

PART III

Proposal Package

CC-OZAR011-28

Department of the Interior

National Park Service

Ozark National Scenic Riverways

**Proposal to Operate Canoe and Tube Rental with
Shuttle Services, Camp Store and Retail
Merchandise Sales, and Firewood Sales at
Ozark National Scenic Riverways**

Proposal Submission Terms & Conditions

- 1) The Offeror's Transmittal Letter set forth below indicates your acceptance of the terms and conditions of the concession opportunity as set forth in this Prospectus. It indicates your intention to comply with the terms and conditions of the Contract. **The letter, submitted without alteration, must bear original signatures.** The National Park Service (Service) will review the entire Proposal Package to determine whether your proposal in fact accepts without condition the terms and conditions of this Prospectus. If it does not accept without condition the terms and conditions of this Prospectus, your proposal may be considered non-responsive, even if you submitted an unconditional Offeror's Transmittal Letter.
- 2) The Proposal Package is drafted upon the assumption that an Offeror is the same legal entity that will execute the new concession Contract as the Concessioner. If the entity that is to be the Concessioner is not in existence as of the time of submission of a proposal, or the Offeror was formed recently and has no financial or operating history, the proposal must demonstrate that the individual(s) or entity(ies) (hereinafter Offeror-Guarantor(s)) that intends to establish the entity that will become the Concessioner has the ability and is legally obliged to cause the entity to be financially and managerially capable of carrying out the terms of the Contract. In addition, the Offeror-Guarantor must unconditionally state and guarantee in its proposal that the Offeror-Guarantor will provide the Concessioner with all funding, management, and other resources that the Draft Contract requires, and the proposal offers.

Offeror's Transmittal Letter
(Provide only one Offeror's Transmittal Letter)

Regional Director
National Park Service
Interior Regions 3, 4, 5
601 Riverfront Drive
Omaha, Nebraska 68102

Dear Director:

The name of the Offeror is _____. If the Offeror has not yet been formed, or the Offeror was formed recently and has no financial or operating history, this letter is submitted on its behalf by _____ as Offeror-Guarantor(s), who guarantee(s) all certifications, agreements, and obligations of the Offeror hereunder and make(s) such certifications, agreements and obligations individually and on behalf of the Offeror.

The Offeror hereby agrees to provide visitor services and facilities within the Ozark National Scenic Riverways in accordance with the terms and conditions specified in the Draft Concession Contract CC-OZAR018-28, (Draft Contract) provided in the Prospectus issued by the public notice as listed on the [SAM.gov website](https://sam.gov) and to execute the Draft Contract without substantive modification (except as may be required by the National Park Service pursuant to the terms of the Prospectus and the Offeror's Proposal).

The Offeror is enclosing the required "PROPOSAL" which, by this reference, is made a part hereof.

The Offeror certifies that the information furnished herewith is complete, true, and correct, and recognizes that false statements may subject the Offeror to criminal penalties under 18 U.S.C. 1001. The Offeror understands that the National Park Service will rely upon the material representations set forth in the Offeror's Proposal and acknowledges that the Offeror has a duty to inform the National Park Service of any material information in the Offeror's Proposal that changes or that the Offeror learns to be incorrect. The Offeror agrees to meet all the minimum requirements of the Draft Contract and the Prospectus. The Offeror certifies that it has provided all of the mandatory information specified in the Prospectus.

The Offeror certifies, in accordance with and as these terms are defined in 2 C.F.R. parts 180 and 1400 and sections 744 and 745 of Division E of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235), the following (initial all that apply):

- 1) Neither the Offeror nor any of its principals are presently excluded or disqualified. _____
- 2) Within the three years preceding submission of the Proposal, neither the Offeror nor any of its principals have been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) or private agreement or transaction; violation of federal or state antitrust statutes; commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, violating federal criminal tax laws, receiving stolen property, making false claims, or obstruction of justice; or commission of any other offense indicating a lack of business integrity or business honesty that seriously and directly affects their present responsibility.

- 3) Neither the Offeror nor any of its principals are presently indicted for or otherwise criminally or civilly charged by a federal, state or local governmental entity with the commission of any of the aforementioned offenses. _____

- 4) Neither the Offeror nor any of its principals have had one or more public transactions (federal, state or local) terminated for cause or default within the three-year period preceding the submission of the Proposal. _____
- 5) If a corporation, the Offeror does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. _____
- 6) If a corporation, the Offeror has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months. _____

If the Offeror is unable to certify one or more of the items above, it may sign this transmittal letter and, together with this transmittal letter, must submit detailed information explaining why it is unable to certify the item(s). The information the Offeror must submit includes a description of every incident that prevents the Offeror from certifying the item(s); the current status of each incident; and, if resolved, how each incident was resolved. The Offeror must explain how these incidents may affect the Offeror's ability to fulfill the terms of the Draft Contract.

