

MICHAEL P. VICTORINO
Mayor

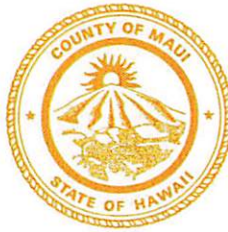
ERIC A. NAKAGAWA, P.E.
Director

ROBERT SCHMIDT
Deputy Director

MICHAEL KEHANO, P.E.
Solid Waste Division

SCOTT R. ROLLINS, P.E.
Wastewater Reclamation Division

TAMARA L. FARNSWORTH
Environmental Protection &
Sustainability Division



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OFFICE OF THE
COUNTY CLERK

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**

2145 KAOHU STREET, SUITE 102
WAILUKU, MAUI, HAWAII 96793

October 26, 2022

Ms. Michele M. Yoshimura *my*
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Honorable Michael P. Victorino
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL

Michael P. Victorino 10/27/22
Mayor Date

For Transmittal to:

Honorable Alice Lee, Chair
and Members of Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Lee and Members:

**SUBJECT: GRANT REVENUE – DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT – ADVANCE GLASS DISPOSAL FEE - GLASS
RECYCLING PROGRAMS - ASO. SERV. LOG NO. 21-009 MOD. 2**

In accordance with Ordinance No. 5392, Bill 69, CD1, FD1 (2022), Fiscal Year 2023 Budget, we are hereby transmitting to you a copy of the contract agreement for Adm. Serv. Log No. 21-009 Modification 2 from the State of Hawaii Department of Health in the amount of \$170,590 for the fiscal year 2023.

Thank you for your attention to this matter. Should you have any questions, please feel free to contact me at Ext. 8229.

Sincerely,

Robert Schmidt
for ERIC A. NAKAGAWA, P.E.
Director of Environmental Management

cn=Robert Schmidt, o=Deputy Director,
ou=Dept of Environmental Management,
email=Robert.Schmidt@co.maui.hi.us, c=US
2022.10.26 12:39:41 -1000'

Attachment

COUNTY COMMUNICATION NO. 22-210

CONTRACT MODIFICATION FORM

STATE OF HAWAII
DEPARTMENT OF HEALTH

Date December 09, 2021

ADM. SERV. OFFICE LOG NO. 21-009

MODIFICATION ORDER NO. 2

Contractor/Provider: County of Maui

Contract Title: Glass Recycling Programs

A. MODIFICATIONS

The following modifications are to be performed in accordance with all contract stipulations (specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions by mutual action of the parties to the contract).

See Attachment for contract modifications.

B. CONTRACTOR/PROVIDER's QUOTATION

The modifications described in A, above, will be performed at a contract price ☒ increase ☐ decrease of \$ 170,590.00.

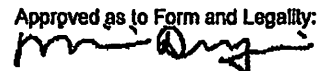
The Contractor/Provider will not undertake to perform the changes in A, above, until this modification order has been approved and issued.


Contractor/Provider's Signature

JUN 16 2022
Date

C. STATEMENT OF CONTRACT FUNDS

Original Contract Price	\$	<u>124,800.00</u>
Previous Adjusted Contract Price	\$	<u>263,280.00</u>
Amount of this Change: Plus <input checked="" type="checkbox"/> Minus <input type="checkbox"/>	\$	<u>170,590.00</u>
New Adjusted Contract Price	\$	<u>433,870.00</u>

Approved as to Form and Legality:

MIMI DESJARDINS
Deputy Corporation Counsel
County of Maui

D. VALIDATION OF CONTRACT MODIFICATION


Director of Health

12/12/21
Date

APPROVED AS TO FORM:


Deputy Attorney General

ATTACHMENT

CONTRACT MODIFICATIONS:

Effective June 30, 2022, the parties mutually agree that the CONTRACTOR shall continue to provide the required services with the following modifications:

