

DANNY A. MATEO
County Clerk



RECEIVED

JOSIAH K. NISHITA
Deputy County Clerk

2017 DEC -5 AM 7: 54

OFFICE OF THE COUNTY CLERK

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

OFFICE OF THE
COUNTY COUNCIL

December 4, 2017

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

Dear Chair Cochran:

By letter dated November 14, 2017 (County Communication No. 17-464), the Acting Director of Finance transmitted 78 contracts/grants for filing with the County Clerk.

At the December 1, 2017 Council meeting, the foregoing communication was filed; however, Contract No. C3360-3 was referred to your Committee at Councilmember King's request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in black ink, appearing to read "Danny A. Mateo", is written over a large, stylized, handwritten "M" that extends upwards and to the right.

DANNY A. MATEO
County Clerk

/lks

Enclosures

cc: Director of Council Services

AMENDMENT TO CONTRACT CERTIFICATION

I, MARK R. WALKER, Acting 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>379181</u>	<u>CW DRAINAGE KIHEI MASTER PLAN</u>	<u>(7194) \$102,661.00</u>

Contract No. C 3360 R. M. TOWILL CORPORATION

Amendment No. 3 Dated:

Dated this 10 day of OCTOBER 2017

Extension of Contract to: December 31, 2019

Original Amount	\$ 375,000.00
Prior Amends/CO	\$ 77,230.00
This Amendment	\$ 102,661.00
Total contract	<u>\$ 554,891.00</u>


MARK R. WALKER
Acting Director of Finance

Kihei Drainage Master Plan
(Waiakoa Gulch to Kilohana
Drive) for DPW
Job #04-24
QBS #Q-PW-05-01
ORDINANCE #4334 (FY2017)

FY 2018

jh

prof.

JJ
10/19/17

AMENDMENT NO. 3 TO CONTRACT NO. C3360

Department: Public Works – Engineering Division
Project Title: Kihei Drainage Master Plan (Waiakoa Gulch to Kilohana Drive)
Job No.: 04-24
QBS No.: Q-PW-05-01
Additional Certification Requested from County: \$102,661.00

This AMENDMENT NO. 3 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 R. M. TOWILL CORPORATION, a Hawaii corporation, whose mailing address is 2024 N. King Street, Suite 200, Honolulu, Hawaii 96819, 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:

AMENDMENT NO. 3 TO CONTRACT NO. C3360

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.

R. M. TOWILL CORPORATION

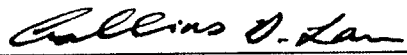
By 
(Signature)

Corporate Seal

Greg H. Hiyakumoto
(Print Name)

Its President
(Title)

Date September 18, 2017

By 
Collins D. Lam, Vice President

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

AMENDMENT NO. 3 TO CONTRACT NO. C3360

STATE OF HAWAII)
) ss.
CITY AND COUNTY OF HONOLULU)

On this 18th day of September, 2017 before me personally appeared
Greg H. Hiyakumoto and Collins D. Lam 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

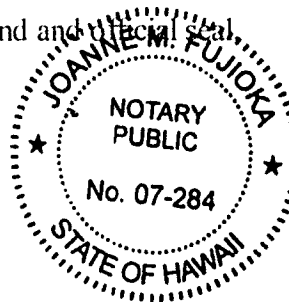
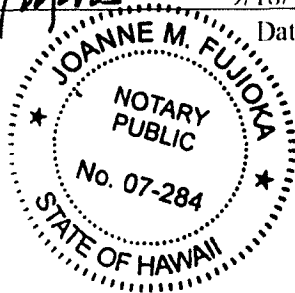
NOTARY CERTIFICATE:

(Hawaii Administrative Rules §5-11-8)

Undated at Time

Doc. Date: of Notarization # Pages: 7
Notary Name: Joanne M. Fujioka First Circuit
Doc. Description: Contract C3360 Amendment #3
Kihei Drainage Master Plan (Waiakoa Gulch to
Kilohana Drive

Joanne M. Fujioka 9/18/17
Notary Signature Date




Joanne M. Fujioka
Joanne M. Fujioka
Notary Public, State of Hawaii
My Commission Expires: 6-17-2019


AMENDMENT NO. 3 TO CONTRACT NO. C3360

COUNTY EXECUTION PAGE

COUNTY OF MAUI



~~XXXXXXXXXXXX~~ MARK R. WALKER
~~XXXXXXXXXXXX~~ Its Director of Finance Acting Director of Finance
Date OCT 20 2017

