

OHIO TURNPIKE COMMISSION

Resolution Accepting the Proposals and Authorizing the Executive Director To Take Further Action Concerning Award of Contract TR 8-C

WHEREAS, on July 31, 2000, the Commission issued Contract TR-8C which requested Proposals for one or more Contracts for the operation of the food concessions and retail/gift shops at its **Portage and Brady's Leap** Service Plazas located at Milepost 197.0 of the Ohio Turnpike in Portage County, Ohio;

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

WHEREAS, advertisements of notice for the taking of bids for the aforesaid Contract TR-8C were duly published according to law;

WHEREAS, three companies presented various proposals for the operation of the aforementioned units on the Ohio Turnpike at its Portage and Brady's Leap Service Plazas which proposals were duly opened and read on September 5, 2000, as provided in said published notice;

WHEREAS, said bids were reviewed and analyzed by the Commission's executive director and general counsel and pursuant to Resolution No. 23-2000 the Commission rejected said bids and recommended that the Commission's staff revise the bidding documents and re-advertise forthwith for bids for the operation of the food concessions and retail/gift shops under Contract TR-8C for its Portage and Brady's Leap Service Plazas;

WHEREAS, on October 30, 2000, the Commission received various proposals from three bidders (Advanced Restaurant Concepts, Inc. "**ARCI**"); HMS Host "**HMS**") and McDonald's Corporation "**McDonalds**") for the operation of the aforementioned units on the Ohio Turnpike at its Portage and Brady's Leap Service Plazas, said proposals are before this Commission Meeting;

WHEREAS, the Commission's executive director, deputy executive director and general counsel, together with two members of the Commission's staff, have reviewed the various proposals submitted and conducted individual negotiation meetings from November 27 through 30, 2000 with each bidder's representatives;

WHEREAS, the Commission has been advised by its general counsel that said proposals conform 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 proposals, and

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

WHEREAS, under the terms and conditions of the bidding documents for Contract TR-8C, the Commission has reserved the right to reject any and all bids; and

WHEREAS, said bids and combinations of bids have been reviewed and analyzed by the Commission's executive director, deputy executive director, assistant deputy executive director-chief engineer, director of safety services, CFO/comptroller and general counsel;

WHEREAS, the Commission desires to delegate to the executive director authority to take action on behalf of the Commission concerning the award of Contract(s) TR 8-C at such time as the Commission's executive director has completed its final negotiations and is satisfied with the capacity and ability of said bidder(s) to perform its obligations pursuant to its bid, if such action is deemed necessary prior to the next Commission meeting so that the operation of the food concessions and retail/gift shops at the Portage and Brady's Leap Service Plazas will be accomplished in an expedient manner;

WHEREAS, the executive director and general counsel hereby are authorized to execute Contract TR-8C pursuant to all terms negotiated by the executive director;

NOW, THEREFORE, BE IT

RESOLVED that the authority hereby granted to the executive director and general counsel shall include authority, if deemed appropriate, to award the subject contract(s) to any of the above-mentioned companies; and

FURTHER RESOLVED that the executive director may take such action aforesaid, provided that the general counsel issues an opinion that said bidder(s) comply with all statutory requirements of the State of Ohio and complies with the policies of the Commission; and

FURTHER RESOLVED that the executive director of the Ohio Turnpike Commission is hereby authorized to take any action necessary concerning award and execution of Contract TR 8-C for the operation of the food concessions and retail/gift shops at its **Portage and Brady's Leap** Service Plazas at Milepost 197.0, located in Portage County, Ohio; prior to the next meeting of the Commission, including the award of contract for such invitation and is further directed to notify the bidders in writing of said action; and

FURTHER RESOLVED that the executive director and general counsel hereby are authorized to execute Contract TR-8C (Units 1, 2, 3, 4 and 5) (Portage & Brady's Leap) Service Centers, with said successful bidder(s) which provide for the terms(s) and provisions the executive director determines to be in the best interests of the Commission, including but not limited to, monetary participation up to \$250,000 and up to 10% pricing adjustment in Unit 4, and to take any and all action necessary or proper to carry out the terms of said bid and said contract; and generally in accordance with the terms and conditions of the Commission's Request for Proposals dated October 2, 2000.

(Resolution No. 33- 2000 adopted December 18, 2000)