

**AMENDMENT NO. 1**  
*(hereinafter "Amendment No. 1")*  
for  
**NASPO VALUEPOINT CLOUD SOLUTIONS**  
**MASTER AGREEMENT NO. AR3104**  
*(hereinafter "Master Agreement")*  
Between  
Hewlett Packard Enterprise Company  
*(hereinafter "Contractor")*  
and  
State of Hawaii  
*(hereinafter "Participating State")*

This Amendment No. 1 amends the Participating Addendum as follows:

1. Insurance

The Contractor shall maintain in full force and effect during the life of this contract, liability and property damage insurance to protect the Contractor and his Subcontractors, if any, from claims for damages for personal injury, accidental death and property damage which may arise from operations under this contract, whether such operations be by the Contractor or by Subcontractor or anyone directly or indirectly employed by either of them. If any Subcontractor is involved, the insurance policy or policies shall name the Subcontractor as additional insured.

As an alternative to the Contractor providing insurance to cover operations performed by a Subcontractor and naming the Subcontractor as additional insured, the Contractor may require the Subcontractor to provide its own insurance, which meets the requirements herein. It is understood that a Subcontractor's insurance policy or policies are in addition to the Contractor's own policy or policies.

The following minimum insurance coverage(s) and limit(s) shall be provided by the Contractor, including its Subcontractor(s) where appropriate.

<b><u>Coverage</u></b>	<b><u>Limits</u></b>
Commercial General Liability (occurrence form)	\$1,000,000 per occurrence \$2,000,000 aggregate
Automobile Liability	\$1,000,000 per accident
Professional Liability	\$1,000,000 per claim \$2,000,000 aggregate

It is agreed that Contractor may satisfy the policy limits requirements for Professional and Cyber Liability coverages with one and the same insurance policy, provided that such policy has limits of \$1,000,000 per claim and \$2,000,000 in the aggregate.

Applicable insurance policies required by this contract, shall contain the following clauses:

- A. "The State of Hawaii is added as an additional insured on the Commercial General Liability and Automobile Liability policies as respects to operations performed for the State of Hawaii."
- B. "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."

A Waiver of Subrogation shall apply to the General Liability, Automobile Liability and Worker's Compensation insurance policies and shall be in favor of the State of Hawaii.

The Contractor agrees to deposit with the State of Hawaii certificate(s) of insurance necessary to satisfy the State that the insurance provisions of this Addendum and have been complied with and to keep such insurance in effect and the certificate(s) therefore on deposit with the State during the entire term of the price/vendor list and price/vendor list extensions, if any, including those of its Subcontractor(s), where appropriate. Upon request by the State, Contractor shall allow the State to inspect a copy of the policy or policies at HPE offices located at 6280 America Center Drive, San Jose, California.

Failure of the Contractor to provide and keep in force such insurance shall be regarded as material default, entitling the State to exercise any or all of the remedies provided in the contract and this RFP for a default by the Contractor.

The procuring of such required insurance shall not be construed to limit the Contractor's liability hereunder nor to fulfill the indemnification provisions and requirements of this RFP. Notwithstanding said policy or policies of insurance, the Contractor shall be obliged for the full and total amount of any damage, injury, or loss caused by negligence or neglect connected with this price list.

IN VIEW OF THE ABOVE, the parties execute this Addendum by their signatures, on the dates below.

Participating State: STATE OF HAWAII	Contractor: HEWLETT PACKARD ENTERPRISE COMPANY
Signature: <i>Bonnie A Kahakui</i>	Signature: <i>Mary Reuss</i>
Name: BONNIE KAHAKUI	Name: MARY REUSS
Title: Acting Administrator, SPO	Title: Contract Negotiator, BU Legal
Date: 09/13/2021	Date: 09/10/2021

**APPROVED AS TO FORM:**

*Stella M. Kam*

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Deputy Attorney General