REVIEWED AND APPROVED:



DAVID C. GOODE, DIRECTOR
Department of Public Works
Date 9-27-17

APPROVED AS TO FORM
AND LEGALITY:



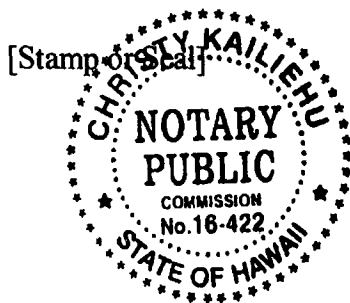
Deputy Corporation Counsel
County of Maui
Date 10/6/17

[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK]

STATE OF HAWAII)
 : SS.
COUNTY OF MAUI)

On this 20th day of October, 2017, 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.



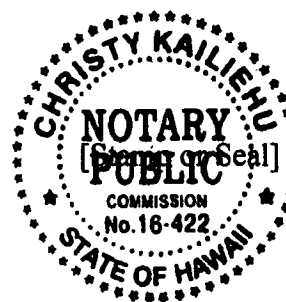
Christy Kailiehu
Notary Public, State of Hawaii
Print Name **CHRISTY KAILIEHU**
My commission expires: NOV 27 2020

NOTARY PUBLIC CERTIFICATION

Doc. Date: OCT 20 2017 # Pages: 7
Notary Name: **CHRISTY KAILIEHU** Judicial Circuit: 2nd

Doc. Description Amendment No. 3 to
Contract No. C3360

Notary Signature: Christy Kailiehu
Date: OCT 20 2017



AMENDMENT NO. 3 TO CONTRACT NO. C3360

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
C3360	11/08/2004	NOT APPLICABLE	\$375,000.00	365 calendar days from Notice to Proceed	None
Amend 1	06/19/2008	\$77,230.00	\$452,230.00	additional 60 calendar days for a total of 425 calendar days from Notice to Proceed	None
Amend 2	04/17/2014	None	Same as above	additional 4,500 calendar days for a total of 4,925 calendar days from Notice to Proceed	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.

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

1. The scope of work as set forth in the Contractor's proposal dated August 2, 2017, and any attachments thereto, (hereinafter "Amended Proposal") is hereby added to the Scope of Work. A copy of said document is maintained and on file in the office of the Director of Finance of the County of Maui and incorporated herein by reference and hereby made a part of the Contract.

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

AMENDMENT NO. 3 TO CONTRACT NO. C3360

the Notice to Proceed, and shall continue performance through December 31, 2019, unless sooner completed, terminated, or extended in compliance with the terms of this Contract.

3. 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 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]

2024 North King Street
Suite 200
Honolulu, Hawaii 96819-3494
Telephone 808 842 1133
Fax 808 842 1937
eMail rmtowill@rmtowill.com



R. M. TOWILL CORPORATION
SINCE 1930

Planning
Engineering
Environmental Services
Photogrammetry
Surveying
Project and Construction Management

RESOLUTION

I, Robert E. Spencer, Secretary of R. M. Towill Corporation, a Hawaii corporation, do hereby certify that the following is a full, true, and correct copy of a resolution duly adopted by the Board of Directors of said Corporation, 2024 North King Street, Suite 200, Honolulu, Hawaii 96819, on the 22nd day of May 1979, at which a quorum was present and acting throughout; and that said resolution has not been modified, amended or rescinded and continues in full force and effect:

"RESOLVED that any individual at the time holding the position of President or Vice President, be, and each of them hereby is, authorized to execute on behalf of the Corporation any bid, proposal or contract for the sale or rental of the products of the Corporation or for services to be performed by the Corporation, and to execute any bond required by any such bid, proposal or contract with the United States Government, or the State of Hawaii or the City and County of Honolulu, or any County or Municipal Government of said State, or any department or subdivision of any of them."

At its Board meeting on June 30, 2017, the Board of Directors of RMTC appointed the following officers to serve until the next Annual Meeting:

Greg H. Hiyakumoto, President
Leighton W. K. Lum, Senior Vice President
Roy T. Tsutsui, Vice President
James H. Yamamoto, Vice President
Collins D. Lam, Vice President
David K. Tanoue, Vice President
Craig W. L. Luke, Vice President
Robert E. Spencer, Secretary and Treasurer

IN WITNESS WHEREOF, I have hereunto set my hand and affix the corporate seal of said R. M. Towill Corporation this 18th day of September 2017.

Robert E. Spencer
Secretary

| seal |