

# **PART III**

## **PROPOSAL PACKAGE**

### **CC-STLI004-24**

*Department of the Interior*

National Park Service  
Statue of Liberty Monument

**Proposal to Operate Food and Beverage, Retail, and Other Services  
at Statue of Liberty National Monument**

## 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  
1234 Market Street, 22<sup>nd</sup> Floor  
Philadelphia, PA 19107

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 Statue of Liberty National Monument in accordance with the terms and conditions specified in the Draft Concession Contract CC-STLI004-24, (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 New York, evidence that it is qualified to do business there.

NAME OF OFFEROR (or OFFEROR-GUARANTOR(s)): \_\_\_\_\_

If the Offeror is not yet in existence as of the time of submission – 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 consider proposals for non-leasehold-surrender-interest (LSI)-generating improvements or additions to Concession Facilities (as defined in the Draft Contract), and proposals for improvements or additions to furnishings, employee and visitor amenities, and other concessioner-owned personal property.

The Service will not consider proposals for new construction or major rehabilitation, as described in 36 C.F.R. Part 51, unless the new construction or major rehabilitation is either a necessary part of the required Concession Facilities Improvement Program (CFIP), or the Offeror voluntarily proposes and agrees to waive its rights to LSI associated with the new construction or major rehabilitation.

The Service will consider proposals that assume LSI in proposed fixture replacement(s) (for a current list of LSI fixtures [See: LSI Fixture Table \(nps.gov\)](#)).

In Principal Selection Factor 4 you will need to include any investments required to realize the strategies outlined in response to the selection factors.



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

**Service Objectives:** The Service's objective is for the Concessioner to maintain the Concession Facilities (as defined in the Draft Contract) to Service standards. The Service prefers a Concessioner that engages in proactive maintenance planning to ensure that equipment and assets achieve their expected useful life.

**Preservation, Repair, and Maintenance of Historic Structures**

Using **not more than three (3)** pages, including all text, pictures, graphs, etc., demonstrate your ability and your commitments to provide a proactive, comprehensive repair and maintenance program with an appropriate staffing level and skill set that preserves the historic character of existing facilities and maintains the character of developed areas by addressing the following:

- Establishment and ongoing use of an integrated Computerized Maintenance Management System (CMMS). See Draft Contract, Exhibit H (Maintenance Plan), Section 2)C) for the minimum requirements of the CMMS.
- Development of a proactive one-, three-, and five-year recurring and Preventative Maintenance schedule. See Draft Contract, Exhibit H (Maintenance Plan), Section 2)B) for the definition of Preventive Maintenance.
- Implementation of a work order closeout process ensuring all routine and Preventative Maintenance is completed adequately and on a timely basis. See Draft Contract, Exhibit H (Maintenance Plan), Section 5)A) for the minimum requirements on reporting work order completions.

**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 objective is for the Concessioner to provide visitors with a food and beverage experience that meets visitor needs while also improving operational efficiencies.

**Improvements to Food and Beverage Operations**

The Draft Contract requires the Concessioner to operate the Liberty Island and Ellis Island food and beverage operations in a manner that balances the requirement to offer fresh, delicious, and high quality food product with the need to efficiently serve large volumes of customers. The Draft Contract requires the Concessioner to provide quick service food and beverage service at the Liberty Café. In response to this selection factor, Offerors will identify their proposed classifications for the Ellis Café: either fast casual or quick service. The Draft Contract also requires the Concessioner to provide quick service food and beverage service at five kiosks on Liberty Island and Ellis Island. See the Draft Contract, Operating Plan (Exhibit B), Section 6(A) and (C) for further information about the Service's food and beverage service classifications and locations for the five kiosks.

The Draft Contract Concession Facilities Improvement Program (CFIP) also requires the Concessioner to construct permanent coverings over and seasonal enclosures around portions of the Liberty Café patio and the Ellis Café upper terrace. Offerors should assume the new coverings and enclosures will provide additional covered and seasonally enclosed seating rather than increasing the size of the food service sales area.

