

# PART II

## PROPOSAL INSTRUCTIONS

UNITED STATES DEPARTMENT OF THE INTERIOR  
NATIONAL PARK SERVICE

Yellowstone National Park

**Proposal to Operate** Guided Interpretive Saddle and Pack Stock Tours within Yellowstone National Park

CONCESSION CONTRACT NO. CC-YELL1XX-27

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## PROPOSAL INSTRUCTIONS

- 1) **The Service will accept only electronic proposals. Response Requirements for Submission of Proposal**
  - a) This Prospectus is issued under the authority of 36 C.F.R. Part 51 (incorporated by reference herein). In the event of any inconsistency between the terms of this Prospectus and 36 C.F.R. Part 51, 36 C.F.R. Part 51 will control. The Service presumes that all persons that submit a proposal in response to this Prospectus are informed of the provisions of 36 C.F.R. Part 51.
  - b) **Offerors must notify the Service of your intent to submit a proposal via email no later than the due date and time shown on the inside cover of this Prospectus for such notice. The Notice of Intent must state that the Offeror intends to submit a proposal and must identify the specific contract(s) for which it intends to submit a proposal. An Offeror may declare it intends to submit on multiple contracts in one notice as long as each specific contract is clearly identified. The Service will not accept proposals from entities that do not provide notice on or before the date and time shown on the inside cover of this Prospectus.**
  - c) Proposals for the Draft Contract and an original hard copy of the "Offeror's Transmittal Letter" must be received by the deadline and times shown on the inside cover of this Prospectus.
  - d) Only an Offeror submitting a responsive proposal is eligible to be awarded the new concession contract. A responsive proposal means a timely submitted original hard copy of the "Offeror's Transmittal Letter" and proposal that is determined by the Service as agreeing to all of the minimum requirements of the draft concession contract and Prospectus and as having provided the information required by the Prospectus.
  - e) Information "required by the Prospectus" refers to information expressly required by the Prospectus and that is material, as determined by the Service, to an effective evaluation of the proposal.
  - f) **The Offeror must send the email notifying the Service of its intent to submit a proposal (see 1)b) above) from the same email account that the Offeror will use to submit the proposal. The Service will not accept proposals from email addresses other than the one used to submit the notice of intent to propose.**
- 2) **Format in Which Proposal Must be Submitted**
  - a) Follow these instructions to submit the "Offeror's Transmittal Letter":
    - (1) Offerors must follow the format provided in the Proposal Package in submitting a proposal. Failure to submit a signed Offeror's Transmittal Letter without alteration (except for filling in the indicated blanks and adding signature blocks for additional Offeror-Guarantors if needed) will make your proposal non-responsive.
    - (2) For submitting proposals:
      - a. The Offeror must include a scanned PDF version of the signed "Offeror's Transmittal Letter" with the proposal submittal.
      - b. The "Offeror's Transmittal Letter" must include a list of the documents transmitted electronically and the email address certified to submit the proposal.
      - c. The Offeror must send an original hard copy of the "Offeror's Transmittal Letter" with wet signature to the address listed on the inside cover by the date listed on the inside cover.
      - d. The Service encourages Offerors to ensure the timely submittal of the "Offeror's Transmittal Letter" by sending it well before the deadline to avoid delays related to delivery services, such as weather.
    - (3) Offerors must submit a separate completed Offeror's Transmittal Letter and Proposal for each of the Concession Contract(s) for which they wish to apply.

- a) If an Offeror submits proposals for more than one Contract, it must state in the Offeror's Transmittal Letter the specific contracts for which it is applying, the maximum number of contracts it has the capacity to conduct, and then list the specific contracts in an order of preference that clearly prioritizes which Concession Contracts it most desires for award.
- b) Offerors submitting proposals for multiple contracts must provide a brief summary along with the Offeror's Transmittal Letter that either:
  - affirms that the proposals were developed independently, without coordination, and are, for the most part, different proposals; or
  - objectively summarizes the differences between its proposals and lists the locations of the differences by page numbers for documents or tab and line number for spreadsheets.

