

**RESOLUTIONS – Rescind and Re-Award - Troy Community Center
Catering Contract**

A) WHEREAS, On May 9, 2011, Troy City Council awarded a contract to provide catering services at the Troy Community Center for three (3) years with an option to renew for three additional years to Encore Catering of Troy, MI, the caterer with the highest score and rate of return, (Resolution #2011-05-093); and

WHEREAS, Encore Catering has requested termination of their contract due to economic hardship effective July 31, 2013; and

WHEREAS, Encore Catering has agreed to the attached Assignment of Existing Agreement between the City and Kosch Hospitality, LLC.

NOW THEREFORE BE IT RESOLVED, That contingent upon the execution of the attached Assignment of Existing Agreement between the City and Kosch Hospitality LLC, Troy City Council hereby rescinds with prejudice the contract with Encore Catering. Any rescission of the Agreement does not excuse Alpha-Doni, Inc. from the requirement to pay all outstanding amounts due and owing through to the effective date of the rescission, and these amounts must be paid by Alpha-Doni, Inc. within **365 (three hundred sixty-five)** days or the City will exercise its rights under the Agreement and the City of Troy's bid policy.

And

B) WHEREAS, Kosch Hospitality LLC participated in the original request for proposal process in 2011 for Catering Services at the Community Center and finished second when the pricing model was added to the final score; and

WHEREAS, Kosch Hospitality LLC agrees to the Assignment of the Existing Agreement between the City and Alpha-Doni, Inc d/b/a Encore Catering, dated June 14, 2013, and will pay the City 10% of gross receipts with a guaranteed minimum payment of \$12,000.00 per year with a five-year renewal;

NOW THEREFORE BE IT RESOLVED, That Troy City Council hereby re-awards and assigns the catering contract that would have expired in August of 2014 to Kosch Hospitality, LLC under the terms and conditions of the Assignment dated June 14, 2013, to commence August 1, 2013 with a renewal for five (5) additional years through July 31, 2019, so long as the caterer is in good standing.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon caterer's submission of properly executed Agreement and contract documents, including insurance certificates and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement when in acceptable form.

And

C) WHEREAS, The City of Troy has entered into an Agreement with Kosch Hospitality, LLC to provide catering and banquet services at the City owned and operated Troy Community Center; and

WHEREAS, the Agreement requires Kosch Hospitality, LLC to have the ability to serve alcohol at the Troy Community Center as part of the catering services; which requires a liquor license from the Michigan Liquor Control Commission; and

WHEREAS, Kosch Hospitality, LLC is willing and intends to submit the required documentation and paperwork to be considered for a municipal civic center liquor license under MCL 436.1509; and

WHEREAS, the City of Troy is willing to support the request of Kosch Hospitality, LLC to be the sole liquor licensee for the Troy Community Center banquet and catering operations, in accordance with the provisions of MCL 436.1509; and

WHEREAS, under MCL 436.1509, any such municipal civic center liquor license is not considered transferrable property of the licensee, and therefore if the Agreement between the City of Troy and Kosch Hospitality, LLC. is terminated, then the municipal civic center liquor license would be surrendered, and could be transferred to subsequent caterers at the Troy Community Center in accordance with State and local laws and regulations.

NOW THEREFORE,

IT IS HEREBY RESOLVED, That Kosch Hospitality, LLC has been selected as the caterer for the City owned Troy Community Center, and has entered into an Agreement with the City of Troy for those services, which include the potential sale of alcohol on the premises; and

BE IT FURTHER RESOLVED, That the Troy City Council requests the Michigan Liquor Control Commission issue a municipal civic center liquor license under the provisions of MCL 436.1509 to Kosch Hospitality, LLC., for catering and banquet operations at the Troy Community Center, located at 3179 Livernois, Troy, MI 48084.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby AUTHORIZED to execute any documents that are required to effectuate the application by Kosch Hospitality, LLC for a municipal civic center liquor license under the provisions of MCL 436.1509.