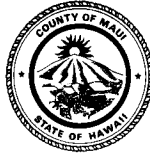


DANNY A. MATEO
County Clerk



ITEM 45
JOSIAH K. NISHITA
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

November 6, 2015

Honorable Elle Cochran, Chair
Infrastructure and Environmental
Management Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Cochran:

By letter dated October 15, 2015 (County Communication No. 15-264), the Director of Finance transmitted 67 contracts/grants for filing with the County Clerk.

At the November 6, 2015 Council meeting, the foregoing communication was filed; however, Contract No. C5545-2 was referred to your Committee at Councilmember Couch's request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in black ink that reads "Danny A. Mateo". The signature is fluid and cursive, with a long, sweeping line extending from the end of the name.

DANNY A. MATEO
County Clerk

/jym

Enclosures

cc: Director of Council Services

RECEIVED
2015 NOV - 6 PM 3:44
OFFICE OF THE
COUNTY COUNCIL

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.

<u>Appropriation Index</u>	<u>Title</u>	<u>Amount Required</u>
<u>919511B</u>	<u>DISPOSAL HANA LANDFILL</u>	<u>(6276) \$ 170,000.00</u>

Contract No. C 5545 NABBS TRUCKING LIMITED LIABILITY COMPANY

Amendment No. 2 Dated:

Dated this 28 day of AUGUST 2015

Extension of Contract to: November 30, 2016

Original Amount	\$ 76,720.00
Prior Amends/CO	\$ 153,440.00
This Amendment	\$ 170,000.00
Total contract	<u>\$ 400,160.00</u>


DANILO F. AGSALOG
Director of Finance

Furnish and deliver of crusher run
for Hana landfill and haul greenwaste
from Hana landfill to the Central Maui
landfill for the Department of Environmental
Management, IFB No. 13-14/P-89
ORDINANCE NO. 4231

FY 2016

ji
8/7/15
on 8/18/15 m 8/31

on 8/18/15
m 8/31

AMENDMENT NO. 2 TO CONTRACT NO. C5545

Department: Environmental Management - Solid Waste Division

Project Title: Furnish and Deliver of Crusher Run to Hana Landfill and Haul Greenwaste from Hana Landfill to the Central Maui Landfill

IFB No.: 13-14/P-89

Additional Certification Requested: \$170,000.00

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 mailing address is 200 South High Street, Wailuku, Maui, Hawaii 96793, hereinafter referred to as "County", and NABBS TRUCKING LIMITED LIABILITY COMPANY, a Hawaii limited liability company, whose address is 3480 Malina Place, Kihei, Maui, Hawaii 96753, 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
C5545	06/26/2014	not applicable	\$ 76,720.00	notice to proceed through 11/30/2014	3 additional 1 year terms
Amend 1	12/22/2014	\$153,440.00	\$230,160.00	through 11/30/2015	2 additional 1 year terms

AMENDMENT NO. 2 TO CONTRACT NO. C5545

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. The time of performance is hereby extended through November 30, 2016, unless sooner completed, terminated, or extended in compliance with the terms of the Contract. This Contract may be extended for 1 additional year, 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 fee or compensation schedule as set forth in the Amended Proposal is hereby added to the Compensation provision of the Contract.

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

IN WITNESS WHEREOF, the Parties execute this Amendment No. 2 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. 2 TO CONTRACT NO. C5545

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:

NABBS TRUCKING LIMITED
LIABILITY COMPANY

By Stuart D. Noelle
(Signature)

STEWART D. NOELLE
(Print Name)

Its OWNER
(Title)

Date July 17 2015

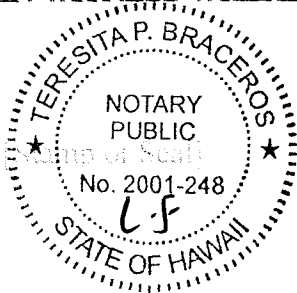
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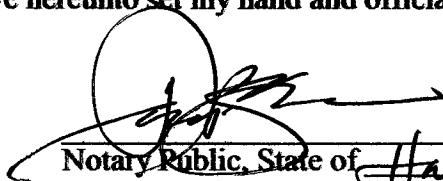
AMENDMENT NO. 2 TO CONTRACT NO. C5545

STATE OF Hawaii)
Maui) SS.

