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## Acadia National Park **FAQ**

### Frequently Asked Questions Concerning the Selection of Concessioner to Provide Food & Beverage and Retail Services at Acadia National Park

#### **What are the basic facts of the concession contract?**

Selected Concessioner:	Dawnland, LLC (a Maine corporation and subsidiary of Ortega National Parks, LLC)
Incumbent Concessioner:	Acadia Corporation
Estimated Annual Gross Receipts:	\$5.8 million
Contract Number:	CC-ACAD001-14
Contract Term:	10 years
Expected Start Date:	March 2014

#### **What services are included in the concession contract?**

The contract requires the concessioner to provide food and beverage service at the Jordan Pond House, and retail service at the Jordan Pond House, Cadillac Mountain, and Thunder Hole. The contract also authorizes the rental of facilities at the Jordan Pond House.

#### **What was the process for selecting a concessioner?**

The National Park Service (NPS) issues concession contracts pursuant to the National Park Service Concessions Management Improvement Act of 1998 (Title IV of Pub. L. 105-391), and subsequent regulations (36 CFR § 51) and policies. Section 403(1) of the Act states that concession contracts shall be awarded “to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary [of the Interior] through a competitive selection process.” Section 403(5)(A) of the Act specifies the primary factors for selecting the best proposal.

The process began with the preparation of a prospectus by personnel from Acadia National Park and NPS Commercial Services Program, which is responsible for the oversight of commercial visitor services in the national parks authorized under concession contracts, commercial use authorizations, and leases.

The prospectus included an introduction to the park, a description of the business opportunity (including services, facilities, and park management issues), draft concession contract, and appendices (including, but not limited to, the previous concession contract, and the park’s Visitor Study, 2009, and Commercial Services Plan, 2000).

The NPS issued the *Prospectus, A Concession Business Opportunity for Food & Beverage and Retail Services within Acadia National Park, Solicitation #CC-ACAD001-13*, on July 19, 2012, with proposals due November 20, 2012. During the solicitation period, the NPS conducted a site visit for prospective offerors on August 14, 2012 and responded to questions through August 29, 2012.

To review the proposals and recommend the offeror, the NPS Northeast Regional Director convened a panel consisting of eleven NPS personnel with relevant technical and operational expertise from the NPS Washington Office, and national park units and offices across the country. In addition, the Concession Specialist from Acadia National Park served as a Technical Advisor to the panel. The NPS Commercial Services Program reviewed and approved the composition of this panel. The panel performed a comprehensive analysis of the proposals which began soon after the proposals were received. The panel met in person for five days in December 2012, at which time it reviewed received proposals. Dawnland, LLC's proposal received the highest cumulative point score. The panel's recommendation was forwarded to the NPS Director for review and was approved.

Section 403(6) of the National Park Service Concessions Management Improvement Act of 1998 requires the Secretary of the Interior to submit any proposed concession contract with anticipated annual gross receipts in excess of \$5 million to the Congress—specifically the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. The NPS cannot award the concession contract until at least 60 days subsequent to the notification of both Congressional committees. The anticipated date of the award is March 2014, but this may be adjusted to accommodate the needs of the NPS and Dawnland, LLC.

### **How was Acadia National Park personnel involved in the selection process?**

Acadia National Park personnel either provided extensive input into or drafted language for all documents included in the prospectus, with the Superintendent of Acadia National Park providing final approval of the complete package before the prospectus was released.

The Superintendent then appointed a Technical Advisor to the evaluation panel to answer park-related questions. The Technical Advisor provided a written summary of operational issues for the prospective concessioner, presented the information in conference calls with the panel before its face-to-face meeting, and participated by phone in another meeting of the full panel in December 2012. As set forth in NPS guidelines, the role of the Technical Advisor is to review proposals as directed by the panel chair and, if requested, provide technical information and advice to the panel (e.g., scope of existing concession operations, environmental regulations, and financial analysis).

### **What criteria did the NPS use to select the concessioner?**

The selection factors (i.e., criteria) were included in the *Prospectus, A Concession Business Opportunity for Food & Beverage and Retail Services within Acadia National Park, Solicitation #CC-ACAD001-13*. The major headings and range of rating points for the selection factors are provided below, and detailed descriptions of each are available in Part A (pages 1-17) of the prospectus.

