

OHIO TURNPIKE COMMISSION

Resolution Awarding a Contract for the Operation of the Food and Retail Concessions at the Commission's Blue Heron and Wyandot Service Plazas under Contract No. TR-8E

WHEREAS, on August 26, 2004, the Commission issued a Request for Proposals (RFP) relating to the operation of the food and retail concessions at its newly renovated Blue Heron and Wyandot Service Plazas located at Milepost 76.9 of the Ohio Turnpike in Sandusky County, Ohio; and

WHEREAS, advertisements of notice for the taking of bids for the food and retail concessions for the aforesaid Contract TR-8E were duly published according to law;

WHEREAS, three (3) companies presented various proposals and concepts for the operation of the food and retail concessions on the Ohio Turnpike at its Blue Heron and Wyandot Service Plazas, which were duly opened on October 4, 2004, as provided in said published notice; and

WHEREAS, the aforesaid bids were solicited on the basis of the same terms and conditions with respect to all bidders and potential bidders;

WHEREAS, the Commission's deputy executive director, chief engineer, customer service manager and division service plaza manager-east have reviewed the various proposals submitted, and by utilizing a consensus scoring method have awarded the highest evaluation score to the proposal submitted by Hardee's Food Systems, Inc. ("Hardee's"); and

WHEREAS, the Commission's staff next solicited Hardee's Revenue Sharing Proposals for operation of both service plazas, and the response was a very competitive 10% of gross receipts for all operations; and

WHEREAS, the Commission also conducted a meeting with Hardee's to review their Revenue Sharing Proposal, proposed concepts, construction and build-out plans and has determined that the proposal submitted by **Hardee's Food Systems, Inc.** of Anaheim, California, which utilizes the following concepts for both the Blue Heron and Wyandot Service Plazas:

<u>Concessionaire</u>	<u>Concept</u>	<u>Percentage Return of Gross Receipts</u>
Hardee's	24-hour quick-serve restaurant with breakfast menu	10%
Mancino's	Pizza with fresh bread sandwiches	10%
Gloria Jean's Coffees	Coffee and pastry shop	10%
Travel Store	Gift shop and sundries	10%

is the **best** of all bids received in response to the advertisement for said contract;
and

WHEREAS, the Commission has been advised by its director of contracts administration that said proposal conforms to the requirements of Ohio Revised Code Section 5537.12 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 proposals, and

WHEREAS, the Commission has given due and full consideration to the subject proposal received and to the concepts offered, the Bidder's qualifications, the services rendered by Hardee's over the past nineteen years at the Commission's Indian Meadows and Tiffin River Service Plazas, as well as, the Blue Heron and Wyandot Service Plazas, prior to reconstruction, and its abilities to perform the contract for which it submitted its respective bid; and

WHEREAS, the executive director and the director of contracts administration 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 **Hardee's Food Systems, Inc.** for the performance of **Contract TR-8E** is hereby accepted; and

FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to execute **Contract TR-8E (Blue Heron and Wyandot)** Service Plazas, with **Hardee's Food Systems, Inc.**, which provides for an initial term of seven (7) years and, at the parties' mutual agreement, possible extensions for additional five (5) year periods, 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.

(Resolution No. 58-2004 adopted November 15, 2004)