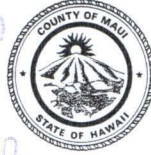


KATHY L. KAOHU  
County Clerk

JAMES G.M. KRUEGER  
Deputy County Clerk

RECEIVED



2020 JUN 19 PM 4:30

OFFICE OF THE  
COUNTY CLERK

**OFFICE OF THE COUNTY CLERK**

COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://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 C7001-1 was referred to your Committee at your 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>196915</u>	<u>FHWA MAUI MPO FY19 UPWP (6112)</u>	<u>\$0.00</u>

Contract No. C 7001 TOOLE DESIGN GROUP LLC

Amendment No. 1 Dated:

Dated this 26 day of MAY 2020

Extension of Contract to: May 31, 2021

Original Amount	\$ 98,940.00
Prior Amends/CO	\$ 0.00
This Amendment	\$ 0.00
Total contract	<u>✓ \$ 98,940.00 ✓</u>

  
SCOTT K. TERUYA  
Director of Finance

**Time extension only.**  
Vision Zero Action Plan for DOT  
RFP #19-20/P-53  
ORDINANCE #4988 (FY2020)

FY 2020

jh *aug 31/27*  
*j234*

**AMENDMENT NO. 1 TO CONTRACT NO. C7001**

Department: Transportation – Maui MPO

Project Title: Vision Zero Action Plan

RFP No.: 19-20/P-53

Additional Certification Requested from County: \$0.00

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 TOOLE DESIGN GROUP LLC, a Maryland limited liability company, whose mailing address is 720 3<sup>rd</sup> Avenue, Suite 2020, Seattle, Washington 98104, 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:

<b>CONTRACT OR AMENDMENT NO.</b>	<b>DATE</b>	<b>ADDITIONAL CERTIFIED AMOUNT</b>	<b>TOTAL CERTIFIED AMOUNT</b>	<b>TIME OF PERFORMANCE/EXTENSION</b>	<b>RENEWAL OPTION FOR MULTI TERM CONTRACT</b>
C7001	03/06/2020	NOT APPLICABLE	\$98,940.00	Through March 31, 2021 from Notice of Proceed (03/09/2020)	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.

REQUEST FOR LEGAL SERVICES

RECEIVED
By Dept. of the Corporation Counsel at 11:55 am, May 06, 2020

DATE: 5/6/20

From: Transportation-Maui MPO

TRANSMITTAL

Memo to: DEPARTMENT OF THE CORPORATION COUNSEL
Attention: Michael Hopper

Subject: Vision Zero Actio Plan - Amendment No. 1 to Contract No. C7001

Background Data:

Amendment No. 1 requires Corporation Counsel and Finance signature to complete agreement.

Work Requested: [X] FOR APPROVAL AS TO FORM AND LEGALITY
[ ] OTHER:

Requestor's signature: [Handwritten Signature]
Contact Person: Lauren Armstrong
(Telephone Extensions: ) #8216

[X] ROUTINE (WITHIN 15 WORKING DAYS) [ ] RUSH (WITHIN 5 WORKING DAYS)
[ ] PRIORITY (WITHIN 10 WORKING DAYS) [ ] URGENT (WITHIN 3 WORKING DAYS)
[ ] SPECIFY DUE DATE (IF IMPOSED BY SPECIFIC CIRCUMSTANCES):

REASON:

FOR CORPORATION COUNSEL'S RESPONSE

ASSIGNED TO: MJH ASSIGNMENT NO. 2020-0013 BY: maa

TO REQUESTOR: [X] APPROVED [ ] DISAPPROVED [ ] OTHER (SEE COMMENTS BELOW)
[ ] RETURNING--PLEASE EXPAND AND PROVIDE DETAILS REGARDING ITEMS AS NOTED

COMMENTS (NOTE - THIS SECTION NOT TO BE USED FOR LEGAL ADVICE):

DEPARTMENT OF THE CORPORATION COUNSEL

Date 5/13/20

By /s/ Michael J. Hopper

**AMENDMENT NO.1 TO CONTRACT NO. C7001**

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

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 through May 31, 2021, 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.

6. This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. The parties agree that they may utilize and shall be bound by their electronic signatures, pursuant to Chapter 489E, Hawaii Revised Statutes.

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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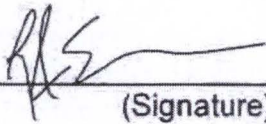
AMENDMENT NO.1 TO CONTRACT NO. C7001

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:

TOOLE DESIGN GROUP LLC

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

Roswell Eldridge  
\_\_\_\_\_  
(Print Name)

Its Executive Vice President  
\_\_\_\_\_  
(Title)

Date April 30, 2020  
\_\_\_\_\_

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AMENDMENT NO.1 TO CONTRACT NO. C7001

COUNTY EXECUTION PAGE

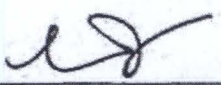
COUNTY OF MAUI

By M. Alibin

OK

~~SCOTT K. TERUNA~~ MAY-ANNE A. ALIBIN  
Its ~~Director of Finance~~ Deputy Director of Finance

REVIEWED AND APPROVED:

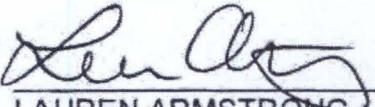


MARC TAKAMORI, DIRECTOR  
Department of Transportation

Date 5/5/2020

Date MAY 27 2020

REVIEWED AND APPROVED:



LAUREN ARMSTRONG  
Executive Director  
Department of Transportation – Maui MPO

APPROVED AS TO FORM  
AND LEGALITY:

/s/ Michael J. Hopper  
Deputy Corporation Counsel  
County of Maui

Date 5/13/20  
LF2020-0013

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