

AMENDMENT NO. 2 TO CONTRACT NO. M1016

Department: Environmental Management - Solid Waste Division

Project Title: Integrated Waste Conversion and Energy Project

RFP No.: 13-13/P32

Additional Certification Requested from County: \$0.00

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 MAUI RESOURCE RECOVERY FACILITY, LLC, a Delaware limited liability company, whose mailing address is 5780 Fleet Street, Suite 310, Carlsbad, California 92008, hereinafter referred to as the "Contractor." County and Contractor shall hereinafter be referred to collectively as the "Parties".

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:

CONTRACT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/ EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
M1014	1/8/2014	NOT APPLICABLE	\$0.00	1/8/2014 to 20 years from Commercial Operations Date	None
Amd 1	2/14/2017	\$0.00	\$0.00	Same	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.

RECEIVED AT EDB MEETING ON 2-6-2020

Director of Environmental Management (EDB-48)

AMENDMENT NO. 2 TO CONTRACT NO. M1016

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

1. Section 3.07(d) is amended in full as follows:

"(d) If the conditions set forth in this Article are not completed, waived, or extended by written agreement within sixty (60) months of the Effective Date and MRRF is not diligently pursuing such permits, licenses, and other approvals, the County shall have the option to terminate the Agreement without triggering the default provisions of this Agreement or incurring any liability under this Agreement."

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

IN WITNESS WHEREOF, the Parties execute this Amendment No. 2 by their signatures, on the dates below, to be effective as of the date of last signature hereto.

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

CONTRACTOR:

MAUI RESOURCE RECOVERY FACILITY, LLC

By Arun Sharma
(Signature)

ARUN SHARMA
(Print Name)

Its PRESIDENT
(Title)

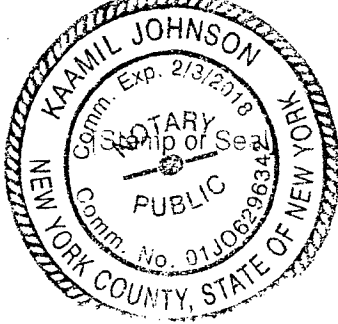
Date 11/9/17

AMENDMENT NO. 2 TO CONTRACT NO. M1016

STATE OF New York)
New York) SS.

On this 9th day of Novemb, 2018, before me personally appeared Arun Sharma, 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.



[Signature]
Notary Public, State of New York

Print Name: Kaamil Johnson

My commission expires: 02/03/2018

NOTARY PUBLIC CERTIFICATION	
Doc. Date:	# Pages: _____
Notary Name:	Judicial Circuit: _____
Doc. Description: _____	
_____ [Stamp or Seal]	
Notary Signature: _____	
Date: _____	

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COUNTY EXECUTION PAGE

COUNTY OF MAUI

By Alan Arakawa
ALAN M. ARAKAWA
Its Mayor

Date 11/16/17

By Mark Walker
MARK R. WALKER
Its Director of Finance

Date NOV 29 2017

APPROVAL RECOMMENDED:

Stewart Stant
STEWART STANT, Director
Department of Environmental Management
Date 11/14/17

APPROVED AS TO FORM
AND LEGALITY:

Richelle Thomson
RICHELLE THOMSON
Deputy Corporation Counsel
County of Maui

Date 11/14/17

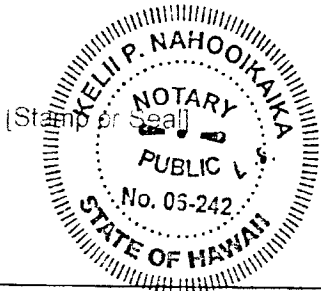
LF2016-0541

AMENDMENT NO. 2 TO CONTRACT NO. M1016

STATE OF HAWAII)
) SS.
 COUNTY OF MAUI)

On this 17th day of November, 2017, before me appeared ALAN M. ARAKAWA, to me personally known, who being by me duly sworn, did say that he is the Mayor 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 ALAN M. ARAKAWA 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.



Kelii P. Nahooikaia
 Notary Public, State of Hawaii

Print Name: KELII P. NAHOOIKAIA

My commission expires: 4-30-18

NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>undated</u>	# Pages: <u>6</u>
Notary Name: <u>KELII P. NAHOOIKAIA</u>	Judicial Circuit: <u>2nd</u>
Doc. Description: <u>amendment no. 2 to contract no. M1016</u>	
[Stamp or Seal]	
Notary Signature: <u>Kelii P. Nahooikaia</u>	[Stamp or Seal]
Date: <u>11.17.17</u>	

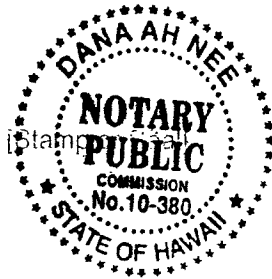
AMENDMENT NO. 2 TO CONTRACT NO. M1016

STATE OF HAWAII)
) SS.
 COUNTY OF MAUI)

On this 21th day of November, 2017, before me appeared MARK R. WALKER, to me personally known, who being by me duly sworn, did say that he is the ~~Acting~~ 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 MARK R. WALKER acknowledged the said instrument to be the free act and deed of said County of Maui.

DA

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 2018

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>NOV 29 2017</u>	# Pages:	<u>6</u>
Notary Name:	<u>DANA AH NEE</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description:	<u>Amendment no. 2 to Contract</u>		
	<u>no. M1016</u>		
	[Stamp or Seal]		
Notary Signature:	<i>Dana Ah Nee</i>		
Date:	<u>NOV 29 2017</u>		

