



## United States Department of the Interior



NATIONAL PARK SERVICE  
INTERIOR REGIONS 6, 7, & 8  
1 Denver Federal Center, Building 50  
Denver, CO 80225

In Reply Refer To:  
Commercial Services  
CC-DINOXXX-26

### Memorandum

To: All Parties Interested in the Prospectus for *A Concession Business Opportunity to Provide Guided Interpretive Whitewater River Trips within Dinosaur National Monument* (Solicitation No. CC-DINOXXX-26)

From: Erica Harris, Acting Regional Commercial Services Program Lead

Subject: Amendment 3 to the Prospectus and Responses to Questions to Solicitation No. CC-DINOXXX-26

This notice amends the Prospectus and provides responses to questions received regarding *A Concession Business Opportunity to Provide Guided Interpretive Whitewater River Trips within Dinosaur National Monument* (“Park”) that the National Park Service (“Service”) issued on April 9, 2025, for Concession Contract Nos. CC-DINOXXX-26. The Service provides these responses to questions asked during the original question and answer period of the solicitation that were inadvertently not included in Amendment 1.

### AMENDMENT 3 TO THE PROSPECTUS:

#### Prospectus Inside Cover

Change “Proposals Due” date to *August 19, 2025*

#### Part I. Business Opportunity

Page 9, Transportation for Clients Participating in Whitewater River Trips, change:  
“*concessioner-owned vehicles*” to “*concessioner-owned or -leased vehicles*”

#### Exhibit B Operating Plan

In Section 2) Part B) sec 7) line c), replace with:

*The Concessioner may accept reservations for confirmed trip dates following the release of the commercial launch calendar covering those dates. The Concessioner may accept advance reservations for anticipated trip dates prior to the release of the commercial calendar, under the following conditions:*

- *The Concessioner must clearly disclose, in its marketing materials, that trip dates posted prior to the release of the commercial launch calendar are tentative and will be confirmed pending the release of the commercial launch calendar.*
- *Any advance deposits accepted for tentative trips scheduled prior to the release of the commercial launch calendar must be returned in full, should the client be unable to participate if the confirmed trip dates differ following the release of the commercial launch calendar and the client cannot otherwise be satisfactorily scheduled on another trip.*

In Section 2) Part D) sec 5), change:

*“within 15 days of the last day of the operating season” to “by October 15”*

In Section 4) Part J) sec 1), re-locate the following from sec 3):

*Other boat types may be considered by the Service on a case-by-case basis.*

In Section 4) Part J) sec 2), delete line c):

*c) Drift boats without secure, appropriate flotation or sealed chambers.*

In Section 4) Part P) sec 5) line a), replace with:

*Utensils or single-use disposable gloves are recommended when handling ready to eat food products or foods that will not be cooked.*

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## RESPONSES TO QUESTIONS FROM INTERESTED PARTIES

### Glossary of terms used throughout this document:

- **Commercial Services Guide:** refers to the document that can be found on the Commercial Services website at the following link: [https://www.nps.gov/subjects/concessions/upload/CS-Guide-Final-Ver-3-FINAL-Updated-12-16-21\\_508.pdf](https://www.nps.gov/subjects/concessions/upload/CS-Guide-Final-Ver-3-FINAL-Updated-12-16-21_508.pdf).
- **Concessioner:** refers to the new concessioner to be awarded the Draft Contract through this solicitation process.
- **Draft Contract:** refers to the new concession contract to be awarded through this solicitation process (CC-DINOXXX-26).
- **Offeror(s):** refers to the entities that submit a proposal in response to the solicitation for the Draft Contract.
- In addition, throughout this document the Service uses terms defined in the Prospectus documents.

### Part I. Business Opportunity

1. Page 8 of the Business Opportunity states: "Historically, the Service has assigned similar launch dates from year to year for each contract, but reserves the right to adjust launch dates, as needed." Can the NPS articulate what factors could necessitate adjusting launch dates?  
*NPS Response: The Service does not anticipate changing the launch dates from year to year, but may need to do so for reasons including natural disasters, impacts to existing campsite availability, anticipated water flows, changes to the Dinosaur National Monument River Management Plan, etc.*
2. Page 9 of the Business Opportunity states: "Transportation may only be provided in concessioner-owned vehicles, which meet all applicable state and federal requirements for commercial passenger transport." Is the NPS prohibiting the use of concessioner-leased vehicles, which meet all state and federal requirements for commercial passenger transport?  
*NPS Response: Concessioner-leased vehicles which meet all state and federal requirements for commercial passenger transport are acceptable. The Business Opportunity has been updated accordingly.*

### Part IV. Draft Contract including Contract Exhibits

#### Draft Contract

3. Draft Contract Section 7) Part b) describes the requirement for an audit by an independent Certified Public Accountant for contracts with annual gross receipts in excess of \$1,000,000.00. Would the NPS consider adjusting this number upward to account for the inflation that has occurred since this threshold was established?  
*NPS Response: No. This requirement is standard contract language that reflects the requirements of the 1998 Concessions Management Improvement Act and the requirements of the amended 36 C.F.R Part 51 and cannot be adjusted for this solicitation.*

## Exhibit B Operating Plan

4. Operating Plan Section 2) Part B) sec 4) line c) describes a new requirement for a Concessioner Rate Monitoring Plan. What factors did the NPS consider in adding this annual requirement when the Service is already annually reviewing the competitive market to evaluate the efficacy of the CMD rate approval method?

