

DANNY A. MATEO
County Clerk



53674)
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

August 5, 2016

RECEIVED
OFFICE OF THE
COUNTY CLERK

2016 AUG - 5 PM 4:15

RECEIVED

Honorable Riki Hokama, Chair
Budget and Finance Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair Hokama:

By letter dated July 25, 2016 (County Communication No. 16-159), the Director of Finance transmitted 110 contracts/grants for filing with the County Clerk.

At the August 5, 2016 Council meeting, the foregoing communication was filed; however, Contract No. C5823-1 was referred to your Committee at your request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in black ink, reading "Danny A. Mateo".

DANNY A. MATEO
County Clerk

/jym

Enclosures

cc: Director of Council Services

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</u> <u>Index</u>	<u>Title</u>	<u>Amount Required</u>
<u>904015C</u>	<u>IT SERVICES (7032)</u>	<u>\$1,966,170.00</u>

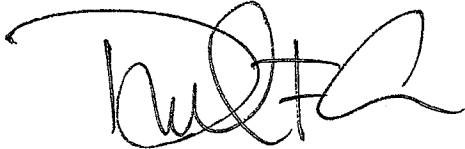
Contract No. C 5823 TYLER TECHNOLOGIES, INC.

Amendment No. 1 Dated:

Dated this 28 day of JUNE 2016

Extension of Contract to: December 31, 2018

Original Amount	\$ 1,000,000.00
Prior Amends/CO	\$ 0.00
This Amendment	<u>\$ 1,966,170.00</u>
Total contract	<u>\$ 2,966,170.00</u>



DANILO F. AGSALOG
Director of Finance

MAPPS-Maui Automated Planning
and Permitting System for the
Department of Management-IT
Services, RFP No. 14-15/P-20
ORDINANCE NO. 4231 (FY2016)

FY 2016

ji

Handwritten notes:
AG 6/28/16 8/15/16

Handwritten notes:
Jc
6/29/16

AMENDMENT NO. 1 TO CONTRACT NO. C5823

Department: Management - IT Service Division
Project Title: MAPPS- Maui's Automated Planning and Permitting System
RFP No.: 14-15/P-20
Additional Certification Requested from County: \$1,966,170.00

This AMENDMENT NO. 1 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 TYLER TECHNOLOGIES, INC., a Delaware corporation, whose mailing address is 5519 53rd Street, Lubbock, TX 79414, 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:

CONTRACT OR AMENDMENT NO.	DATE	ADDITIONAL CERTIFIED AMOUNT	TOTAL CERTIFIED AMOUNT	TIME OF PERFORMANCE/EXTENSION	RENEWAL OPTION FOR MULTI TERM CONTRACT
C5823	06/30/2015	NOT APPLICABLE	\$1,000,000.00		NONE

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

AMENDMENT NO. 1 TO CONTRACT NO. C5823

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 Statement of Work is hereby amended as follows:

- a. Two weeks of fundamentals training will be allocated to Stage 1, with one week of fundamentals training being moved to Stage 3. Exhibit B - UPDATED has been revised to align with this change (see edits to Deliverable 3-4 in paragraph 2.1).
- b. The task "provide remote access (when needed) to required server for Tyler Software installation and System Configuration," originally allocated to Stage 2, shall be moved to Stage 3.
- c. The task "deploy prototype configurations into the Production testing environment," originally allocated to Stage 2, shall be moved to Stage 3. Tyler's responsibility will change to "Advise."

2. Time of Performance is hereby amended as follows:

The Contractor has commenced performance of professional services under this Contract upon issuance of the Contract Certification dated June 30, 2015, and shall continue performance of those services through December 31, 2018, except as otherwise agreed to.

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 May 25, 2016 updated version of Exhibit B is hereby added to the Compensation provision of the Contract. 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.

AMENDMENT NO. 1 TO CONTRACT NO. C5823

Hardware fees of \$149,750.00 are hereby removed from scope. Client will directly procure any required hardware, and shall make payment directly to any third-party hardware vendor. Conforming edits have been made to the May 25, 2016 updated version of Exhibit B (see Exhibit B -UPDATED, paragraph 3).

4. For the avoidance of doubt, and notwithstanding any errant reference to the contrary in the Agreement, the parties agree to the following:

- a. the System Acceptance/UAT stage is Stage 9, not Stage 8; and
- : b. Client did not license Tyler's LRM software module.

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

IN WITNESS WHEREOF, the Parties execute this Amendment No. 1 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. 1 TO CONTRACT NO. C5823

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:

TYLER TECHNOLOGIES, INC.