Describe your proposed Liberty Island and Ellis Island food and beverage operations and concepts. Your response must include the following:

1. Using **not more than one (1)** page, identify the classification you propose to use at Ellis Café (fast casual or quick service) and provide a narrative explaining the differences of your proposed service at Ellis Café and Liberty Café and how you will distinctly market the Liberty and Ellis Cafés to effectively distribute consumer demand between the two outlets. Your narrative should include any plans to advertise the different product offerings to guests before they arrive at the Monument so they can plan their visit to best meet their needs and preferences.
2. Using **not more than two (2)** pages, provide a narrative explaining the market relevance of your concepts, how each improves operational efficiency and enhances the visitor experience, and how you will adapt to evolving market trends during the term of the Draft Contract. Note that the Service will review conceptual menus (see paragraph 4 below) you provide to determine how well they reflect the concepts you describe.
3. Provide conceptual drawings (using **not more than two (2)** pages) for each of your proposed food and beverage operations at Liberty Café and Ellis Café, presenting the flow of customers throughout the operation, including the use of the patio and terrace areas. This question is not asking about the patio and terrace coverings/seasonal enclosures. This question is asking for a diagram clearly showing the operational areas and customer flow of your proposed operation. Highlight any efficiencies to be achieved to maximize throughput. You may submit these conceptual drawings on legal or ledger size paper. Please submit only conceptual drawings, not design drawings. **Note:** Offerors do not need to include detailed schematics for the coverings/seasonal enclosures as the Service will evaluate the visitor flow and use of the patio and terrace areas and not the structural design elements, such as materials, aesthetics, and specialized features. The Service will work with the Concessioner on structural design elements after the effective date of the Draft Contract as part of the design process outlined in the Draft Contract, Exhibit F1.
4. Provide conceptual menus (using no more than **two (2)** pages) that identify your proposed food and beverage service concepts (**Note:** do not include pricing on the menus).
5. Using **not more than two (2)** pages and the tables below, provide staffing plans for each operation for a given week during the peak season (for example, mid-July). If you have plans for increased automation or contactless service options, please describe them here and explain how these measures may impact guest experience while helping to control costs and improve efficiency.

**Liberty Island Café and Kiosks**

Labor Category	Number of Employees – Peak Season (i.e., July)	Weekly Salary/Hourly Wage	Hours Worked (for Hourly Employees)	Benefits Costs	Total Cost
(e.g., Manager)					
(e.g., Cashier)					

**Ellis Island Café and Kiosk**

Labor Category	Number of Employees – Peak Season (i.e., July)	Annual Salary/Hourly Wage	Hours Worked (for Hourly Employees)	Benefits Costs	Total Cost
(e.g., Manager)					
(e.g., Cashier)					

**Notes to Offerors:**

- Please include your cost estimates (e.g., real and personal property) for this selection factor in your response to Principal Selection Factor 4.
- The Draft Contract, Exhibit D (Assigned Land and Real Property Improvements (Concession Facilities)) includes site plans of each location.
- The Draft Contract CFIP projects for covering and seasonally enclosing the patio and terrace areas are distinct and separate projects from operational adjustments proposed in response to this selection factor. In its evaluation the Service will not consider elements of this selection factor’s responses that intersect with the CFIP other than presenting the visitor flow and use of the patio and terrace areas.

**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). Experience with Food and Beverage Operations Similar to those in the Draft Contract (0-2 points)**

Demonstrate the Offeror's experience managing large, high-volume food and beverage operations similar to those required by the Draft Contract. If the Offeror is not yet in existence, describe the Offeror-Guarantor(s) experience and clearly explain how such experience will carry over to the Offeror entity directly. If an entity other than the Offeror provided the experience described below, for each example provided, within the applicable page limits, explain how that entity will provide assistance and expertise to the Offeror to enable the Service to rely on the experience in evaluating the Offeror's proposal.

**Using the table provided below and not exceeding two (2) pages per example**, describe **two (2) examples** that demonstrate your experience managing the classification(s) of food and beverage service you proposed in your answer to Principal Selection Factor 2. Your examples must be similar in customer volume to the food and beverage operations required by the Draft Contract. If you propose to offer fast casual food and beverage service at Ellis Café, you must provide **one (1) example** of your experience with fast casual and **one (1) example** of your experience with quick service. Otherwise, you must provide

two (2) examples of quick service. Your examples must have occurred within five years of the release of this prospectus. Address the following in tabular form:

