

2009 APPLICATION INSTRUCTIONS

**COMMERCIAL USE AUTHORIZATION
U.S. DEPARTMENT OF THE INTERIOR**



**National Park Service
Death Valley National Park
Attention: CUA Program Manager
P.O. Box 579
Death Valley, CA 92328
760-786-3241**

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Instruction Guide

COMMERCIAL USE AUTHORIZATION (CUA)

I. GENERAL INFORMATION

1. No more than one Commercial Use Authorization (hereinafter “CUA”) will be issued to an Applicant (inclusive of its individual owners and employees). However, Applicants can apply for and receive CUA’s for more than one activity.
2. There will be an Application fee and an Administrative fee. Both fees are to be sent in with the CUA application. The Application fee is non-refundable. The Administrative fee is only refundable if a CUA is not awarded. Once an Application has been received and a decision has been made to award a CUA, the Administrative fee that accompanied the Application will be deposited and will not be refunded even if the entity decides not to offer the permitted activity.
3. The CUA activity must be appropriate to the purposes for which Death Valley National Park was created, as set forth in its enabling legislation.

4. All Death Valley National Park CUA activities must begin and end outside of the National Park Area boundary.
5. Rates charged by the entity for services in the Park must be reasonable as determined by the National Park Service.

II. COMMERCIAL USE AUTHORIZATION PROCESS

1. **Complete, Sign, and Date Application Forms.** (See Section IV.)
2. **Mail completed, signed forms (including Appendix and required paperwork), and Application fee.** Forward as soon as possible to be eligible for the CUA qualification determination (see Section IV for address & contact).
3. **Multi-level NPS Qualification Process:** Depending upon the number of Applications received, the NPS may process the CUA Application in several stages in order to ensure that Park safety and resource matters are appropriately addressed. The first stage represents an initial qualification to ensure that specific requirements for each authorized activity are met and all of the required information has been provided. If the Application is determined by NPS to be complete and meet the minimum qualifications as set forth in the Appendices, the CUA Application passes the initial qualification and moves to a second stage.
 - (a) All applications that pass the initial qualification will be considered in the second qualification round. The Superintendent will select as the best application (from among the qualified applications) that the Superintendent determines on the basis of a narrative explanation outlined in the Operating plan that will, on an overall basis, best provide the Park with the greatest demonstration of (1) resource protection and (2) responsiveness to its customers and park visitors.
 - (a) Operating plan responsiveness to customers and resource protection information or narrative could include:
 - Specific examples of business operations undertaken by the Applicant that demonstrate these objectives.
 - Details of overall background and experience in providing services similar to those that are to be provided.
 - Resumes of key individuals that you will employ to carry out management and operations under the contract that demonstrate these objectives.
4. **Confirmation and Award:** All requests for CUA's will receive a response from our office. If the Application results in award, the CUA will be mailed to the Applicant for signature. If the entity is not awarded a CUA, the Application will be returned. (See Section VII for Fee Schedule and Definitions).
5. **Annual Reporting, Monitoring, and Fee Payment:** Once awarded, the CUA Operator is required to forward the following:
 - Brochure or online information site address showing how the activity is described and conducted (if the entity advertises the service).
 - Administrative/Management/Monitoring Fee: Activity fees are assessed on CUAs as outlined in Fee Schedule (Section VIII)

- **Quarterly Report:** Quarterly Report (See Exhibit 1) is due in the Park no later than three and a half months after the CUA is authorized.
- Please give a description of each business vehicle operating within Death Valley National Park. Use additional paper if necessary.

MAKE OF VEHICLE	MODEL	YEAR	MAX # PASSENGERS	OWN	LEASE

III. APPLICATION FORM

The following explanations below correspond directly with the numbered items on the Application Form.

