

TRANSITION FROM PLANNING TO CONTRACTING

A. NEW COMMERCIAL VISITOR SERVICES AND FACILITIES

1. The Planning Phase

The planning of new commercial visitor services and facilities begins as a part of a GMP or DCP planning effort, or because of a discerned visitor service need on the part of the general public or park management. As part of the process used to determine if the proposed service is "necessary and appropriate" to the mission of the park, legislative, policy, environmental, cultural resource, economic, visitor demand, and outside influence criteria are considered (see planning criteria check list, Chapter 2).

Whether the proposed service is a small, simple operation or a large, complex resort, the park must be quite certain that it is necessary, appropriate and economically feasible. These determinations are accomplished during the planning phase prior to the development of a Prospectus, and documented in concession plans, DCP's, supporting studies and environmental assessments or statements.

2. Concessions Contract Planning Check List (New Services)

Exhibit 1 is a check list to assist the park through this process. It provides a sample timetable and lists actions and procedures to follow. If the decision is made during the planning phase to seek a concessioner, the check list can continue to be used while following the contracting procedures in Sec. II.

B. RENEWAL OF EXISTING CONTRACTS/PERMITS

1. Planning and Operational Review Phase

The planning phase for renewal of existing authorizations should begin approximately two years prior to the expiration of a concession contract, and generally a year before the expiration of short-term permits. The renewal consideration provides an opportunity to formally review the necessity and appropriateness of the existing concession operation and its components, as well as existing concessions problems, if any, and concessioner performance. This is a most appropriate time to ask hard questions about the role of concessions in providing services to the park visitor, as well as the impact of concession services and facilities on park resources. The sequence list in Chapter 2 can be used as a guideline in this review.

The reviewer should begin by carefully reviewing the concessioner review program in general (Section III Chapters 19-22), and the specific evaluations performed to date of the park concessioner.

As a part of this review, operational conditions and problems should be addressed. Should existing concession facilities be expanded or reduced, and if so, will they still provide adequate visitor services and be financially viable? What are the needs for major improvement in safety, handicapped access, structural condition, decor, furnishings and fixtures, etc.? What will they cost and who should pay for them? What changes in operating procedures might increase visitor satisfaction, improve concessioner profitability, improve safety and sanitation, etc.? What concession-related adaptive uses can be made of an historic structure?

During this period, input should be sought from interested parties, including the concessioner. Also, at this time, the concessioner should be requested to advise the NPS in writing of its intention to renew or not renew its contract or permit.

Based on this examination, the park should document its decision whether the concession operation is necessary and appropriate, as it exists or with certain conditions or changes, or is not. Also, it should determine whether any of the park's planning documents should be revised.

About one year prior to contract expiration, the park or region commences development of a Fact Sheet which spells out to the business community the terms under which the National Park Service intends to negotiate a renewal concessions contract. Concurrently, development begins on evaluation criteria against which concessioner proposals will be measured. The Fact Sheet is formally published about eight months prior to contract expiration, in order to meet the legal and procedural requirements for selection, review, approval, etc.

Thus, the authorization renewal process should commence two years before expiration, identify decisions which must be made in order to produce the Fact Sheet, as provided for in Section II Chapter 6.

2. Concessions Contract Planning Check List (Renewals)

The check list at Exhibit 2 has been prepared to assist the park through the authorization process. It provides a suggested timetable and lists actions and procedures to follow. Refer to Section II for detailed instructions beginning with the preparation of the Fact Sheet.

Transition From Planning To Contracting

NEW AUTHORIZATION

CONCESSIONS CONTRACT(PERMIT) PLANNING CHECK LIST

DUE DATE (Hypothetical)	DATE DONE	PERSON RESPONSIBLE	ITEM
Approximately two years prior to possible authorization; longer if part of GMP process	_____	_____	Planning phase underway as part of GMP or DCP planning effort, or as independent action.
	_____	_____	Consideration of planning criteria
	_____	_____	Input from public solicited.
October 1, 19__	_____	_____	Completion of above items
	_____	_____	Completion of environmental assessment.
December 1, 19__	_____	_____	Decision made to either proceed or not proceed with concession authorization. (See Chapter 5 ¶D for authorities)

January 1, 19__ (one year prior to proposed authorization)	_____	_____	Initiate authorization phase by drafting (in red) the prospectus and contract, and draft criteria for evaluation of offers.
January 25, 19__	_____	_____	Red draft transmitted to region for review if prepared in park.
February 25, 19__	_____	_____	Region reviews and discusses red draft with park. When both park and region concur with contents of red draft, proceed with typing in final. (NOTE: If substantial changes are made to standard contract language, region should send memo to WASO requesting deviation from policy approval before typing in final.)
March 19__	_____	_____	Prospectus typed in final.
	_____	_____	Prepare public notice. The proposed press release and contents of the prospectus, including the proposed contract, should be concurred in by the regional solicitor in writing.