Query	Example 1	Example 2
Name and location of operation		
Nature and tenure of the Offeror's involvement, and status of business (e.g., owned and operated by Offeror, sold, open but no longer operated by Offeror, closed, etc.)		
Description of concept and menu of operation		
Number of seats		
Operating season and hours		
Time frame of experience, with dates		
Volume of transactions		
Annual gross receipts, by department if applicable, for most recent year/season of operation in which the Offeror was involved with the business		
Average annual number of employees		
Description of demand surges (lines) over the operation's busiest days and how you address(ed) these surges		
Description of how you adapt to changing industry and customer demand trends		
Description of experience staffing a seasonal operation (including recruiting, hiring, and retaining staff)		
Description of any special operating conditions or challenges		
Explain how this experience relates directly to successfully operating the services required under the Draft Contract.		

**Subfactor 3(b). Experience with Retail Operations Similar to those in the Draft Contract (0-1 points)**

Demonstrate the Offeror's experience managing high-volume retail operations similar to those required by the Draft Contract. If the Offeror is not yet in existence, describe the Offeror-Guarantor(s) experience and clearly explain how such experience will carry over to the Offeror entity directly. If an entity other than the Offeror provided the experience described below, for each example provided, within the applicable page limits, explain how that entity will provide assistance and expertise to the Offeror to enable the Service to rely on the experience in evaluating the Offeror's proposal.

**Using the table provided below and not exceeding two (2) pages, describe one (1) example** that demonstrates your experience managing retail operations similar in customer volume to those required by the Draft Contract. Your example must have occurred within five years of the release of this prospectus. Be sure to address the following in tabular form:

Query	Example 1
Name and location of operation	
Nature and tenure of the Offeror's involvement, and status of business (e.g., owned and operated by Offeror, sold, open but no longer operated by Offeror, closed, etc.)	
Description of concept of operation	
Square footage of retail space	
Operating season and hours	
Time frame of experience, with dates	
Volume of transactions	
Annual gross receipts, by department if applicable, for most recent year/season of operation in which the Offeror was involved with the business	
Average annual number of employees	
Description of how you maintained variety of items offered and price points	
Description of experience staffing a seasonal operation (including recruiting, hiring, and retaining staff)	
Description of any special operating conditions or challenges	
Explain how this experience relates directly to successfully operating the services required under the Draft Contract.	

**Subfactor 3(c). Experience with Event Planning and Management Operations Similar to those in the Draft Contract (0-1 point)**

The Draft Contract requires the Concessioner to provide event planning and management services to third parties who hold permits for events within the Area.

Demonstrate the Offeror's experience managing events of varying size and purpose, from social events, to presentations, to high-profile fundraisers and corporate events. If the Offeror is not yet in existence, describe the Offeror-Guarantor(s) experience and clearly explain how such experience will carry over to the Offeror entity directly. If an entity other than the Offeror provided the experience described below, for each example provided, within the applicable page limits, explain how that entity will provide assistance and expertise to the Offeror to enable the Service to rely on the experience in evaluating the Offeror's proposal.

**Using the table provided below and not exceeding two (2) pages**, provide **two (2) examples** that demonstrate your experience managing logistically challenging events served by off-premises caterers. Describe the type(s) of events and indicate whether you were responsible for managing the venue and event only, or whether you were also responsible for food and beverage service. The Service is seeking to understand specifically Offerors' experience with event planning and management, not catering. Better answers may include details regarding managing events in historic settings with specific security and logistical concerns.

Query	Example 1	Example 2
Name and location of events		
Nature and tenure of the Offeror's involvement, and status of business (e.g., owned and operated by Offeror, sold, open but no longer operated by Offeror, closed, etc.)		
Number of days over which the events took place		
Number of people attending each event		
Gross receipts for each event		
Management fees received for each event		
Number of employees required for planning and management of each event		
Description of any special operating conditions or challenges experienced at each event and how you overcame them		
Describe the nature of your agreements with outside caterers and your methods for managing them		

**Subfactor 3(d). Experience with Infractions (0-1 point)**

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 in your food & beverage, retail, and event planning and management service operations and your overall strategy to minimize Infractions.

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

- 1) Describe all Infractions that have occurred in in the past five years in your operations that are the same or similar to the services required or authorized by the Draft Contract.
- 2) Explain how you responded to the Infraction, including actions you took to prevent a recurrence of the Infraction.

Using not more than two (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, predecessor companies, affiliates, 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.