The Offeror, by submitting this Proposal hereby agrees, if selected for award of the Draft Contract:

- 1) To perform, in a timely and competent manner, the minimum requirements of the Draft Contract as identified in this Prospectus.
- 2) To complete the execution of the final Concession Contract within the time provided by the National Park Service when it presents the Concession Contract to the Offeror for execution.
- 3) To commence operations under the resulting Concession Contract on the effective date of the Concession Contract.
- 4) To operate under the current National Park Service approved rates until such time as amended rates may be approved by the National Park Service.
- 5) *[Include only if the Offeror is not yet in existence or the Offeror was formed recently and has no financial or operating history.]* To provide the entity that is to be the Concessioner under the Draft Contract with the funding, management, and other resources required under the Draft Contract and/or described in our Proposal.
- 6) *[Include only if the Offeror is an entity, rather than an individual]* To deliver to the Regional Director within 10 days following the announcement of the selection of the Offeror as the Concessioner, current copies of the following:
 - Certificate from its state of formation indicating that the entity is in "good standing" (if such form is issued in that state for Offeror's type of business entity);
 - Governing documents of Offeror (e.g., Articles of Incorporation and Bylaws for corporations; Certificate of Formation and Operating Agreement for LLCs; Partnership Agreement for partnerships; or Venture Agreement for joint ventures); and
 - If the business entity was not formed in the State of Missouri, evidence that it is qualified to do business there.

Name of Offeror (or Offeror-Guarantor(s)): _____

If the Offeror is not yet in existence as of the time of submission or the Offeror was formed recently and has no financial or operating history, list all entities if more than one and clearly indicate that the entity is an Offeror-Guarantor. If there is more than one Offeror-Guarantor, add signature boxes for each Offeror-Guarantor to sign the Offeror's Transmittal Letter.

BY _____ DATE _____
(Type or Print Name)

Original Signature _____

Title _____

Address _____

Email _____

Phone _____

(End of Offeror's Transmittal Letter)

NOTICES

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Purpose: The purposes of the system are to assist NPS employees in managing the National Park Service Commercial Services program allowing commercial uses within a unit of the National Park System to ensure that business activities are conducted in a manner that complies with Federal laws and regulations and to evaluate offerors who desire to conduct or are conducting business within units of the National Park System.

Routine Uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records or information contained in this system may be disclosed outside the National Park Service as a routine use pursuant to 5 U.S.C. 552a(b)(3) to other Federal, State, territorial, local, tribal, or foreign agencies and other authorized organizations and individuals based on an authorized routine use when the disclosure is compatible with the purpose for which the records were compiled as described under the system of records notice INTERIOR/NPS-15, Concessions Management Files 48 FR 51696 (November 10, 1983); Modification published 73 FR 63992 (October 28, 2008) and 86 FR 50156 (September 7, 2021). This notice can be found at <https://www.doi.gov/privacy/sorn>.

Disclosure: Providing your information is voluntary, however, failure to provide the requested information may impede the evaluation of your proposal in response to available concession opportunities.

PAPERWORK REDUCTION ACT STATEMENT

We collect this information under the authority of Title IV of the National Parks Omnibus Management Act of 1998 (Pub. L. 105-391). We use this information to evaluate a concession proposal. Your response is required to obtain or retain a benefit. We may not collect or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1024-0029.

ESTIMATED BURDEN STATEMENT

We estimate that it will take you 1 hour to complete this form, including time to review instructions, gather and maintain data, and complete and review the form. You may send comments on the burden estimate or any aspect of this form to the Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525. Please do not send your completed form to this address.

Certificate of Business Entity Offeror

(Or of Offeror-Guarantor)

(Offerors who are individuals should skip this certificate)

I, _____, certify that I am the _____ of the [specify one] corporation/partnership/limited liability company/joint venture named as Offeror (or Offeror-Guarantor, if applicable) herein; that I signed this proposal for and on behalf of the Offeror (or Offeror-Guarantor, if applicable), with full authority under its governing instrument(s), within the scope of its powers, and with the intent to bind the entity.

Name of Entity: _____

by _____ Date _____
(Type or Print Name)

Original Signature _____

Title _____

Address _____

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SELECTION FACTORS

Response Format

- 1) Please number each page and section in your completed proposal. Add information to your proposal only to the extent that it is necessary and relevant to respond to the selection factor. Each page should have a heading identifying the selection factor and subfactor to which the information contained on the page responds. It is important that your response stays within the organizational framework in the Proposal Package and provides all relevant information directly in response to each selection factor. The Service may consider relevant information contained within any applicable page limits elsewhere in a proposal in assessing the proposal's response to each particular selection factor.
- 2) The evaluation panel will give scoring preference to firm commitments when evaluating proposals. Responses that include terms such as "look into," "research," "may," "if feasible," and similar terms, or that describe existing operations and conditions rather than proposing future commitments, will not be considered firm commitments. In addition, the Service considers responses that include a specific time for commitment implementation as a stronger response. For example, "XXX commits to provide recycling containers in each lodging room by December of 2027."
- 3) Where page limits are set out in the Proposal Package, the Service will not evaluate information on any pages that exceed the page limitations stated, including attachments, appendices, or other additional materials the Offeror submits. The Service would like to see clear and concise answers. A longer answer will not necessarily be considered a better answer.
- 4) Offerors must use letter-size paper unless a subfactor asks for schematics or drawings, in which case Offerors may use legal or ledger-size paper for the schematics or drawings. Offerors must use 11- or 12-point font for all text within the proposal, including all tables, charts, graphs, and provided forms. The Service will accept images of sample material with smaller fonts.
- 5) Page margins must be 1 inch. Page numbers and identifications of trade secrets or confidential commercial or financial information that the Offeror believes to be exempt from disclosure under the Freedom of Information Act may appear within the margins and must be no smaller than 10-point font. The Proposal Instructions (Part II of this Prospectus) include further instructions and notices regarding the Freedom of Information Act and proposals and awarded concession contracts.

