

GLACIER BAY NATIONAL PARK AND PRESERVE CONCESSIONS, LLC
d.b.a.: **Glacier Bay Lodge and Tours**
CONCESSION CONTRACT CC-GLBA001-04 - AMENDMENT NO. 1

THIS AGREEMENT made and entered into by and between the United States of America, acting in this behalf by the Secretary of the Interior, through the Director of the National Park Service, hereinafter referred to as the "Secretary", and Glacier Bay National Park and Preserve Concessions, LLC, a Corporation, organized and existing under the laws of the State of Alaska, hereinafter referred to as the "Concessioner":

WITNESSETH

THAT WHEREAS, the Secretary entered into Concession Contract No. CC-GLBA001-04 on April 8, 2004, whereby the Concessioner is required and authorized to provide facilities and services for the public within Glacier Bay National Park and Preserve during the period April 8, 2004 through December 31, 2013; and

WHEREAS, the Concessioner has not completed the facilities and improvement program described in the contract for reasons the Concessioner has stated are beyond it's control and whereas the Secretary has determined the delay was caused by reasons beyond the control of the Concessioner; and

WHEREAS, the Concessioner and the Secretary have agreed to extend the period allowed for completion of the Concession Facilities Improvement Program by three years; and

WHEREAS, the Concessioner and the Secretary have agreed that the design and planning for the project must be completed prior to the 2008 season in order to allow completion of environmental compliance required by law;

NOW, THEREFORE, in consideration of the foregoing, the parties hereto covenant and agree to and with each other that Concession Contract CC-GLBA001-04 is hereby amended, effective on May 1, 2006 as follows:

[Language to be added to and become a part of the contract is displayed below in **bold and underlined** print. Language to be deleted from and no longer a part of the contract is displayed below in a strike-out format.]

1. Section 1 is amended as follows:

SEC. 1. TERM OF CONTRACT

This Concession Contract No. CC-GLBA001-04 ("CONTRACT") shall be effective as of [insert date of award, i.e. date signed by NPS Regional Director], and shall be for the term of approximately ten (10) years until its expiration on December 31, 2013, if the Concessioner satisfactorily completes the Concession Facilities Improvement Program described in Section 9(d) of this CONTRACT. If the Concessioner fails to complete this program to the satisfaction of the Director within the time specified, then this CONTRACT shall expire on ~~October 1, 2006~~ **October 1, 2009**. The Director may extend this shortened term (but not beyond the original date of expiration of this CONTRACT) in circumstances where the Director determines that the delay resulted from events beyond the control of the

Concessioner.

2. Section 9 (d) is amended as follows:

“(d) Concession Facilities Improvement Program

(1) The Concessioner shall undertake and complete an improvement program (hereinafter “Concession Facilities Improvement Program”) costing no more than \$1,665,000 (in 2002 dollars) as adjusted for each project to reflect par value in the year of actual construction in accordance with the appropriate indexes of the Department of Labor's CPI-U Index, as published by the Department of Labor.

(2) The Concession Facilities Improvement Program is:

PROJECT	ESTIMATED COST OF PROJECT	START DATE	COMPLETION DATE
(1) Deferred Maintenance	\$115,000	2004	May 1, 2006 May 1, 2008
(2) Replace Phone System	\$25,000	2004	May 1, 2005
(3) Construct New Maintenance Shed	\$25,000	2005	May 1, 2006 May 1, 2009
(4) Construct New Employee Housing	\$1,500,000	2005	May 1, 2006 May 1, 2009
<u>(5) Complete Planning and Design for New Employee Housing and New Maintenance Shed</u>	<u>[Estimated Cost is included in projects 3 and 4 above]</u>	<u>2006</u>	<u>May 1, 2008</u>
TOTAL, Required Building Program	\$1,665,000		

(3) In all other respects, the Contract shall remain in full force and effect.”

IN WITNESS WHEREOF, the parties hereto have subscribed their names and affixed their seals.

Executed in triplicate, at Anchorage, Alaska, this 25th day of March, 2007.

Glacier Bay National Park and Preserve Concessions, LLC

BY

Name:

Title:

Attest:

Name:

Title:

United States of America

BY

Name:

Title: