

CONTRACT MODIFICATION FORM

STATE OF HAWAII DEPARTMENT OF HEALTH

Date: January 24, 2012

ADM. SERV. OFFICE LOG NO.: 10-140

MODIFICATION ORDER NO.: 1

Contractor/Provider: Oahu Resource Conservation and Development Council

Contract Title: Conservation on Agricultural Lands in the Honouliuli Watershed

A. MODIFICATIONS

The following modifications are to be performed in accordance with all contract stipulations (specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions by mutual action of the parties to the contract).

See attachment for contract modifications.

B. CONTRACTOR/PROVIDER's QUOTATION

The modifications described in A above will be performed at a contract price ☐ increase ☐ decrease of \$ N/A. The Contractor/Provider will not undertake to perform the changes in A, above, until this modification order has been approved and issued.

Contractor/Provider's Signature

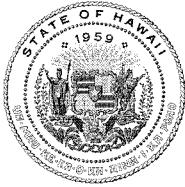
C. STATEMENT OF CONTRACT FUNDS

Original Contract Price	\$ <u>522,557.00</u>
Previous Adjusted Contract Price	\$ <u>N/A</u>
Amount of this Change: <input type="checkbox"/> Plus <input type="checkbox"/> Minus	\$ <u>N/A</u>
New Adjusted Contract Price	\$ <u>N/A</u>

D. VALIDATION OF CONTRACT MODIFICATION

Director of Health

Date



STATE OF HAWAII

CONTRACTOR'S ACKNOWLEDGMENT

STATE OF _____)
) SS.
_____ COUNTY OF _____)

On this _____ day of _____, _____ before me appeared
_____ and _____, to me
known, to be the person(s) described in and, who, being by me duly sworn, did say that he/she/they is/are
_____ and _____ of
_____ Oahu Resource Conservation and Development Council, the
CONTRACTOR named in the foregoing instrument, and that he/she/they is/are authorized to sign said
instrument on behalf of the CONTRACTOR, and acknowledges that he/she/they executed said
instrument as the free act and deed of the CONTRACTOR.

(Notary Stamp or Seal)

(Signature)

(Print Name)

Notary Public, State of _____

My commission expires: _____

Doc. Date: January 24, 2012 # Pages: 8

Notary Name: _____ Circuit

Doc. Description: Contract Modification Form for ASO

Log No. 10-140, Modification Order No. 1

(Notary Stamp or Seal)

Notary Signature Date

NOTARY CERTIFICATION

CONTRACT MODIFICATIONS:

Effective March 9, 2012, the parties mutually agree that the CONTRACTOR shall continue to provide the required services with the following modifications:

1. Attachment-S5, Special Conditions.

a. Paragraph 5. on Page 1 is hereby modified to read as follows:

“5. Campaign Contributions by State and County Contractors. Contractors are hereby notified of the applicability of Section 11-355, HRS, which states that campaign contributions are prohibited from specified State or county government contractors during the term of the contract if the contractors are paid with funds appropriated by a legislative body.”

b. In accordance with paragraph 7. on Page 2, the time of performance is extended from May 12, 2012, to and including December 31, 2012, to include an additional summer harvest season and further best management practices installation.

c. Paragraph 9. on Page 2 is hereby modified to read as follows:

“9. Insurance. The CONTRACTOR shall obtain, maintain, and keep in force throughout the period of this Contract, the following types of insurance:

A. General liability insurance issued by an insurance company in the amount of at least ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) for bodily injury and property damage liability arising out of each occurrence and TWO MILLION AND NO/100 DOLLARS (\$2,000,000.00) aggregate.

B. Automobile insurance issued by an insurance company in an amount of at least ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) per occurrence.

The insurance shall be obtained from a company authorized by the law to issue such insurance in the State of Hawaii (or meet Section 431: 8-301, Hawaii Revised Statutes, if utilizing an insurance company not licensed by the State of Hawaii).

For both the general liability and automobile liability insurance, the insurance coverage shall be primary and shall cover the insured for all work to be performed under the Contract, including changes, and all work performed incidental thereto or directly or indirectly connected therewith. The CONTRACTOR shall maintain in effect this liability insurance until the STATE certifies that the CONTRACTOR's work under the Contract has been completed satisfactorily.

Prior to or upon execution of this Contract, the CONTRACTOR shall obtain a certificate of insurance verifying the existence of the necessary insurance coverage in the amounts stated above. The parties agree that the certificate of insurance shall be attached hereto as Exhibit "K" and made a part of this Contract.

