

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

October 24, 2022

Honorable Kelly T. King, Chair
Climate Action, Resilience
and Environment Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair King:

By letter dated October 11, 2022 (County Communication No. 22-261), the Director of Finance transmitted 100 contracts/grants for filing with the County Clerk.

At the October 21, 2022 Council meeting, the foregoing communication was filed; however, Contract No. C7436-2 was referred to your Committee at your request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in black ink that reads "Kathy L. Kaohu".

KATHY L. KAOHU
County Clerk

/lks

Enclosure

cc: Director of Council Services

2022 OCT 24 PM 1:14
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

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>903016B ✓✓</u>	<u>CLIMATE ACTION PLAN ✓</u>	<u>(6132) ✓ \$0.00 ✓</u>
	<u>C 7436 ✓ LOTUS ENGINEERING AND SUSTAINABILITY, LLC ✓</u>	

Amendment No. 2 Dated: _____
Dated this 12 day of SEPTEMBER 2022
Extension of Contract to: September 30, 2023 ✓

Original Amount	\$ 249,977.00
Prior Amends/CO	\$ 85,000.00
This Amendment	\$ 0.00
Total contract	<u>\$ 334,977.00 ✓</u>


SCOTT K. TERUYA
Director of Finance

Time extension only ✓
County of Maui Joint Climate
Action and Resiliency Plan for MYR
RFP #20-21/P-144

FY 2023

jh 9/17/22 *mf*
J5187
9/14

**AMENDMENT NO. 2 to
CONTRACT NO. C7436**

Department: Office of the Mayor – Climate Change, Resiliency, and Sustainability

Project Title: County of Maui Joint Climate Action and Resiliency Plan

RFP No.: 20-21/P-144

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 LOTUS ENGINEERING AND SUSTAINABILITY, LLC, a limited liability company, whose mailing address is 1627 Vine Street, Denver, CO 80206, 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:

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

Contract/ Amend	Date	Additional Certified Amount	Total Certified Amount	Time of Performance	Renewal Option(s)
C7436	6/21/2021	Not applicable	\$249,977.00	Notice to Proceed through September 30, 2022	One additional one-year term
Amend 1	1/13/2022	\$85,000.00	\$334,977.00	Same as above	One additional one-year term

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

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

WHEREAS, the Parties now desire to amend the Contract; and

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

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

**AMENDMENT NO. 2 to
CONTRACT NO. C7436**

2. Time of Performance. The Contractor shall commence performance under this Contract upon issuance of the Notice to Proceed, and shall continue performance through September 30, 2023, unless sooner completed, terminated, or extended in compliance with the terms of this Contract.

2. 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 to Contract by their signatures on the dates below, to be effective as of the date of the last signature hereto.

[EXECUTION PAGES TO FOLLOW]

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**AMENDMENT NO. 2 to
CONTRACT NO. C7436**

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:

**LOTUS ENGINEERING AND
SUSTAINABILITY, LLC**

By _____
(Signature)

Hillary Dobos_____
(Print Name)

Its President and Managing Director of GHG Accounting, Modeling, and Visualization Team
(Title)



Date September 2, 2022

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AMENDMENT NO. 2 to
CONTRACT NO. C7436

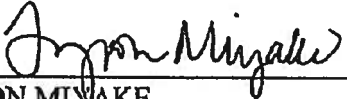
COUNTY EXECUTION PAGE

COUNTY OF MAUI:


By  
~~SCOTT K. TERUYA~~ MAY-ANNE A. ALIBIN
h ~~Director~~ Finance Deputy Director

Date SEP 14 2022

APPROVAL RECOMMENDED:


TYSON MIYAKE
Chief of Staff

APPROVED AS TO FORM
AND LEGALITY:


KEOLA R. WHITTAKER
Deputy Corporation Counsel
LF2021-0875
2022-08-25 C7436 AMD #2.docx

