

## OHIO TURNPIKE COMMISSION

### Resolution Awarding Agreement TRV-8E for Food, Beverage and Laundry Vending Services at the Commission's Blue Heron and Wyandot Service Plazas

WHEREAS, on February 16, 2005, the Commission issued its Request for Proposals (RFP) for Food, Beverage and Laundry Vending Services at the Commission's **Blue Heron and Wyandot Service Plazas** for an initial term of three (3) years, which may be extended for not more than three (3) additional two (2) year terms; and

WHEREAS, copies of the Commission's RFP were mailed to thirty-six (36) firms expressing an interest in providing the requested vending services to the Commission for both of the aforesaid service plazas; and

WHEREAS, AVI Foodsystems, Inc. and Canteen/Cuyahoga Group presented proposals to furnish vending services at the Commission's Blue Heron and Wyandot Service Plazas, which were duly opened on March 9, 2005, as provided in said published notice; and

WHEREAS, an evaluation committee comprised of the deputy executive director, the division service plaza manager-east and the division service plaza manager-west reviewed the proposals submitted and awarded technical scores to each respondent, which scores were then added to the score awarded to the cost proposal submitted by each respondent in order to identify the "best proposal;" and

WHEREAS, as a result of this process, the evaluation committee has concluded that the "best proposal" received in response to the subject RFP was submitted by **AVI Foodsystems, Inc.** of Warren, Ohio and recommends that an Agreement be entered into with AVI Foodsystems, Inc., which, under the ensuing Agreement, will compensate the Commission in the amount of 41.6% of food and beverage vending gross revenues and 50% of laundry vending gross revenues to the Commission; and

WHEREAS, subsequent to the bid opening, the Commission was contacted by the Bureau of Services for the Visually Impaired, Business Enterprise Program ("BEP") regarding its possible interest in operating a vending facility at the Blue Heron and Wyandot Service Plazas, but the offer received from the BEP would not generate any revenue for the Commission; and

WHEREAS, the Commission's director of contracts administration has reported to the Commission that Ohio Revised Code Section 5537.13(B) contemplates that the Commission will accept the "best bid" for service plazas operations, and also that the Commission has pledged its concession revenues to help cover its debt ratio for the repayment of obligations to the Commission's bondholders pursuant to its Trust Agreement with the Huntington National Bank; and

WHEREAS, the Commission's director of contracts administration has reviewed the evaluation committee's recommendation, as well as the general counsel's opinion, expressed in correspondence with the BEP and the BEP's offer, all of which are summarized in the director of contracts administration's written recommendation, which is before the Commission, and she has communicated her concurrence with the evaluation committee's recommendation to the executive director and the Commission; and

WHEREAS, the executive director has made his recommendation to the Commission predicated on the evaluation committee's, the director of contracts administration's recommendation and the general counsel's legal opinion regarding this matter; and

WHEREAS, the Commission has given due and full consideration to the proposals received, the respondents' qualifications and abilities to perform the Agreement, as well as the BEP's offer; and

WHEREAS, the two aforesaid proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents; and

WHEREAS, the Commission has determined that the proposal submitted by **AVI Foodsystems, Inc.** of Warren, Ohio, is the **best** of all proposals received in response to the advertisement of said Agreement TRV-8E; and

WHEREAS, the Commission has been advised by its director of contracts administration that said RFP conforms to the requirements of Ohio Revised Code Section 5537.13 as it relates to the award of service plaza operator agreements and to the terms and conditions set forth in the legal notice and the RFP, and that AVI Foodsystems, Inc. has provided a proposal guaranty and evidence of its ability to provide all other required bonds and insurance as set forth in the RFP, and that the Commission may legally accept said proposal from AVI Foodsystems, Inc.; and

WHEREAS, the executive director and the director of contracts administration and the other members of the Commission's staff are satisfied with AVI Foodsystems, Inc.'s capacity, ability and prior excellent service to the Commission to perform its obligations pursuant to its proposal.

NOW, THEREFORE, BE IT

RESOLVED that the proposal submitted by **AVI Foodsystems, Inc.** of Warren, Ohio, is, and is by the Commission determined to be, the **best** of all proposals received for the performance of Agreement TRV-8E and is accepted; and

FURTHER RESOLVED that the executive director and director of contracts administration hereby are authorized to execute an Agreement with **AVI Foodsystems, Inc.** of Warren, Ohio, to furnish vending services at the Commission's **Blue Heron and Wyandot Service Plazas** under Agreement TRV-8E, which provides for an initial term of three (3) years commencing on the date of execution and further provides the option to extend the Agreement for no more than three (3), two (2) year terms, in the form heretofore prescribed by the Commission pursuant to the aforesaid RFP, and to take any and all action necessary or proper to carry out the terms of said RFP and said Agreement; and

FURTHER RESOLVED that the Commission directs the return to the other respondent of its proposal guaranty, as submitted with its proposal, as soon as said Agreement is executed with AVI Foodsystems, Inc., and to advise any other interested party of the Commission's actions forthwith.

**(Resolution No. 19-2005 adopted April 18, 2005)**