

OHIO TURNPIKE COMMISSION

Resolution Directing the Executive Director to Take Immediate Action Concerning Modification of Food Concession Contract TR-8B (Unit #4)

WHEREAS, pursuant to Resolution No. 36-1999 adopted on August 30, 1999, the Commission awarded Contract No. TR 8-B (Unit #4) to **Dalcan Limited Liability Company, dba/Panera Bread Company (“Dalcan”)** of Warren, Ohio, for the operation of the food concession utilizing the “Panera Bread Company” concept at the Commission’s Great Lakes and Towpath Service Plazas; and

WHEREAS, said contract provided for an initial term of seven (7) years and also provided that the contract may be extended for not more than five (5) successive three (3) year periods at the sole discretion of the Commission; and

WHEREAS, restaurant and retail sales volumes at the Great Lakes and Towpath Service Plazas have been a concern to the Commission, as well as the Operators; and

WHEREAS, at the request of Dalcan, the Commission’s deputy executive director, director of contracts administration and customer services manager have extensively reviewed the current contractual arrangement, and have met with Dalcan to renegotiate three specific areas of the current contract; and

WHEREAS, the Commission does not wish to be in a position of having to replace a key anchor concept such as “Panera Bread Company”; and

WHEREAS, the Commission has been pleased with the services rendered by Dalcan over the years, and both parties are agreeable to a modification of the existing contract, which terms and conditions are summarized in the letter to the Commission dated October 18, 2004, which is attached hereto; and

WHEREAS, the Commission’s director of contracts administration has reviewed the proposed modified terms and has advised the executive director that the Commission has full legal authority to enter into this proposed contract modification with Dalcan.

NOW, THEREFORE, BE IT

RESOLVED that the Commission hereby authorizes the executive director and director of contracts administration to take the appropriate action necessary to execute the contract modifications with **Dalcan Limited Liability Company, dba/Panera Bread Company** of Warren, Ohio, for the operation of the Unit #4 food concession utilizing the “Panera Bread Company” concept at the Commission’s Great Lakes and Towpath Service Plazas.

(Resolution No. 51-2004 adopted October 18, 2004)