NOTICE TO OFFERORS

The Service will consider proposals for non-leasehold-surrender-interest (LSI)-generating improvements or additions to Concession Facilities (as defined in the Draft Contract), and proposals for improvements or additions to, furnishings, employee and visitor amenities, and other Concessioner-owned personal property.

The Service will not consider proposals for new construction or major rehabilitation unless the new construction or major rehabilitation is either a necessary part of the required Concession Facilities Improvement Program (CFIP), or the Offeror voluntarily proposes and agrees to waive its rights to LSI associated with the new construction or major rehabilitation by explicitly stating so (e.g., "XXX waives all rights to LSI for this voluntary enhancement project.").

"Major rehabilitation" is defined in 36 C.F.R. § 51.51.

"New construction" means:

- The creation of a new structure (as defined in 36 C.F.R. § 51.51) where none previously existed, or
- The completion of a new addition to an existing structure that expands the footprint or function of the structure, or
- The installation of a new fixture or non-removable equipment (as defined in 36 C.F.R. § 51.51).

Examples of "new construction" include:

- Ground-up building: Building new lodging units, bathhouses, employee housing, a marina store, a new concrete pad or fixed platform to support a moveable facility, such as a camper cabin, new sidewalks, pads for generators, etc.
- Addition/alteration: Adding a new wing or floor to an existing lodge (increasing capacity)
- Infrastructure development/expansion: Installing (new) or expanding wastewater treatment systems, water distribution networks, electrical grids, expanding roads/parking, etc.

The Service may consider proposals that describe detailed Offeror commitments that enhance the CFIP as defined in the Draft Contract but will not consider proposed alterations to the scope of the CFIP as defined in the Draft Contract. The Service will consider proposals that assume LSI in proposed fixture replacement(s). For a current list of LSI fixtures See: [LSI Fixture Table \(nps.gov\)](https://www.nps.gov/lsifixturetable).

In completing the forms in the Excel workbook provided for part 3 of Principal Selection Factor 4, you need to include the monetary amounts for any investments required to realize the strategies outlined in response to the selection factors.

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)**

Service Objectives:

The objectives under this principal selection factor are for the Concessioner to protect and preserve the assets assigned under the Draft Contract and to protect the natural environment in which they operate.

Subfactors

Subfactor 1(a): Asset Management. Using no more than two (2) pages, including text, pictures, and graphs, describe how you will maintain the Pulltite Camp store. Your response should include how you will prevent the development of deferred maintenance and keep facility in good condition.

Subfactor 1(b): Natural Environment Management. Using no more than two (2) pages, including text, pictures, and graphs, describe how you will conduct your operations in a manner that will minimize impacts on the natural environment of the park area.

- 1) Describe how you will manage your canoe staging area and shuttle services to reduce impacts on the resources.
- 2) Describe how you will protect the Current and Jacks Fork Rivers and their tributaries from litter or pollutants that your visitors may generate.

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)**

Service Objectives:

The objectives under this principal selection factor are to ensure the Concessioner is committed to delivering a high-quality, safe, and memorable visitor experience which increases their appreciation for Ozark National Scenic Riverways. This experience includes their time on the river, time in the store, and time on the shuttle or time spent browsing in and purchasing high-quality and educational items from the store.

Subfactor 2(a): Quality River Experience. Using not more than two (3) pages, including text, pictures, and graphs, outline your program for ensuring that visitors receive a quality, educational, safe river experience which deepens their appreciation for the Park by addressing the following.

- 1) Describe any mid-week float specials, events, group packages, or other marketing ideas that you will offer to redistribute visitation and alleviate congestion.
- 2) Describe the elements of your safety/orientation talk.
- 3) Describe your equipment maintenance program that ensures quality equipment is used by visitors.
- 4) Describe how you will train your employees about Ozark National Scenic Riverways, and how you will ensure your employees are appropriately and accurately interpreting park resources.

Subfactor 2(b): Quality retail experience. Using not more than 2 pages, including all text, pictures, graphs, etc., outline your program for ensuring that visitors have a positive, educational, retail experience which deepens their appreciation for the Park, by describing what merchandise will be offered in the camp store and how you will incorporate park thematic merchandise items into your retail inventory.

