PROPOSAL PACKAGE

CC-DEVA002-24

Department of the Interior
National Park Service
Death Valley National Park

Proposal to Operate Lodging, Food and Beverage, Retail, RV Camping and Other Services at Stovepipe Wells Village
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, the proposal must demonstrate that the individual(s) or organization(s) (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 Regions 8, 9, 10, and 12
333 Bush Street, Suite 500
San Francisco, CA 94104

Dear Regional Director:

The name of the Offeror is ____________________. If the Offeror has not yet been formed, 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 Death Valley National Park in accordance with the terms and conditions specified in the Draft Concession Contract CC-DEVA002-23, (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). If the Offeror is not yet in existence, the undersigned, acting as guarantor(s) of all certifications, agreements and obligations of Offeror hereunder, makes such certifications, agreements and obligations individually and on behalf of the Offeror.

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) [Include only if the Offeror is not yet in existence.] 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 a business 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 California, evidence that it is qualified to do business there.

7) To the inclusion by the National Park Service of the LSI Waiver Provision for Fixture Installation and Replacement as set forth in Sections 15 and 16(a) of Exhibit A: Leasehold Surrender Interest to the Draft Contract if “Yes” is checked below.

☐ Yes, include the LSI Waiver Provision for Fixture Installation and Replacement

☐ No, do not include the LSI Waiver Provision for Fixture Installation and Replacement

The Offeror certifies it has uploaded the following documents on the Service’s designated Microsoft Teams site using the email address ________________:

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Filename</th>
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</table>
NAME OF OFFEROR (or OFFEROR-GUARANTOR(s)): _________________________________________

If the Offeror is not yet in existence as of the time of submission – 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 IF OFFEROR IS NOT YET FORMED)
(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.
Notice to Offerors:

The Service will not consider proposed projects that would result in a leasehold surrender interest (LSI) (i.e. a “capital improvement” as defined in the Draft Contract) other than the project included in the Concessions Facilities Improvement Program as provided in Section 9(d) of the Draft Contract, the project that is the subject of Principal Selection Factor 2(b), which allows for accrual of up to $600,000 in LSI, and projects that involve fixture installation or replacement as more fully described below. The Service may consider other capital improvement projects an Offeror proposes, but only if the Offeror voluntarily proposes and agrees to waive its rights to LSI for the proposed project.

If an Offeror chooses to waive LSI in fixture installation and replacement as stated in its Transmittal Letter, no LSI will accrue for fixtures proposed in the Offeror’s proposal responses. Fixture replacement estimates, regardless of whether an Offeror waives fixture replacement LSI, do not apply toward the maximum $600,000 in LSI allowed in Principal Selection Factor 2(b).

The Service will not consider projects proposed in response to Principal Selection Factor 2(b) that would result in more than $600,000 in LSI (excepting LSI in fixture installation and replacement). The Service may consider proposed projects that involve capital improvement that exceed $600,000 in LSI-eligible costs, but only if the Offeror voluntarily proposes and agrees to waive its rights to LSI for any LSI-eligible costs incurred over the $600,000 maximum.

The selected Offeror’s responses that result in real and personal property improvements will be incorporated in Exhibit B-1. The Service will approve and prioritize such improvement projects pursuant to the Draft Contract.
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)

Subfactor 1: Environmentally appropriate maintenance.

Service Objectives: Recognizing that Concession Facilities are an important Area resource, the Service is interested in understanding how Offerors will preserve and extend the useful life of Concession Facilities. Death Valley is an extreme environment with significant obstacles related to staffing as well as rapid deterioration of materials and fixtures. It is vital that ongoing maintenance focus on effectively selecting materials and methods that withstand the environmental conditions and improve the resistance of the facilities to those conditions. Energy conservation to make facilities easier to cool (e.g., energy efficient windows, building insulation, etc.) and materials that have durability with respect to the extreme environment (e.g., materials that require less maintenance, have longer useful life, etc.) are an important objective. Staffing the expertise and experience for this work on site will be a challenge. Please describe how you will achieve these objectives given those challenges.

