Proposal to Operate Guided Horseback Rides, Vending, Limited Souvenirs, and Souvenir Photographs at Sugarlands Riding Stables
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, 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 Region 2
National Park Service
100 Alabama Street NW, Bldg 1924
Atlanta, GA 30303

Dear 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 the Great Smoky Mountains National Park in accordance with the terms and conditions specified in the Draft Concession Contract CC-GRSM006-22, (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. ______

V 06.23.2021
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 Tennessee, evidence that it is qualified to do business there.

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

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V 06.23.2021
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.
**PRINCIPAL SELECTION FACTOR 1. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROTECTING, CONSERVING, AND PRESERVING RESOURCES OF THE PARK. (0-5 POINTS)**

**Service Objectives:**
The Service’s objectives under this factor are for the Concessioner to conduct its operations in a manner that minimizes impact from the concessioner’s operation and visitor activities on the Park’s natural and cultural resources, including wildlife, historic structures, vegetation, and water quality.

**Subfactor 1a: Minimize Horse Facility Impacts**
In 5 pages or less, describe your specific plans regarding the protection of Park resources, including, but not limited to, water quality, wildlife, and vegetation and cultural resources by responding to the following questions:

1) How would you prevent adverse impacts on water quality from your operations?

2) How would you control stable flies at these stable facilities using effective Integrated Pest Management practices? Provide examples of specific techniques you will use to deal with this problem in a way that protects Park resources.

3) What specific actions would you take to prevent the introduction of exotic plant species, insects, amphibians, or animals into the Park as a result of your operation?

**Subfactor 1b: Trail and Road Use and Maintenance**
The Draft Contract requires the Concessioner to maintain the trails and administrative roads shown in Exhibit E, Attachments 1 and 2 in accordance with the standards provided in Exhibit E, Attachment 3. Improperly maintained trails have an adverse impact on Park resources, safety, horse welfare, and the visitor experience. The Service is seeking a Concessioner who has the knowledge, skills, and ability to properly maintain trails to facilitate a safe and enjoyable experience and in a way that will protect Park resources. In 5 pages or less, describe your specific plans regarding the maintenance of trails by responding to the following questions:

1) Describe the equipment and tools you will use to maintain trails and the administrative road and explain how each piece of equipment or tool will prevent adverse resource impacts. Include detailed specifications for any mechanized equipment you will use to maintain trails per the Draft Contract requirements.

2) Describe five specific actions you will take to maintain trails and the administrative road in a manner that will prevent adverse resource impacts.
PRINCIPAL SELECTION FACTOR 2. THE RESPONSIVENESS OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS, OF PROVIDING NECESSARY AND APPROPRIATE VISITOR SERVICES AT REASONABLE RATES. (0 - 5 POINTS)

Service Objectives:

The Service’s primary objective regarding the visitor services to be provided under the Draft Contract is for the Concessioner to provide a high-quality visitor experience emphasizing safety, horse quality and welfare, and a high quality of services.

Subfactor 2a: Guided Horseback Rides

In 7 pages or less, demonstrate your ability to provide a high-quality horseback, carriage and wagon riding experience that meets the Service’s objective regarding safety and horse quality and welfare by responding to the following questions.

1) How would you ensure a safe horseback riding experience for the public and provide for your employees’ safety? Include the following in your response:
   (a) Proposed pre-ride safety orientation content and procedures.
   (b) Proposed mounting and dismounting procedures.
   (c) Proposed trail operation procedures.
   (d) Ride safety policies such as rider to guide ratios, party size, age restrictions, and weight restrictions.
   (e) Proposed communication equipment to meet Draft Contract requirements.
   (f) Employee training, including safety and first aid training.
   (g) Employee safety policies and practices.
   (h) Tack selection, quality, care, and use.

2) Describe your plans for providing healthy, attractive horses that are suitable for use by inexperienced riders on trails in a mountainous environment. Include the following in your response:
   (a) Procedures and criteria for the selection and purchase of suitable horses.
   (b) Procedures for the further evaluation of horses for suitability after purchase and before use by the public.
   (c) Training and acclimatization of horses before use by the public.
   (d) Number of experienced trail-ride horses you already own that will be used in this operation and the length of time these horses have been used for trail rides.
   (e) Horse care, including health care and feeding program.
   (f) Sore prevention and care.
   (g) Winter pasture, feeding, and housing.