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)**

Note to Offeror: To assist the Service in the evaluation of proposals under this and other selection factors, provide the following information regarding the organizational structure of the Offeror. This organizational structure information will not be scored for selection purposes but may be used for assessing responses to various selection factors. Additionally, the Service will use this information and the names of the Offeror, any Offeror-Guarantor(s), and the person(s) who sign the Certificate of Business Entity Offeror and Offeror's Transmittal Letter to check the System for Award Management (SAM.gov) for individuals or entities that may be excluded or disqualified from award of the Draft Contract. Offerors are encouraged to check SAM.gov for this information themselves. Failure to provide this information may result in the Service determining your proposal to be non-responsive.

Offeror's Organizational Structure

Describe the entity with which the National Park Service will contract, specifying whether it is currently in existence or is to be formed. Clearly explain and define the Offeror's relationship to any affiliated entities that will affect how the Offeror will perform under the Draft Contract.

Submit the Offeror's governing documents (e.g., Articles of Incorporation and Bylaws for corporations; Certificate of Formation and Operating Agreement for LLCs; Partnership Agreement for partnerships; or Venture Agreement for joint ventures). If the Offeror is not yet in existence, submit these documents for the Offeror-Guarantor(s).

Submit completed Business Organization Information forms (NPS Form 10-357A or NPS Form 10-357B, as applicable to the individual or entity, available at the end of this Principal Selection Factor 3) for the Offeror; Offeror-Guarantor(s), if any; and any individual or entity with a controlling interest in the Offeror (i.e., an interest that permits the exercise of managerial authority over how the Offeror will perform under the Draft Contract or decisions regarding the rights and liabilities of the Offeror).

Subfactor 3(a). Operational Experience

Using no more than **three (3) pages**, including text, pictures, and graphs:

Describe the Offeror's experience operating and managing services similar to those required by the Draft Contract by providing **one example similar to** the following service: Canoe and Tube Rental with Shuttle Service.

If the Offeror is not yet in existence, the Offeror was formed recently and has no financial or operating history, or the Offeror relies on the experience of an affiliated entity, such as its parent company or a subsidiary of its parent company, explain how such experience will carry over to the Offeror directly and how that entity's experience will benefit the Offeror's operations. For each example discussed, submit the following information segmented by operating department.

Submit the following information for each example:

1. Name and location of operation
2. Nature of the Offeror's involvement and status of business (e.g., owned and operated by Offeror, sold, open but no longer operated by Offeror, closed, etc.)
3. Time frame of experience, with dates
4. Annual gross receipts for the most recent two years/seasons of operation in which the Offeror was involved with the business
5. Operating season and hours
6. Number of allotted vessels
7. Number of employees segregated by full-time and part-time

8. Any operating conditions or challenges similar to the operating conditions or challenges of the services required by the Draft Contract. The Business Opportunity (Part I of this Prospectus) includes a summary of these operating conditions or challenges.

Subfactor 3(b). Violations or Infractions

The Service is aware that any business may receive the occasional notice of violation, penalty, fine, less than satisfactory public health rating, or similar regulatory notice from a federal, state, or local agency, such as from the U.S. Public Health Service, OSHA, DOL, EPA, state or local department of health, etc. (hereinafter collectively referred to as "Infractions"). The Service is interested in understanding how your business manages these Infractions and your overall strategy to minimize Infractions.

Related Entities. In responding to this subfactor, consider the Offeror, all of its owners, directors, and officers (for corporations, their executive officers, directors, and controlling shareholders; for partnerships, their general partners; for limited liability companies, their managing members and managers, if any; and for joint ventures, each venturer), and all parent entities, subsidiaries, and affiliated entities under the same primary organizational entity (e.g., all subsidiaries of the Offeror's parent entity), as well as all of the examples you provided for Subfactor 3(a).

Please note, the Service may consider its own information, including information from Annual Overall Rating reports, and other official, publicly available information, such as local department of health inspections, when reviewing your response.

Using not more than **five (5) pages**, including text, pictures, and graphs, provide the following information:

- 1) List and describe all Infractions that have occurred in your and your Related Entities' operations in the past five years related to services that are the same or similar to the required services under the Draft Contract: canoe and tube rental with shuttle services, camp store and retail merchandise, and firewood sales under the Draft Contract. If you did not receive any such Infractions for a particular service, you must affirmatively state you considered that service and no Infractions occurred. If your response to Principal Selection Factor 3(a) included operations no longer controlled by the Offeror, Offeror-Guarantor, or a Related Entity, you must also describe all Infractions that have occurred in the past five years in those operations when the Offeror, Offeror-Guarantor, or a Related Entity controlled the operation.
- 2) Explain how you or your Related Entity responded to each Infraction, including actions you or your Related Entity took to prevent a recurrence of the Infraction.

Using not more than **three (3) pages**, including text, pictures, and graphs, provide the following information:

- 1) List, by name, the Related Entities (as defined above) you considered in providing the foregoing information.
- 2) Describe your overall strategy to minimize Infractions and how you resolve, or plan to resolve, Infractions when they do occur.