By Adrian
(Signature)

Abby Diaz
(Print Name)

Its Vice President and Associate General Counsel
(Title)

Date June 16, 2010

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STATE OF MAINE)
CUMBERLAND) SS.

AMENDMENT NO. 1 TO CONTRACT NO. C5823

COUNTY EXECUTION PAGE

COUNTY OF MAUI



By
DANILO F. AGSALOG
Its Director of Finance

Date **JUN 30 2016**

APPROVAL RECOMMENDED:



JACOB W. VERKERKE
Chief Technology Officer
Department of Management - IT Services Division

Date 6/17/16

APPROVED AS TO FORM
AND LEGALITY:



Deputy Corporation Counsel
County of Maui

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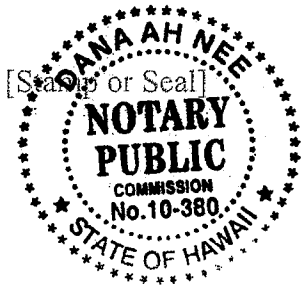
Date 6/27/16

AMENDMENT NO. 1 TO CONTRACT NO. C5823

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

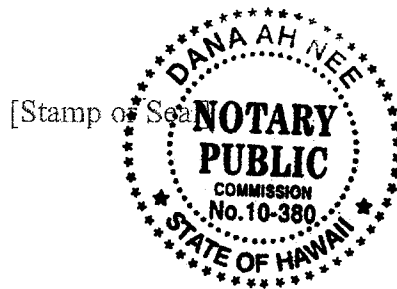
On this 30th day of June, 20 16, before me appeared DANILO F. AGSALOG, to me personally known, who being by me duly sworn, did say that he is the Director of Finance of the County of Maui, a political subdivision of the State of Hawaii, and that the seal affixed to the foregoing instrument is the lawful 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.



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>JUN 30 2016</u>	# Pages:	<u>7</u>
Notary Name:	<u>DANA AH NEE</u>	Judicial Circuit:	<u>2nd</u>
Doc. Description:	<u>Amendment no. 1 to Contract</u>		
	<u>no. C5823</u>		
Notary Signature:	<u>Dana Ah Nee</u>		
Date:	<u>JUN 30 2016</u>		



**RESOLUTIONS OF THE EXECUTIVE COMMITTEE OF THE
BOARD OF DIRECTORS OF TYLER TECHNOLOGIES, INC.**

WHEREAS, the Executive Committee of the Board of Directors of Tyler Technologies, Inc., a Delaware corporation ("Tyler"), deems it to be in the best interests of Tyler's ERP and School Division (the "Tyler Division") to authorize certain individuals to enter into contracts on behalf of the Tyler Division and Tyler;

RESOLVED, that the following persons are hereby authorized to enter into contract(s) in the name and on behalf of the Tyler Division and Tyler (including, without limitation, contract(s) for the license, lease, sale, and provision of goods and services) without regard to the dollar value of such contract(s):

Andrew D. Teed
Christopher P. Hepburn
James J. Hurley, III
Abigail Díaz
Rob Kennedy-Jensen

RESOLVED, that foregoing authorization shall continue until revoked; provided, however, that it will automatically terminate with respect to each named person on such date as such person is no longer employed by Tyler;

RESOLVED, that each officer of Tyler is hereby authorized and directed, in the name and on behalf of Tyler, to do or cause to be done any and all things, and to execute, deliver, and file and all such other agreements, amendments, instruments, certificates, waivers, documents, and papers that any of them deem necessary or advisable to carry into effect the purposes and intent of the foregoing resolutions and to consummate the transactions contemplated thereby.

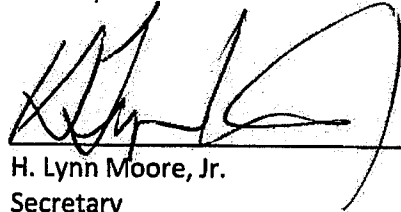
**CERTIFICATE OF SECRETARY OF
TYLER TECHNOLOGIES, INC.**

The undersigned, being the duly elected and qualified Secretary of Tyler Technologies, Inc., a Delaware corporation ("Tyler"), hereby certifies on behalf of Tyler that:

1. Attached hereto is a true, correct, and complete copy of resolutions duly adopted by the Executive Committee of the Board of Directors of Tyler.

IN WITNESS WHEREOF, the undersigned has executed this Certificate of Secretary on behalf of Tyler as of February 4, 2014.

TYLER TECHNOLOGIES, INC.,
a Delaware corporation

By: 

Name: H. Lynn Moore, Jr.

Title: Secretary