**NPS Response:** *The Concessioner Rate Monitoring Plan is a Service-wide requirement developed in response to the revised rule at 36 C.F.R. § 51.82 (12/29/23). The purpose of the Concessioner Rate Monitoring Plan is for the Concessioner to demonstrate to the Service how it plans to set and monitor its rates against the competitive market, as required under the Competitive Market Declaration rate method. The Service will review the Concessioner's rate-setting strategy annually to ensure the Concessioner's rates remain within reasonable thresholds of competitors, without negative impacts to utilization or visitor satisfaction.*

5. Operating Plan Section 2) Part B) sec 7) line c) states: "The Concessioner may accept reservations up to one year in advance, given the Service has released the commercial launch calendar for those trip dates." Has the NPS considered the detrimental impacts on outfitters and the competitive disadvantage that this limitation imparts based on other whitewater venues across the western US not having this same restriction? Would the NPS consider publishing the launch calendar for two years (or more) in the future?

**NPS Response:** *Due to potential variability in launch dates outside the Service's control, the Service cannot guarantee it will publish the commercial launch calendar more than one year in advance. The Service will allow concessioners to accept tentative bookings in advance of the release of the commercial launch calendar. The Concessioner must disclose to clients that advance dates are tentative and subject to change up until the commercial launch calendar is released, approximately one year in advance. Any advance deposits accepted prior to the release of the commercial launch calendar must be returned to the client in full, should the actual assigned dates of the trip prevent the client from participating and the client cannot be satisfactorily scheduled on another trip.*

6. Operating Plan Section 2) Part B) sec 7) line e) states: "The booking agent may not charge a fee to the client in addition to the Service-approved rate for the trip." What is the reason for this prohibition?

**NPS Response:** *The purpose of this requirement is to ensure clients are not charged more for a trip than the Service-approved rate due to the Concessioner's choice to use a booking agent. This requirement is reflective of NPS Commercial Services policies, as stated in the NPS Commercial Services Guide, section 6.11.6.2: "Third-party companies and intermediaries selling rooms or services (e.g., tours, transportation, etc.) on the concessioner's behalf must sell those rooms or services at or below the NPS-approved maximum rate. Any service fee or commission charged by the third party or intermediary must be included in the approved maximum rate."*

7. Operating Plan Section 2) Part D) sec 5) states: "The Concessioner must forward to the Service within 15 days of the last day of the operating season a summary of all comments and complaints received on comment cards, letter, email, or other internet-based or electronic system." Would the NPS consider extending the due date back to November 15th to match the timeframe from the previous contract?

**NPS Response:** *The Service needs this information prior to November 15 to inform the Concessioner Review Program and any necessary Operating Plan updates prior to the next high use season. The Service will extend this deadline to October 15, annually.*

8. Regarding Operating Plan Section 2) Part H) Trip Leader, Guide and Crew Requirements, has the NPS considered that the more stringent requirement could have detrimental impacts on outfitters seeking to employ the most experienced river guides available?

**NPS Response:** *The Service developed guide and trip leader requirements with consideration for the applicable State of Utah and State of Colorado requirements and to reasonably ensure guides and trip leaders possess sufficient knowledge and experience to assume responsibility for the safety of clients participating in commercial river trips within Dinosaur National Monument.*

9. Regarding Operating Plan Section 4) Part J) sec 1), would the NPS consider adding whitewater dories to the list of watercraft approved for commercial use?

**NPS Response:** *The Service will not add whitewater dories to the list of watercraft approved for commercial use. However, the Concessioner may request Service approval to use whitewater dories, in accordance with Operating Plan Section 4) Part J) sec 3)*

10. Operating Plan Section 4) Part P) sec 5) line a) states: "Utensils or single-use disposable gloves are required when handling ready to eat food products or foods that will not be cooked." Would the service consider keeping the glove consideration a recommendation and not a requirement, as is outlined in RM83A? We believe the use of gloves is not a proven method for ensuring food safety, not to mention the generation of trash in the Area.

**NPS Response:** *The Service anticipates the existing recommendation to use utensils or disposable gloves when handling ready-to-eat foods to be changed to a requirement in a pending update to RM83A, per consultation with US Public Health Service representatives. However, the Operating Plan requirement will be adjusted to reflect what is stated in the current version of RM83A. Operating Plan Section 4) Part P) sec 5) line a) has been updated accordingly.*