For proposals needing to include a summary as described above, the Offeror must mark all the differences between the proposals in the applicable selection factor responses using some type of annotation (other than different color, fonts, or highlights) that will allow the evaluation panel to easily identify the differences (e.g., italics, underlines or borders). The summary and annotations will assist the panel to fully understand the distinctions between proposals. The Proposal Instructions regarding the form in which proposals must be submitted and any page limits will not change to accommodate additional language an Offeror may elect to include in complying with this instruction. For the purposes of scoring, the Service will not consider information found in the summary not also found in the response to a selection factor.

- b) The required format for responding to the selection factors is described in the Proposal Package (Part III of the Prospectus)

### 3) Submission Protocol for Proposals

- a) Submit your proposal and scanned PDF version of the "Offeror's Transmittal Letter" using the Service's Microsoft Teams platform (see instructions below). The proposal must be in a format that can be shared, copied, and pasted easily. Microsoft Office programs or an Adobe PDF version that allows for copying and pasting of text using Adobe Reader software are acceptable.
- b) Follow these instructions to submit the proposal:
  - (1) Within two weeks of the submission deadline, you will receive a welcome email message from the Service's Microsoft Teams platform at the email address you provided when you notified the Service of your intent to submit a proposal. The Teams email invitation will come from [account-security-noreply@accountprotection.microsoft.com](mailto:account-security-noreply@accountprotection.microsoft.com). Be advised the email invitation may take up to 24 hours to arrive in your inbox after the Service sends it and may end up in your junk or spam folder depending on your systems email filters. You must accept the invitation by selecting Open Microsoft Teams in the email message before you can access the Team to upload your proposal.
- c) You will not need to download Teams to your computer. You can choose to run Teams in your preferred web browser (Chrome and Edge are fully supported, but Safari and Firefox have some limitations). We suggest that you choose to access your Team in a browser.
  - (1) Before gaining access to the Microsoft Teams site created to submit a proposal, you need to use an authentication app to complete a Multi-Factor Authentication (MFA). Please use the following link to access guidance for completing the MFA: [DOI Guest MFA Guidelines \(nps.gov\)](https://www.nps.gov/doi-guest-mfa-guidelines)
  - (2) Once you have accessed your Team, you can upload your proposal directly into the "General" folder and may create subfolders for uploading multiple documents if needed.
  - (3) You must upload the proposal via the Teams site before the submission due date listed on the inside cover. Offerors are encouraged to ensure the timely submittal of proposals by uploading before the deadline to avoid delays related to technical issues, such as connectivity.

4) Other than the hard copy of the "Offeror's Transmittal Letter" described above the Service will not accept a proposal or any part of a proposal by hard copy mail/delivery service or facsimile transmission.

#### 5) Proposals Considered Public Documents

- a) All proposals submitted in response to this Prospectus may be disclosed by the Service to any person, upon request, to the extent required or authorized by the Freedom of Information Act (5 U.S.C. § 552).
- b) If you believe that your proposal contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act, mark the cover page of each copy of the proposal with the following legend:

The information specifically identified on pages of this proposal constitutes trade secrets or confidential commercial or financial information that the Offeror believes to be exempt from disclosure under the Freedom of Information Act. The Offeror requests that this information not be disclosed to the public, except as may be required by law.

You must specifically identify what you consider to be trade secret information or confidential commercial or financial information on the page of the proposal on which it appears, and you must mark each such page with the following legend:

This page contains trade secrets or confidential commercial and financial information that the Offeror believes to be exempt from disclosure under the Freedom of Information Act, and which is subject to the legend contained on the cover page of this proposal.

- c) Information so identified will not be made public by the Service except in accordance with law.
- d) Notwithstanding the above, Offerors should be aware that, upon request, the Service releases its concession contracts to the public in full without redaction, including elements incorporated into the concession contract from the selected Offeror's proposal.

#### 6) Questions

If you do not understand something in this Prospectus, you must submit your questions via email to the contact person noted on the inside cover of the Prospectus, no later than the date specified on the inside cover of the Prospectus. The questions must be in a format that allows the Service to copy the questions to Microsoft Word. Microsoft Office programs or an Adobe PDF version that allows for copying and pasting of text using Adobe Reader software are acceptable. Your questions must specify the section of the Prospectus that is the subject of your inquiry. If you do not reference the specific section of the Prospectus, your questions may not be answered. The Service will respond to your questions, as appropriate, in writing, and will provide the questions and responses to all potential Offerors who have requested the Prospectus. Questions submitted after this date may not be answered. (36 C.F.R. Part 51)

