

OHIO TURNPIKE COMMISSION

Resolution Awarding Agreement TR-9G for the Operation of Food Concessions at the Commission's Mahoning Valley and Glacier Hills Service Plazas

WHEREAS, on July 29, 2011, 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 to commence in the summer of 2012 at the reconstructed Mahoning Valley and Glacier Hills Service Plazas located at Milepost 237.2 in Mahoning County (Agreement No. TR-9G); and

WHEREAS, on September 7, 2011, two Proposals for the operation of food concessions were received from **Dalcan, LLC** ("**Dalcan**") of **Warren, Ohio** and from **HMSHost Tollroads, Inc.** of **Bethesda, Maryland**; and

WHEREAS, an Evaluation Team consisting of staff from the Service Plaza Operations Department reviewed the Proposals submitted and concluded that the best Proposal in terms of branding, financial capabilities and staffing was submitted by Dalcan, and further indicated in the evaluation summary that Dalcan has numerous years experience and expertise in operating food concessions at the Commission's Service Plaza facilities; and

WHEREAS, Revenue Sharing Proposals were then unsealed; and

WHEREAS, Dalcan submitted the best Revenue Sharing Proposal, which was further negotiated by Commission staff, with the overall Proposal summarized as follows:

<u>Concessionaire</u>	<u>Brand Concepts</u>	<u>Revenue Sharing Return on Gross Receipts</u>
Dalcan, LLC	•24-hour quick-serve restaurant Panera Bread •DQ Grill and Chill with Orange Julius	•Annual flat rent of \$400,000. •At Glacier Hills, add'l 5% of receipts between \$2,500,000 and \$3,000,000. •At each Plaza, 7.5% of receipts between \$3,000,000 and \$3,500,000. •At each Plaza, 10.0% of receipts above \$3,500,000.

The above-referenced payments to the Commission are in addition to the contractually required 4% property management fee, the 1% capital improvements fee, and the common area maintenance fees.

WHEREAS, the Commission has been advised by its Director of Contracts Administration that the Dalcan 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, Dalcan 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 Interim Executive Director has reviewed the reports of the Evaluation Team and the Director of Contracts Administration and, predicated upon their analysis, has made his recommendation to the Commission that Agreement No. TR-9G be awarded to Dalcan, LLC; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Proposal submitted by **Dalcan, LLC** of **Warren, Ohio** for the performance of Food Concession Operations at the Mahoning Valley and Glacier Hills Service Plazas is hereby accepted, and that the Interim Executive Director and Director of Contracts Administration are directed to: 1) execute Agreement No. TR-9G with Dalcan, LLC for an initial term of seven years, 2) direct the return to each respondent of their proposal guaranty at such time as Dalcan has entered into the Agreement with the Commission, 3) renew said Agreement for up to five additional, five-year periods, and 4) take any and all action necessary to properly carry out the terms of said RFP and said Agreement.

(Resolution No. 47-2011 adopted October 17, 2011)