



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

JAN 16 2009

(2410)

Memorandum

To: Regional Directors
Attention: Regional Concession Chiefs

From: Deputy Director, Operations 

Subject: Approved Standard Concession Contract Language and Procedures for Deviation Requests – Category I, II, and III Contracts

After the enactment of the National Park Service (NPS) Concessions Management Improvement Act of 1998 and its implementing regulations, the NPS adopted new standard language for concession contracts. The NPS also provided that the Director could modify this language. Since the NPS began using this standard language for concession contracts, the Concession Program, at the Washington and regional levels, has moved forward with eliminating the contract development backlog by issuing over 400 new concession contracts. During the process of issuing those contracts, the Director has approved, on a case-by-case basis, a number of requests for deviations from standard language. It has been noted that many of these deviation requests seek the same or similar deviations from standard language. Based on these deviations and other program changes, the Director has developed new language to use as the standard for each category of concession contract. This will streamline the approval process on these particular deviations. The modified standard language is explained and set out in the attachments to this memorandum. From this point forward, each prospectus issued must use the standard language transmitted with this memorandum. Any requested changes from this new standard language will require an approval on a case-by-case basis using the process set forth below.

For the Category I and II contracts, the versions provided with this memorandum show changes from those published in the Federal Register in 2000. For the Category III contract, the version provided shows changes from that approved in 2002. The Concession Program will provide electronic copies of the new standard language for each category of contract to each of the Regional Concession Chiefs.

Procedures for Submitting Requests for Approval of Deviations from Standard Contract Language

Regional Directors must transmit all requests for deviations from standard contract language, in writing, to the Director through the Concession Program Manager, WASO. Each request must:

- Include a surname from the appropriate Regional or Field Office of the Solicitor.
- Reference the specific section(s) of the contract requested for change.
- Stand on its own, considering the unique nature of each contract, and not reference prior approved deviations to support the request.
- Provide sufficient narrative justification to explain the requested deviation.

The foregoing procedure applies to contracts for inclusion in a prospectus. For deviations following the selection of a new concessioner, the contract must contain the approved deviations published in the prospectus and the franchise fee proposed by the successful offeror. Any additional deviations to the standard contract language need additional approval from the Deputy Director or Assistant Director for Business Services.

Attachments

Explanation of Changes to Standard Contract Language

Approved Standard Contract Language for Category I Contracts

Approved Standard Contract Language for Category II Contracts

Approved Standard Contract Language for Category III Contracts