BUSINESS ORGANIZATION INFORMATION
Corporation, Limited Liability Company, Partnership, or Joint Venture
(Principal Selection Factor 3)



Note: Either a Form 10-357A or Form 10-357B is completed for each proposal, depending on the nature of ownership of the company.

Complete a separate form for the Offeror; each Offeror-Guarantor, if any; and any individual or entity with a controlling interest in the Offeror.

Name of Entity and Trade Name, if any	
Address	
Telephone Number	
Email Address	
Contact Person	
Title	
Tax ID #	
State of Formation	
Date of Formation	

Ownership	Percentage of Ownership Interests	Current Value of Investment
Names and Addresses of Owners		

Total Interests Outstanding and Type(s):		
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Principals (as defined at 2 C.F.R. § 180.995)	Address	Title and/or Affiliation

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Routine Uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records or information contained in this system may be disclosed outside the National Park Service as a routine use pursuant to 5 U.S.C. 552a(b)(3) to other Federal, State, territorial, local, tribal, or foreign agencies and other authorized organizations and individuals based on an authorized routine use when the disclosure is compatible with the purpose for which the records were compiled as described under the system of records notice INTERIOR/NPS-15, Concessions Management Files 48 FR 51696 (November 10, 1983); Modification published 73 FR 63992 (October 28, 2008) and 86 FR 50156 (September 7, 2021). This notice can be found at <https://www.doi.gov/privacy/sorn>.

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ESTIMATED BURDEN STATEMENT

We estimate that it will take you 1 hour to complete this form, including time to review instructions, gather and maintain data, and complete and review the form. You may send comments on the burden estimate or any aspect of this form to the Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525. Please do not send your completed form to this address.



BUSINESS ORGANIZATION INFORMATION
Individual* or Sole Proprietorship
(Principal Selection Factor 3)



Note: Either a Form 10-357A or Form 10-357B is completed for each proposal, depending on the nature of ownership of the company.

Complete a separate form for the Offeror; each Offeror-Guarantor, if any; and any individual or entity with a controlling interest in the Offeror.

Name of Individual and Trade Name, if Any**	
Address	
Telephone Number	
Email Address	
Contact Person (if other than the Offeror)	
Tax ID #	
Years in Business (of same type as required service(s))	
Current Value of Business	
Individual or Sole Proprietor's Role in Providing Concession Service(s)	

* Due to difficulties determining authority to act and ownership, the Service will not accept a proposal from spouses jointly as a purported business entity. Either one individual must serve as the Offeror or the spouses must form a corporation, partnership, or limited liability company to serve as Offeror.

**If the sole proprietorship acts under a name other than that of its owner (i.e., does business as "company name"), also add the jurisdiction where the company's trade name is registered, if any.

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

How to respond to Principal Selection Factor 4: The Offeror should provide the information requested with the goal of clearly demonstrating that it has the financial capability to carry out its proposal. If any of the financial information provided is adverse, the Offeror should explain why and describe how it addressed any issues. If funding will be provided by any individuals or entities, clearly and succinctly explain how the funding will be transferred from those sources to the Offeror, including, if applicable, how it moves from various levels of superior or related entities to the Offeror.

If the Offeror is not yet in existence or the Offeror was formed recently and has no financial or operating history, please state this, and provide the information described below for each Offeror-Guarantor as identified in the Offeror's Transmittal Letter. Additionally, if the Offeror (or Offeror-Guarantor) anticipates that any individual or entity will provide financial assistance to the Offeror during the term of the Contract (e.g., for start-up costs or investments), please state this, and provide the information described below for each such individual or entity. Failure to provide the required documentation may lead to the National Park Service determining your offer is non-responsive and ineligible for award of the Draft Contract.

The Offeror must complete and submit all forms provided here and as appendices, including the Excel workbook and other documentation.

A table is provided at the end of Principal Selection Factor 4 that summarizes the forms and documentation you must submit per the following detailed instructions.

The Service will score Principal Selection Factor 4 based upon the entirety of your response to the instructions below. The instructions are numbered for organizational purposes.

1. Demonstrate a credible, proven track record of meeting financial obligations by providing the following:

Identify the Offeror, or each Offeror-Guarantor if applicable, and any individual or entity other than an accredited financial institution that will provide funding to the Offeror during the term of the Contract (for start-up costs, investments, etc.).

For each individual or entity identified above, provide:

- The completed **Business History Information** form provided at the end of this section.
- A **complete credit report** dated within six months of the date of the proposal. The report must include scores and narratives, and you must submit the full report, not a screenshot of a specific score or specific section of the report. The report must be from a major credit reporting company such as Equifax, Experian, TransUnion, or Dun & Bradstreet. If the Offeror is not yet formed, include a credit report for each Offeror-Guarantor. An unavailability of scores from one major credit reporting company does not eliminate your responsibility to provide a complete credit report with scores. If an entity is a partnership or joint venture, a complete credit report must be provided for all general partners in a partnership (or deemed partnership, such as husband and wife), and all venturers in a joint venture.