1. Attachment-S2, Compensation and Payment Schedule.

- a. The total amount of compensation is increased by "\$170,590.00" from "\$263,280.00" to "\$433,870.00" of special funds to pay for services provided in fiscal year 2022.
- b. The Budget, attached to the Contract as Exhibit "B", is hereby deleted and replaced with a revised Budget, attached hereto as Exhibit "C" and made a part hereof.
- c. Source of funds:

S-21-348-H-000331-00-372	\$124,800.00	Contract/FY2021
S-22-348-H-000331-00-372	\$138,480.00	Mod #1/FY2022
S-23-348-H-000331-00-372	\$170,590.00	Mod #2/FY2023

2. Attachment-S3, Time of Performance.

- a. In accordance with paragraph 4 of Attachment-S5, Special Conditions, the performance period of the Contract is extended by an additional twelve (12) months from July 1, 2022, to and including June 30, 2023.

3. All other terms and conditions of the Contract shall remain the same.

BUDGET
July 01, 2020 to June 30, 2023

Glass recycling staffing resources for the County of Maui.

DATE	SOURCE OF FUNDS	AMOUNT
July 1, 2020 to June 30, 2021	S-21-348-H-000331-00-372	\$124,800.00
July 1, 2021 to June 30, 2022	S-22-348-H-000331-00-372	\$138,480.00
July 1, 2022 to June 30, 2023	S-23-348-H-000331-00-372	<u>\$170,590.00</u>
Total		<u>\$433,870.00</u>

2106191

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File

August 19, 2020

TO: The Honorable David Y. Ige
Governor of Hawaii

THROUGH: The Honorable Craig K. Hirai
Department of Budget and Finance

FROM: Bruce S. Anderson, Ph.D. *Bruce S. Anderson*
Director of Health

SUBJECT: Request Approval to Contract for Staffing Resources Over
\$100,000.00

Your approval is respectfully requested, pursuant to EM 20-05, to enter into contracts to provide the following services:

1. Staffing Resource Service to be Provided:

The Office of Solid Waste Management (OSWM) is required according to Hawaii Revised Statutes (HRS), Chapter 342G, Part VII, "Glass Container Recovery" to annually distribute moneys from an account in the environmental management special fund (EMSF) to the counties to operate glass recovery programs. Pursuant to §342G-84, HRS, the OSWM hopes to award up to four contracts per fiscal year, one to each county (contractor) via a procurement expenditure of public funds for services that are exempt from public bidding as set forth in section 103D-102(b)(2)(G), HRS and to fulfill the mandate to fund glass container recovery programs in each county.

2. Description of Functions and Responsibilities:

The contractor shall operate a non-deposit glass recovery program. This contracted service includes the following tasks:

- a. Operate glass recovery programs which shall include:

- i. A glass incentive or "buy back" program providing a means of encouraging participation by the public or private collectors; and
 - ii. The paving of the equivalent of one mile of two-lane asphalt roadway as part of a research and demonstration program utilizing glassphalt or glass within any other portion of the pavement section; or any demonstration project approved by the State.
- b. May operate glass recovery programs that include, but shall not be limited to, the following:
 - i. Funding of the collection and processing of glass containers either through existing county agencies or through external contracts for services;
 - ii. Subsidizing the transportation of processed material to end-users or markets;
 - iii. Development of collection facilities or the provision of containers for glass recycling, or the incremental portions of multi-material programs;
 - iv. Additional research and development programs, including grants to private sector entrepreneurs, especially those activities developing higher value uses for glass; and
 - v. Public education and awareness programs focusing on glass recovery, or the incremental portions of multi-material programs.
- c. Provide a statement along with sufficient documentation to justify each glass incentive and "buy back" rate used to pay permitted recyclers during the time of performance;
- d. Obtain documentation from permitted recyclers participating in "buy back" or other glass incentive programs to verify that glass collected through these programs was reused or recycled;
- e. Submit quarterly reports to the State, on a form supplied by the State, to document the volume of glass collected through "buy back" and other glass incentive programs; and
- f. Submit an annual written report to the State in a format supplied by the State, that describes activities completed, an evaluation of successes, and recommendations on areas for improvement.

