

## OHIO TURNPIKE COMMISSION

### Resolution Ratifying Award of Contract for the Operation of the Food Concessions, including Unit #4 (Sit-Down, Family-Style Restaurant), at the Commission's Portage/Brady's Leap Travel Center under Contract No. TR-8C

WHEREAS, on December 18, 2000, the Commission adopted Resolution No. 33-2000 accepting the proposals received in response to the Commission's RFP for 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, said resolution authorized the executive director and general counsel authority, if deemed appropriate, to award contracts to any of the companies who responded to the Commission's RFP and to take further action relating to the award of contract;

WHEREAS, at the Commission's February 12, 2001 meeting of the Commission, the executive director reported that on January 29, 2001, contracts were awarded to the following vendors:

<u>Unit</u>	<u>Gross Receipts Bid %</u>	<u>Operator</u>	<u>Concept</u>
1	9.25%	HMS Host	Starbucks
2	9.25%	HMS Host	Travel Mart
3	10.01%	McDonalds Corp.	McDonalds *
4	<b>No Bid</b>	<b>No Bid</b>	
5	9.25%	HMS Host	Fossil/Bijoux Turner

*\* 7-year contract w/option*

WHEREAS, contract documents have been executed by the parties;

WHEREAS, the Executive Director further reported that at the time the Commission was unable to negotiate a contract with the remaining proposer, Advanced Restaurant Concepts, Inc. (ARCI), for Unit #4 and deemed it in the best interests of the Commission to re-advertise for said Unit;

WHEREAS, on April 18, 2001, although no bids were received at the bid opening for re-advertisement of Unit #4, the Commission determined it would explore interest with our current concessionaires and/or other vendors who have expressed an interest in operating Unit #4;

WHEREAS, shortly after the April bid opening, representatives from Restaurant Developers Corp. of Independence, Ohio met with Commission staff members and presented a proposal for the operation of a food concesssion at the Commission's Portage and Brady's Leap Service Plaza, Unit #4;

WHEREAS, members of the Commission's staff reviewed the proposal and subsequent meetings were held to clarify their proposal and to negotiate the terms of said contract;

WHEREAS, Restaurant Developers Corp. proposes the following food concepts for Unit #4:

<u>Unit</u>	<u>Gross Receipts</u> <u>Bid %</u>	<u>Operator</u>	<u>Concept</u>
4	\$56,000 Guaranteed Yearly Payment plus 9% of annual gross receipts in excess of \$800,000	Restaurant Developers Corp.	Mr. Hero

WHEREAS, the terms were finalized and contract documents were forwarded to representatives of Restaurant Developers Corp. on November 9, 2001, which contract reflects an initial 7-year term, and at the Commission's option, to extend for three (3) year periods, with option to extend;

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby ratifies the actions taken by the General Counsel and Executive Director relating to the award, negotiation and execution of the contracts with HMS Host for the operation of Units 1, 2 and 5, and McDonald's Corporation for the operation of Unit 3 at the Commission's Portage and Brady's Leap Service Plazas; and

FURTHER RESOLVED that the Commission hereby ratifies and authorizes the actions taken by the General Counsel and Executive Director relating to the award, negotiation and execution of a contract with Restaurant Developers Corp. for the operation of Unit 4 at the Commission's Portage and Brady's Leap Service Plazas.

**(Resolution No. 31-2001 adopted December 10, 2001)**