

JOSIAH K. NISHITA  
County Clerk



HFC-14  
MARGARET C. CLARK  
Deputy County Clerk

**OFFICE OF THE COUNTY CLERK**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/county/clerk](http://www.mauicounty.gov/county/clerk)

January 27, 2020

Honorable Riki Hokama, Chair  
Healthy Families and Communities Committee  
Council of the County of Maui  
Wailuku, Hawaii 96793

Dear Chair Hokama:

By letter dated January 9, 2020 (County Communication No. 20-26), the Director of Finance transmitted 166 contracts/grants for filing with the County Clerk.

At the January 24, 2020 Council meeting, the foregoing communication was filed; however, Contract C6407-2 was referred to your Committee at your request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in dark ink, appearing to be "J. Nishita", is written over a horizontal line.

JOSIAH K. NISHITA  
County Clerk

/jym

Enclosures

cc: Director of Council Services

## AMENDMENT TO CONTRACT CERTIFICATION

I, **SCOTT K. TERUYA**, 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<br/>Index</u> | <u>Title</u>                                | <u>Amount Required</u> |
|--------------------------------|---|------------------------|
| <u>378257</u>                  | <u>WAIEHU GC STARTER BOOTH/RESTO (7198)</u> | <u>\$0.00</u>          |

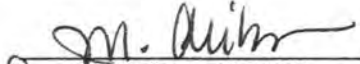
Contract No. C 6407 BOW ENGINEERING & DEVELOPMENT, INC.

Amendment No. 2 Dated:

Dated this 27 day of DECEMBER 2019

Extension of Contract to: Additional 365 Calendar Days

|                 |                      |
|-----------------|----------------------|
| Original Amount | \$ 494,800.00        |
| Prior Amends/CO | \$ 0.00              |
| This Amendment  | \$ 0.00              |
| Total contract  | <u>\$ 494,800.00</u> |

  
SCOTT K. TERUYA  
Director of Finance

### **Time extension only.**

Waiehu Golf Course Clubhouse  
Feasibility Study and Master Plan for DPR  
Job #P17/006  
QBS #Q-PK-18-07

FY 2020

jh *amg 12/27*  
*jsb*

*ji*

## AMENDMENT NO. 2 TO CONTRACT NO. C6407

Department: Parks and Recreation - Administration Division  
Project Title: Waiehu Golf Course Clubhouse Feasibility Study and Master Plan  
Job No. P17/006  
QBS No.: Q-PK-18-07  
Additional Certification Requested from County: \$0.00

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 business address is 200 South High Street, Wailuku, Maui, Hawaii 96793, hereinafter referred to as the "County", and BOW ENGINEERING & DEVELOPMENT, INC., a Hawaii corporation, whose mailing address is 1953 S. Beretania Street PH-A, Honolulu, Hawaii 96826-1342, 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. 2 TO CONTRACT NO. C6407**

| CONTRACT OR AMENDMENT NO. | DATE       | ADDITIONAL CERTIFIED AMOUNT | TOTAL CERTIFIED AMOUNT | TIME OF PERFORMANCE/EXTENSION            | RENEWAL OPTION FOR MULTI TERM CONTRACT |
|---------------------------|------------|-----------------------------|------------------------|--|--|
| C6407                     | 12/28/2017 | NOT APPLICABLE              | \$494,800.00           | 365 calendar days from Notice to Proceed | None                                   |
| Amend 1                   | 12/07/2018 | NOT APPLICABLE              | \$494,800.00           | 730 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. 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 for a period of 1095 calendar days therefrom, unless sooner completed, terminated, or extended in compliance with the terms of this 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]**

AMENDMENT NO. 2 TO CONTRACT NO. C6407

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:

BOW ENGINEERING & DEVELOPMENT, INC.

By Sarah Bow  
(Signature)

Sarah Bow  
(Print Name)

Its President  
(Title)

Date 12/19/19

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AMENDMENT NO. 2 TO CONTRACT NO. C6407

STATE OF Hawaii  
city & county of Honolulu } SS.

On this 19<sup>th</sup> day of December, 2019, before me personally appeared Sarah Kim, 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.



Lisa Kimoto

Notary Public, State of Hawaii

Print Name: Lisa Kimoto

My commission expires: JUN 23 2023

NOTARY PUBLIC CERTIFICATION

Doc. Date: 12.19.19 # Pages: 6

Notary Name: Lisa Kimoto Judicial Circuit: First

Doc. Description: Amendment NO. 2 to  
Contract no. C6407

Notary Signature: Lisa Kimoto

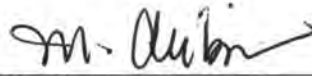

Date: 12.19.19




AMENDMENT NO. 2 TO CONTRACT NO. C6407

COUNTY EXECUTION PAGE

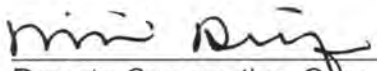
COUNTY OF MAUI

By   
~~XXXX SCOTT K. TERUYA~~ MAY-ANNE A. ALIBIN  
Its ~~Director of Finance~~ Deputy Director   
Date DEC 30 2019

REVIEWED AND APPROVED:

  
\_\_\_\_\_  
KARLA H. PETERS  
Director, Department of Parks  
and Recreation  
Date 12/23/19

APPROVED AS TO FORM  
AND LEGALITY:

  
\_\_\_\_\_  
Deputy Corporation Counsel  
County of Maui  
Date 12-20-19  
2017-1491  
2019-12-12 Amd 2

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STATE OF HAWAII           )  
                                      )  
COUNTY OF MAUI        )

SS.

On this 30<sup>th</sup> day of December, 2019, before me personally appeared **MAY-ANNE A. ALIBIN**, to me personally known, who, being by me duly sworn, did say that she is the Finance Deputy 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 **MAY-ANNE A. ALIBIN** 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 2022

| NOTARY PUBLIC CERTIFICATION |  |                   |            |
|-----------------------------|--|-------------------|------------|
| Doc. Date:                  | <u>DEC 30 2019</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><br><u>Contract No. C0407</u> |                   |            |
| Notary Signature:           | <u>Dana Ah Nee</u>                                     |                   |            |
| Date:                       | <u>DEC 30 2019</u>                                     |                   |            |

