

OHIO TURNPIKE COMMISSION

Resolution Extending Contract SS-9-A Between the
Commission and BP Oil Company for the Operation
of the Sixteen Service Stations on the Ohio Turnpike

WHEREAS, pursuant to Resolution 10-1990, adopted August 16, 1990, the Commission awarded Contract SS-9-A to BP Oil Company of Cleveland, Ohio for the operation of the sixteen service stations on the Ohio Turnpike;

WHEREAS, Contract SS-9-A provides for an original term from October 1, 1990, to midnight June 1, 1992, and also provides that the Commission may extend the term of the contract for one or more two-year periods provided the Operator notifies the Commission of its desire to obtain such an extension;

WHEREAS, on November 27, 1991, BP Oil Company requested an extension of Contract SS-9-A for two, additional, two-year periods and further requested modification of the formula which controls the price charged for motor vehicle fuel sold at Turnpike stations;

WHEREAS, the 1990 amendments to the Federal Clean Air Act and the implementation thereof by the Environmental Protection Agency requires the sale of oxygenated gasoline only at service stations located in Cuyahoga, Lorain and Portage Counties for a four-month period, i.e., November through February beginning in November 1992;

WHEREAS, in addition, changes in the reporting procedure by major oil companies have created doubt as to the accuracy of the Ohio Dealer Buying Price for Cleveland, Ohio as published by Lundberg Surveys, Inc. which publication is the basis for determining the price of motor vehicle fuel under Contract SS-9-A;

WHEREAS, the Commission advised BP Oil Company that, because of these circumstances, it could not act on the extension request until these issues were resolved;

WHEREAS, negotiations have taken place between BP Oil Company and the Commission concerning the extension and modification of Contract SS-9-A and a draft Supplemental Agreement is before the Commission. This Supplemental Agreement provides for an extension of the contract until June 1, 1994, and replaces the pricing formula in the present contract with a procedure by which service stations located in the area of each Turnpike interchange will be surveyed on a weekly basis, and the average price of motor vehicle fuel resulting from such survey will be the price charged at the Turnpike stations;

WHEREAS, the Commission's Committee on Service Plazas, as well as the Commission's executive director and general counsel have recommended to the Commission that the Commission approve the Supplemental Agreement modifying Contract SS-9-A and extending such contract to June 1, 1994;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby adopts and approves the Supplemental Agreement between the Commission and BP Oil Company for Contract SS-9-A and hereby authorizes and directs the chairman and/or executive director to enter into such agreement on behalf of the Commission in substantially the same form as that presented to the Commission and further authorizes the executive director and general counsel to take any and all additional actions necessary to carry out the provisions of this Supplemental Agreement.

(Resolution 22-1992 adopted June 15, 1992)