2. Demonstrate your business experience and financial capability by providing the following:

For the Offeror, or each Offeror-Guarantor if applicable, and any individual or entity other than an accredited financial institution that will provide funding to the Offeror during the term of the

Draft Contract (for start-up costs, investments, etc.) provide audited financial statements (including all notes to the financial statements) for the two most recent fiscal years.

If audited financial statements are not available, explain in detail why they are not available and submit reviewed financial statements.

If neither audited nor reviewed financial statements are available, explain in detail why they are not available and submit compiled financial statements.

If audited, reviewed, or compiled financial statements are not available, explain in detail why they are not available and submit financial statements to which an authorized officer of the entity or the submitting individual, as applicable, attests to the accuracy and completeness of the financial statements.

If none of the financial statements listed above are available, explain why in detail and submit personal financial statements to which the submitting individual attests to their accuracy and completeness. If personal financial statements are provided for an entity, submit these for each of the entity's principals.

Note: Financial statements must be provided for all general partners in a partnership (or deemed partnership, such as husband and wife), and all venturers in a joint venture.

Additionally, if more than three months have elapsed since the end of the most recent fiscal year included in the financial statements, provide interim financial statements (at minimum, a balance sheet and income statement) that are dated within 10 weeks of the proposal due date for each Offeror, each Offeror-Guarantor, and any individual or entity (other than an accredited financial institution) providing funding to the Offeror during the term of the Contract (for startup costs, investments, etc.). The Service understands these interim financial statements are not likely to be audited or reviewed; the above-listed individuals or entities should state that the financial statements are compiled or have an authorized officer of each entity or the submitting individual, as applicable, attest to the accuracy and completeness of the interim financial statements.

If any of the above-listed individuals' or entities' financial position has substantially changed from the most recent fiscal year, provide a narrative to help the Service understand any changes to their financial position.

3. Demonstrate that your proposal is financially viable and that you understand the financial obligations of the Draft Contract by providing your projection on the following forms in the provided Excel workbook:

- *Investments and Investments Assumptions* forms:
 - Fully explain the methodology and the assumptions used to develop the estimates for the line items included in the Total Initial Investment and Start-up Expenses of the business. The information provided (both estimates and assumptions) should include sufficient detail to allow a reviewer to understand how you determined the estimates.
 - If you are the Existing Concessioner and do not anticipate any additional initial investment or start-up costs, please provide the value of your existing assets in the appropriate section and state that you consider the current personal property and assets adequate to operate this concession opportunity successfully.
- *Income Statement, Income Statement Assumptions, Operating Assumptions, Cash Flow Statement, Cash Flow Statement Assumptions, Recapture of Investment, and Recapture of Investment Assumptions* forms:

- Use the forms to provide estimates of prospective revenues, expenses, and cash flows of the concession business for the entire term of the Draft Contract. Use the forms to explain your financial projections and assumptions that support your financial projections.
- Include the recapture amount and assumptions you expect at the end of the Contract in the *Cash Flow Statement*, *Cash Flow Statement Assumptions*, *Recapture of Investment*, and *Recapture of Investment Assumptions* forms and not the *Income Statement* form.

Below are general notes regarding the provided forms found in the Excel workbook included as an Appendix to the Prospectus.

- The Service has provided forms that request the information in the required format. These forms may differ from the format and requirements set forth in generally accepted accounting principles (GAAP) or generally accepted auditing standards (GAAS). The Service does NOT request that the information provided on these forms be reviewed in accordance with GAAS.
- Do not add or eliminate rows or columns on the Excel forms provided. If you wish to provide additional financial information, do so in additional spreadsheets, outside of the ones provided. If additional financial information is provided, clearly explain how it rolls up or applies to the provided forms.
- Provide a clear and concise narrative explanation of the method(s) used to prepare the estimates and the assumptions on which your projections are based. Provide sufficiently detailed and complete information to fully explain how you determine your estimates. If you make commitments in other sections of your proposal, please clearly account for the related expenses or investments for those commitments in the appropriate form in the Excel workbook; you may include an additional spreadsheet that identifies these specific commitments and where you account for the investment in your proposal. The Service will not evaluate expanded or additional commitments related to a response to another selection factor that exceed the page limits for that response. Include the cost amounts for the Concession Facility Improvement Program (CFIP), deferred maintenance (DM), and other significant investments in these forms so the Service understands how you intend to fund the investments.

4. Demonstrate your ability to obtain the funds necessary to operate under the Contract by providing the following:

Explain how you will fund the initial investment, including start-up costs, and additional investments (e.g., CFIP, PPIRs, CRR, DM) required throughout the term of the Contract.

Note: The financial arrangements you propose here should be reflected in your responses on the forms in the provided Excel workbook.

If funding is provided from another level of your organization, such as a parent or related entity, clearly explain how funding transfers from each level and ultimately to the Offeror and obtain clear commitments, as evidenced through the documents requested below, at each level. If the Offeror is obtaining even a portion of the necessary funds from another individual or entity, including accredited financial institutions, the Service must be able to determine from the documents submitted that the Offeror is highly likely to obtain either the stated amount, or an amount in excess of the stated amount, from an individual or entity with sufficient financial capability to provide the funds. The documentation requested below is intended to help the Service clearly reach this determination.