Subfactor 2b: Customer Service and Visitor Experience

Describe how you will provide outstanding customer service and an excellent visitor experience. In 6 pages or less, explain how you will:

1) Use customer feedback systems and practices to regularly evaluate and monitor customer satisfaction with the services provided.

2) Manage this operation to increase customer satisfaction with the facilities and services provided. Describe at least three specific actions you would take to achieve this objective.

3) Hire employees who have the education, experience, and abilities needed to provide outstanding customer service and enhance visitor satisfaction.
4) Train management staff and employees in a way that will lead to a high level of customer satisfaction and an excellent visitor experience.

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 3a: Organizational Structure and Staffing

The management and operation of horseback riding stables in a mountainous, natural environment require knowledge, skills, and abilities that are different from the knowledge, skills, and abilities required to operate other types of businesses or stables located in a different environment. Please make sure that your responses to this subfactor address the qualifications of the members of your organization regarding managing and operating this specific type of facility.

In 5 pages or less, demonstrate that your organization is structured and staffed to effectively fulfill the Draft Contract responsibilities by providing the following information.
1) Clearly outline the organizational structure you intend to use to manage and perform the services contemplated under the new contract during peak and off-peak seasons. To the extent that support services such as purchasing or human resources will be provided by a corporate parent, clearly identify how this support will benefit the operation. Provide the principal lines of authority between departments and managers.

2) Describe the qualifications of the person you would employ for each of the following positions. Include relevant experience, minimum qualifications, certifications (if applicable), and education in a consistent format, including the following:
   (a) Corporate officer(s)/executives with responsibility for directly supervising the general manager or any other member of the management team for this contract.
   (b) Managers including, but not limited to, onsite management, trail maintenance, horse selection and purchase, horse training, and vending.
   (c) Provide workforce estimates for full time, part time, and seasonal employees during both peak and off-peak seasons.

Subfactor 3b: Horseback Riding Stables Operation and Management

The operation and management of a horseback riding stable in a mountainous, natural environment require unique knowledge, skills, and abilities that may not be readily transferable from other types of businesses.

Note: Tabular submissions are preferred

1) In 5 pages or less, describe your experience, if any, in the operation and management of horseback riding stables in a mountainous, natural environment and include the following:
   (a) Name and location of operation.
   (b) Dates of experience (beginning and ending month/year).
   (c) Your role in the operation (line employee, manager, owner, etc.)
   (d) Description of horseback riding services offered.
   (e) Description of retail or vending services offered.
   (f) Number of employees during peak and off-peak seasons.
   (g) Average and maximum number of horses utilized.
   (h) Average annual gross receipts.
   (i) Description of trails or ride routes used, including grade and type of trail surface.
   (j) How this operation was similar to the operation described in this Prospectus.

Subfactor 3c: Facilities Maintenance

The Draft Contract requires the Concessioner to meet the obligations under the Draft Maintenance Plan to maintain all Concession Facilities. In 5 pages or less:

1) Describe your experience in planning and implementing maintenance and repair projects and fulfilling routine maintenance. Be specific as to the nature and scope of this experience and include the following:
   (a) Name and location of the facility.
   (b) Dates of experience (beginning and ending month/year)
   (c) Description of maintenance and repair projects completed, including restroom maintenance and custodial work.
   (d) Your role in completing maintenance and repair projects, including qualifications and certifications for managing such projects.
(e) Examples of knowledge and skills learned that you would apply to operating under the Draft Contract.

(f) How you will provide on-site staff with the necessary training, qualifications, and certifications to handle routine maintenance and repair tasks.

2) Describe your experience in maintaining trails used for commercial horseback riding including the following:

(a) Name and location of the facility

(b) Dates of experience (beginning and ending month/year)

(c) Description of the trails maintained.

(d) Description of commercial horseback riding use on these trails, including usage numbers and seasonal usage patterns.

(e) Your role in maintaining these trails and techniques you used to prevent resource impacts.

(f) Type of equipment and tools used to maintain trails.

Subfactor 3(d). 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 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.

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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<th>Name of Individual and Tradename, if Any**</th>
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<th>Current Value of Investment</th>
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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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Attach the following:

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

PRIVACY ACT STATEMENT


Purpose: The purposes of the system are (1) to assist NPS employees in managing the NPS 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; (2) to monitor resources that are or may be affected by the authorized commercial uses within a unit of the National Park System; (3) to track applicants and holders of commercial use authorizations who are planning to conduct or are conducting business within units of the National Park System; and (4) to provide to the public the description and contact information for businesses that provide services in national parks.

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.