Using not more than 5 pages including all text, pictures, graphs, etc.:

1) Describe how will you ensure that the design, engineering, materials, technology, and quality of work used to perform maintenance activities will be optimized to extend the useful life of improvements while minimizing ongoing maintenance costs, as well as meeting current code requirements, Service standards, and life/safety requirements. The response to this question should specifically consider and address the extreme environmental conditions and remoteness of the Area. Refer to Exhibits B (Operating Plan) and H (Maintenance Plan) for Service standards and other requirements, as well as the Service Asset Management Guide Asset Management Tools - Concessions (U.S. National Park Service) (nps.gov).

2) Explain how you will staff and/or otherwise hire external expertise to ensure Concession Facilities are properly maintained in order to meet the unique extreme environmental conditions and remoteness of the Area? Describe your strategy for filling key maintenance positions quickly with qualified personnel. How will you ensure that projects and maintenance continue to meet these stated objectives during periods when key maintenance positions on property are vacant for a protracted period of time?
Service Objectives:
The Service wants the Offeror to propose improvements to existing food and beverage operations that will reduce customer wait-times, maximize the efficiency of food and beverage staff, and provide menu offerings that meet the changing tastes, dietary expectations and needs of Park visitors. Currently the restaurant has a food service classification of “Family Casual” and the Saloon is classified as a “Bar and Cocktail Lounge.” Offerors may include food service options in the General Store, in particular to address periods of high demand.

In addition, the Service wants the Offeror to propose outdoor landscaping and fencing improvements to limit views of back-of-house operations (e.g., staff housing, utilities, storage areas, etc.) behind the concession lodging facilities.

Subfactor 2(a). Concepts for Improving Food and Beverage Service
Describe your proposed improvements to existing food and beverage operations to meet the Service objectives set out above for food service operations. Offerors must consider times of high visitation such as large events or natural occurrences such as “super blooms,” and periods of low staffing and describe proposed improvements for shorter wait times during those periods.

Offerors must consider potential changes or additions to food service classifications, such as the addition of quick service, grab-and-go and other appropriate options to meet the Service objectives set out above. The Service may consider proposals that change the current food service classification to another Service food service classification. Offerors must propose specific improvements in kitchen equipment and related food and beverage personal property as components of the proposed strategy to meet the Service objectives. Improvements may include, but are not limited to, refrigerated counter displays, kitchen equipment that expands capacity or reduces preparation time, improvements to point-of-sales systems or configurations, etc.

(Refer to NPS Standards for information on standards for different food service classification types.)

A drawing of the existing layout of the kitchen and dining areas is presented as Appendix D to this Prospectus.

Using not more than 9 pages, including all text, pictures, graphs, etc.:  

1) Describe the proposed improvements to existing food and beverage operations, including proposed menu offerings. (Note that the Service will consider the menus only to assess whether the menu items are appropriate for the type of proposed food service classification.) Demonstrate that you have considered the financial feasibility of your proposed improvements in your response to Principal Selection Factor 4 by including your costs and assumptions in the Excel spreadsheet provided for the requested projections for investments during the Draft Contract term.

2) Submit a conceptual drawing that illustrates your proposed improvements to kitchen or other food service equipment or improvements to the layout of kitchen or dining facilities or areas, including the following elements:
   a) Food preparation, food service, points of sale, and dining space.
   b) Visitor flow through the food service and checkout space.
   c) Explain how your design will improve visitor flow, minimize wait-times, improve the efficiency of food service labor, and reduce staffing requirements for the service.

Submit your proposed schedule to complete the food and beverage service improvements, including a timeline indicating your proposed starting and ending dates. Offerors should consider as part of their timelines the time needed for the Service to complete its compliance approval for the project. Your plan should clearly describe how you will minimize disruption to visitor services during the process. See Exhibits A, F1, F2, and M for descriptions of project requirements.
Subfactor 2(b). Landscaping Improvements to Minimize Views of Back-of-House Areas near Lodge

Currently, landscaping at the site is minimal with some split rail fencing and other improvements. There are few accessible paths or other delineated connections between buildings and little sense of a cohesive campus for the facilities. Guests easily see back-of-house operations and facilities, including employee dorms, utility systems, maintenance and storage areas, vehicles and other support facilities, services, and equipment. These views degrade the guest experience. Offerors must propose landscaping and/or other improvements to increase the sense of a coherent plan for the facility and limit views of back-of-house areas. These could include additional split-rail fencing, screening walls of other materials, delineated (and accessible) pathways, and native species plantings. Offerors must consider in their plans the extreme environment at the site.

