

Amended Determination of Scope of Concession

The Commonwealth Ports Authority ("the Authority") hereby determines that a change in the scope of Concession No. SEA-2020-01 is needed to clarify whether this concession is exclusive as outlined in section 6.

The Authority hereby determines the scope of a new concession, Concession No. SEA-2020-01, pursuant to 4 CMC § 2201(b) and NMIAC § 40-70-101:

1. Privilege of establishing, operating, and maintaining facilities at the following port(s) of entry:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Port of Saipan
<input checked="" type="checkbox"/> Specific location therein: Echo Dock | <input type="checkbox"/> Tinian Harbor
<input type="checkbox"/> Specific location therein: _____ |
| <input type="checkbox"/> Francisco C. Ada/Saipan International Airport
<input type="checkbox"/> Specific location therein: _____ | <input type="checkbox"/> Tinian International Airport |
| <input type="checkbox"/> Saipan Commuter Terminal
<input type="checkbox"/> Specific location therein: _____ | <input type="checkbox"/> Rota West Harbor
<input type="checkbox"/> Specific location therein: _____ |
| <input type="checkbox"/> Benjamin Taisacan Manglona International Airport
<input type="checkbox"/> Specific location therein: _____ | <input type="checkbox"/> Other: _____
<input type="checkbox"/> Specific location therein: _____ |

2. For the [sale/ delivery / sale & delivery] of merchandise as set forth below:

The operation of facilities for the purpose of offering to sell Merchandise, including Duty-Free Merchandise, in less than wholesale quantities, to or for the direct or indirect benefit of a departing individual. Merchandise includes various goods and sundries of interest to passengers as well as any food or beverages (including alcoholic beverages) for consumption on-premises.

Duty-Free Merchandise shall mean any Merchandise with respect to which Commonwealth tariffs, duties, excise tax, sales tax, gross revenue tax and/or any other tax, impost, duty, tariff, levy or assessment has been waived (regardless of whether the waiver is implemented by direct forgiveness of the tax, impost, duty, tariff, levy or assessment, refund of tax, impost, duty, tariff, levy of assessment previously paid, or any other means).

4. For the provision of retail services as set forth below:

The operation of facilities for the purpose of offering to sell Services by concessionaire or by subconcessionaires to or for the direct or indirect benefit of a departing individual.

Services shall mean any Services except for motor vehicle rental services, which include, without limitation, vending, currency exchange, automated teller machines, postal services, telephones, luggage carts, video games, advertising, and any other services of interest to tourists or the public. Motor vehicle rental services are excluded from this scope of concession.

5. Imposition or collection of the following taxes and fees by the Commonwealth Ports Authority upon the holder of the concession, its property, or its customers may be waived:

If a proposal submitted includes an intent to sell duty free merchandise, CPA may waive any tax, impost, duty, tariff, levy or assessment waivable by law for the sale of said merchandise, other than (a) the Northern Mariana Islands Income Tax, (b) any income tax levied pursuant to the United States Internal Revenue Code, or any other general tax levied upon net income, (c) the Business

Gross Revenue Tax (4 CMC § 2202(e)), (d) the License Fee (4 CMC § 2208), or (e) the Concession Fee (4 CMC § 2202(d)).

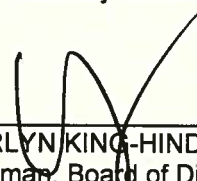
6. This an exclusive concession: Yes No
7. The Authority requires Bids/ Proposals on the basis of a prepaid minimum concession fee: No Yes, no less than:


There is no prepaid minimum concession fee as described under 4 CMC § 2203, but CPA anticipates that this concession will require a minimum annual guaranteed concession fee and fee deposit.

8. Enjoyment of the privileges of CPA Concession No. SEA-2020-01 shall commence only upon the execution of a corresponding concession agreement between the concession grantee and CPA. Unless this concession is renewed by negotiation with the concessionaire via a new concession agreement per 4 CMC § 2206(b) and NMIAC § 40-70-210, this concession shall expire upon the expiration or earlier termination or cancellation of the last corresponding concession agreement between the concessionaire and CPA.
9. The intent of this scope of concession is to allow proposers to submit proposals for any lawful activity at the Echo Dock location. CPA anticipates that it will receive proposals for the use of Echo Dock that requires the granting of all, some, or none of the concession rights allowed by this Scope of Concession. Thus, an awarded concession may not include every concession right included in this scope of concession, and awarded concession rights, if required, will be tailored to the awarded proposal in the Authority Concession Grant and concession agreement between CPA and the prospective concessionaire.

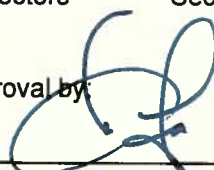
The Board of Directors determines that it is in the interests of the Authority and the public using its ports of entry to have a concessionaire providing services corresponding to this concession's scope. The Executive Director shall announce the scope of this concession by publicly posting it at the Authority office at the Saipan International Airport for a period of fourteen days.

Approved by the Authority Board of Directors by a vote of 7/7 this 25th day of February, 2020.


KIMBERLYN KING-HINDS
Chairwoman, Board of Directors


THOMAS P. VILLAGOMEZ
Secretary, Board of Directors

Submitted for CPA Board of Directors approval by:



CPA Executive Director (or her/his authorized designee)