

**METROPOLITAN EXPOSITION RECREATION COMMISSION**

**Resolution No. 09-03**

For the purpose of approving a two month extension of the Concessions and Catering Management Agreement with Aramark/Giacometti Partners and authorizing the MERC CEO to execute the extension as approved by the Metropolitan Exposition Recreation Commission.

**Whereas**, the Commission is responsible for the overall management of its operation facilities and has authority to contract with outside firms to provide necessary operational services to meet event and facility related needs, and;

**Whereas**, the Commission in June of 1999 approved selection of Aramark/Giacometti Partners as the exclusive provider of Food and Beverage Management Services and exercised its option to extend this contract in January of 2003 for all MERC facilities, and;

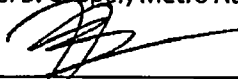
**Whereas**, the Commission has released an RFP (Request for Proposals) for Food and Beverage Management Services and to give adequate time to manage its RFP process and select a vendor for the new contract, and wishes to extend the current contract through August 31, 2009 with Aramark/Giacometti Partners;

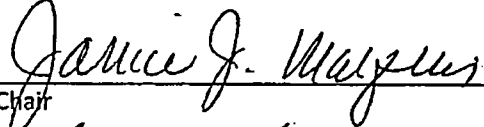
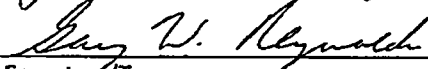
**Whereas**, the Commission has the authority to delegate to the MERC CEO, the authority to execute this extension to the current Food and Beverage Management Services Contract which it feels is in the best interest of the MERC facilities operations;

**BE IT THEREFORE RESOLVED**, that the Metropolitan Exposition Recreation Commission approves a two (2) month extension to August 31, 2009 of the Aramark/Giacometti Partners contact for the express purposes of providing adequate time for the current Request for Proposals process for a new Food and Beverage Management Services Contract and further delegates to the MERC CEO the authority to execute a contract extension with the terms in substantially the form attached as Exhibit A.

Passed by the Commission on April 22, 2009.

Approved as to Form:  
Daniel B. Cooper, Metro Attorney

By:   
Nathan B. Schwartz Sykes  
Senior Attorney

  
Chair  
  
Secretary/Treasurer

## **MERC STAFF REPORT**

**Agenda Item/Issue:** Approve a two (2) month extension to the current Aramark/Giacometti Food and Beverage Management Services to allow adequate time to manage the Request for Proposals process and select a vendor for a new Food and Beverage Management Services Contract for all MERC facilities.

**Resolution No.** 09-03

**Presented By:** Jeffrey A. Blosser

**Date:** April 22, 2009

**Background and Analysis:** the current MERC Food and Beverage Management Services Contract will expire after 10 years and MERC has released an RFP for new Food and Beverage Management Services in April 2009. To give adequate time to review proposals, interview selected vendors, negotiate a new contract, approve the contract and provide for a transition period, MERC needs to extend the current contract to August 31, 2009 (two months). All items of the current contract period will remain in effect for this two month extension period.

**Financial Impact:** There will be no financial impact to MERC as the budget for Food and Beverage Operations approved by the MERC Commission will be in effect July 1, 2009 for the extension period.

**Recommendation:** Staff recommends that the Metropolitan Exposition Recreation Commission approve the two month extension to the Aramark/Giacometti Food and Beverage Management Services contract and authorize the MERC CEO to execute the extension to the contract.

**FIFTH AMENDMENT TO THE  
CONCESSIONS AND CATERING MANAGEMENT AGREEMENT**

This Fifth Amendment to the Concessions and Catering Management Agreement (hereinafter "Fifth Amendment") is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2009 by the Metropolitan Exposition Recreation Commission (hereinafter "MERC" or "Commission") and Aramark/Giacometti Joint Venture ("Concessionaire").

**RECITALS**

WHEREAS, MERC and Concessionaire are parties to a Concessions and Catering Management Agreement, dated June 16, 1999, and amended on December 19, 2001 by the First Amendment to Food and Beverage Management Services Agreement, further amended on May 7, 2003 by the Second Amendment to the Concessions and Catering Management Agreement, and amended again by the Third Amendment to the Concessions and Catering Management Agreement on February 19, 2004, and further amended by the Fourth Amendment to the Concessions and Catering Management Agreement on April 28, 2005 (as so amended, the "Agreement"); and

WHEREAS, the Agreement is currently set to expire on June 30, 2009;

WHEREAS, MERC is in the process of requesting proposals from interested parties in regard to providing catering services to its facilities; and

WHEREAS, the request for proposal process will likely not be concluded until after June 30, 2009; and

WHEREAS, MERC and Concessionaire would like to amend the Agreement to extend the term for an additional two months;

NOW, THEREFORE, the parties agree as follows:

**1. Effective Date.**

The effective date of this Fifth Amendment is upon execution by the parties.

**2. Term.**

The Term of the Agreement is extended by two months to August 31, 2009.

**3. Remaining Terms.**

All other terms and conditions of the Agreement and amendments thereto shall remain in full force and effect.

**5. Entire Agreement.**

The Agreement and this Fifth Amendment contain the complete and exclusive agreement between the parties, and are intended to be a final expression of their agreement. No promise, representation or covenant not included in the Agreement or this Fifth Amendment has been or is relied upon by any party.

No modification or amendment of this document shall be in force or effect unless approved by MERC and the Concessionaire.

**METROPOLITAN EXPOSITION  
RECREATION COMMISSION**

**ARAMARK/GIACOMETTI JOINT VENTURE  
By: ARAMARK Sports and Entertainment  
Services, Inc., a partner**

By: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_