

consent to one assignment or occupancy by a party other than the CONCESSIONAIRE shall not invalidate or constitute a waiver of this provision, and each subsequent use and occupancy by a party other than the CONCESSIONAIRE shall likewise be made only with the prior consent of the DEPARTMENT. Unless otherwise specified by the DEPARTMENT with its consent, any transferees or assignees of the CONCESSIONAIRE shall automatically, upon such transfer or assignment, become and thereafter be directly liable to the DEPARTMENT for all obligations of the CONCESSIONAIRE under this AGREEMENT, including without limitation the obligation to procure the insurance coverages required herein, without in any way relieving the CONCESSIONAIRE of liability to the DEPARTMENT under this AGREEMENT.

4. **MAINTENANCE OF PREMISES AND COLLECTION**

- A. The CONCESSIONAIRE accepts the PREMISES in its present condition. The CONCESSIONAIRE shall not commit or suffer to be committed any waste upon the PREMISES and the CONCESSIONAIRE shall, at its own cost and expense, maintain the PREMISES and any and all improvement thereon in good order and in a clean, sanitary and safe condition and shall at all times maintain all structures, facilities and equipment in a condition satisfactory to the DEPARTMENT.
- B. Simultaneously, or as near in time as may be practicable, with the execution of this AGREEMENT, the parties shall execute a **PHS Outgoing Loan Agreement # (OL) 2009.4 (JD)** (the “Loan Agreement”) in substantially the form of EXHIBIT B attached hereto. CONCESSIONAIRE shall maintain all artifacts inventoried in EXHIBIT C attached hereto (the “Collection”) as required under the Loan Agreement.
- C. The DEPARTMENT will continue its termite coverage for the PREMISES. Within sixty (60) days after the submittal of payment to the termite company, the DEPARTMENT will invoice CONCESSIONAIRE directly for reimbursement of the amount of the coverage. CONCESSIONAIRE shall remit such reimbursement to the DEPARTMENT no later than sixty (60) days after the receipt of the invoice. In the event that a claim is made pursuant to this paragraph, CONCESSIONAIRE shall reimburse the DEPARTMENT for any deductible that it is required to pay.