Principal Selection Factor 1. The responsiveness of the proposal to the objectives, as described in the prospectus, of protecting, conserving, and preserving resources of the park. (0-5 points)

Principal Selection Factor 2. The responsiveness of the proposal to the objectives, as described in the prospectus, of providing necessary and appropriate visitor services at reasonable rates. (0 – 5 points)

Principal Selection Factor 3. The experience and related background of the offeror, including the past performance and expertise of the offeror in providing the same or similar visitor services as those to be provided under the concession contract. (0 – 5 points)

Principal Selection Factor 4. The financial capability of the offeror to carry out its proposal. (0 – 5 points)

Principal Selection Factor 5. The amount of the proposed minimum franchise fee and other forms of financial consideration to the director. (0 – 4 points)

Secondary Selection Factor 1. The quality of the offeror's proposal to conduct its operations in a manner that furthers the protection, conservation, and preservation of the park and other resources through environmental management programs and activities, including, without limitation, energy conservation, waste reduction, and recycling. (0 – 3 points)

Secondary Selection Factor 2. Providing suitable living environments for concessioner personnel. (0 – 2 points)

The NPS assigned scores that reflected the merits of each proposal under the applicable selection factor and in comparison to the other proposals received. The NPS assigned a cumulative score to each proposal based on the assigned score for each selection factor. The proposal with the highest cumulative score was recommended for selection.

**Was the Acadia Corporation's experience in providing concession services at Acadia National Park considered in the selection process?**

Yes, the panel considered the Acadia Corporation's past performance and expertise as part of the evaluation of its proposal under Principal Selection Factor 3 (language of the question is included above). As required by the National Park Service Concessions Management Improvement Act of 1998, the NPS did not give Acadia Corporation preference as the incumbent concessioner. The 1998 Act states that a concessioner is only eligible for a preferential right of renewal if it is either an outfitting and guide concessioner or it generates less than \$500,000 in annual gross receipts. The most recent concession contract with the Acadia Corporation does not meet either of those conditions.

As stated in the Federal Register (65 FED. REG. 20630) with the Final Rule of 36 CFR § 51,

First, to achieve greater competition, the 1998 Act repealed, except for smaller and outfitter and guide concession contracts, the “preference in renewal” provision of the 1965 Act. The 1965 Act’s preference in renewal provision required NPS to give existing satisfactory concessioners a preference in the renewal of their concession contracts, if the contract was to be continued after its expiration. This preference required NPS to permit existing satisfactory concessioners to meet the better terms and conditions of the best competing proposal for the renewal of its concession contract. Because of this preference, NPS estimated in 1993 that since 1965 over 99.9% of the renewals of NPS concession contracts had been awarded to the existing concessioner. In fact, from 1965 to 1993, only seven NPS concession contracts out of approximately 1900 awarded were not awarded to the incumbent concessioner (where the incumbent sought the contract). True competition simply did not exist.

The legislative history of the 1998 Act states as follows in connection with the repeal of the preference in renewal: Under the 1965 Act, all satisfactory concessioners are entitled to preference in renewal of their concession contracts or permits. However, in light of the current circumstances of units of the National Park System and in recognition of present business conditions, the Committee considers that generally there is now no need to continue to provide a preferential right of renewal to concessioners in order to obtain qualified operators. Accordingly, to foster appropriate competition in the award of National Park Service concession contracts, the preferential right of renewal provided as a statutory right to existing satisfactory concessioners is repealed by the S. 1693 [the Bill that became the 1998 Act]. S. Rep. No. 105–202, at p.31 (1998).

### **Who are the key NPS contacts?**

Dennis Reidenbach, Regional Director, Northeast Region  
Sheridan Steele, Superintendent, Acadia National Park  
Mike Caldwell, Deputy Regional Director, Chief of Staff, Northeast Region  
Gay Vietzke, Deputy Regional Director, Operations, Northeast Region  
Jonathan Meade, Chief of Business Services, Northeast Region  
Ethan McKinley, Chief of Concessions, Northeast Region  
Elizabeth Weston, Concession Specialist, Acadia National Park

### **What additional information is available on the Internet?**

NPS Commercial Services Program: <http://www.concessions.nps.gov>

NPS Concessions Management Improvement Act of 1998 (Pub. L. 105-391):  
<http://www.concessions.nps.gov/docs/OMNIBUS1998.pdf>

NPS Concession Contracts Regulations (36 CFR § 51):  
<http://www.ecfr.gov/cgibin/textidx?SID=a67d621df629f9544513303d3abd5bc7&node=36:1.0.1.1.24&rgn=div5>