was referred to your Committee at your request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in black ink, appearing to read "Josiah K. Nishita".

JOSIAH K. NISHITA
County Clerk

/jym

Enclosures

cc: Director of Council Services

AMENDMENT TO CONTRACT CERTIFICATION

I, **SCOTT K. TERUYA**, Director of Finance of the County of Maui, State of Hawaii, do certify that there is available appropriation or balance of an appropriation over and above all outstanding contracts, sufficient to cover the amount required by the foregoing contract, i.e.

<u>Appropriation Index</u>	<u>Title</u>	<u>Amount Required</u>
<u>301370</u>	<u>WAR MEMORIAL GYM BLDG IMPRV (7190)</u>	<u>\$217,442.00</u>

Contract No. C 6562 KAI HAWAII, INC.

Amendment No. 2 Dated:

Dated this 5 day of DECEMBER 2019

Extension of Contract to: Additional 144 Calendar Days

Original Amount	\$ 161,407.00
Prior Amends/CO	\$ 36,994.00
This Amendment	<u>\$ 217,442.00</u>
Total contract	<u>\$ 415,843.00</u>


SCOTT K. TERUYA
Director of Finance

War Memorial Gym
Building Improvements for DPR
Job #P17/031
QBS #Q-PK-18-11
ORDINANCE #4988 (FY2020)

FY 2020

jh *Ju 12/6 J252*

Ju 12/4

AMENDMENT NO. 2 TO CONTRACT NO. C6562

Department: Parks and Recreation - Planning & Development Division
Project Title: War Memorial Gym Building Improvements
Job No.: P17/031
QBS No.: Q-PK-18-11
Additional Certification Requested from County: \$217,442.00

This AMENDMENT NO. 2 TO CONTRACT is made and entered into by and between the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose business address is 200 South High Street, Wailuku, Maui, Hawaii 96793, hereinafter referred to as the "County", and KAI HAWAII, INC., a Hawaii corporation, whose mailing address is 50 S. Beretania Street, #C-119C, Honolulu, Hawaii 96813, hereinafter referred to as the "Contractor". County and Contractor shall hereinafter be referred to collectively as the "Parties".

Source of Funds. The source(s) and availability of the funds for this Contract shall be as set forth in the Contract Certification signed by the Director of Finance of the County of Maui on or before the effective date of this Contract. Contract Certification shall be on file in the office of the Director of Finance of the County of Maui.

RECITALS:

1. WHEREAS, the County and the Contractor entered into the following Contract and Amendment(s), if any, with certified availability of funds in the amount indicated and time of performance as indicated:

AMENDMENT NO. 2 TO CONTRACT NO. C6562

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
C6562	08/29/2018	NOT APPLICABLE	\$161,407.00	515 calendar days from Notice to Proceed	None
C6562	12/04/2018	\$36,994.00	198,401.00	Same as Above	None

2. WHEREAS, the Contract and any Amendment(s) thereto listed above shall be hereafter collectively referred to as "Contract"; and

3. WHEREAS, the Contract is on file with the Director of Finance; and

4. WHEREAS, the Parties now desire to amend the Contract.

NOW, THEREFORE, the Parties mutually agree to amend the Contract as follows:

1. The scope of work as set forth in the Contractor's proposal dated October 5, 2019, and any attachments thereto, (hereinafter "Amended Proposal") is hereby added to the Scope of Work. A copy of said document is maintained and on file in the office of the Director of Finance of the County of Maui and incorporated herein by reference and hereby made a part of the Contract. Any general, miscellaneous, or other terms, conditions, or provisions that are found in any of the Contractor's proposals for this Contract or in any sub-contractor's proposals attached thereto shall be unenforceable as against the County, unless the subject of such terms, conditions, or provisions is addressed in the County's General Conditions, and such terms, conditions, or provisions are consistent with the County's General Conditions.

AMENDMENT NO. 2 TO CONTRACT NO. C6562

2. Section 2., Time of Performance, is amended to read as follows:

2. Time of Performance. The Contractor shall commence performance under this Contract upon issuance of the Notice to Proceed, and shall continue performance for a period of 659 calendar days therefrom, unless sooner completed, terminated, or extended in compliance with the terms of this Contract.

3. The total not-to-exceed amount as stated in the Contract is hereby increased by the amount of additional certification requested as set forth hereinabove, subject to appropriation and inclusive of all taxes. The fee or compensation schedule as set forth in the Amended Proposal is hereby added to the Compensation provision of the Contract.

The entire Contract, as amended herein, shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties execute this Amendment by their signatures, on the dates below, to be effective as of the date of last signature hereto.

[EXECUTION PAGES TO FOLLOW]

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AMENDMENT NO. 2 TO CONTRACT NO. C6562

CONTRACTOR EXECUTION PAGE

I hereby represent and warrant that I have the legal right and authority to execute this Contract on behalf of the Contractor.

CONTRACTOR:

KAI HAWAII, INC.

By Michael Hunnemann
(Signature)

Michael Hunnemann
(Print Name)

Its Vice President
(Title)

Date 11/13/19

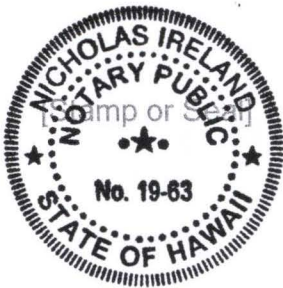
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AMENDMENT NO. 2 TO CONTRACT NO. C6562

STATE OF Hawaii)
City and County of Honolulu) SS.

On this 13th day of November, 2019, before me personally appeared Michael & Hunne mann, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Nicholas Ireland
Notary Public, State of Hawaii

Print Name: Nicholas Ireland

My commission expires: February 24th, 2023

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>Not Dated</u>	# Pages:	<u>7</u>
Notary Name:	<u>Nicholas Ireland</u>	Judicial Circuit:	<u>First</u>
Doc. Description:	<u>Amendment No. 2 to Contract No. C6562</u>		
Notary Signature:	<u>Nicholas Ireland</u>		
Date:	<u>November 13th, 2019</u>		



AMENDMENT NO. 2 TO CONTRACT NO. C6562

COUNTY EXECUTION PAGE

COUNTY OF MAUI

By 
SCOTT K. TERUYA
Its Director of Finance

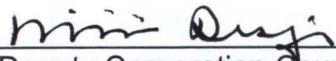
Date DEC - 6 2019

REVIEWED AND APPROVED:


KARLA H. PETERS
Director, Department of Parks and
Recreation

Date 11/20/19

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel
County of Maui

Date 11-22-19
2018-0924
2019-11-05 Amd 2

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AMENDMENT NO. 2 TO CONTRACT NO. C6562

STATE OF HAWAII)
COUNTY OF MAUI) SS.

On this 6th day of December, 2019, before me appeared SCOTT K. TERUYA, to me personally known, who being by me duly sworn, did say that he is the Director of Finance of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful seal of the said County of Maui, and that the said instrument was signed and sealed on behalf of said County of Maui pursuant to Section 9-18 of the Charter of the County of Maui; and the said SCOTT K. TERUYA acknowledged the said instrument to be the free act and deed of said County of Maui.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Dana Ah Nee

Notary Public, State of Hawaii

Print Name: DANA AH NEE

My commission expires: NOV 14 2022

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>DEC - 6 2019</u>	# Pages:	<u>7</u>
Notary Name:	<u>DANA AH NEE</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description:	<u>Amendment No. 2 to</u> <u>Contract No. C6562</u>		
Notary Signature:	<u>Dana Ah Nee</u>		
Date:	<u>DEC - 6 2019</u>		