Using not more than 6 pages, including all text, pictures, graphs, drawings, etc.:

1) Describe your plan to improve the look of the assigned Stovepipe Wells Village campus and minimize guest views of back-of-house areas. Include drawings, conceptual drawings, and/or photos to demonstrate how your plan will enhance the existing visual landscape of the facilities and result in no net increase in water consumption.

2) Describe your plan to make the proposed landscaping improvements, including a timeline for the work with specific proposed dates. Your plan should clearly describe how you will minimize disruption to visitor services during the process. Demonstrate that you have considered the financial feasibility of your proposed improvements in your response to Principal Selection Factor 4 by including your costs and assumptions in the Excel spreadsheet provided for the requested projections for investments during the Draft Contract term.

Offerors: The Draft Contract Concessions Facility Improvement Program (CFIP) for improvement of employee RV sites is a distinct and separate project from this PSF2(b) subfactor project, and the Service will not consider proposals that intersect with the CFIP.
**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 Draft 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, 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 Draft 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, submit a Business Organization Information form for each Offeror-Guarantor.
**Subfactor 3(a). Operational Experience**

Using not 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 a similar scale operation including the following services: lodging, food and beverage, campgrounds, and retail sales. For each operation discussed, provide the following information segmented by operating department in a tabular format. If an Offeror provides more than two examples of operational experience, the Service will evaluate only the first two examples.

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<thead>
<tr>
<th>Operational Experience</th>
<th>Example 1</th>
<th>Example 2</th>
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<tr>
<td><strong>General Information</strong></td>
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<tr>
<td>Name of operation</td>
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<td>Location of operation</td>
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<td>Time frame of experience, with dates</td>
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<td>Role in the operation</td>
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<td>Description of services provided</td>
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<td>Annual gross receipts, by department if applicable</td>
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<td>Operating season and hours</td>
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<td>Number of employees during high and low seasons</td>
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<tr>
<td>Any special operating conditions or challenges posed by a very remote environment with extreme weather and employment retention issues.</td>
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<td>Describe guest amenities such as swimming pools, etc.</td>
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<td><strong>Lodging</strong></td>
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<td>Number of rooms in property</td>
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<td>Annual occupancy rate during most recent completed year/season.</td>
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<td>High season and low season occupancy rates</td>
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<td><strong>Food and Beverage</strong></td>
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<td>Type of food service (convenience, limited service, full service)</td>
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<td>Number of seats</td>
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<td>Annual number of guests by meal period during most recent completed year/season</td>
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<td><strong>Retail Sales</strong></td>
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<td>Type of merchandise (e.g., grocery, gift, souvenir, specialty, fuel sales)</td>
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<td>Average annual number of transactions</td>
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<td>Square feet of retail space</td>
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<td><strong>Campground</strong></td>
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<td>Number of sites</td>
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<td>Type of Sites (Tent, RV, hook-ups)</td>
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<td>Annual occupancy rate</td>
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Please note: If the Offeror is not yet in existence, demonstrate the Offeror-Guarantor(s) experience and explain how such experience will carry over to the Offeror entity directly. If the Offeror relies on the experience of a related entity, explain how that entity's experience will benefit the Offeror's operations.
**Subfactor 3(b). Employee Recruitment, Training and Retention**

Using no more than 5 pages, including all text, pictures, graphs, etc., describe the following:

1) Your experience in preparing staff with the necessary information and training needed to live and work in a remote location with extreme weather or other events that may require evacuation of guests and employees, and how employees will effectively provide services to visitors during events such as a power outage. Explain how you will apply this experience to the operations under the Draft Contract.

2) Your experience in ensuring full, efficient and diverse staffing throughout the year with a limited local hiring pool. Explain how you will apply this experience to ensure full staffing during the peak operating season(s) and visitation surges during unplanned events like super blooms.

3) Your experience in providing employee recreation programs in remote locations with extreme weather conditions and how you would use that experience to ensure that employees have an opportunity to socialize, recreate, and exercise during their free time. Explain how you will apply this experience to the operations under the Draft Contract.

**Subfactor 3(c). 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.

1) Describe all Infractions that have occurred in your operations in the past five years that the Service should know about prior to selecting you as the Concessioner under the Draft Contract. Keep in mind the services required under the Draft Contract only.

2) Explain how you responded to each Infraction, including actions you took to prevent a recurrence of the Infraction.

Additionally, using not more than 2 pages, including text, pictures, and graphs, provide the following information:

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”).
**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.*

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<tr>
<th>Ownership</th>
<th>Percentage of Ownership Interests</th>
<th>Current Value of Investment</th>
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<tr>
<td>Names and Addresses of those with controlling interest and key principals of business</td>
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**RECORDS RETENTION. TEMPORARY.** Destroy/Delete 3 years after closure. (NPS Records Schedule, Commercial Visitor Services, (Item 5D) (N1-79-08-4))
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<th>Percentage of Ownership Interests</th>
<th>Current Value of Investment</th>
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<td>Total Interests Outstanding and Type(s):</td>
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RECORDS RETENTION. TEMPORARY. Destroy/Delete 3 years after closure. (NPS Records Schedule, Commercial Visitor Services, (Item 5D) (N1-79-08-4))
<table>
<thead>
<tr>
<th>Officers and Directors or General Partners or Managing Members or Venturers</th>
<th>Address</th>
<th>Title and/or Affiliation</th>
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**Attach the following:**

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

PRIVACY ACT STATEMENT


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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 DOI as a routine use pursuant to 5 U.S.C. 552a(b)(3) to other Federal, state and local governments, tribal organizations, and members of the general public upon request for names, addresses and phone numbers of Commercial Use Authorizations (CUA) holders conducting business within units of the National Park System for the purpose of informing the public of the availability of the services offered by the CUA holder. In addition, records or information contained in this system may be disclosed outside DOI 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 for this system.

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PAPERWORK REDUCTION ACT STATEMENT

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

<table>
<thead>
<tr>
<th>Name of Individual and Tradename, if Any**</th>
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<tr>
<td>Address</td>
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<td>Telephone Number</td>
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<td>Fax Number</td>
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<td>Email Address</td>
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<td>Contact Person (if other than the Offeror)</td>
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<td>Tax ID #</td>
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<td>Years in Business (of same type as required service(s))</td>
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<td>Current Value of Business</td>
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<tr>
<td>Role in Providing Concession Service(s)</td>
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* 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.
NOTICES
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**PRINCIPAL SELECTION FACTOR 4. THE FINANCIAL CAPABILITY OF THE OFFEROR TO CARRY OUT ITS PROPOSAL. (0-5 POINTS)**

*Notes to Offeror:*

In the event the Offeror is not yet in existence, provide the information described below with respect to both the to-be-formed Offeror and the Offeror-Guarantor(s). The submission must include a letter from each Offeror-Guarantor that unconditionally states and guarantees the Offeror-Guarantor will provide the Offeror with all funding, management and other resources that the Draft Contract requires and the proposal offers, as documented in the Offeror’s Transmittal Letter signed by each Offeror-Guarantor. 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.

All forms are provided electronically as an Appendix to the prospectus. The Offeror must complete all forms provided and submit the Excel spreadsheet file.

This Selection Factor has no sub-factors. The Service will score the Selection Factor based upon the entirety of the response.

**Demonstrate that you have a credible, proven track record of meeting your financial obligations.**

The Offeror (or each Offeror-Guarantor) must provide comprehensive materials to demonstrate that it has a history of meeting its financial obligations by providing the following:

1) The completed **Business History Information** form provided at the end of this section for the Offeror AND any entity that will provide financial or management assistance. If the Offeror is not yet formed, provide a business history form for each Offeror-Guarantor.

2) A complete credit report in the name of the Offeror and a complete credit report for any entity that will provide financial assistance that includes scores and is dated within six months prior to the date of the proposal. The report must be from a major credit reporting company such as Equifax, Experian, TRW, or Dun & Bradstreet. If the Offeror is not yet formed, include a credit report for each Offeror-Guarantor.

**Demonstrate the Offeror’s business experience and financial capacity by providing the following:**

Submit the Offeror’s audited financial statements for the two most recent fiscal years, with all notes to the financial statements. Audited financial statements must also be provided for any general partners in a partnership (or deemed partnership, such as husband and wife), and all venturers in a joint venture. If the Offeror is not yet formed, submit audited financial statements for each Offeror-Guarantor.

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

If audited financial statements are not available but reviewed statements are, explain why the statements were reviewed rather than audited.

**If neither audited nor reviewed statements are available,** explain in detail why they are not available and submit:

**Certified financial statements.** The Offeror (or Offeror-Guarantor(s), as applicable) must submit its financial experience including financial statements that are **certified as to accuracy and completeness** by an authorized officer of the entity or by the individual Offeror, as appropriate.

If none of the above are available, explain in detail why they are not available and submit:
Personal financial statements. The Offeror (or Offeror-Guarantor(s), as applicable) must submit personal financial statements certified as to accuracy and completeness by the submitting individual for each of the Offeror’s principals (as listed in NPS Form 10-357A).

Demonstrate that your proposal is financially viable and that you understand the financial obligations of the Draft Contract by providing the following:

Your estimate of the acquisition and start-up costs of this business using the Initial Investment and Start-Up Expense and the Initial Investments and Start-Up Expense Assumptions forms included in the Excel spreadsheets provided as an Appendix to the prospectus. Explain fully the methodology and the assumptions used to develop the estimate. The information provided should be of sufficient detail to allow a reviewer to understand how the estimates were determined. If you are the Existing Concessioner and do not anticipate any additional initial investment or start-up costs, please state that you consider the current personal property and assets adequate to operate this concession opportunity successfully.

Using the Excel spreadsheets provided as an Appendix to the prospectus, complete the Income Statement and Income Statement Assumptions forms and the Cash Flow Statement and the Cash Flow Statement Assumptions forms found in tabs within the Excel workbook. Provide estimates of prospective revenues and expenses of the concession business in the form of annual prospective income and cash flow statements for the entire term of the Draft Contract. Complete the Operating Assumptions tab to explain your financial projections. Also complete the Recapture of Investment and the Recapture of Investment Assumptions forms. Recapture amounts should also be included in the cash flow proforma, not the proforma income statement.

Below are some general notes regarding the provided forms found in the Appendices attached to the Prospectus.

6) The Service has provided forms that request the information in the format it desires. These forms may differ from the format and requirements set forth in generally accepted auditing standards (GAAS) with regard to prospective financial statements. The Service does NOT request that the prospective financial statements be reviewed in accordance with GAAS.

7) Do not add or eliminate rows on the Excel spreadsheets provided in the appendix. Columns should not be deleted; however, columns may be added to reflect the number of years in the Draft Contract term, if necessary. If you wish to provide additional information, do so in additional spreadsheets, outside of the ones provided. If additional information is provided, clearly identify how it fits into the income statement, cash flow, and/or assumption tables. For the purpose of the pro forma statements, use the calendar year as the fiscal year.

8) 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. Information must be sufficiently detailed to provide a full understanding of how the estimates were determined.

9) Complete all of the forms provided and submit an electronic Excel workbook file.

Demonstrate your ability to obtain the required funds for start-up costs under the Draft Contract by providing credible, compelling documentation, particularly evidence from independent sources, such as bank statements, audited or reviewed financial statements, and signed loan commitment letters. Fully explain the financial arrangements you propose, using the following guidelines.

The more definite the terms stated in the documentation, the more credible the Service is likely to find the Offeror’s ability to obtain the required funds.
1) If funds are to be obtained from cash on hand or operating cash flows from the Offeror’s current business, document each source and the availability of these funds by providing your previous and current audited financial statements for the two most recent fiscal years, with all notes to the financial statements (see 4(b) above if audited financial statements are not available). Depending on the Offeror’s form of entity, provide audited financial statements for any individual Offerors, general partners in a partnership, and all venturers in a joint venture.

2) If the Offeror is not formed and the Offeror-Guarantor is funding the required start-up costs, provide for each Offer-Guarantor the documentation for the appropriate type of Offer-Guarantor (individual, business entity) as described below.

3) If funds are to be obtained from lending institutions (banks, savings and loans, etc.), provide supporting documents including but not limited to documents that describe the approximate amount of the loan, the term of the loan and any proposed encumbrances on the Draft Contract. Include a letter (addressed to the National Park Service from the lender on the lending institution’s letterhead) stating the amount of funds available to the Offeror at the date of the letter. In addition, 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 along with their 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.

4) If funds are to be obtained from an individual, or a business entity whose primary fund source is an individual, provide the following as appropriate with respect to such individual:

10) Signed funding commitment from the individual (stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract)

11) Current personal financial statement certified as to accuracy and completeness by the individual submitting it

12) Current bank/financial institution documents that verify the account(s) and account balance(s) for the primary fund source

13) Documentation of any assets to be sold

14) Any other assurances or documents that demonstrate that the funds are available

5) If funds are to be obtained from working capital liabilities (such as advance deposits), please provide estimates and a rationale for each estimate. The information provided should be of sufficient detail to allow a reviewer to fully understand how the estimates were determined.

6) If funds are to be obtained from another source (e.g., a business entity whose primary fund source is not an individual), provide the following as appropriate:

15) Signed funding commitment from the fund source stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract

16) Current audited financial statements for the most recent year (see 4(b) above if audited financial statements are not available)

17) If the current audited financial statements do not evidence that the source has the necessary funds to make the funding commitment, provide additional documentation.
NOTE: If the Offeror is obtaining even a part of the necessary funds from another, the Service must be able to determine from the documents submitted that the Offeror is highly likely to obtain either a stated amount or an unlimited amount of funding from an entity with sufficient financial capability to provide the funds.
BUSINESS HISTORY INFORMATION FORM
PROPOSAL PACKAGE
CC-DEVA002-23
(Principal Selection Factor 4)

Business history information should be provided for the Offeror AND any entity that will provide financial or management assistance. If the Offeror is not yet formed, provide a business history form for each Offeror-Guarantor.

The information provided below is for the entity: ____________________________

(1) Has Offeror 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/or 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 Offeror. 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 Offeror'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 Offeror 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

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The minimum franchise fee acceptable to the Service is **seven percent (7%)** 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 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)

Environmentally Sustainable Practices

Using not more than two (2) pages, including all text, pictures, graphs, etc., describe:

1) The environmental practices you will employ to minimize the environmental footprint of your overall operations under the Draft Contract through energy efficiency and reducing solid waste, including but not limited to, plastic waste, within your operation. Be specific regarding how you will implement these practices in Death Valley National Park’s remote location.

2) How you will monitor and measure your performance in executing these practices and explain how you will use metrics to continually evaluate and minimize your environmental impacts.

SECONDARY SELECTION FACTOR 2. THE ABILITY OF THE OFFEROR TO MANAGE POWER OUTAGES. (0-3 POINTS)

Electricity Outages

Southern California Edison provides electricity to the Concession Facilities, which is subject to outages due to the environment and location. These outages can sometimes last for several days and the cell tower that serves the area often does not remain operative during the outage. The Service is interested in mitigation of impacts from recurring power outages at the Concession Facilities. Examples include prioritizing critical systems operating during power outages (e.g., commercial kitchen freezers, air-conditioning systems for guest and employee rooms and public areas, telecommunications, and lighting in necessary areas), ensuring continuity of operations, and ensuring emergency communications remain operative during outages.

Using not more than 3 pages, including text, pictures, graphs, etc.:

1) Describe how you will manage power outages, including how you will minimize product loss and employ efficient and safe solutions to provide alternative power during outages and how you will ensure emergency communications remain operative during the outage.

2) Describe how you will continue to provide service to visitors as the power outage occurs and ensure visitor and staff safety and comfort.

3) Describe electrical use efficiencies you will employ to reduce electrical power usage, focusing on efficiencies that will improve your ability to effectively manage the property and maintain maximum services during a power outage.

Offerors should refer to the Draft Contract Exhibit B Operating Plan Section 10(A)(7) for a description of minimum requirements for power outage planning.