Transition From Planning To Contracting

DUE DATE	DATE DONE	PERSON RESPONSIBLE	ITEM
			Immediately following SOL concurrence, advance copy of prospectus sent to Minority Business Development Agency (MBDA) (formerly OMBE) and to the Congressional delegation for the state(s) involved.
April 1, 19__			Region issues public notice and sends a copy of the release and prospectus to all on the mailing list.
			Region sets up evaluation panel at the beginning of proposal period. Participants may be from the park, other offices and WASO, if needed.
July 19__			After the proposal period, offers are evaluated utilizing the evaluation criteria established in the prospectus.
August 1, 19__			Regional director notifies applicants in writing as to the selection.
			Negotiation period with successful applicant ensues. Both regional and park staff should participate.
September 1, 19__			Region finalizes proposed contract and forwards original and two tissue copies through the superintendent to the successful applicant for signature.
			Superintendent returns contract to region after it is signed by applicant.
			Region may execute contract at this point if it is for less than 5 years and grosses less than \$100,000.
October 1, 19__			If over 5 years or \$100,000., region transmits three copies of signed contract to WASO for transmittal to Hill. WASO should be furnished a copy of the evaluation document.
			WASO prepares transmittal letter to Hill for the 60-day review period and forwards contract through the Secretary's Office to Hill. WASO Concessions will advise region by phone when 60-day review period is up.

Transition From Planning To Contracting

DUE DATE	DATE DONE	PERSON RESPONSIBLE	ITEM
December 15, 19__			<p>After the 60-day waiting period, region assigns a contract number to contract and regional director executes contract. Regional office then distributes contract as follows:</p> <ol style="list-style-type: none">1. Original retained by region.2. One executed carbon bearing original signatures is sent to the concessioner.3. One executed carbon bearing original signatures is sent to WASO.4. Duplicated copies of contract sent to regional finance office.

Transition From Planning To Contracting

RENEWALS

CONCESSIONS CONTRACT PLANNING CHECK LIST

DUE DATE	DATE DONE	PERSON RESPONSIBLE	ITEM
January 1, 19__ (Two years prior to expiration of authorization; one year compressed schedule in instances of short-term permits)	_____	_____	Initiate Planning Phase of the renewal process.
	_____	_____	A. Begin consideration of planning criteria See Chapter 2.
	_____	_____	B. Begin in-depth review of concessioner's previous years' performance.
	_____	_____	C. Solicit input from public, including concessioner.
	_____	_____	D. Request intention to renew from concessioner. Received _____.
	_____	_____	E. Begin building appraisal if government buildings assigned to concessioner.
October 1, 19__	_____	_____	Completion of above Items A and B.
	_____	_____	Completion of environmental assessment.
December 1, 19__	_____	_____	Decision made to either proceed with renewal or discontinue concession operation.
December 15, 19__	_____	_____	Building appraisal completed.
	_____	_____	Current rate schedule and available following year rate schedules obtained.
	_____	_____	Current schedule of possessory interest assets received from concessioner (if applicable).

January 1, 19__	_____	_____	Park initiates authorization phase of renewal process by drafting (in red) the fact sheet and contract, and drafts criteria for evaluation of offers.
February 1, 19__	_____	_____	Red draft transmitted to region for review.
	_____	_____	Region reviews and discusses red draft with park. (NOTE: At this point, if substantial changes have been made to the standard contract language, a memorandum should be prepared and sent to WASO requesting approval of the deviations made.)
March 15, 19__	_____	_____	Fact sheet typed in final.

Transition From Planning To Contracting

DUE DATE	DATE DONE	PERSON RESPONSIBLE	ITEM
	_____	_____	Prepare public notice (original and four copies). Public notice should be signed by regional director. The proposed notice and contents of the entire fact sheet package should be concurred in by regional solicitor in writing. (NOTE: A copy of the solicitor's concurrence should be forwarded with the public notice to the Chief, Administrative Services Division [WASO].)
	_____	_____	Immediately following SOL concurrence, advance copy of the fact sheet sent to the Minority Business Development Agency (MBDA).
April 19__	_____	_____	Region prepares final fact sheet package for transmittal to existing concessioner. Region holds this package until WASO Concessions Office calls advising that public notice has been published.
	_____	_____	When public notice is published in the "Federal Register," for the 60-day response period, WASO informs region by phone to send the existing concessioner the fact sheet package on that day.
	_____	_____	WASO sends a copy of the public notice to the existing concessioner and all others on the mailing list.
	_____	_____	Region sets up evaluation panel at the beginning of the 60-day response period. Participants may be from the park, other offices, and WASO.
	_____	_____	If the existing concessioner submits the only offer, evaluation by panel may be waived, and evaluation is performed by the regional concessions office. Region should arrange for a panel evaluation, however, in the event of more than one offer.
June 19__	_____	_____	After the 60-day response period, offers are evaluated utilizing the evaluation criteria established in the fact sheet.

CONCESSIONS

NPS-48

EXHIBIT 2
Chapter 4
Page 3

Transition From Planning To Contracting

<u>DUE DATE</u>	<u>DATE DONE</u>	<u>PERSON RESPONSIBLE</u>	<u>ITEM</u>
July 19__	_____	_____	Region notifies applicants in writing as to the final selection.
	_____	_____	Negotiation period ensues. Both regional and park staff should participate.
August 19__	_____	_____	Region finalizes proposed contract and forwards original and two tissue copies through the superintendent to the successful applicant for signature.
	_____	_____	Superintendent returns contract to region after it is signed by applicant.
September 19__	_____	_____	Region transmits three copies of signed contract to WASO for transmittal to the Congress.
December 19__	_____	_____	After the 60-day waiting period, region assigns a contract number to contract and regional director executes. Regional office then distributes contract as follows:
	_____	_____	1. Original retained in regional office.
	_____	_____	2. One executed carbon bearing original signatures is sent to concessioner.
	_____	_____	3. One executed carbon bearing original signatures is sent to WASO.
	_____	_____	4. Duplicated copies of contract sent to regional finance office.
Until Contract Expires			Region and park follow-up with annual contract compliance work.