

OHIO TURNPIKE COMMISSION

Resolution Awarding Contract for the Operation of a Specialty Retail Concession at the Commission's Middle Ridge and Vermillion Valley Service Plazas under Contract No. TR -8D (Unit #6)

WHEREAS, on August 28, 2002 by Resolution No. 31-2002, the Commission rejected the proposal submitted by HMSHost Corporation, Inc. for the operation of a specialty retail concept at the Commission's Unit #5 and #6 at its Middle Ridge and Vermilion Valley Service Plazas located at Milepost 139.5 of the Ohio Turnpike in Lorain County, Ohio;

WHEREAS, the Commission instructed its Interim Executive Director to re-advertise, forthwith;

WHEREAS, advertisements of notice for the taking of proposals for the aforesaid Contract TR-8D (Units #5 and #6) were duly published according to law;

WHEREAS, HMSHost Corporation, Inc. presented a proposal for the operation of the aforementioned Unit #6 on the Ohio Turnpike at its Middle Ridge and Vermilion Valley Service Plazas which proposal was duly opened and read on September 20, 2002, as provided in said published notice, and said proposal is before this Commission Meeting;

WHEREAS, the Commission has advertised three times in the past year and has not received any acceptable proposals for the operation of Unit #5, and the Commission's staff recommends that the Commission proceed with the award for the operation of Unit #6 and continue to explore interest with our current concessionaires and/or other vendors who have expressed an interest in operating Unit #5;

WHEREAS, members of the Commission's staff reviewed the HMSHost's proposal for the operation of Unit #6 and subsequent meetings were held to clarify its proposal and to negotiate the terms of said contract;

WHEREAS, HMSHost Corporation, Inc. proposes the following specialty concept for Unit #6 at the Commission's Middle Ridge and Vermilion Valley Service Plazas:

<u>Rent</u>	<u>Min. Rent</u>	<u>Property Mgmt. Fee</u>	<u>Capital Improvemt. Fee</u>	<u>Concept</u>
8.0%	\$30,000 per unit to be added to existing HMS minimum rent at these locations	4%	1%	UV3 Accessories

WHEREAS, the Commission has given due and full consideration to the subject proposal received and to the concept offered, the Bidder's qualifications and abilities to perform the contract for which it submitted its respective bid;

WHEREAS, the Commission has been advised by its 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 interim executive director and the 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 above-mentioned proposal submitted by **HMSHost Corporation, Inc.** for the performance of **Contract TR-8D (Unit #6)** is hereby accepted; and

FURTHER RESOLVED that the interim executive director and general counsel hereby are authorized to execute **Contract TR-8D (Unit #6) (Middle Ridge and Vermilion Valley)** Service Plazas, which provides for an initial term of seven (7) years and at the parties' mutual agreement and written notice to extend for additional five (5) year periods, with **HMSHost Corporation, Inc.** 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.

FURTHER RESOLVED that the Commission's staff will continue to explore interest with our current concessionaires and/or other vendors who have expressed an interest in operating Unit #5 of the Middle Ridge and Vermilion Valley Service Plazas.

(Resolution No. 40-2002 adopted November 12, 2002)