#### 7) Evaluation of Proposals

- a) The Service will apply the principal selection factors and secondary factors as set forth in 36 C.F.R. Part 51 by assessing each timely proposal under each of the selection factors on the basis of a narrative explanation discussing any subfactors when applicable and other supporting information.
- b) For each selection factor, the Service will assign a score that reflects the determined merits of the proposal under the applicable selection factor and in comparison to the other proposals received, if any. The Service will give equal weight to each subfactor under a given selection factor, unless otherwise expressly stated.
- c) The first four principal factors will be scored from zero to five. The fifth principal selection factor will be scored from zero to four (with a score of one for agreeing to the minimum franchise fee contained in the Prospectus). Secondary Selection Factor 1 will be scored from zero to three. The Service then will assign a cumulative point score to each proposal based on the assigned score for each selection factor.
- d) Principal Selection Factors. The five principal selection factors are:

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.

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;

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 new concession contract;

Principal Selection Factor 4. The financial capability of the Offeror to carry out its proposal; and

Principal Selection Factor 5. The amount of the proposed minimum franchise fee and other forms of financial consideration to the Service. Consideration of revenue to the United States will be subordinate to the objectives of protecting, conserving, and preserving resources of the park and of providing necessary and appropriate visitor services to the public at reasonable rates.

e) Secondary Selection Factors. The secondary selection factors are:

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.

## **8) Process of Selecting the Best Proposal**

The Service will select the responsive proposal with the highest cumulative point score as the best proposal. If two or more responsive proposals receive the same highest point score, then the Service will select as the best proposal (from among the responsive proposals with the same highest point score) the responsive proposal that the Service determines on the basis of a narrative explanation will, on an overall basis, best achieve the purposes of 36 C.F.R. Part 51. Consideration of revenue to the United States in this determination and in scoring proposals under Principal Selection Factor 5 will be subordinate to the objectives of protecting, conserving and preserving resources of the park area and of providing necessary and appropriate visitor services to the public at reasonable rates (36 C.F.R. §51.16(c)).

## **9) Availability of a Debriefing**

Offerors may request in writing a post-award debriefing after receiving the Notification of Selection/Non-Selection letter. Award of a concession contract does not occur until the competitive process has been completed and both the selected Offeror and the Service have signed the concession contract (36 C.F.R. Part 51). If Offerors wish to request a debriefing, a written request for a post-award debriefing must be received within 14 calendar days from receiving the Notification of Selection/Non-Selection letter. The Service will make every effort to debrief Offerors as soon as practicable after the contract award. A debriefing is not an opportunity for negotiation, amendment, supplementation, or reevaluation of any proposal. This Prospectus only provides for oral debriefings.

## **10) Preferred Offeror Determinations**

Section 403 of the National Park Service Concessions Management Improvement Act of 1998 (P.L. 105-391) includes a preference for a preferred Offeror to the award of a qualified concession contract.

Under the provisions of 36 C.F.R. Part 51, Subparts E and F, the Service has determined that each of the 37 contracts under this solicitation is a qualified concession contract and a preferred offeror exists for this contract.

## **11) Congressional Notice Period**

Concession contracts issued for a term of more than ten years, or when the annual gross receipts are anticipated to exceed \$5,000,000, are required by law to be submitted to the Congress for sixty days before they may be awarded. The new concession contract will not be submitted to the Congress because annual gross receipts are not anticipated to exceed \$5,000,000 and the term will not be for more than 10 years.

