

OHIO TURNPIKE COMMISSION

Resolution Awarding Contract for the Operation of the Food Concession at the Commission's Great Lakes and Towpath Service Plazas under Contract No. TR -8B (Unit #3)

WHEREAS, on June 17, 2002 by Resolution No. 21-2002, the Commission awarded a contract to Compass Group USA, Inc. ("Compass") of Charlotte, North Carolina, for the operation of a "Wendy's" concept in Unit #3 of the Commission's Great Lakes and Towpath Service Plazas under Contract No. TR-8B; and

WHEREAS, Compass has elected not to fulfill its contractual obligations and will cease its business operations at the two Wendy's restaurants after the close of business on January 5, 2004; and

WHEREAS, the director of contracts administration has opined that the proposals submitted in the response to the Commission's Request for Proposals (RFP) for Contract TR-8B (Unit #3) dated April 24, 2002, are still valid and in conformance with Ohio Revised Code Section 5537.13, with respect to finding a replacement food concept; and

WHEREAS, members of the Commission's evaluation committee, including the deputy executive director, the director of contracts administration and the customer services manager, reviewed the proposals of those companies still interested in operating Unit #3 at the Great Lakes and Towpath Service Plazas; and

WHEREAS, the Commission's evaluation committee has given due and full consideration to the proposals received and to the concepts offered, the bidder's qualifications and their abilities to perform the contract for which they submitted their respective proposals; and

WHEREAS, the Commission's evaluation committee has recommended that the Commission accept the proposal submitted by HMS Host Tollroads, Inc. for the following concept for the remainder of the contract term through June 17, 2009:

<u>Unit</u>	<u>Guaranteed Yearly Payment</u>	<u>Percentage Return</u>	<u>Concept</u>
3	\$75,000.00/plaza	12%	Burger King

WHEREAS, the Commission has been advised by its director of contracts administration that it may legally accept said proposal as said proposal is the "best bid" in conformance with Ohio Revised Code Section 5537.13 and conforms to the requirements of all other applicable statutes and to the terms and conditions set forth in the original RFP; and

WHEREAS, the executive director and the members of the Commission's evaluation committee are satisfied with the capacity and ability of said bidder to perform its obligations pursuant to its proposal;

NOW, THEREFORE, BE IT

RESOLVED that the above-mentioned proposal submitted by **HMS Host Tollroads, Inc.** for the performance of **Contract TR-8B (Unit #3)** is hereby accepted; and

FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to execute a contract with **HMS Host Tollroads, Inc.** for the remainder of the Compass Group's initial contract term of seven (7) years and to take any and all action necessary or proper to carry out the terms of said bid and said Contract TR-8B (Unit #3) for the operation of a "Burger King" restaurants at the Commission's Great Lakes and Towpath Service Plazas.

(Resolution No. 53 -2003 adopted December 15, 2003)