

# **PROPOSAL PACKAGE**

**CC-CACO004-26**

*Department of the Interior*

National Park Service  
Cape Cod National Seashore

## **Proposal to Operate Food and Beverage Services at Herring Cove Snack Bar**

**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 and be included in the Offeror's Proposal Package. 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) 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**

Regional Director  
Interior Region 1, North Atlantic-Appalachian  
National Park Service  
1234 Market Street  
Philadelphia, Pa 19107

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, substitute: 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 Cape Cod National Seashore Park in accordance with the terms and conditions specified in the Draft Concession Contract No. CC-CA0004-26 (Draft Contract) provided in the Prospectus issued by the public notice as listed on the [SAM.gov website](#), 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 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 applicable law the following (initial all that apply):

- 1) None of the individuals or entities acting as Offeror or with an ownership interest in the Offeror is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a public transaction by a federal department or agency. \_\_\_\_\_
- 2) Within the three years preceding submission of the Proposal, none of the individuals or entities acting as Offeror or with an ownership interest in the Offeror has 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) transaction or contract under a public transaction, or for violation of federal or state antitrust statutes or for commission of embezzlement, theft, forgery, bribery, falsification of records, making false statements, or receiving stolen property. \_\_\_\_\_
- 3) None of the individuals or entities acting as Offeror or with an ownership interest in the Offeror is presently indicted for or otherwise criminally or civilly charged by a federal, state, or local unit of the government with commission of any of the aforementioned offenses. \_\_\_\_\_
- 4) The individuals or entities acting as Offeror or with an ownership interest in the Offeror have not 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) The individuals or entities seeking participation in this Concession Contract have not 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. \_\_\_\_\_

- 6) 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. \_\_\_\_\_
- 7) 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) To acquire the Possessory Interest and other property, including merchandise inventory, of the Former Concessioner under the terms of the Previous Contract (both terms as defined in the Business Opportunity section of this Prospectus).
- 6) To resolve any dispute regarding the value of the other property of the Former Concessioner in accordance with the terms of the Previous Contract and to allow the National Park Service to participate in the other property value determination in the same manner and to the same extent as provided for with respect to Possessory Interest value determinations as described in 36 C.F.R. Part 51, Subpart H.
- 7) *[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 described in our Proposal.
- 8) *[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 Massachusetts, 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, each Offeror-Guarantor must sign the Offeror's Transmittal Letter.

BY \_\_\_\_\_ DATE \_\_\_\_\_  
(Type or Print Name)

ORIGINAL SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

(END OF OFFEROR'S TRANSMITTAL LETTER)

**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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## 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 elsewhere in a proposal in assessing the proposal's response to each particular selection factor.
- 2) The evaluation panel will only take firm commitments into account when evaluating proposals. Responses that include terms such as "look into," "research," "may," "if feasible," and similar terms are not considered as 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 2017."
- 3) Where page limits are set out in the Proposal Package, the Service will not review or consider the 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) The Service considers text on two sides of one sheet of paper as two pages.
- 5) 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.
- 6) Page margins must be 1 inch. Page numbers and identifications of confidential information may appear within the margins.

**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)**

*Note to Offeror:* Principal Selection Factor 1 is focused on **minimizing energy use and transportation emissions**. Avoid overlap between your response here and your response to Secondary Selection Factor 1, which focuses on minimizing solid waste and promoting the use of environmentally sustainable supplies.

**Service Objectives: Climate Friendly Concession Operations**

Cape Cod National Seashore seeks a concessioner who will protect the resources of the park, notably in the areas of conserving energy, reducing greenhouse gas emissions, purchasing environmentally preferable products, minimizing solid waste, recycling, and other proactive climate-friendly behavior. The National Park Service's Climate Friendly Parks program supports environmentally sustainable practices in parks. Cape Cod National Seashore is implementing its dedication to environmental sustainability through the actions described in the *Climate Friendly Parks Cape Cod National Seashore Action Plan* ([https://www.nps.gov/subjects/climatechange/upload/CACO\\_CFP\\_Action\\_Plan\\_508Compliant.pdf](https://www.nps.gov/subjects/climatechange/upload/CACO_CFP_Action_Plan_508Compliant.pdf)).

**Principal Selection Factor 1: Minimize Energy Use and Transportation Emissions**

Using no more than five (5) pages, including all text pictures, graphs, etc., describe how you will minimize greenhouse gas emissions and energy consumption generated by the concession operations under the Draft Contract (for example – minimize energy used by appliances, deliveries from vendors, commuting employees, etc.). Provide specific, measurable actions you propose to incorporate into your operations.

