

OHIO TURNPIKE COMMISSION

**Resolution Ratifying Award of Contracts for the Operation of
the Food Concessions and Retail/Gift Shops at the
Commission's Middle Ridge and Vermilion Valley
Service Plazas under Contract No. TR-8D**

WHEREAS, on December 10, 2001, the Commission adopted Resolution No. 32-2001 accepting the proposals received in response to the Commission's RFP for the food concessions and retail/gift shops at its Middle Ridge and Vermilion Service Plazas located at Milepost 139.5 of the Ohio Turnpike in Lorain 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 contracts;

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

WHEREAS, the following bidders propose the following food concepts:

<u>Unit</u>	<u>Gross Receipts Bid %</u>	<u>Operator</u>	<u>Concept</u>
1	9.8%	HMS Host Corp., Inc.	Starbucks, Popeye's Manchu Wok (MR) Great Steak & Potato (VV)
2	9.8%	HMS Host Corp., Inc.	Burger King/TCBY
3	*	Dalcan Limited Liab. Co., d/b/a Panera Bread Co.	Panera Restaurant
4	9.8% receipts to \$1,000,000 12% receipts over \$1,000,000	HMS Host Corp., Inc.	Travel Mart
*	\$60,000 minimum guaranteed yearly payment, plus 5% of receipts \$1,500,000 to \$2,000,000 7.5% of receipts \$2,000,000 to \$2,500,000 10% of receipts over \$2,500,000 plus \$30,000 yearly credit to be applied against the first three years of the initial term		

WHEREAS, by memorandum dated January 24, 2002, the executive director advised the Commission members that contracts were awarded on January 18, 2002 to the above-mentioned bidders;

WHEREAS, the terms were finalized and contract documents were forwarded to representatives of HMS Host Corp. on January 18 2002, which contract reflects an initial 7-year term, and at the Commission's option, to extend for additional five (5) year periods; and

WHEREAS, the terms were finalized and contract documents were forwarded to representatives of Dalcan Limited Liability Co., d/b/a Panera Bread Company on

January 18, 2002, which contract reflects an initial 10-year term, and at the Commission's option, to extend for additional five (5) year periods; and

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 4** at the Commission's Middle Ridge and Vermilion Valley Service Plazas; and

FURTHER 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 **Dalcan Limited Liability Company**, d/b/a Panera Bread Company for the operation of **Unit 3** at the Commission's Middle Ridge and Vermilion Valley Service Plazas.

(Resolution No. 2-2002 adopted January 28, 2002)