The more definite the terms stated in the documentation and the more comprehensive the documentation, the more likely the Service is to find the Offeror's ability to obtain the required funds credible.

- a) If you will use funds from cash on hand or operating cash flows from the Offeror's current business, document and provide sources and proof of the availability of these funds. At a minimum, provide the information requested under each bullet point.
- Provide current (no more than 30 days prior to the proposal due date) financial institution documents (including investment accounts) that verify the accounts and account balances to provide proof of the available funding. Financial institution account statements must include the name of the account holder and a date.
 - Provide a statement from the Offeror stating that funds are available and not committed to other sources.
 - Provide a list of assets to be sold and their anticipated value (if applicable).
 - If information provided in your financial statements or financial institution account statements contradict the appearance of available funds, provide additional narrative to explain how funding will be available from cash on hand or operating cash flows from the existing business by the effective date of the Draft Contract. Include an explanation of how you will meet your financial obligations under the Draft Contract should these assumptions fail to occur.
- b) If an accredited financial institution will provide funding, provide supporting information including, but not limited to, documents that describe the approximate amount of the loan(s) and whether the loan(s) will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86.¹ Additionally, provide the following information:
- Include a commitment letter (addressed to the National Park Service from the financial institution on the financial institution's letterhead and dated no more than 30 days prior to the proposal due date) stating the amount of funds that have been or will be made available to the Offeror. The letter must outline the financial institution's historical relationship with the Offeror. Specifically, the financial institution should provide the following information: number of years of the relationship; description and amount of all credit facilities extended to the Offeror along with the Offeror's average annual outstanding balance and current outstanding balance; current account balance; and statement of whether the Offeror has met all obligations with the financial institution as required and other conditions required for the financial institution to provide the Offeror the funds.
- Note: The more definite the terms provided in the documentation of the potential loan or financial arrangement, the more likely the Service will be to find the Offeror's ability to obtain the required funds credible.
- c) If an Offeror-Guarantor, individual, or entity other than an accredited financial institution will provide funding, provide the information requested under each bullet point for each individual or entity providing funding. If funds will be obtained from an Offeror-Guarantor, individual, or entity whose

¹ If the loan or financial arrangement will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86, and the Offeror is selected for award of the Draft Contract, then the Offeror will be required to submit to the Service a separate package seeking approval of the encumbrance.

primary fund source is an individual, provide the information requested under each bullet point with respect to such individual. If funds will be obtained from another source (e.g., an entity whose primary fund source is not an individual), provide the information requested under each bullet point for each source:

- Provide current (no more than 30 days prior to the proposal due date) financial institution documents (including investment accounts) that verify the account(s) and account balance(s) to provide proof of the available funding. Financial institution account statements must include the name of the account holder and a date.
- Provide a statement from the account holder stating that funds are available and not committed to other sources.
- Include a commitment letter from the funding source stating the approximate amount of the financial assistance, the terms of the financial arrangement (if a loan, provide the information requested under 4.b), and whether the arrangement will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86.
- Provide a list of assets to be sold and their anticipated value (if applicable).
- Provide any other assurances or documents that demonstrate that the funds are available, including documentation from independent sources.
- If information provided in the financial statements or financial institution account statements contradict the appearance of available funds, provide additional narrative to explain how funding will be available from cash on hand or operating cash flows from the existing business by the effective date of the Draft Contract. Include an explanation of how you will meet your financial obligations under the Draft Contract should these assumptions fail to occur.

Principal Selection Factor 4 Instructions Summary Table

The following table summarizes the forms and documentation you must submit in responding to Principal Selection Factor 4.

	Submit for Offeror?	Submit for Offeror-Guarantor(s) (if any)?	Submit for Other Individuals or Entities Providing Funding (if any)?**
Business History Information Form	Yes*	Yes	Yes
Complete Credit Report	Yes*	Yes	Yes
Financial Statements	Yes*	Yes	Yes
Interim Financial Statements (if necessary)	Yes*	Yes	Yes
Proformas (using the Excel workbook forms provided)	Yes	Not applicable	Not applicable
Current Financial Institution Account Statements	Yes*	Yes	Yes

	Submit for Offeror?	Submit for Offeror-Guarantor(s) (if any)?	Submit for Other Individuals or Entities Providing Funding (if any)?**
Signed commitment letters from individuals or entities (including financial institutions) that will provide funding	Yes (if applicable)	Yes (if applicable)	Yes (if applicable)
List of assets to be sold and their anticipated value	Yes (if applicable)	Yes (if applicable)	Yes (if applicable)
Narratives to support, clarify, or expand on the financial information provided	Yes	Yes	Yes

*Unless the Offeror is not yet in existence or was formed recently and has no financial or operational history. Please state if there is no financial or operational history for the Offeror.

**Other than accredited financial institutions.



**BUSINESS HISTORY INFORMATION FORM
PROPOSAL PACKAGE
CC-OZAR018-28
(Principal Selection Factor 4)**

Business history information should be provided for the Offeror or Offeror-Guarantor(s) AND any individual or entity other than an accredited financial institution that will provide financial or management assistance.

