

Council Chair  
Kelly T. King

Vice-Chair  
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore  
Tasha Kama

Councilmembers  
Riki Hokama  
Alice L. Lee  
Michael J. Molina  
Tamara Paltin  
Shane M. Sinenci  
Yuki Lei K. Sugimura



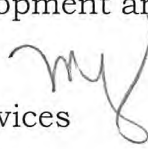
Director of Council Services  
Maria E. Zielinski

**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.MauiCounty.us](http://www.MauiCounty.us)

April 11, 2019

RECEIVED  
2019 APR 11 PM 2:37  
OFFICE OF THE  
COUNTY COUNCIL

MEMO TO: Keani N.W. Rawlins-Fernandez  
Chair, Economic Development and Budget Committee

F R O M: Maria E. Zielinski   
Director of Council Services

SUBJECT: **FISCAL YEAR 2020 BUDGET** (OCS-4) (EDB-1)

Thank you for your letter dated April 11, 2019. Your questions and our responses are indicated below:

**Request:**

1. Please provide a copy of the current Akaku contract.

**Response:**

The current certified and executed Akaku contract is attached (C5828 Amend #5).

**Request:**

2. Please provide a breakdown of the proposed additional \$40,750 for Akaku services.

**Response:**

\$19,570 – increase in provisional costs (reflects FY 18 actual costs)  
\$21,000 – additional costs to Live broadcast two off-site meetings per Committee (one off-island and one on-island), and five public hearings.

**Question:**

3. Will there be an additional charge from Akaku if modifications are required for service to be provided at an off-site location?

**Response:**

The anticipated additional cost of \$21,000 is attributed from a \$1,000 flat rate fee to broadcast the off-site meetings live stream.

However, there may be variable costs associated with the 1) video production and broadcasting service meeting costs (same as meetings held in the Chamber) and 2) travel costs.

Attachment

**AMENDMENT NO. 5 TO CONTRACT NO. C5828**

Department: Office of Council Services  
Project Title: Video Production, Broadcast, and Distribution Services  
for the Maui County Council  
RFP No.: 15-076OCS  
Additional Certification Requested from County: \$222,232.00

This AMENDMENT NO. 5 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 COUNTY COMMUNITY TELEVISION, INC., a Hawaii nonprofit corporation, dba AKAKU: MAUI COMMUNITY TELEVISION, whose mailing address is 333 Dairy Road, Suite 104, Kahului, Hawaii 96732, 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. 5 TO CONTRACT NO. C5828**

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
C5828	08/18/2015	NOT APPLICABLE	\$165,324.00	Notice to Proceed through June 30, 2016	Four Additional One-Year Terms
Amend 1	04/28/2016	\$70,000.00	\$235,324.00	SAME AS ABOVE	SAME AS ABOVE
Amend 2	07/26/2016	\$214,480.00	\$449,804.00	Notice to Proceed through June 30, 2017	Three Additional One-Year Terms
Amend 3	07/05/2017	\$202,930.00	\$652,734.00	Notice to Proceed through June 30, 2018	Two Additional One-Year Terms
Amend 4	06/27/2018	\$60,000.00	\$712,734.00	SAME AS ABOVE	SAME AS ABOVE

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. 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 through June 30, 2019, unless sooner completed, terminated, or extended in compliance with the terms of this Contract. This

**AMENDMENT NO. 5 TO CONTRACT NO. C5828**

Contract may be extended for up to 12 months by mutual agreement in writing.

2. 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 Contractor's "Budget Worksheet – July 1, 2018 – June 30, 2019" is hereby added to the Compensation provision of the Contract, and is effective retroactive to July 1, 2018. 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.

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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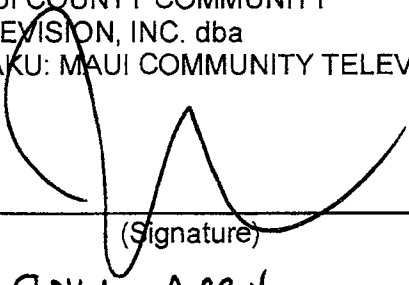
AMENDMENT NO. 5 TO CONTRACT NO. C5828

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:

MAUI COUNTY COMMUNITY  
TELEVISION, INC. dba  
AKAKU: MAUI COMMUNITY TELEVISION

By  \_\_\_\_\_  
(Signature)

JOHN APRIL  
(Print Name)

Its President & CEO  
(Title)

Date August 14, 2018

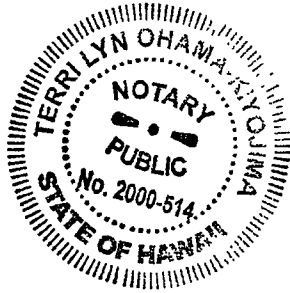
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AMENDMENT NO. 5 TO CONTRACT NO. C5828

STATE OF Hawaii  
City and County of Maui } ss.

On this 14<sup>th</sup> day of August, 2018, before me personally appeared John Aperi, 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.



