

AMENDMENT TO CONTRACT CERTIFICATION

I, **DANILO F. AGSALOG**, 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.

Appropriation

Index

Title

Amount Required

917760B MAUI BUS FIXED ROUTE SERVICES (6160) \$ 7,192,500.00

Contract No. C 5327 ROBERT'S TOURS AND TRANSPORTATION, INC.

Amendment No. 4 Dated:

Dated this 2 day of SEPTEMBER 2015

Extension of Contract to: June 30, 2016

Original Amount	\$ 6,850,000.00
Prior Amends/CO	\$ 6,995,271.00
This Amendment	\$ 7,192,500.00
Total contract	<u>\$ 21,037,771.00</u>



DANILO F. AGSALOG
Director of Finance

Maui bus fixed route services for
the Department of Transportation,
RFP No. 12-13/P-17
ORDINANCE NO. 4231 (FY2016)

FY 2016

ji

02/9/16 8:55 PM
m 9/30/15

09/11/15
PB

AMENDMENT NO. 4 TO CONTRACT NO. C5327

Department: Transportation
Project Title: Maui Bus Fixed Route Services
RFP No.: 12-13/P-17
Additional Certification Requested: \$7,192,500.00

This AMENDMENT NO. 4 TO CONTRACT is made and entered into by and between the COUNTY OF MAUI, a political subdivision of the State of Hawaii, whose mailing address is 200 South High Street, Wailuku, Maui, Hawaii 96793, hereinafter referred to as "County", and ROBERT'S TOURS AND TRANSPORTATION, INC., a Hawaii corporation, whose mailing address is 660 Iwilei Road, Suite 700, Honolulu, Hawaii 96817, hereinafter referred to as the "Contractor", and collectively referred to as "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:

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
C5327	07/15/2013	not applicable	\$6,850,000.00	07/01/2013 ending 06/30/2014	none
Amend 1	02/19/2014	none	same as above	same as above	4 additional 1 year terms
Amend 2	06/30/2014	\$ 145,271.00	\$6,995,271.00	through 06/30/2015	3 additional 1 year terms

AMENDMENT NO. 4 TO CONTRACT NO. C5327

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
Amend 3	09/03/2014	\$6,850,000.00	\$13,845,271.00	same as above	same as above

2. WHEREAS, the Contract and any Amendment(s) thereto listed above shall hereafter be referred to as "Contract," collectively; 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, 2016, 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. This Contract may be extended for 2 additional terms of 1 year each, upon mutual agreement in writing. It is understood that to exercise each extension option, the parties will execute an Amendment to the Contract.

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 entire Contract, as amended herein, shall remain in full force and effect.

AMENDMENT NO. 4 TO CONTRACT NO. C5327

IN WITNESS WHEREOF, the Parties execute this Amendment No. 4 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]

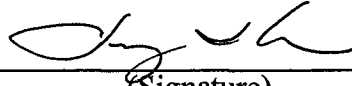
AMENDMENT NO. 4 TO CONTRACT NO. C5327

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:

ROBERT'S TOURS AND TRANSPORTATION, INC.

By 
(Signature)

Percy Higashi
(Print Name)

Its President & COO
(Title)

Date August 6, 2015

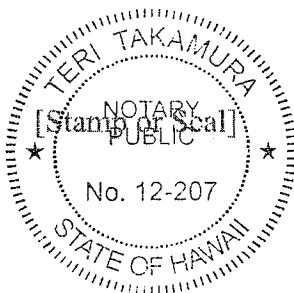
[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

AMENDMENT NO. 4 TO CONTRACT NO. C5327

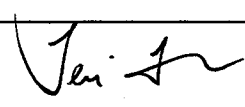
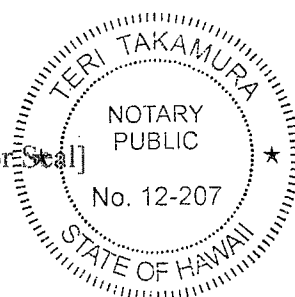
STATE OF Hawaii)
City & County of Honolulu) SS.

On this 6th day of August, 2015, before me personally appeared Perry Higashi, 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.



(Teri Takamura)
 Notary Public, State of Hawaii
 Print Name: Teri Takamura
 My commission expires: 6/3/16

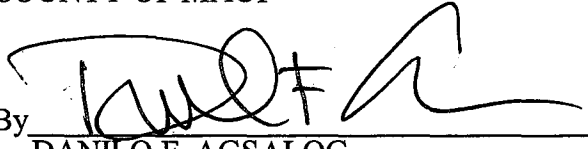
NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>8/6/15</u>	# Pages:	<u>7</u>
Notary Name:	<u>Teri Takamura</u>	Judicial Circuit:	<u>First</u>
Doc. Description:	<u>Amendment No. 4 to</u> <u>Contract No. C5327</u>		
Notary Signature:	 <u>Teri Takamura</u>		
Date:	<u>8/6/15</u>		

AMENDMENT NO. 4 TO CONTRACT NO. C5327

COUNTY EXECUTION PAGE

COUNTY OF MAUI

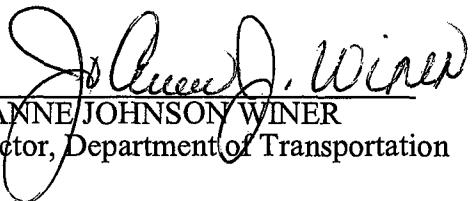
By


DANILO F. AGSALOG
Its Director of Finance

Date


SEP 11 2015

APPROVAL RECOMMENDED:


JO ANNE JOHNSON WINER
Director, Department of Transportation

Date

APPROVED AS TO FORM
AND LEGALITY:


Deputy Corporation Counsel
County of Maui

S:\ALL\CONTRACTS\robert's c5327\amd4.wpd

Date

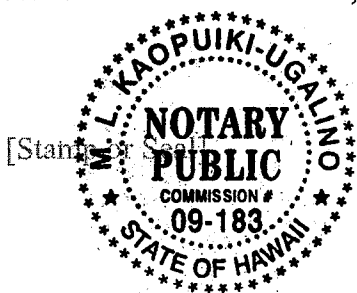
8/23/15

AMENDMENT NO. 4 TO CONTRACT NO. C5327

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 11th day of September, 2015, before me appeared **DANILO F. AGSALOG**, to me personally known, who being by me duly sworn, did say that he is the Director of Finance 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 **DANILO F. AGSALOG** 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.



M. L. Kaopuiki-Ugalino
Notary Public, State of Hawaii
M. L. KAOPUIKI-UGALINO
Print Name: _____
My commission expires: MAY 17 2017

NOTARY PUBLIC CERTIFICATION

Doc. Date:	<u>SEP 11 2015</u>	# Pages:	<u>7</u>
Notary Name:	<u>M. L. KAOPUIKI-UGALINO</u>	Judicial Circuit:	<u>Second</u>
Doc. Description:	<u>Amendment No. 4 to</u> <u>Contract No. C5327</u>		
Notary Signature:	<u>M. L. Kaopuiki-Ugalino</u>		
Date:	<u>SEP 11 2015</u>		

