

OHIO TURNPIKE COMMISSION

**Resolution Awarding a Contract for the Operation of
Unit #4 Food Concession (Sit-Down, Family-Style Restaurant)
at the Commission's Great Lakes and Towpath Travel Center
under Contract No. TR-8B (Unit #4)**

WHEREAS, on May 19, 1999, the Commission issued Contract No. TR-8B which requested Proposals for one or more Contracts for the operation of the food concession and/or retail/gift shops on the Ohio Turnpike at its Great Lakes and Towpath Travel Centers for an initial term of five (5) years, which may be extended, at the sole discretion of the Commission, for three (3) year periods, however, in no event shall said contract be extended for more than five (5) successive, three (3) year periods;

WHEREAS, for bidding and contract purposes, each Travel Center was divided into the following Units: Unit 1, Unit 2, Unit 3, Unit 4 and Unit 5;

WHEREAS, pursuant to Resolution No. 21-1999, adopted June 14, 1999, the Commission accepted the following **Alternate #3** bid of **Advanced Restaurant Concepts, Inc.** of Toledo, Ohio which utilizes the following concepts and rejected all other bids and alternates submitted for Units 1, 2, 3, 4 and 5 and further directed the Commission to re-advertise forthwith for bids for Unit #4 (food concession, sit-down restaurant);

Unit	Gross Receipts Bid %	Concept
1	15.75% as package	Travel Express/Coffee Beanery
2	15.75% as package	Pizza Hut Express
3	15.75% as package	Wendy's
4	No Bid	No Bid
5	15.75% as package	Hallmark

WHEREAS, advertisements of notice for the taking of bids for Unit #4 (food concession, sit-down restaurant) for the aforesaid Contract TR-8B (Unit #4) were duly published according to law;

WHEREAS, pursuant to Resolution No. 29-1999, the Commission rejected the one proposal submitted for the operation of only the Commission's Great Lakes Travel Center at the July 14, 1999 bid opening, and directed the Commission to re-advertise forthwith for bids for Unit #4 (food concession, sit-down restaurant);

WHEREAS, two companies presented various proposals for the operation of the Unit #4 (food concession, sit-down, family-style restaurant) on the Ohio Turnpike at its Great Lakes and Towpath Travel Centers which were duly opened and read on August 25, 1999, as provided in said published notice, and said bids are before this Commission Meeting;

WHEREAS, Bidders were given the opportunity to submit bids for their first, second and third choice, as well as alternate bids, and each bid incorporated the Bidder's choice of travel center, the percentage of gross receipts to be paid to the Commission with a description of the concept;

WHEREAS, the proposals were studied and analyzed by the Commission's Executive Director, Deputy Executive Director-Operations, Maintenance Engineer, Director of Safety Services and Assistant General Counsel;

WHEREAS, the Commission has given due and full consideration to the bids received and to the concepts offered, the Bidder's qualifications and abilities to perform the contract for which they submitted its bid;

WHEREAS, the aforesaid bids were solicited on the basis of the same terms and conditions with respect to all bidders and potential bidders;

WHEREAS, the Commission has determined that the bid of **Dalcan Limited Liability Company, d/b/a Panera Bread Company** of Warren, Ohio, which utilizes the following concept at the Commission's **Great Lakes** and **Towpath** Travel Centers

<u>Unit</u>	<u>Gross Receipts Bid %</u>	<u>Concept</u>
4	5%	Panera Bread Company

is the **best** of all bids received in response to the advertisement for said contract;

WHEREAS, the Commission has been advised by its assistant general counsel that said bid conforms to the requirements of all applicable statutes and to the terms and conditions set forth in the legal notice and other documents applicable thereto, and that the Commission may legally accept said bid; and

WHEREAS, the executive director and the assistant general counsel and the other members of the Commission's staff are satisfied with the capacity and ability of said bidder to perform its obligations pursuant to its bid;

NOW, THEREFORE, BE IT

RESOLVED that the bid of **Dalcan Limited Liability Company, d/b/a Panera Bread Company** of Warren, Ohio, which utilizes the following concept at the Commission's **Great Lakes** and **Towpath** Travel Centers:

<u>Unit</u>	<u>Gross Receipts Bid %</u>	<u>Concept</u>
4	5 %	Panera Bread Company

is, and is by the Commission determined to be, the **best** of all bids received for the performance of Contract TR-8B (Unit #4) and is accepted;

FURTHER RESOLVED that the executive director and assistant general counsel hereby are authorized to execute **Contract TR-8B (Unit #4) Great Lakes and Towpath** Travel Center, which provides for an initial term of **Seven (7) years** and at the Commission's option to extend for three (3) year periods, with **Dalcan Limited Liability Company, d/b/a Panera Bread Company** of Warren, Ohio, in the form heretofore prescribed by the Commission pursuant to the aforesaid bid, and to take any and all action necessary or proper to carry out the terms of said bid and said contract.

(Resolution No. 36-1999 adopted August 30, 1999)