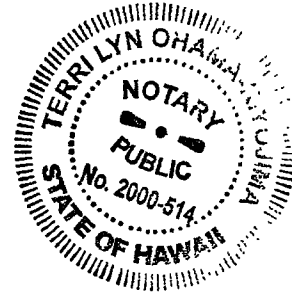
*[Handwritten Signature]*

Notary Public, State of Hawaii

Print Name: Terri Lyn Ohama-Kiyojima

My commission expires: 10/15/2020

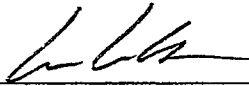
NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>undated</u>	# Pages:	<u>1</u>
Notary Name:	<u>Terri Lyn Ohama-Kiyojima</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description:	<u>Amendment No. 5 to Contract No. C5828</u>		
Notary Signature:	<i>[Handwritten Signature]</i>		
Date:	<u>8/14/18</u>		



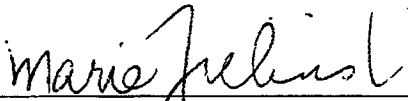
AMENDMENT NO. 5 TO CONTRACT NO. C5828

COUNTY EXECUTION PAGE


COUNTY OF MAUI

By   
MICHAEL B. WHITE  
Its Council Chair  
Date 8/16/18

REVIEWED AND APPROVED:

  
MARIA ZIELINSKI  
Director, Office of Council Services  
Date 8/15/18

APPROVED AS TO FORM  
AND LEGALITY:

  
RICHELLE M. THOMSON  
Deputy Corporation Counsel  
County of Maui  
Date 8/20/18  
LF2015-4576  
2018-07-25 Amd 5

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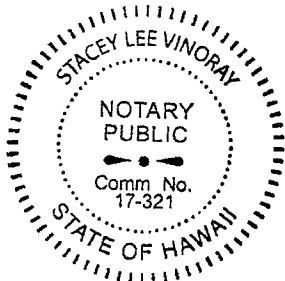


AMENDMENT NO. 5 TO CONTRACT NO. C5828

STATE OF HAWAII )  
COUNTY OF MAUI ) SS.

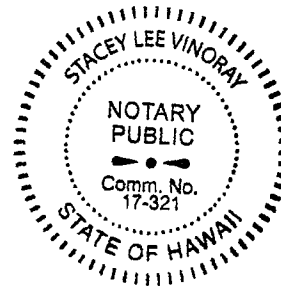
On this 16<sup>th</sup> day of August, 2018, before me appeared MICHAEL B. WHITE, to me personally known, who being by me duly sworn, did say that he is the Chair of the Council of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument 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 MICHAEL B. WHITE 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.



Stacey Lee Vinoray  
Notary Public, State of Hawaii  
Print Name: Stacey Lee Vinoray  
My commission expires: 8/30/2021

NOTARY PUBLIC CERTIFICATION	
Doc. Date: <u>undated</u>	# Pages: <u>7</u>
Notary Name: <u>Stacey Lee Vinoray</u>	Judicial Circuit: <u>2nd</u>
Doc. Description: <u>Amendment No. 5 to</u> <u>Contract No. C5828</u>	
Notary Signature: <u>Stacey Lee Vinoray</u>	
Date: <u>8/16/18</u>	



**AMENDMENT TO CONTRACT CERTIFICATION**

I, **MARK R. WALKER**, 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>901041B</u>	<u>OFFICE OF COUNCIL SERVICES (6132)</u>	<u>\$222,232.00</u>

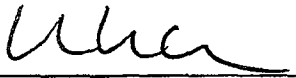
Contract No. C 5828 MAUI COUNTY COMMUNITY TELEVISION, INC.  
dba AKAKU: MAUI COMMUNITY TELEVISION

Amendment No. 5 Dated:

Dated this 28 day of AUGUST 2018

Extension of Contract to: June 30, 2019

Original Amount	\$ 165,324.00
Prior Amends/CO	\$ 547,410.00
This Amendment	\$ 222,232.00
Total contract	<u>\$ 934,966.00</u>

  
MARK R. WALKER  
Director of Finance

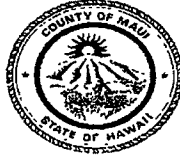
Video Production, Broadcast, and  
Distribution Services for the Maui  
County Council for OCS  
RFP #15-076OCS  
ORDINANCE #4861 (FY2019)

FY 2019

jh *amg 8/28*  
*2018*

*Ji 8/29/18*

ALAN M. ARAKAWA  
Mayor



MARK R. WALKER  
Director

JOHN C. KULP  
Deputy Director

COUNTY OF MAUI  
DEPARTMENT OF FINANCE  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

August 29, 2018

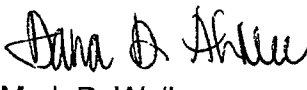
Maui County Community Television, Inc.  
dba AKAKU:Maui Community Television  
333 Dairy Road, Suite 104  
Kahului, HI 96732

RE: AMENDMENT TO CONTRACT FOR THE VIDEO PRODUCTION,  
BROADCAST, AND DISTRIBUTION SERVICES FOR THE MAUI COUNTY  
COUNCIL FOR THE OFFICE OF COUNCIL SERVICES  
RFP NO. 15-076OCS  
CONTRACT NO. C5828 – AMENDMENT NO. 5

Dear Maui County Community Television, Inc. dba AKAKU:Maui Community Television:

Transmitted is a copy of the fully executed contract amendment for your file.

Sincerely,

*for*   
Mark R. Walker  
Director of Finance

MRW:dda  
Enclosure

xc: Office of Council Services