RESOLUTION OF THE NEW JERSEY INSTITUTE OF TECHNOLOGY ACCEPTING THE THIRD AMENDMENT TO THE PROFESSIONAL FOOD SERVICE MANAGEMENT CONTRACT BETWEEN NEW JERSEY INSTITUTION OF TECHNOLOGY AND GOURMET DINING SERVICES, LLC.

WHEREAS, NJIT and Gourmet Dining Services entered into a contract in 2006 for food services, following a competitive Request for Proposal process, which contract extended to 2011, with the option of extensions through 2014;

WHEREAS, the Contract was first amended in October 2010, to extend for a period through June 2013, to include nine new conditions;

WHEREAS, a second amendment was approved by the Board of Trustees in September 2012 for an additional ten year period through June 2013, which amendment was initiated in order to build and make operational new dining facilities and a convenience store for the NJIT community, and included construction offset payments;

WHEREAS, the level of performance by the vendor, including satisfaction surveys from students and other members of the campus community continues to be satisfactory;

WHEREAS, the construction of the Wellness and Events Center requires significant expansion of NJIT’s dining and food services;

WHEREAS, Gourmet Dining Services will provide $6 million to NJIT over the contract extension period, $5 million of which will be paid by October 30, 2018, to support the needed dining and food service provisions in conjunction with the Wellness and Events Center and campus expansion, in addition to the current commissions paid to the university which will help offset the University’s construction costs of food service construction in the Wellness and Events Center, and other future food service improvements,

WHEREAS, it is in the best interests of the university to extend the existing contract an additional eleven (11) years until June 30, 2034, which would permit significant capital investment by Gourmet Dining;

WHEREAS, the administration recommends that the current contract be extended for eleven additional years, and amended as necessary to reflect the additional income to NJIT, terms regarding the parties’ responsibilities in the event of early termination, and certain minor operational matters; and all other existing contract provisions remain in full force and effect;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees authorizes the appropriate university officials to execute an amendment to the current food service contract with Gourmet Dining Services, LLC to reflect an eleven (11) year extension of the term, an additional $6 million in financial support, terms regarding the parties’ responsibilities in the event of early termination, and certain minor operational matters.
1. This Resolution authorizes, empowers, and directs the Administration to take, or cause to be taken, any and all action necessary or desirable to execute, deliver, and fully perform all contractual provisions and amendments of any kind on behalf of New Jersey Institute of Technology as it relates to the Food Services Contract; and;

2. This Resolution shall take effect immediately upon enactment.

Holly C. Stern, Esq.
General Counsel/Vice President of Legal Affairs and Secretary to the Board of Trustees
New Jersey Institute of Technology

June 9, 2016
Board Resolution No. 2016-33