1. Give the legal name of your business. If you have a secondary name under which you are doing business (d.b.a.), please give that name also.
2. Check the box that identifies your type of business.
3. Provide both summer and winter contact information. Over the term of your authorization, it may be necessary to contact you to obtain or share information. Your contact information may also be published in the NPS Commercial Services Directory.
4. Provide your Employer Identification Number (EIN). This is a requirement of the 1996 Debt Collection Act. The EIN that you provide will be used as needed to collect debts.
5. Give the name(s) of persons designated as Authorized Agents for your business.
6. NPS Management Policy prohibits employees of the NPS and their spouses and minor children from acquiring or retaining any authorization conducting commercial services in a Park area.
7. Enclose a copy of the business license issued from the city or county in which the business is located. Some cities and counties in states other than <enter state> do not issue business licenses. If your city or county does not require a business license, please state this fact in writing on your application.
8. Provide names and titles of employees who will work in the Park under the authority of your authorization. These are usually Guides or Drivers that are your employees (not contracted service). Use additional paper if needed. Please report any future changes to your list of employees by mailing an updated list to *Death Valley National Park, CUAs, P.O. Box 579, Death Valley, CA 92328*
9. If your business or business owners currently or within the past 5 years have been under charges for violation of state, federal, or local law or regulation, please give details (does not include minor traffic tickets).
10. If any (within past 5 years) of your current or proposed employees have been convicted of or forfeited collateral for any state, federal, or local law or regulation OR are now under charges for any violation of state, federal or local law or regulation, please provide the details. (Do not include minor traffic tickets).

11. If your employees have been involved with a diving accident that resulted in injury or death in the past 5 years, please provide the requested information.
12. Please sign and date your application. If the person SIGNING this application is an Authorized Agent for the business, proof of signing authority must accompany this application.

IV. DOCUMENTS AND FEES TO BE PROVIDED AFTER THE CUA HAS BEEN APPROVED AND AWARDED

Information and fee payments should be mailed to:

Death Valley National Park
 Attention: CUA Program Manager
 P.O. Box 579
 Death Valley, CA 92328

Include the documents and information noted under Section II.5 of this packet.

V. APPROVED COMMERCIAL VISITOR SERVICE

See appropriate Appendix attachments. If the service your company provides does not coincide with one of the appendix categories, please contact the CUA Program Manager at 760-786-3241.

VI. INSURANCE AND THE MINIMUM AMOUNT REQUIRED

The CUA operator is required to maintain liability insurance **AND** land transportation insurance (if applicable) naming the United States of America (National Park Service, Death Valley National Park, P.O. Box 579, Death Valley, CA 92328) as an additional insured at no less than the coverage amounts described below:

1. General Liability

Service Appendix Number	Service Description	Minimum per Occurrence Liability Limits
A-I	General Liability Insurance	\$1,000,000

2. Land Transportation Liability (i.e. car, van and bus, if applicable)

Minimum per Occurrence Liability Limits
\$300,000

3. If the limit required by the State where the entity is based is higher than the limit listed above, the entity will provide the higher level of coverage. The CUA operator will provide copies of certificates of insurance to Death Valley National Park as part of the application process with the required endorsement listing the United States of America (as noted above) as an additional insured.

4. Workers compensation coverage must be provided to eligible workers as required and described by State law.
5. Coverage provided by insurance companies must meet the following minimum requirements:
 - All insurers for all coverages must be rated no lower than A- by the most recent edition of Best's Key Rating Guide (Property-Casualty edition).
 - All insurers for all coverages must have a Best's Financial Size Category of at least VIII according to the most recent edition of Best's Key Rating Guide (Property-Casualty edition).
 - All insurers must be admitted (licensed) in the State in which the entity is domiciled.
 - All diving guides must have dive insurance.
6. The entity assumes liability for and agrees to save, hold harmless, protect, defend and indemnify the United States of America, its agents and employees, for and against any and all liabilities, obligations, losses, damages or judgments (including, without limitation, attorney and expert fees) of any kind and nature whatsoever on account of fire or other peril, bodily injury, death or property damage, or claims for bodily injury, death or property damage of any nature whatsoever, and by whomever made, in any way connected with or arising out of the activities of the entity, its employees, agents, or contractors, under this permit. This indemnification will survive the revocation or expiration of this permit.

