

# **Part III**

## **Proposal Package**

**CC-BADL001-25**

*Department of the Interior*

National Park Service

Badlands National Park

**Proposal to Operate Lodging, Campground,  
Food and Beverage, and Retail Services  
at Cedar Pass**

**Proposal Submission Terms & Conditions**

- 1) The Offeror's Transmittal Letter set forth below indicates your acceptance of the terms and conditions of the concession opportunity as set forth in this Prospectus. It indicates your intention to comply with the terms and conditions of the Contract. **The letter, submitted without alteration, must bear original signatures.** The National Park Service (Service) will review the entire Proposal Package to determine whether your proposal in fact accepts without condition the terms and conditions of this Prospectus. If it does not accept without condition the terms and conditions of this Prospectus, your proposal may be considered non-responsive, even if you submitted an unconditional Offeror's Transmittal Letter.
  
- 2) The Proposal Package is drafted upon the assumption that an Offeror is the same legal entity that will execute the new concession Contract as the Concessioner. If the entity that is to be the Concessioner is not in existence as of the time of submission of a proposal, or the Offeror was formed recently and has no financial or operating history, the proposal must demonstrate that the individual(s) or entity(ies) (hereinafter Offeror-Guarantor(s)) 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.

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### Offeror's Transmittal Letter

Regional Director  
Interior Regions 3, 4, and 5  
601 Riverfront Drive  
Omaha, NE 68102

Dear Director:

The name of the Offeror is \_\_\_\_\_. If the Offeror has not yet been formed, or the Offeror was formed recently and has no financial or operating history, 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 Park in accordance with the terms and conditions specified in the Draft Concession Contract CC-BADL001-25, (Draft Contract) provided in the Prospectus issued by the public notice as listed on the [SAM.gov website](https://www.sam.gov) 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).

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 or the Offeror was formed recently and has no financial or operating history.]* 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 an 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 South Dakota, 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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Document Title	File Name	File Size

**Name of Offeror (or Offeror-Guarantor(s)):** \_\_\_\_\_

If the Offeror is not yet in existence as of the time of submission or the Offeror was formed recently and has no financial or operating history, – 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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Email \_\_\_\_\_

Phone \_\_\_\_\_

(End of Offeror's Transmittal Letter)

## 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.

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**Certificate of Business Entity Offeror**

(Or of Offeror-Guarantor)

(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 \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**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 2027."
- 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 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 may consider proposals that describe detailed Offeror commitments that enhance the CFIP as defined in the Draft Contract but will not consider proposed alterations to the scope of the CFIP as defined in the Draft Contract. 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 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 objectives under this factor are to preserve and extend the useful life of existing Concession Facilities and to improve the visitor experience through maintenance activities and the Concessioner's successful completion of facility improvements, including the Concession Facilities Improvement Program (CFIP) project.

**Subfactor 1(a). Communicating with and Involving the Service in Maintenance Planning and Projects**

**(Possible Score, 0-1 point)**

Using not more than 2 pages, including all text, pictures, graphs, etc.:

Describe in detail the strategies and specific tools you will employ to involve the Service in your maintenance planning and projects. Explain how these tools and methods will ensure effective communication and uniformity of process during the planning and execution phases of the Draft Contract requirements, including those listed in Exhibit F1 (Concessioner New Construction and Major Rehabilitation Project Procedures), Exhibit F2 (Component Renewal Reserve Project Procedures, and Exhibit H (maintenance Plan). Highlight any digital platforms, project management software, or communication protocols you plan to use.

**Subfactor 1(b). Minimizing Visitor Disruptions**

**(Possible Score, 0-1 point)**

Using not more than 2 pages, including all text, pictures, graphs, etc.:

Provide a comprehensive plan for minimizing disruptions to visitor services during construction associated with facility improvements, including CFIP projects. Include strategies for scheduling, visitor communication, and safety measures. Illustrate past examples where these strategies have been successfully implemented.

**Subfactor 1(c). Experience and Capability**

**(Possible Score, 0-1 point)**

Using not more than 2 pages, including all text, pictures, graphs, etc.:

Provide a detailed example of a previously completed structural construction project, focusing on the challenges faced and the solutions implemented. Explain how this experience demonstrates your capability to successfully complete the CFIP project required under the Draft Contract. Include specifics on project scope, timelines, budget management, and outcomes.

**Subfactor 1(d). Risk Management and Contingency Planning**

**(Possible Score, 0-1 point)**

Using not more than 1 page, including all text, pictures, graphs, etc.:

Outline your approach to identifying and managing risks (e.g., product delivery delays, labor shortages, cost overruns, etc.) associated with facility improvements, including the CFIP project. Describe contingency plans you will put in place to address unforeseen issues that may arise during project execution.

