ADDENDUM #1
RENTAL CAR LEASE & CONCESSION AGREEMENT

The Rapid City Regional Airport Board City of Rapid City (Board) and Overland West dba Hertz Rent A Car (Lessee) entered into a Rental Car Lease and Concession Agreement (Agreement) commencing on February 1, 2019, and expiring on December 31, 2023.

WHEREAS, the Agreement contains a provision for monthly Minimum Annual Guarantee (MAG); and

WHEREAS, the current COVID-19 pandemic has had a severely negative effect on concession and airport revenues; and

WHEREAS, the Parties have agreed to waive the monthly MAG requirement for a period of three months.

NOW THEREFORE, be it agreed by the Parties as follows:

The Parties agree that the Agreement dated February 1, 2019, remains in full force and effect, except as specifically modified by this Addendum. The Agreement is amended to reflect that the monthly MAG for the period of April, May and June, 2020, shall be waived. The total amount of the waiver is $134,270.97, for an annual MAG for Agreement Year 2020 of $402,812.91. The requirement in Article VI Section A, in that no event shall the MAG for the next ensuing Agreement Year be less than the Year One MAG, is hereby waived for Agreement Year 2020 only. For each Agreement hereafter, this provision remains in effect. The Percentage Fee of 11% of the Lessee’s Gross Revenues is not waived and shall be due and payable as per the terms of the Agreement.

The Agreement is subordinate to the provisions of any existing or future agreements between the Airport Board and the United States of America relative to the operation and maintenance of the Airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the Airport.

Should the Federal Aviation Administration (FAA) determine that any term or provision of the Agreement results in, or could result in, a violation by the Airport of its obligations as an airport sponsor under grant assurances contained or incorporated in any grant agreement, existing or future, to which the Airport is a party (Sponsor’s Assurances), the Lessee and the Airport unconditionally agree to modify, amend, or, if necessary, terminate the Agreement to remedy any such violation, or potential violation, and bring the Agreement into strict compliance with the Airport’s obligations contained in any grant agreement to which the Airport is a party.

The Parties agree that the Agreement remains in full force and effect, except as specifically modified by this Addendum. The Parties further agree that to date, each has substantially fulfilled all requirements of the original Agreement.
IN WITNESS WHEREOF, the Parties execute this Addendum this _______ day of _______________, 2020.

RAPID CITY REGIONAL AIRPORT BOARD        OVERLAND WEST DBA HERTZ RENT A CAR

_______________________________
Darren Haar, Board President

_______________________________
Steve Jones, Vice President Rental Operations

Rapid City Regional Airport

ATTEST: _________________________
Toni Broom, Deputy Airport Director
Finance & Administration

State of _______________ )
County of _______________ )

On this ______ day of ________________, 2020 before me, the undersigned officer personally appeared ____________, known to me as the Lessee, whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____________________________
Notary Public, South Dakota

(seal) My Commission Expires: