

OHIO TURNPIKE AND INFRASTRUCTURE COMMISSION

Resolution Awarding Contract for Facility Sponsorship Marketing Services

WHEREAS, pursuant to Ohio Revised Code Section 5537.13(A), the Commission may “contract in the manner provided by this section with any person desiring the use of any part . . . [of each turnpike project], including the right-of-way adjoining the paved portion, for placing thereon telephone, electric light, or power lines, service facilities, or for any other purpose, and fix the terms, conditions, rents, and rates of charge for such use;” and

WHEREAS, the Commission is seeking to develop and maximize new revenue streams, including those derived from trading on its “naming rights” for real property or improvements thereon, and specifically such physical assets that have yet undeveloped potential for monetization through marketing and negotiating the sale or licensing of naming rights; and

WHEREAS, these assets include the Commission’s fourteen service plazas, thirty-one toll plaza interchanges, multiple bridges and, possibly, the 241-mile roadway itself; and

WHEREAS, on July 1, 2013, the Commission issued its Request for Qualifications (“RFQ”) for Facility Sponsorship Marketing Services for an initial term of three years, which may be extended for an additional two-year period; and

WHEREAS, on August 1, 2013, four Proposals were received from firms that are established as specialists in identifying specific types of marketing opportunities, estimating their value, and negotiating agreements derived therefrom; and

WHEREAS, an Evaluation Team comprised of the Director of Governmental Affairs, Marketing and Communications, the CFO/Comptroller and the Service Plaza Operations Manager reviewed and evaluated the technical aspects of Proposals and invited two finalists to make presentations and submit Fee Proposals; and

WHEREAS, upon completion of its review, the Evaluation Team awarded the highest and best Technical score to **Legends Sales & Marketing, LLC (“Legends”)**, of **Plano, Texas**, which firm also submitted the best Fee Proposal; and

WHEREAS, Legends proposes to perform an “asset evaluation” in the not-to-exceed amount of **\$50,000**, and, once the evaluation report is approved and Legends begins to engage in the active pursuit of sponsors for the Commission’s assets, Legends will be paid a **monthly retainer of \$10,000**; and

WHEREAS, Legends will also earn **10% of the total sponsorship fees generated up to \$3 million, 12.5% of the total sponsorship fees generated up to \$5 million, 15% of the total sponsorship fees generated up to \$10 million and 17.5% of the total sponsorship fees generated over \$10 million**; and

WHEREAS, as a result of the RFQ process, the Evaluation Team has recommended that the Commission enter into a Facility Sponsorship Marketing Services Contract with Legends; and

WHEREAS, the General Counsel advises that: 1) the RFQ conforms to the requirements of applicable statutes including Ohio Revised Code Section 5537.07, 2) the aforesaid Proposals were solicited on the basis of the same terms and conditions with respect to all RFQ respondents and potential respondents, 3) due and full consideration has been given to the Proposals received, the respondents’ qualifications and their abilities to perform the required services, 4) Legends has demonstrated the ability to provide the required insurance as set forth in the RFQ, and 5) the Commission may legally accept said Proposal from Legends; and

WHEREAS, the Executive Director has reviewed the Evaluation Team's and the General Counsel's written recommendations and concurs with the selection of Legends to provide the contemplated Facility Sponsorship Marketing Services; and

WHEREAS, the Commission has duly considered such recommendations.

NOW, THEREFORE, BE IT

RESOLVED that the Proposal submitted by **Legends Sales & Marketing, LLC**, of **Plano, Texas**, is, and is by the Commission determined to be, the best of all Proposals received for the performance of the contemplated Facility Sponsorship Marketing Services and is accepted; and

FURTHER RESOLVED that the Executive Director and General Counsel hereby are authorized to: 1) execute a Contract with **Legends** to provide Facility Sponsorship Marketing Services for a term of three years, 2) take any and all action necessary or proper to carry out the terms of said Contract, all in accordance with the terms and conditions of the Commission's RFQ, Legends' response thereto and its fee proposals therefor; and 3) extend the Contract for an additional two-year term predicated on a satisfactory performance review by the Director of Governmental Affairs, Marketing and Communications.

(Resolution No. 83-2013 adopted December 16, 2013)