**Subfactor 1(e). Sustainability and Innovation****(Possible Score, 0-1 point)**

Using not more than 1 page, including all text, pictures, graphs, etc.:

Discuss any sustainable practices and innovative techniques you plan to incorporate in the maintenance and improvement of Concession Facilities, including the CFIP project. Explain how these practices will contribute to the longevity of the facilities and enhance the visitor experience.

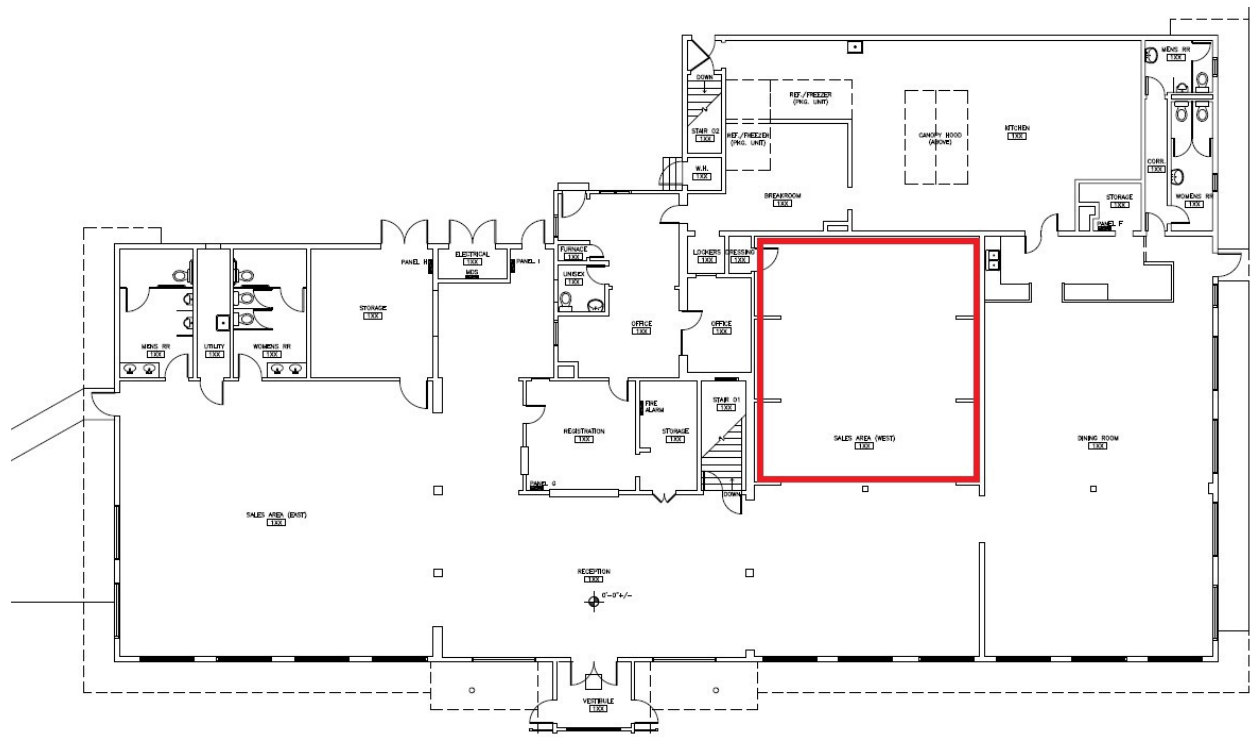
**Principal Selection Factor 2.** The responsiveness of the proposal to the objectives, as described in the prospectus, of providing necessary and appropriate visitor services at reasonable rates. **(0-5 points)**

**Service Objectives:**

The Service wants the Offeror to propose improvements to existing food and beverage operations that will reduce customer wait-times, maximize the efficiency of food and beverage service and staffing, and provide menu offerings that meet the changing tastes, dietary expectations and needs of Park visitors.

**Concepts for Improving Food and Beverage Service**

The Draft Contract requires the Concessioner to complete a Personal Property Improvement Requirement (PPIR) project (**PPIR Project #1**) to reconfigure existing retail space into additional food and beverage space in the Cedar Pass Lodge main building. A drawing of the existing layout of the kitchen, dining room, and the existing retail area identified for possible food service expansion (outlined in red) is presented below.



The Service would like the Concessioner to preserve the existing amount of seating in the dining room and to continue to utilize the existing kitchen area for all food preparation, once the stabilization is complete. Offerors may propose to utilize some or all of the space outlined in red for additional food and beverage service types. As the floor of the Lodge building cannot support heavy coolers and furnishings in this area, the Service encourages Offerors to propose food service concepts that minimize the use of heavy equipment.

NOTE: The Service anticipates that the Concessioner will undertake the CFIP Project and PPIR Project #1 simultaneously during the first year of the Draft Contract term.