3. Justification for the Procurement of the Staffing Resource:

The OSWM is mandated by statute (HRS §342G-84) to fund glass recovery programs at the county level each year. The contractors are responsible to develop glass incentives to maximize collection of non-deposit glass containers, which include a wide assortment of (1) food items such as wine or liquor bottles, sauces and condiments, oils and extracts, jelly and pickle jars; and (2) non-food items such as perfumers, nail polishes, paints, herbal supplements and cleaning supplies. The OSWM lacks the in-house resources to staff these glass recovery programs in every county, so the proposed agreements with each county are essential for the OSWM to conduct its fiduciary duty to administer the glass advance disposal fee (ADF) account of the EMSF.

In March of each year, the OSWM will determine the contract amounts for each county based primarily on (1) previous calendar year's collections from glass container importers who remit an ADF of 1.5 cents for each glass container imported or manufactured in Hawaii; (2) a deduction of ten percent of annual collections for the OSWM to administer the glass ADF program; and (3) a distribution to each county via direct contracts with each county based proportionally on the latest county de facto population, as required by §342G-84(B), HRS. Your approval is respectfully requested to proceed with these contracts to fund county non-deposit glass recovery services for FY22-24.

4. Impact of Not Contracting for this Service:

If this service is not provided, Hawaii residents and visitors will not be able to send their non-deposit glass containers for recycling. Counties rely on these funds to provide glass incentives for local processors who would otherwise be unwilling to collect non-deposit glass containers. Not contracting for this service means the OSWM will also not be able to fulfill its legislative mandate to distribute glass funds to the counties via direct contracts.

5. Program ID/Title: HTH 840/FJ, Environmental Management

- a. Division/Branch/Section: Environmental Management Division, Solid and Hazardous Waste Branch, OSWM
- b. Total Estimated Cost of the Contracts for FY2022-FY2024: \$2,700,000.00
- c. Source of Funds:
 - S-22-348-H-000331-00-372: \$900,000.00
 - S-23-348-H-000331-00-372: \$900,000.00
 - S-24-348-H-000331-00-372: \$900,000.00

The Honorable David Y. Ige
August 19, 2020
Page 4

- d. Means of Financing:
- e. Budgeted:
- f. Contact Name/Phone:

B – Special Funds (Environmental
Management Special Fund, Glass ADF)
Table BJ-2, Line 31
Michael Burke, Solid Waste
Management Coordinator, 586-4226

RECOMMEND:

☒ APPROVAL

☐ DISAPPROVAL

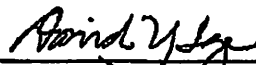


CRAIG K. HIRAI
Director of Finance

Date: Jun 23, 2021

☒ APPROVED

☐ DISAPPROVED



DAVID Y. IGE
Governor, State of Hawaii

Date: Jun 28, 2021

DAVID Y. IGE
GOVERNOR OF HAWAII



Environmental Resources Office #15702

AUG 29 2022

ELIZABETH A. CHAR, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

August 26, 2022

TO: Lyle T. Leonard
Deputy Attorney General
Department of the Attorney General

FROM: Elizabeth A. Char, M.D.
Director of Health

SUBJECT: Retroactive Contract Modification Approval

We request your approval to execute this Contract Modification with the County of Maui, ASO Log No. 21-009-M2 as a "retroactive contract modification" for the following reasons:

Current Contract end date: June 30, 2022

When did program submit contract modification via Genie Lamp to ASO:
December 14, 2021

- ☐ The contract modification is for services that could not be interrupted or delayed. Provision of services by the department is required by statute.
- ☒ Additional time was needed to draft, process and execute the contract modification.

☒ APPROVED

☐ DISAPPROVED

WADE H. HARBORE III For Sept. 7 AG

Deputy Attorney General

Date

10/3/22