## **12) Cautions to Offerors about Submission and Evaluation of Proposals**

- a) All information regarding this Prospectus will be issued in writing. No Service representative or other government official is authorized to make substantive oral representations relating to this matter, and no Offeror should rely on any oral representations made by government officials with respect to this transaction.
- b) The attached draft contract and its exhibits set forth the terms and conditions under which the concession operation is to be conducted. The Service may amend a Prospectus or extend the submission date, or both, prior to and on the proposal due date. The Service also may cancel a solicitation at any time before the award of the concession contract if the Service determines in its discretion that this action is appropriate in the public interest. No Offeror or other person will obtain compensable or other legal rights as a result of an amended, extended, canceled, or reissued solicitation for this concession contract (36 C.F.R. § 51.11).
- c) Unless otherwise expressly stated, the draft concession contract does not permit the provision of visitor services by the concessioner through subconcession or other third-party agreements, including management agreements. Accordingly, the entity that is to be the concessioner under the draft concession contract, unless the contract expressly states to the contrary, must have the capability to provide all visitor services under the draft concession contract without the assistance of third parties. Joint ventures, partnerships, and other business entities are permitted.
- d) Except as provided under 36 C.F.R. § 51.4, the terms, conditions and determinations of this Prospectus and the terms and conditions of the draft concession contract as described in this Prospectus, including, without limitation, its minimum franchise fee, are not final until the concession contract is awarded.
- e) This Prospectus includes the selection factors to be used by the Service to evaluate proposals. Under each factor, the Service may identify subfactors to ensure that all elements of the factor are considered. You, the Offeror, should ensure that you fully address all of the selection factors and related subfactors.
- f) This Prospectus and related documents reflect the views and objectives of the Service with regard to the proposed concession operation. Should you believe any statement in the Prospectus to be inaccurate, you must submit comments to the Service in writing, no later than the date specified on the inside cover of the Prospectus for questions. Send your comments to the contact person named on the inside cover of this Prospectus for questions.
- g) The information in this Prospectus, including the Appendices, is provided to allow Offerors to understand the operations and terms of the new concession contract. Offerors are encouraged to thoroughly review all information and required submittal documents before beginning to prepare a proposal.
- h) Offerors are responsible for undertaking appropriate due diligence with respect to this business opportunity. All of the statements made in this Prospectus regarding the nature of the business and its likely future are only opinions of the Service. Offerors may not rely on any representations of the Service in this regard.
- i) A proposal to expand the scope of investment, facilities, services, and/or Leasehold Surrender Interest, beyond those called for in this Prospectus will not be considered in the evaluation of proposals.
- j) A proposal to provide direct or indirect monetary or other benefits to the Park or government not within the scope or requirements of the Prospectus will not be considered in the evaluation of proposals.
- k) If you propose to make any financial commitments and considerations in response to any selection factor, your proposal will be closely reviewed and analyzed against your financial statements and supporting documents with appropriate review of feasibility. Such documents reviewed and analyzed will include but not be limited to the Business Organization Information form, credit reports, pro forma income statements, audited or reviewed financial statements, and balance sheets contained in your proposal.

- l) The proposal and related materials submitted should reflect the entire proposal you are making. The Service will consider your written submission as your full and final proposal in response to the Prospectus and will make its selection based on the written information you have submitted and other appropriate information. Do not assume that the Service knows anything about you or your proposal. Do not assume that any information about you or your proposal, any previous correspondence or previous submissions are in the possession of or will be considered by the Service. This is true even if you are the current concessioner or have operated another concession within the park area or National Park System. In making its selection of the best proposal submitted in response to the Prospectus, the Service has the right, but not the obligation, to consider any other information relating to the matter.
- m) Document delivery services, including overnight delivery, to some areas may not provide true overnight delivery. Offerors are encouraged to ensure the timely submittal of proposals and the "Offeror's Transmittal Letter" by contacting the delivery service of their choice regarding delivery availability for the specific location identified on the inside cover of this Prospectus.
- n) The Service may request from any Offeror who has submitted a timely proposal a written clarification of its proposal. Clarification refers to making clear any ambiguities that may have been contained in a proposal but does not include amendment or supplementation of a proposal. An Offeror may not amend or supplement a proposal after the submission date unless requested by the Service to do so, and unless the Service provides all Offerors that submitted proposals a similar opportunity to amend or supplement their proposals.
- o) The selected Offeror must execute the concession contract promptly after the selection of the best proposal and within the time period specified by the Service. Any questions or clarifications related to the contract for execution must be submitted as soon as possible by the selected Offeror so that the selected Offeror executes the contract within the time period specified. If the selected Offeror fails to execute the concession contract within the time period specified by the Service, the Service may select another responsive proposal for award of the concession contract or will cancel the selection and may re-solicit the concession contract (36 C.F.R. Part 51).
- p) The Service, in accordance with 36 C.F.R. Part 51, may include as terms of the draft concession contract, appropriate elements of the proposal selected for award of the concession contract, including, without limitation, investments, facilities, services, and other commitments.