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

- 1) Describe your concept for expanded food and beverage service within all or part of the area outlined in red, and how your concept will modernize food service, increase utilization and throughput, and improve customer flow through the space.

Offerors must consider and propose potential changes or additions to food service classifications, such as the addition of Quick Service, grab-and-go, and other appropriate options to meet the Service objectives set out above. (Refer to [NPS Standards](#) for information on standards for different food service types.)

Provide cost estimates for any proposed personal property improvements and upgrades in your response to Principal Selection Factor 2 by line-item with related explanatory assumptions. The Service will not consider real property improvements that would incur Leasehold Surrender Interest.

- 2) Submit your proposed schedule to complete the food and beverage service improvements and upgrades, including a timeline indicating your proposed starting and ending dates. Your plan should clearly describe how you will minimize disruption to visitor services during the process. The Service considers commitments to complete the reconfiguration of space in an expedited way more preferable than delayed commitments.

**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, or the Offeror was formed recently and has no financial or operating history, 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 or the Offeror was formed recently and has no financial or operating history, submit a Business Organization Information form for each Offeror-Guarantor.

**Subfactor 3(a). Operational Experience**

Using no more than **four (4) pages**, including all text, pictures, graphs, etc.:

Describe one example of the Offeror's experience operating and managing services similar to those required by the Draft Contract by providing **one example of each** of the following services: lodging, campground, food and beverage, and retail. The Service will accept an example of an operation that provides each of the four types of services in lieu of four separate examples; however, the Offeror must clearly identify and describe how the example addresses each of the services. If the Offeror operates multiple outlets of the same service type as part of a larger operational area (e.g., a large contract, resort holding, etc.), the Offeror must select one distinct outlet of that service type to use as an example, not all the outlets of the same service type within that operational area. If an Offeror provides more than one example of operational experience for any service type, the Service will evaluate only the first example presented for each service type. The Service prefers examples that demonstrate experience within the last five years.

If the Offeror is not yet in existence, the Offeror was formed recently and has no financial or operating history, or the Offeror relies on the experience of a related entity, such as its parent company or a subsidiary of its parent company, explain how such experience will carry over to the Offeror directly and how that entity's experience will benefit the Offeror's operations. For each example discussed, submit the following information segmented by operating department.

**Submit the following information for each example:**

1. Name and location of operation
2. Nature and tenure of the Offeror's involvement, status of business (e.g., owned and operated by Offeror, sold, open but no longer operated by Offeror, closed, etc.)
3. Time frame of experience, with dates
4. Description of services provided
5. Annual gross receipts, by department if applicable, for the most recent year/season of operation in which the Offeror was involved with the business
6. Operating season and hours
7. Number of employees: full-time employees, part-time employees, and seasonal employees, segregated by peak and off-peak seasons
8. Any special operating conditions or challenges (e.g., remote location, extreme environment or weather conditions, employee retention)

**Also submit the following for the lodging example:**

1. Number of and classification of rooms in the property
2. Annual occupancy rate during most recent completed year/season
3. High, shoulder, and low season occupancy rates for the most recent completed year/season, if applicable
4. Describe any guest amenities. (e.g., swimming pool, hot tub, etc.)

**Also submit the following for the campground example:**

1. Number of and type (tent, RV, hook-ups) of sites
2. Annual occupancy rate
3. High, shoulder, and low season occupancy rates, if applicable

**Also submit the following for each food and beverage example:**

1. Type of food service (fast casual, quick service, family casual, etc.)
2. Number of seats



3. Annual number of guests by meal period during most recent completed year/season

**Also submit the following for the retail example:**

1. Type of merchandise (e.g., grocery, merchandise, convenience items)
2. Average annual number of transactions
3. Square feet of retail space

**Subfactor 3(b). 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. In responding to this subfactor, you should consider all of the examples you provided for Subfactor 3(a).

*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.

Please note, the Service may consider other official, publicly available information when reviewing your response.

Using not more than **five (5) 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 are related to the same or similar services as required or authorized by the Draft Contract. If your response to Principal Selection Factor 3(a) included operations no longer controlled by the Offeror, Offeror-Guarantor, or a Related Entity, you must also describe all Infractions that have occurred in the past five years in those operations when the Offeror, Offeror-Guarantor, or a Related Entity controlled the operation.
- 2) Explain how you responded to each Infraction, including actions you took to prevent a recurrence of the Infraction.

Using not more than **three (3) pages**, including text, pictures, and graphs, provide the following information:

- 1) List, by name, the Related Entities (as defined above) you considered in providing the foregoing information.