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

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

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

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

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



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

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

**Attach the following:**

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

## NOTICES PRIVACY ACT STATEMENT

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

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

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

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

## PAPERWORK REDUCTION ACT STATEMENT

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

## ESTIMATED BURDEN STATEMENT

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



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



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

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

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

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

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

## NOTICES PRIVACY ACT STATEMENT

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

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

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## 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 the Offeror's Transmittal Letter signed by 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.*

*This selection factor has no subfactors. 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.

- 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.

**Demonstrate your ability to obtain the required funds for the initial investment, as listed in the Business Opportunity, and other investing activities (such as the Concession Facilities Improvement Program, etc.) 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-STLI004-XX  
(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:

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- (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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**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 as follows:

- 10% of gross receipts for gross receipts from \$0 to \$10,000,000; plus
- 22.0% of gross receipts for gross receipts from \$10,000,001 to \$25,000,000; plus
- 26.0% of gross receipts for gross receipts from \$25,000,001 and \$40,000,000; plus
- 35% of gross receipts for gross receipts greater than \$40,000,000.

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 for each tier in the chart below. Such fee must be at least equal to the minimum franchise fee (see above) for that tier expressed as a percentage of annual gross receipts.

Do not propose additional tiers and do not change the gross receipt thresholds of each tier.

<b>Gross Receipts</b>	<b>Minimum Franchise Fee Required (% of Annual Gross Receipts)</b>	<b>Proposed Franchise Fee</b>
\$0 to \$10,000,000	10.0%	
From \$10,000,001 to \$25,000,000	22.0%	
From \$25,000,001 to \$40,000,000	26.0%	
Greater than \$40,000,000	35.0%	

**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)****Minimization of Waste through Quality Offerings and Sustainable and Reduced Packaging**

Using **not more than two (2) pages**, including all text, pictures, graphs, etc., describe the following for your operations:

1. Describe the types of retail merchandise you will sell at the operation. Focus on the quality and expected lifespan of items sold in the retail outlets. Better answers will explain the sustainability factors related to production and sustainable and reduced packaging.
2. Describe strategies to minimize the environmental footprint of waste produced by your overall operations under the Draft Contract. The Service is particularly interested in strategies related to waste reduction and minimization of single-use plastic waste. Provide a description of all waste-reducing initiatives including, sustainable and reduced packaging, reusable tableware, reusable drinkware, and recycling.
3. Describe how you will measure and monitor your performance in executing these strategies and practices, and how you will continue to make improvements (e.g., cost reduction targets in waste removal and garbage "pulls", reduced weight in hauls off island(s), etc.).
4. Describe how you will inform visitors about your waste reduction strategies and practices and describe how you will encourage visitors to reduce, reuse, and recycle to minimize waste.

**SECONDARY SELECTION FACTOR 2. THE QUALITY OF THE OFFEROR'S PROPOSAL TO CONDUCT ITS OPERATIONS IN A MANNER THAT RESPECTS THE PARK'S HISTORY AND PURPOSE THROUGH CAREFUL STEWARDSHIP OF FACILITIES AND RESOURCES. (0-1 POINTS)**

Special events held at the Monument should be relevant to the history of the Monument and are subject to time and size restrictions so as to preserve and protect resources and limit impacts on visitors. Attachment 1 of the Operating Plan describes the types of events that may be held at the Monument. The Monument expects that events will be managed entirely by the Concessioner through a dedicated member of its staff that is on-site during all events (an "event manager"). Management of events is the primary job description of the event manager, subordinating sales and marketing to coordinating, staging, and managing mission-relevant events at the Monument. The event manager will also be responsible for vetting all events to ensure they align with the Monument's policies and principles.

Using **not more than three (3) pages**, including all text, pictures, graphs, etc., describe how your operation will manage special events at the Monument to preserve, respect, and protect park resources by detailing the following:

1. Provide a detailed job description of the event manager position on your staff. Include all job responsibilities as well as minimum qualifications for the position. Your answer may include a description of the expected salary range and compensation package for the position as well.
2. Explain how your operation will market event planning and management services to an appropriate audience to ensure that suitable events, relevant to the history of the Monument will be accommodated at the site. Better answers will include examples of digital or print advertising as well as a listing of any web services or print media (magazine, newspaper, etc.) that will be used to promote the Monument's event services.