

KATHY L. KAOHU
County Clerk



JAMES G.M. KRUEGER
Deputy County Clerk

OFFICE OF THE COUNTY CLERK

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

March 19, 2021

Honorable Kelly T. King, Chair
Climate Action, Resilience
and Environment Committee
Council of the County of Maui
Wailuku, Hawaii 96793

Dear Chair King:

By letter dated March 3, 2021 (County Communication No. 21-145), the Director of Finance transmitted 69 contracts/grants for filing with the County Clerk.

At the March 19, 2021 Council meeting, the foregoing communication was filed; however, Contract No. C7093-1 was referred to your Committee at your request. Transmitted is a copy of the contract.

Respectfully,

A handwritten signature in cursive script that reads "Kathy L. Kaohu".

KATHY L. KAOHU
County Clerk

/lks

Enclosure

cc: Director of Council Services

2021 MAR 19 PM 4:54
COUNTY CLERK
MAUI

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</u> <u>Index</u>	<u>Title</u>	<u>Amount Required</u>
<u>310225</u>	<u>CENTRAL MAUI LF EXPANSION</u>	<u>(7190) \$26,430.00</u>

Contract No. C 7093 A-MEHR INC.

Amendment No. 1 Dated:

Dated this 17 day of FEBRUARY 2021

Extension of Contract to: No Time Extension

Original Amount	\$ 182,865.00
Prior Amends/CO	\$ 0.00
This Amendment	\$ 26,430.00
Total contract	<u>✓ \$ 209,295.00</u>


SCOTT K. TERUYA
Director of Finance

Central Maui Landfill Organics
Processing Facility for DEM
QBS #Q-SW-20-17
ORDINANCE #5099, 5101 (FY2021)
BA #214

FY 2021

jh

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j473

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**AMENDMENT 1 TO
CONTRACT NO. C7093**

Department: Environmental Management – Solid Waste Division

Project Title: Central Maui Landfill Organics Processing Facility

QBS No.: Q-SW-20-17

Additional Certification Requested from County: \$26,430.00

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 A-MEHR INC, a California corporation, whose mailing address is 23016 Mill Creek Drive, Laguna Hills, California 92653, 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.

R E C I T A L S:

WHEREAS, the County and the Contractor entered into the following Contract and Amendment(s), if any, with certified availability of funds in the amount and time of performance as indicated:

Contract/ Amend	Date	Additional Certified Amount	Total Certified Amount	Time of Performance	Renewal Option(s)
C7093	6/30/2020	Not applicable	\$182,865.00	365 calendar days from Notice to Proceed	Additional term of one year

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

WHEREAS, the Contract is on file with the Director of Finance;

WHEREAS, the Parties now desire to amend the Contract; and

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 for Additional Engineering Design Services dated July 28, 2020, and any attachments thereto, (the "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. Any general, miscellaneous, or other terms, conditions, or provisions that are found in any of the Contractor's proposals for this Contract or in

**AMENDMENT 1 TO
CONTRACT NO. C7093**

any sub-contractor's proposals attached thereto shall be unenforceable as against the County, unless the subject of such terms, conditions, or provisions is addressed in the County's General Conditions, and such terms, conditions, or provisions are consistent with the County's General Conditions.

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.

3. This Amendment may be executed in two or more counterparts, each of which shall be deemed to be an original, but all of which shall constitute one and the same instrument. The parties agree that they may utilize and shall be bound by their electronic signatures, pursuant to Chapter 489E, Hawaii Revised Statutes.

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

IN WITNESS WHEREOF, the Parties execute this Amendment to Contract by their signatures on the dates below, to be effective as of the date of the last signature hereto.

[EXECUTION PAGES TO FOLLOW]

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AMENDMENT 1 TO
CONTRACT NO. C7093

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:

A-MEHR INC.

By Maria A. Mehrzad
(Signature)

MARIA A. MEHRZAD
(Print Name)

Its President
(Title)

Date 1/11/2021

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COUNTY EXECUTION PAGE

By

Date _____

FEB 19 2021

Er. Wm

Digitally signed by Eric Nakagawa
DN: cn=Eric Nakagawa, o=County of Maui,
ou=Director of Environmental Management,
email=eric.nakagawa@co.maui.hi.us, c=US
Date: 2021.01.13 14:26:06 -1000

Date 1/13/2021

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2021.01.26

18:06:45 -10'00'

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2021-01-04 C7093 AMD #1.docx