

OHIO TURNPIKE & INFRASTRUCTURE COMMISSION

Resolution Authorizing Agreement with Petrogas Group dba Applegreen PLC for the Operation of Food and Retail Concessions at the Commission’s Erie Islands and Commodore Perry Service Plazas

WHEREAS, on May 11, 2021, in conformance with the requirements of Ohio Revised Code Section 5537.13, the Commission published notice of its Request for Proposals (“RFP”) for Food and Retail Concession Operations at the Erie Islands and Commodore Perry Service Plazas located at Milepost 100.0 in Sandusky County (Agreement No. 2021-SP-4-MCA-FRC); and

WHEREAS, site visits were conducted on June 2, 2021 and June 9, 2021 for interested parties; and

WHEREAS, on August 4, 2021, three Proposals for the operation of food and retail concessions were received from Petrogas Group dba Applegreen PLC, of Andover, Massachusetts, AVI Foodsystems, Inc., of Warren, Ohio, and CKR/Hardees Foodsystems of Franklin, Tennessee; and

WHEREAS, an Evaluation Team consisting of staff from the Service Plaza Operations Department and Office of Equity and Inclusion reviewed the Proposals submitted and concluded that the best Proposal in terms of branding, financial and operational capabilities was submitted by Petrogas Group dba Applegreen PLC and further indicated in the evaluation summary that Petrogas Group dba Applegreen PLC has significant experience, expertise and resources in operating food and retail concessions in transportation service sectors; and

WHEREAS, Revenue Sharing Proposals were then unsealed; and

WHEREAS, Petrogas Group dba Applegreen PLC submitted the best Technical and Revenue Sharing Proposal, with the overall Proposal summarized as follows:

| Concessionaire | Brand Concepts | Revenue Sharing Return on Gross Receipts |
|-----------------------|--|--|
| Applegreen PLC | Burger King Dunkin Sbarro Panda Express Baskin Robbins | <ul style="list-style-type: none">• Guaranteed Annual Min. Payment of: Calendar Year 2022: \$1,500,000; increased by 2% annually• 14% of receipts for food concession fee• 14% of receipts for retail concession fee |

WHEREAS, the Commission’s Staff Attorney has determined that the Petrogas Group dba Applegreen PLC’s proposal conforms to the requirements of Ohio Revised Code Sections 5537.07 and 5537.13, Proposals were solicited on the basis of the same terms and conditions with respect to all respondents and potential respondents, Petrogas Group dba Applegreen PLC has provided the requisite proposal guaranty and proof of insurance required under the RFP, and the Commission may legally accept said company’s proposal; and

WHEREAS, the Executive Director has reviewed the recommendation of the Evaluation Team and, predicated upon their analysis, has made his recommendation to the Commission that Agreement No. 2021-SP-4-MCA-FRC be awarded to Petrogas Group dba Applegreen PLC; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED, that the Proposal submitted by Petrogas Group dba Applegreen PLC of Andover, Massachusetts, for the performance of Food and Retail Concession Operations at the Erie Islands and Commodore Perry Service Plazas is hereby accepted, and that the Executive Director and/or General Counsel are directed to: 1) execute Agreement No. 2021-SP-4-MCA-FRC with Petrogas Group dba Applegreen PLC for an initial term of ten (10) years, 2) direct the return to each respondent of their proposal guaranty at such time as Petrogas Group dba Applegreen PLC has entered into the Agreement with the Commission, 3) renew said Agreement for up to five (5) additional, five-year periods, and 4) take any and all action necessary to properly carry out the terms of said Agreement; and

FURTHER RESOLVED, that the Executive Director has the authority under Article V, Section 1.00 of the Code of Bylaws to approve such extra work or change orders under said contract that does not exceed ten percent (10%) of the approved contract amount or the Executive Director's contracting authority and which is a result of an increase in the planned quantities, newly mandated requirements that did not exist at the time of original contract award, or circumstances that would create a life, safety, or health threatening situation or would unduly delay the completion of the Projects or increase its costs.

(Resolution No. 57-2021 adopted September 20, 2021)