Disclosure: Voluntary, however, failure to provide the requested information may impede our ability to 1) manage the National Park Service (NPS) Commercial Services Program allowing commercial uses within a unit of the NPS, 2) monitor resources that are or may be affected by the authorized commercial uses, and 3) provide the public the description and contact information for businesses that provide services in national parks.

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.

RECORDS RETENTION. TEMPORARY. Destroy/Delete 3 years after closure. (NPS Records Schedule, Commercial Visitor Services, (Item 5D) (N1-79-08-4))
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.

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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
PRIVACY ACT STATEMENT


Purpose: The purposes of the system are (1) to assist NPS employees in managing the NPS 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; (2) to monitor resources that are or may be affected by the authorized commercial uses within a unit of the National Park System; (3) to track applicants and holders of commercial use authorizations who are planning to conduct or are conducting business within units of the National Park System; and (4) to provide to the public the description and contact information for businesses that provide services in national parks.

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.

Disclosure: Voluntary, however, failure to provide the requested information may impede our ability to 1) manage the National Park Service (NPS) Commercial Services Program allowing commercial uses within a unit of the NPS, 2) monitor resources that are or may be affected by the authorized commercial uses, and 3) provide the public the description and contact information for businesses that provide services in national parks.

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 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. 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 both a hard copy and an Excel spreadsheet file.

Scoring: The Service will score Subfactor 4(a) up to 0.5 points, Subfactor 4(b) up to 0.5 points, and Subfactors 4(c) and (d) up to 2 points each.

Subfactor 4(a). 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.

Subfactor 4(b). 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).
Subfactor 4(c). 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.

- 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.
- 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.
- 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.
- Complete all of the forms provided and submit both a hard copy and an electronic Excel workbook file.

Subfactor 4(d). 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:

- Signed funding commitment from the individual (stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract)
- Current personal financial statement certified as to accuracy and completeness by the individual submitting it
- Current bank/financial institution documents that verify the account(s) and account balance(s) for the primary fund source
- Documentation of any assets to be sold
- 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:

- Signed funding commitment from the fund source stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract
- Current audited financial statements for the most recent year (see 4(b) above if audited financial statements are not available)
- 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-XXXX000-XX
(Principal Selection Factor 4 – Subfactor 4(a))

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

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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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 **9.0%** 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)

Note to Offeror: These secondary selection factors focus on environmental management programs and activities that promote general environmental objectives such as waste reduction, green procurement, and recycling. Please avoid overlap between your response here and your response to Principal Selection Factor 1. For this Secondary Selection Factor, please respond only with the information requested in the subfactors.

Environmentally Friendly Business Practices

The Service strives to be a leader in adopting and implementing environmentally preferable best management practices (BMPs). Please describe the environmentally preferable BMPs (not already described under other selection factors) that you will adopt and implement as a part of your operations under this Contract for each of the topics below. In no more than 5 pages, describe specific actions you will take in each of the following areas:

1) Solid waste reduction (including but not limited to recycling). Note that composting within the Park is not a viable option.

2) Environmental purchasing. Items to consider include but are not limited to environmentally preferable cleaners, post-consumer recycled content paper products, and other environmentally preferable souvenirs and retail items.

SECONDARY SELECTION FACTOR 2. RESOURCE EDUCATION. (0-2 POINTS)

Additional or Enhanced Resource Education Programs

The Draft Operating Plan requires the Concessioner to provide accurate visitor information to the public and to provide limited Resource Education programs and services to its guests. The Service would like to know what you would do, in addition to what the Draft Operating Plan (Exhibit A) requires, to provide an active visitor information and resource education program that complements the Park’s resource education programs for both personal interpretive services (e.g., guest interaction, guided tours) and non-personal interpretive services (e.g., labeling, signs, brochures).

In 3 pages or less, describe three specific actions you would take to add to or enhance the Resource Education activities the Draft Operating Plan requires.

SECONDARY SELECTION FACTOR 3. ACCESSIBILITY. (SCORING: 0-1 Points)

Enhance Accessibility for Guided Horseback Rides

The Non-Discrimination Exhibit (Exhibit B) in the Draft Contract describes general accessibility requirements applicable to the Draft Contract, but the Draft Operating Plan does not include any specific accessibility requirements for guided horseback rides. The Service would like to know what you would do to enhance accessibility for guided horseback rides without compromising safety for Park visitors.

In 3 pages or less, describe specific actions you would take to enhance accessibility for guided horseback rides.