

KATHY L. KAOHU
County Clerk

JAMES G.M. KRUEGER
Deputy County Clerk



RECEIVED
2020 JUN 19 PM 4:30

OFFICE OF THE COUNTY CLERK

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

June 19, 2020

Honorable Yuki Lei Sugimura, Chair
Water, Infrastructure, and Transportation Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Sugimura:

By letter dated June 8, 2020 (County Communication No. 20-322), the Director of Finance transmitted 66 contracts/grants for filing with the County Clerk.

At the June 19, 2020 Council meeting, the foregoing communication was filed; however, Contract C6508-1 was referred to your Committee at Councilmember Paltin's request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. Kaohu".

KATHY L. KAOHU
County Clerk

/jym

Enclosures

cc: Director of Council Services

✓

AMENDMENT TO CONTRACT CERTIFICATION

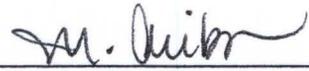
I, **SCOTT K. TERUYA**, Director of Finance of the County of Maui, State of Hawaii,
do certify that there is available appropriation or balance of an appropriation over and above all
outstanding contracts, sufficient to cover the amount required by the foregoing contract, i.e.

<u>Appropriation Index</u>	<u>Title</u>	<u>Amount Required</u>
<u>356575</u>	<u>WM ROADWAY IMPRV MTV GRANT (7190)</u>	<u>\$30,500.00</u>

Contract No. C 6508 AUSTIN, TSUTSUMI & ASSOCIATES, INC.

Amendment No. 1 Dated:
Dated this 4 day of MAY 2020
Extension of Contract to: Additional 180 Calendar Days

Original Amount	\$ 143,400.00
Prior Amends/CO	\$ 0.00
This Amendment	\$ 30,500.00
Total contract	<u>✓ \$ 173,900.00 ✓</u>

fn 
SCOTT K. TERUYA
Director of Finance

Keawe Street Improvements -
Phase 1 for DPW
PW Eng Job #19-03
QBS #Q-PW-18-22
ORDINANCE #4179 (FY2014)

FY 2020

jh *ang sk*
8/25

TE
5/

AMENDMENT NO. 1 TO CONTRACT NO. C6508

Department: Public Works – Engineering Division
Project Title: Keawe Street Improvements – Phase I
PW Eng Job No.: 19-03
QBS No.: Q-PW-18-22
Additional Certification Requested from County: \$30,500.00

This AMENDMENT NO. 1 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 AUSTIN, TSUTSUMI & ASSOCIATES, INC., a Hawaii corporation, whose mailing address is 1871 Wili Pa Loop, Suite A, Wailuku, Maui, Hawaii 96793, 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. 1 TO CONTRACT NO. C6508

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
C6508	06/02/2018	NOT APPLICABLE	\$143,400.00	720 calendar days from Notice to Proceed (06/12/2018)	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 January 21, 2020, 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. 1 TO CONTRACT NO. C6508

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 900 calendar days, unless sooner completed, terminated, or extended in compliance with the terms of this Contract. Where the contract work is structured into phases or discrete work items, if the commencement of a phase or work item is triggered not by the completion of the prior phase or work item, but by some other event not under the control of the Contractor, the time between the completion of one phase or work item and the commencement of the next shall not count towards the time of performance within which the Contractor agreed to complete its performance under the Contract. The Contractor agrees to cooperate and coordinate with the County to accurately compute and document the time of performance.

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]

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

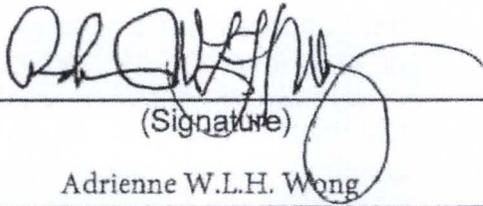
AMENDMENT NO. 1 TO CONTRACT NO. C6508

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:

AUSTIN, TSUTSUMI & ASSOCIATES, INC.

By 
(Signature)

Adrienne W.L.H. Wong

(Print Name)

Its Vice President & Branch Manager
(Title)

Date 4/17/2020

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

AMENDMENT NO. 1 TO CONTRACT NO. C6508

STATE OF Hawaii
County of Maui } SS.

On this 17th day of April, 2020, before me personally appeared Adrienne W.L.H. Wong, 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.



Nicole Kawamura

Notary Public, State of Hawaii

Print Name: Nicole Kawamura

My commission expires: 08/15/2022

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>04/17/2020</u>	# Pages:	<u>7</u>
Notary Name:	<u>Nicole Kawamura</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description:	<u>Amendment No. 1 to</u> <u>Contract No. C 6508</u>		
Notary Signature:	<u>Nicole Kawamura</u> Nicole Kawamura		
Date:	<u>04/17/2020</u>		



AMENDMENT NO. 1 TO CONTRACT NO. C6508

COUNTY EXECUTION PAGE

COUNTY OF MAUI

By *Mr. Alibin* *CMC WP*
~~SCOTT K. TERLIMA~~ MAY-ANNE A. ALIBIN
~~Its Director of Finance~~ Deputy Director of Finance
Date **MAY 04 2020**

REVIEWED AND APPROVED:

[Signature]
ROXVENA M. DAGDAG-ANDAYA
Director
Department of Public Works
Date *April 29, 2020*

APPROVED AS TO FORM AND LEGALITY:

/s/ Michael J. Hopper
Deputy Corporation Counsel
County of Maui
Date 5/1/20

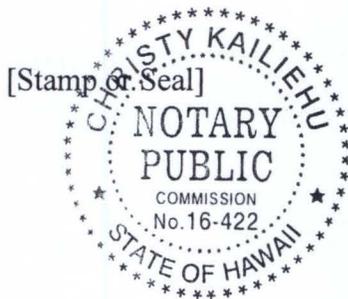
LF2018-0482

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

STATE OF HAWAII)
 :
COUNTY OF MAUI) SS.

On this 4th day of May, 2020, before me personally appeared **MAY-ANNE A. ALIBIN**, to me personally known, who, being by me duly sworn, did say that she is the Deputy Finance Director 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 by authority of its Charter; and the said **MAY-ANNE A. ALIBIN** 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.



Christy Kailiehu
Notary Public, State of Hawaii
Print Name CHRISTY KAILIEHU
My commission expires: NOV 27 2020

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>MAY 04 2020</u>	# Pages:	<u>7</u>
Notary Name:	<u>CHRISTY KAILIEHU</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description	<u>Amendment No. 1 to Contract No. C6508</u>		
Notary Signature:	<u>Christy Kailiehu</u>		
Date:	<u>MAY 04 2020</u>		

A circular notary seal for Christy Kailiehu, Notary Public, Commission No. 16-422, State of Hawaii. The seal features a star border and the text "NOTARY PUBLIC" in the center.