A better response might include plans to measure and improve performance over the term of the Draft Contract, and plans to reassess best practices as technology changes over the term of the Draft Contract.



**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)**

*Note to Offeror:* Principal Selection Factor 2 is focused on the **overall food and beverage service concept and incorporating visitor feedback into operations**. Avoid overlap between your response here and your response to Secondary Selection Factor 2, which focuses on providing healthy and sustainably-sourced menu items.

**Service Objectives: Visitor Satisfaction with Concession Operations**

Cape Cod National Seashore attracts over 4 million visitors from local communities and travelers from around the world. Herring Cove is a key visitor destination in the park and is a gathering place for visitors to enjoy traditional Cape Cod experiences including whale watching, bike riding, walking, sunsets, and campfires. Herring Cove Snack Bar provides the only food and beverage services available to visitors at Herring Cove Beach. As a National Park Service partner, the concessioner at Herring Cove Snack Bar provides necessary and appropriate food and beverage services and also plays an important role in helping the park enhance the overall visitor experience at Herring Cove.

**Principal Selection Factor 2: Food and Beverage Service Concept and Incorporating Visitor Feedback**

Using no more than five (5) pages, including all text, pictures, graphs, etc., describe your proposed food and beverage service concept for Herring Cove Snack Bar and how you will gather and incorporate feedback from park visitors to ensure that you continually provide high quality services.

Include information about how your operations will incorporate traditional Cape Cod experiences, as appropriate, and support the overall visitor experience at Herring Cove. Where possible, please provide specific, measurable actions you propose to incorporate into your operations.

A better response might include plans for when and how new products and menu items will be chosen; how you propose to research emerging trends; and how you will set goals and measure performance for continuous improvement over the term of the Draft Contract.

**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 business entity that will execute the Contract. This organizational structure information will not be scored for selection purposes but may be used for assessing responses to various selection factors. If the Offeror is not yet in existence, or the Offeror was formed recently and has no financial or operating history, the Offeror-Guarantor(s) should describe its own experience and explain how such experience will carry over to the Offeror entity.

**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 related entities that will affect how the Offeror will perform under the Contract. Identify the entity, if other than the Offeror, that has the authority to allocate funds, and hire and fire management employees, of the Offeror. Identify any individual or business entity that holds or will hold a controlling interest in the Offeror. If the Offeror is an unincorporated sole proprietorship, identify and provide information about the individual who owns and operates the business. If the Offeror is a limited liability company, a partnership, or a joint venture, identify and provide information about each managing member or manager, general partner or venturer, respectively.

Submit your organizational documents (e.g., partnership agreement, articles of incorporation, operating agreement).

Using the appropriate Business Organization Information form (as applicable) at the end of this Principal Selection Factor 3, identify the Offeror and each business entity and/or individual to be involved in the management of the proposed concession operation. Use the form appropriate for your business entity or sole proprietorship and include all information necessary to make the relationship among the parties clear. When completed, the Business Organization Information form should convey the following information:

- 1) The full legal name of the Offeror and any trade name under which it proposes to do business.
- 2) The legal form of the Offeror, if other than an individual.
- 3) The name, address and, if applicable, form of business entity of all owner(s) of the Offeror, including, the precise extent of their ownership interests.
- 4) The name, address and, if applicable, form of business entity of all related business organizations and/or individuals that will have a significant role in managing, directing, operating, or otherwise carrying out the services to be provided by the Offeror. Describe in detail how these relationships will work formally and in practice. Use additional pages if the information does not fit within the forms provided.
- 5) If applicable, the length of Offeror's existence as a business entity.

If the Offeror is not yet formed, or the Offeror was formed recently and has no financial or operating history, submit a Business Organization Information form for each Offeror-Guarantor.

**Subfactor 3(a). Operational Experience**

Using no more than 3 pages, including all text, pictures, graphs, etc.:

Describe two examples of the experience of the Offeror in the operation and management of Food and Beverage Services similar in scope and scale to those required by the Draft Contract. The Service will accept one example of an operation that provides each of the types of services in lieu of separate examples; however, the Offeror

must clearly identify and describe how the example addresses each of the services. If the Offeror operates multiple outlets as part of a larger operational area (e.g., a large contract, resort holding, etc.), they must select one distinct outlet to use as an example, not all outlets within that operational area. The Service prefers examples that demonstrate experience within the last five years.

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 a related entity, such as an Offeror-Guarantor, explain how such experience will carry over to the Offeror entity directly and how that entity's experience will benefit the Offeror's operations. For each example discussed, provide the following information segmented by operating department.

For each example discussed, provide the following information segmented by operating department. If an Offeror provides more than two examples of operational experience, the Service will evaluate only the first two examples.