Each insurance policy required by this Contract shall contain the following clauses:

- (1) The State of Hawaii and its officers and employees are additional insured with respect to operations performed for the State of Hawaii.
- (2) It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy.

The certificate of insurance shall indicate these provisions are included in the policy.

The CONTRACTOR shall immediately provide written notice to the contracting department or agency should any of the insurance policies evidenced on its certificate of insurance forms be cancelled, limited in scope, or not renewed up expiration.

If the scheduled expiration date of the insurance policy is earlier than the expiration date of the time of performance under this Contract, the CONTRACTOR, upon renewal of the policy, shall promptly cause to be provided to the STATE an updated certificate of insurance."

2. The "Project Timeline," attached to the Contract as Exhibit "B," is hereby deleted and replaced with a revised "Project Timeline," attached hereto as Exhibit "L" and made a part hereof.
3. All other terms and conditions of the Contract shall remain the same.

CERTIFICATE OF INSURANCE

A valid certificate of insurance shall be inserted into the final signed Contract.

REMINDERS:

In the description box or designated area on the certificate of insurance, the insurance policies shall provide that:

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- (1) The State of Hawaii and its officers and employees are additional insured with respect to operations performed for the State of Hawaii.**
- (2) It is agreed that any insurance maintained by the State of Hawaii will apply in excess of, and not contribute with, insurance provided by this policy.**

If the insurance company issuing the policy is not registered with the Department of Commerce and Consumer Affairs, pursuant to HRS §431:8-307, the following must be stated on the certificate:

“This insurance contract is issued by an insurer which is not licensed by the State of Hawaii and is not subject to its regulation or examination. If the insurer is found insolvent, claims under this contract are not covered by any guaranty fund of the State of Hawaii.”

Project Timeline

The CONTRACTOR shall accomplish the following activities by the timeline indicated:

Timeline:	Activity:
QSR No. 1	Submit a list of names and credentials of personnel hired Issue the first press release to inform the public of the project and encourage public participation
NTP + 5 Months	Submit draft informational materials to be used for public meetings to educate interested parties and encourage additional partnerships Notify the Polluted Runoff Control Program ("PRCP") of the scheduled public meeting
NTP + 6 Months	Begin updating conservation plans and facilitate expedited implementation of conservation practices based on feedback from the Conservation Practice Field Day, Public Stakeholder Meetings, and Agency Presentations Hold the first public meeting to educate interested parties and encourage additional partnerships Begin activities to characterize and assess the current watershed conditions in the Honouliuli Watershed Begin using Revised Universal Soil Loss Equation 2 ("RUSLE2") to compare baseline soil loss with expected soil loss after Best Management Practices ("BMP") installation
NTP + 8 Months	Submit invitation list for the first scheduled conservation field day Notify the PRCP of the first scheduled public stakeholder meeting
NTP + 9 Months	Hold the second public stakeholder meeting to educate interested parties and encourage additional partnerships Host the first conservation field day Submit interim milestones for the characterization and assessment report:

- Summary of results and knowledge gained from previous planning and implementation efforts
- Description and mapping of the physical characteristics of the watershed

Continue using RUSLE2 to compare baseline soil loss with expected soil loss after BMP installation

Report estimated load reductions from RUSLE2 implementation with corresponding QSR

NTP + 12 Months

Submit interim milestones for the characterization and assessment report:

- Identify the pollutant causes and sources that will need to be controlled to achieve load reductions
- Identify important gaps in data and knowledge bases and suggestions for additional information needs and priorities for the future

Submit the Draft Characterization and Assessment Report portion of the Watershed-Based Monitoring Plan ("WBMP")

Continue using RUSLE2 to compare baseline soil loss after BMP installation

Report estimated load reductions from RUSLE2 implementation with corresponding QSR

NTP + 15 Months

Submit the Identification of Pollution Control Strategies section of the WBMP

Continue using RUSLE2 to compare baseline soil loss after BMP installation

NTP + 18 Months

Present this project at one (1) or more State or regional conferences

NTP + 22 Months

Report estimated load reductions from RUSLE2 implementation with corresponding QSR

Submit invitation list for second scheduled conservation field day

NTP + 23 Months	Submit the Implementation Plan section of the WBMP
NTP + 24 Months	Host the second conservation field day
	Submit the Evaluation/Monitoring Plan section of the WBMP
NTP + 27 Months	Submit one (1) electronic and two (2) hard copies of the draft WBMP for the Honouliuli Watershed
NTP + 28 Months	Submit draft Final Report
	Issue the second press release to inform the public about the project
NTP + 29 Months	Submit Final WBMP for the Honouliuli Watershed
NTP + 30 Months	Submit Final Report (Contract Termination)