VII. FEE SCHEDULE

The authority for the NPS to recover associated management and administrative costs of CUA's is found in PL 105-18 and 31 U.S.C.9701 and 16 U.S.C. 3a. The Director must charge a reasonable fee for the issuance of a commercial use authorization in order to recover associated management and administrative costs. The authority to charge Recreational Use Fees is found in P.L. 105-18 and the authority to charge CUA fees is found in P.L. 105-391.

1. **Application Fee** represents the costs incurred by the National Park Service in mailing, distribution and initial review to make sure the information supplied is sufficient to form a decision.
2. **Administrative Fee** is based on cost associated with the administrative process of the decision and the approval of the authorization. The Administrative Fee is due at the time the application is submitted.
3. **Management/Monitoring Fee** is charged by certain Parks and is based on the actual costs incurred by all Park divisions involved in monitoring, supporting or cleanup and restoring after the use.
4. **Entrance Fee:** Funds from this fee are used to reduce identified non-recurring maintenance, infrastructure repair, and to assist resource management.
5. The following fees are in effect at Death Valley National Park for all Commercial Use Authorizations:
 - Non-refundable Application Fee: \$210.00

- Management/Monitoring Fee: \$50/hr

REMINDER: Only send the application fee with your application. Please write your Employer Identification Number on your check.

VIII. FREQUENTLY ASKED QUESTIONS

1. Whom do I contact if I have questions?

CUA Program Manager
P.O. Box 579
Death Valley, CA 92328
760-786-3241

2. What is a "Commercial Use Authorization (CUA)"?

Section 418 of the National Parks Omnibus Management Act of 1998, Public Law 105-391 (Section 418), authorizes (but does not require) NPS, upon request, to issue commercial use authorizations (CUA's) to persons (referring to individuals, corporations and other entities) to provide commercial services to Park area visitors in limited circumstances. CUAs, although used to authorize commercial services to Park area visitors, are not concession contracts. They are intended to provide a simple means to authorize suitable commercial services to visitors in park areas in the limited circumstances in the legislation.

3. What will be the term of this authorization?

Initially, this CUA will be issued for a 12-month period.

4. What is a "Commercial Visitor Service"?

This type of service means accommodations, facilities and services the NPS has determined to be necessary and/or appropriate for public use and enjoyment of a Park area provided to Park area visitors for a fee or charge by a person. The fee or charge paid by the visitor may be direct or indirect as part of the provision of comprehensive visitor services.

5. How long does it take to process my application?

The time to process an application can vary. Death Valley National Park will attempt to process the 2009 applications within *30 days*. Submitting a complete packet greatly aids us in issuing your authorization in a timely manner.

6. Is sub-contracting allowed under the authorization?

The National Park Service does not allow subcontracting under this authorization and authorizations cannot be transferred.

7. What type of insurance is required before this authorization can be approved?

The CUA authorization must provide commercial liability insurance against claims arising out of or resulting from the acts or omissions of the CUA operator or the CUA operator's

employees, agents, or contractors, in carrying out the activities and operations required and/or authorized under the authorization. The CUA Specialist must receive verification of general liability (and transportation insurance, if applicable) coverage and divers insurance before a CUA can be issued and the coverage must be maintained as current during the term of the authorization. See Section VII for full insurance requirements.

IMPORTANT:

The name on the certificate of insurance must match your business name, including any names used under “doing business as”.

8. Are there any other reporting requirements?

Yes. A Commercial Use Authorization (CUA) Quarterly Report will be submitted three and a half months from the original authorization date of the CUA. The applicable reporting form will be provided to you if/when your authorization is issued.