#### General Information

1. Name and location of operation
2. Nature and tenure of the Offeror's involvement, 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. Description of services provided
5. Annual gross receipts, by department if applicable, for the most recent year/season of operation in which the Offeror was involved with the business
6. Operating season and hours
7. Number of employees: full-time employees, part-time employees, and seasonal employees, segregated by peak and off-peak seasons
8. Any special operating conditions or challenges (e.g., remote location, extreme environment or weather conditions, employee retention)

#### Food and Beverage

1. Type of food service (grab and go, limited service, full service, fine dining, etc.)
2. Number of seats
3. Annual number of guests by meal period during most recent completed year/season

#### **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 (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.

Using not more than five pages, including text, pictures, and graphs, demonstrate your understanding of the Service's concern.

- 1) Describe all Infractions that have occurred in the past five years in your operations that are the same or similar to the services required or authorized by the Draft Contract.
- 2) Explain how you responded to each Infraction, including actions you took to prevent a recurrence of the Infraction.
- 3) List the Related Entities (as defined below) you considered in providing the foregoing information.
- 4) Describe your overall strategy to minimize Infractions and how you resolve, or plan to resolve, Infractions when they do occur.

*Related Entities.* In responding to this subfactor, consider the Offeror and all of its principals (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 or related entities under the primary organizational entity (such as, a parent corporation and all subsidiaries), that provide the same or similar services as required or authorized by the Draft Contract.

\* Offeror will mean the Offeror; its affiliate, parent, subsidiary, and predecessor companies; other related business entities; and the Offeror's principals and employees (collectively, the "Business Entities").

**Subfactor 3(c). Employee Recruitment, Training and Retention Experience**

Using no more than 2 pages, including all text, pictures, graphs, etc.:

Describe the experience of the Offeror, the Offeror-Guarantor(s) if the Offeror is not yet in existence, or a related entity if Offeror relies on the experience of said related entity, in preparing staff with necessary the information and training needed to live and work in a remote, high cost of living area and how the Offeror will apply this experience to the Draft Contract.



**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 separate form for the submitting business entity and any and all parent entities.*

<b>Name of Individual and Tradename, if any</b>	
<b>Address</b>	
<b>Telephone Number</b>	
<b>Fax Number</b>	
<b>Email Address</b>	
<b>Contact Person</b>	
<b>Title</b>	
<b>Tax ID #</b>	
<b>State of Formation</b>	
<b>Date of Formation</b>	

<b>Ownership</b>	<b>Percentage of Ownership Interests</b>	<b>Current Value of Investment</b>
Names and Addresses of those with controlling interest and key principals of business		

Ownership	Percentage of Ownership Interests	Current Value of Investment
Total Interests Outstanding and Type(s):		

Officers and Directors or General Partners or Managing Members or Venturers	Address	Title and/or Affiliation

**Attach the following:**

- Description of relationship of any Offeror-Guarantor to the Offeror with respect to funding and management.

## NOTICES

### PRIVACY ACT STATEMENT

**Authority:** The authority to collect information on the attached form is derived from 54 U.S.C. 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.





**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 separate form for the submitting business entity and any and all parent entities.*

<b>Name of Individual and Tradename, if Any**</b>	
<b>Address</b>	
<b>Telephone Number</b>	
<b>Fax Number</b>	
<b>Email Address</b>	
<b>Contact Person (if other than the Offeror)</b>	
<b>Tax ID #</b>	
<b>Years in Business (of same type as required service(s))</b>	
<b>Current Value of Business</b>	
<b>Role in Providing Concession Service(s)</b>	

\* 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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**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>.

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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 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 has 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 (i.e., for start-up costs, investments, etc.), 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 proposal 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 required 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. 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 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 projections 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 that comprise 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 Former 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 these forms to provide estimates of prospective revenues, expenses, and cash flows of the concession business for the entire term of the 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 determined 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. If the terms of the Draft Contract or your proposal require a Concession Facility Improvement Program (CFIP), deferred maintenance (DM), or other significant investments, include the cost amounts for those requirements 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, etc.) required throughout the term of the Contract (through operating cash flows, loans, etc.).

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 unlimited amount of funding 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 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), the term of the loan(s), and whether the loan(s) will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86.<sup>1</sup> 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 is 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 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.

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<sup>1</sup> 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.

- 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.

