

REQUEST FOR PROPOSALS
WI-FI SYSTEM CONCESSION
AT
HONOLULU INTERNATIONAL AIRPORT, KAHULUI AIRPORT,
KONA INTERNATIONAL AIRPORT AT KEAHOLE, LIHU'E AIRPORT,
AND HILO INTERNATIONAL AIRPORT

ADDENDUM NO. 2
INSTRUCTIONS TO PROPOSERS

PLEASE REPLACE EXISTING PAGE IP-17
WITH THE ATTACHED REVISED PAGE IP-17

The STATE reserves the right to cancel or reschedule the Proposal deadline for any reason whatsoever. The STATE also reserves the right to extend the deadline for receipt of Proposals, to reject any or all proposals or to waive any defects when, in the opinion of the State's Director of Transportation, such rejection or waiver will be in the best interest of the STATE. The STATE reserves the right to reject a proposal offering the highest financial return/if the proposer is not deemed responsible by the STATE or does not provide the best value, quality, and deliverables to the STATE as determined by the STATE in its sole discretion. If the proposer to whom the Concession Agreement was awarded fails to enter into the Concession agreement and furnish satisfactory security, the STATE may, at its sole discretion, award the concession agreement to the responsible proposer who submitted the proposal offering the next best value, quality, and deliverables to the STATE.

19. AWARD OF CONCESSION, EXECUTION OF CONCESSION AGREEMENT, AND CONCESSION PERFORMANCE BOND

The award of the Concession will be made within ninety (90) days after the Evaluation Committee submits its recommendation of a successful proposer to the Director of Transportation, provided that the award may be delayed for a reasonable additional time period to permit investigation by the STATE into the accuracy and truthfulness of the representations made by the successful Proposer in its Proposal Package. The STATE reserves the right to reject all Proposal Packages if it is determined by Director in his sole discretion that such rejection is warranted and is in the best interest of the STATE and the general public. The award of the Concession is within the Director's sole discretion and shall be final.

The final Concession Agreement (Appendix C with modifications to incorporate the successful proposal as negotiated with the STATE) shall be executed by the successful Proposer, properly notarized by a notary public, and returned, together with a satisfactory Concession Performance Bond in the form of Appendix E, within thirty (30) calendar days after the successful Proposer has received the Concession Agreement for execution, or within such further time as the Director may allow in writing. Failure to execute the Concession Agreement (Appendix C, as modified) and to file an acceptable Concession Performance Bond (Appendix C – Attachment 7), as required, within ten (10) days after the successful Proposer has received the Concession Agreement for execution and proper notarization by a notary public, or within such further time as the Director may allow in writing, shall be just cause for the annulment of the award. If the successful Proposer refuses or fails to execute the Agreement, the STATE may negotiate with the next highest ranked Invited Proposer.

The Concession Performance Bond shall be in the amount equal to three (3) months' minimum monthly guaranteed fee for the appropriate agreement year and shall be maintained in full force and effect by the successful Proposer (hereinafter referred to as the "Concessionaire") at all times from the commencement date of the Concession Agreement until ninety (90) days after the expiration or sooner termination of the Agreement. The Concession Performance Bond shall be maintained at all times in accordance with the provisions of the Concession Agreement.