On this 17th day of July, 2015, before me personally appeared STEWART D. NOKKIE, 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.




Notary Public, State of Hawaii
TERESITA P. BRACEROS
Print Name
My Commission Expires: June 10, 2017
My commission expires: _____

NOTARY PUBLIC CERTIFICATION

Doc. Date: 7/17/15

Pages: 4

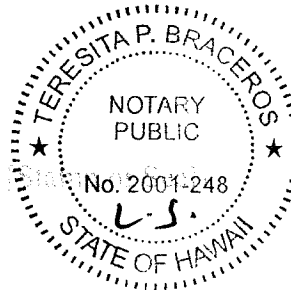
Notary Name: TERESITA P. BRACEROS

Judicial
Circuit: 2nd

Doc.
Description: Amendment No. 2 TO
CONTRACT NO. C5545

Notary
Signature: 


Date: 7/17/15



AMENDMENT NO. 2 TO CONTRACT NO. C5545

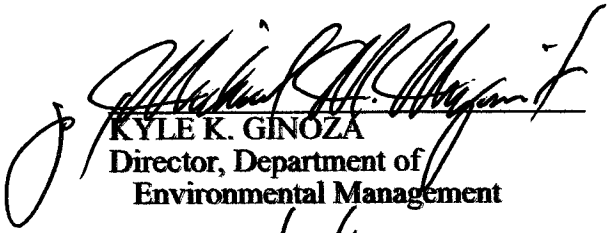
COUNTY EXECUTION PAGE

COUNTY OF MAUI

By 
~~for~~ ~~DANILLO P. AGSALOG~~ MARK R. WALKER
Its ~~Director of Finance~~ Acting Finance Director DA mp.

Date SEP - 2 2015

APPROVAL RECOMMENDED:


KYLE K. GINOZA
Director, Department of
Environmental Management

Date 8/17/15

**APPROVED AS TO FORM
AND LEGALITY:**


Deputy Corporation Counsel
County of Maui

S:\ALL\CONTRACTS\nabbs trucking c5545\amd2.wpd

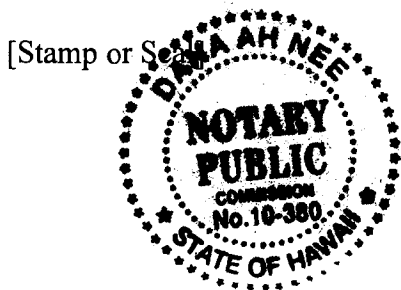
Date 8/12/15

STATE OF HAWAII)
 :
COUNTY OF MAUI)

SS.

On this 2nd day of September, 2015, before me personally appeared **MARK R. WALKER**, to me personally known, who, being by me duly sworn, did say that he is the Acting Finance Director 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 by authority of its Charter; and the said **MARK R. WALKER** 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.



Dana Ah Nee
Notary Public, State of Hawaii
Print Name DANA AH NEE
My commission expires: NOV 14 2018

NOTARY PUBLIC CERTIFICATION			
Doc. Date:	<u>SEP - 2 2015</u>	# Pages:	<u>6</u>
Notary Name:	<u>DANA AH NEE</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description	<u>Amendment No. 2 to</u> <u>Contract No. C5545</u>		
Notary Signature:	<u>Dana Ah Nee</u>		
Date:	<u>SEP - 2 2015</u>		

A circular notary seal for Dana Ah Nee, Notary Public, Commission No. 10-380, State of Hawaii. The seal features the text "DANA AH NEE" at the top, "NOTARY PUBLIC" in the center, "COMMISSION No. 10-380" below that, and "STATE OF HAWAII" at the bottom, all enclosed in a dotted border.