	<b><i>Submit for Offeror?</i></b>	<b><i>Submit for Offeror-Guarantor(s) (if any)?</i></b>	<b><i>Submit for Other Individuals or Entities Providing Funding (if any)?**</i></b>
<i>Business History Information Form</i>	Yes*	Yes	Yes
<i>Complete Credit Report</i>	Yes*	Yes	Yes
<i>Financial Statements</i>	Yes*	Yes	Yes
<i>Interim Financial Statements (if necessary)</i>	Yes*	Yes	Yes
<i>Proformas (using the Excel workbook forms provided)</i>	Yes	Not applicable	Not applicable
<i>Current Financial Institution Account Statements</i>	Yes*	Yes	Yes
<i>Signed commitment letters from individuals or entities (including financial institutions) that will provide funding</i>	Yes (if applicable)	Yes (if applicable)	Yes (if applicable)
<i>List of assets to be sold and their anticipated value</i>	Yes (if applicable)	Yes (if applicable)	Yes (if applicable)
<i>Narratives to support, clarify, or expand on the financial information provided</i>	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-XXXX000-XX  
(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. 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 **five percent (5%) of annual 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 FACTORS

### 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)

*Note to Offeror:* Secondary Selection Factor 1 is focused on **minimizing solid waste and promoting the use of environmentally sustainable supplies**. Avoid overlap between your response here and your response to Principal Selection Factor 1, which focuses on minimizing emissions and energy use.

#### Service Objective: Climate Friendly Concession Operations

The National Park Service's Climate Friendly Parks program supports environmentally sustainable practices in parks. Cape Cod National Seashore is implementing its dedication to environmental sustainability through the actions described in the *Climate Friendly Parks Cape Cod National Seashore Action Plan* (<http://www.nps.gov/caco/parkmgmt/upload/CCNS-CFP-Action-Plan.pdf>). Cape Cod National Seashore seeks a concessioner who will support its environmental sustainability efforts, notably in the areas of conserving energy, reducing greenhouse gas emissions, purchasing environmentally preferable products, reducing solid waste, recycling, and other proactive climate-friendly behavior.

#### Secondary Selection Factor 1: Minimize Solid Waste and Promote the Use of Environmentally Sustainable Supplies

Using no more than five (5) pages, including all text pictures, graphs, etc., describe how you will minimize the amount of solid waste your operation would generate under the Draft Contract, and how you would incorporate environmentally sustainable supplies into your operation. This might include recycling, composting, using recycled or biodegradable material, or choosing cleaning supplies with environmentally preferable ingredients. Provide specific, measurable actions you propose to incorporate into your operations.

A better response might include plans to measure and improve performance over the term of the Draft Contract, and plans to reassess best practices as technology changes over the term of the Draft Contract.

### SECONDARY SELECTION FACTOR 2. THE QUALITY OF THE OFFEROR'S PROPOSAL TO PROVIDE A VARIETY OF SUSTAINABLE AND HEALTHY MENU OPTIONS. (0-3 POINTS)

*Note to Offeror:* Secondary Selection Factor 2 is focused on **providing healthy and sustainably-sourced menu items**. Avoid overlap between your response here and your response to Principal Selection Factor 2, which focuses on overall food and beverage service concept and incorporating visitor feedback into operations.

#### Service Objective: Healthy and Sustainable Food at Concession Operations

Cape Cod National Seashore is committed to the National Park Service's vision for its second century of service as described in *A Call to Action* (<http://www.nps.gov/calltoaction/>). *A Call to Action's* Action 8 "Eat Well and Prosper" calls for the Service to:

"Encourage park visitors to make healthy lifestyle choices and position parks to support local economies by ensuring that all current and future concession contracts require multiple healthy, sustainably produced and reasonably priced food options at national park food service concessions."

The National Park Service has put this goal into action through its policy on "Healthy Food Choice Standards and Sustainable Food Choice Guidelines for Front Country Operations." This policy provides the minimum requirements for healthy and sustainable foods for the Draft Contract, and is included as Appendixes H and I of this prospectus.

Cape Cod National Seashore seeks a concessioner who will meet the needs of a diverse range of visitors (e.g. children, seniors, and specialty diets) through a varied menu that incorporates healthy, local, seasonal and sustainably-produced items.

#### Secondary Selection Factor 2: Healthy, Local, Seasonal and Sustainably-Produced Menu Items

Using no more than five (5) pages, including all text, pictures, graphs, etc., describe how you will meet or exceed the requirements of the Draft Contract for healthy and sustainable food. Your answer should include specific information such as menu offerings, price points, and food suppliers. Provide specific, measurable actions you propose to incorporate into your operations.

A better response might include plans for how you propose to assess the nutritional value of menu items; samples for how you plan to communicate nutrition information to visitors; how you plan to document your sustainable food practices, and how you will set goals and measure performance for continuous improvement over the term of the Draft Contract.