The information provided below is for the following individual or entity: _____

- (1) Has the individual or entity ever defaulted from or been terminated from a management or concession contract, or been forbidden from contracting by a public agency or private company?

☐ YES

☐ NO

If YES, provide full details of the circumstances.

- (2) List any bankruptcies, receiverships, foreclosures, transfers in lieu of foreclosure, and work-out/loan modification transactions during the past five years. Include an explanation of the circumstances, including nature of the event, date, type of debt (e.g., secured or unsecured loan), type of security (if applicable), approximate amount of debt, name of lender, resolution, bankruptcy plan, and/or other documentation as appropriate. If none, check the box below. Otherwise, provide full details below.

☐ NONE

- (3) Describe any pending litigation or administrative proceeding (other than those covered adequately by insurance) which, if adversely resolved, could materially impact the financial position of the individual or entity. If none, check the box below. Otherwise, provide full details below.

☐ NONE

- (4) Describe any lawsuit, administrative proceeding or bankruptcy case within the past five years that concerned the individual or entity's alleged inability or unwillingness to meet its financial obligations. If none, check the box below. Otherwise, provide full details below.

☐ NONE

- (5) Describe any liens recorded against the individual or entity within the past five years (whether from taxing authorities or judgments) and, if resolved, provide a copy of any lien release. If none, check the box below. Otherwise, provide full details below.

☐ NONE

NOTICES

PRIVACY ACT STATEMENT

Authority: The authority to collect information on the attached form is derived from 54 U.S.C. ch. 1019, Concessions and Commercial Use Authorizations.

Purpose: The purposes of the system are to assist NPS employees in managing the National Park Service Commercial Services program allowing commercial uses within a unit of the National Park System to ensure that business activities are conducted in a manner that complies with Federal laws and regulations and to evaluate offerors who desire to conduct or are conducting business within units of the National Park System.

Routine Uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, records or information contained in this system may be disclosed outside the National Park Service as a routine use pursuant to 5 U.S.C. 552a(b)(3) to other Federal, State, territorial, local, tribal, or foreign agencies and other authorized organizations and individuals based on an authorized routine use when the disclosure is compatible with the purpose for which the records were compiled as described under the system of records notice INTERIOR/NPS-15, Concessions Management Files 48 FR 51696 (November 10, 1983); Modification published 73 FR 63992 (October 28, 2008) and 86 FR 50156 (September 7, 2021). This notice can be found at <https://www.doi.gov/privacy/sorn>.

Disclosure: Providing your information is voluntary, however, failure to provide the requested information may impede the evaluation of your proposal in response to available concession opportunities.

PAPERWORK REDUCTION ACT STATEMENT

We collect this information under the authority of Title IV of the National Parks Omnibus Management Act of 1998 (Pub. L. 105-391). We use this information to evaluate a concession proposal. Your response is required to obtain or retain a benefit. We may not collect or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number. OMB has approved this collection of information and assigned Control No. 1024-0029.

ESTIMATED BURDEN STATEMENT

We estimate that it will take you 1 hour to complete this form, including time to review instructions, gather and maintain data, and complete and review the form. You may send comments on the burden estimate or any aspect of this form to the Information Collection Clearance Officer, National Park Service, 1201 Oakridge Drive, Fort Collins, CO 80525. Please do not send your completed form to this address.

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

The minimum franchise fee acceptable to the Service is **six percent (6%)** of gross receipts.

The offer of a higher franchise fee than this minimum is generally beneficial to the Service and accordingly will generally result in a higher score under this selection factor; however, consideration of revenue to the United States is 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.

State the amount of franchise fee you propose. Such fee must be at least equal to the minimum franchise fee set forth above. Express this fee as a percentage of annual gross receipts. Do not propose a tiered franchise fee, e.g., 5.0% on the first \$10,000 of gross receipts, 6.0% on gross receipts between \$10,001 and \$25,000, 7.0% on gross receipts from \$25,001 and above.

_____ percent of annual gross receipts

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)**

Service Objective: The Service expects the Concessioner to conduct its operations in a manner that will minimize its impacts on the environment.

Secondary Selection Factor 1. Minimizing Environmental Impacts

Using not more than **two (2) pages**, including text, pictures, graphs, describe how you will ensure that your operations do not adversely impact park resources. Examples may include actions to reduce energy use or to increase the use of environmentally preferable products.

NOTE: Offerors should not propose strategies that would commit to the elimination of single use plastics, the use of paper straws, or any other action that conflicts with [Secretarial Order 3430 \(Rescission of Secretary's Order \(SO\) 3407, "Department-Wide Approach to Reducing Plastic Pollution"\)](#) or [Executive Order 14208 \(Ending Procurement and Forced Use of Paper Straws\)](#). Concessioners may implement programs to reduce plastic waste in their operations voluntarily; however, any such action proposed by an Offeror will not be evaluated or included in the awarded contract as a requirement.