Describe your overall strategy to minimize Infractions and how you resolve, or plan to resolve, Infractions when they do occur

**Subfactor 3(c). Employee Recruitment, Training and Retention Experience**

Using no more than **two (2) pages**, including all text, pictures, graphs, etc.:

- 1) Describe the experience of the Offeror, the Offeror-Guarantor(s) if the Offeror is not yet in existence, or a related entity if the Offeror relies on the experience of said related entity, in preparing staff with the necessary information and training needed to live and work in a remote location and how the Offeror will apply this experience to the Draft Contract.
- 2) Describe the experience of the Offeror, the Offeror-Guarantor(s) if the Offeror is not yet in existence, or a related entity if the Offeror relies on the experience of said related entity, in attracting and retaining high quality, diverse, and motivated employees, including management staff and how the Offeror will apply this experience to the Draft Contract. Describe any plans for providing housing or transportation for employees and relate these plans to past experience providing such services.



**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>	

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

Total Interests Outstanding and Type(s):		
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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

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### PAPERWORK REDUCTION ACT STATEMENT

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### ESTIMATED BURDEN STATEMENT

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**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

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**Principal Selection Factor 4.** The financial capability of the Offeror to carry out its proposal. **(0-5 points)**

**How to respond to Principal Selection Factor 4:** *The Offeror should provide the information requested with the goal of clearly demonstrating that it has the financial capability to carry out its proposal. If any of the financial information provided is adverse, the Offeror should explain why and describe how it addressed any issues. If funding will be provided by any individuals or entities, clearly and succinctly explain how the funding will be transferred from those sources to the Offeror, including, if applicable, how it moves from various levels of superior or related entities to the Offeror.*

*If the Offeror is not yet in existence or the Offeror was formed recently and has no financial or operating history, please state this, and provide the information described below for each Offeror-Guarantor as identified in the Offeror's Transmittal Letter. Additionally, if the Offeror (or Offeror-Guarantor) anticipates that any individual or entity will provide financial assistance to the Offeror during the term of the Contract (e.g., for start-up costs or investments), please state this, and provide the information described below for each such individual or entity. 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.*

*The Offeror must complete and submit all forms provided here and as appendices, including the Excel workbook and other documentation.*

*A table is provided at the end of Principal Selection Factor 4 that summarizes the forms and documentation you must submit per the following detailed instructions.*

*The Service will score Principal Selection Factor 4 based upon the entirety of your response to the instructions below. The instructions are numbered for organizational purposes.*

**1. Demonstrate a credible, proven track record of meeting financial obligations by providing the following:**

Identify the Offeror, or each Offeror-Guarantor if applicable, and any individual or entity other than an accredited financial institution that will provide funding to the Offeror during the term of the Contract (for start-up costs, investments, etc.).

**For each individual or entity identified above, provide:**

- The completed **Business History Information** form provided at the end of this section.
- A **complete credit report** dated within six months of the date of the proposal. The report must include scores and narratives, and you must submit the full report, not a screenshot of a specific score or specific section of the report. The report must be from a major credit reporting company such as Equifax, Experian, TransUnion, or Dun & Bradstreet. If the Offeror is not yet formed, include a credit report for each Offeror-Guarantor. An unavailability of scores from one major credit reporting company does not eliminate your responsibility to provide a complete credit report with scores. If an entity is a partnership or joint venture, a complete credit report must be provided for all general partners in a partnership (or deemed partnership, such as husband and wife), and all venturers in a joint venture.

**2. Demonstrate your business experience and financial capability by providing the following:**

**For the Offeror, or each Offeror-Guarantor if applicable, and any individual or entity other than an accredited financial institution that will provide funding to the Offeror during the term of the Draft Contract (for start-up**



**costs, investments, etc.) provide audited financial statements (including all notes to the financial statements) for the two most recent fiscal years.**

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

If neither audited nor reviewed statements are available, explain in detail why they are not available and submit compiled financial statements.

If audited, reviewed, or compiled financial statements are not available, explain in detail why they are not available and submit financial statements to which an authorized officer of the entity or the submitting individual, as applicable, attests to the accuracy and completeness of the financial statements.

If none of the financial statements listed above are available, explain why in detail and submit personal financial statements to which the submitting individual attests to their accuracy and completeness. If personal financial statements are provided for an entity, submit these for each of the entity's principals.

Note: Financial statements must be provided for all general partners in a partnership (or deemed partnership, such as husband and wife), and all venturers in a joint venture.

**Additionally**, if more than three months have elapsed since the end of the most recent fiscal year included in the financial statements, provide interim financial statements (at minimum, a balance sheet and income statement) that are dated within 10 weeks of the proposal due date for each Offeror, each Offeror-Guarantor, and any individual or entity (other than an accredited financial institution) providing funding to the Offeror during the term of the Contract (for startup costs, investments, etc.). The Service understands these interim financial statements are not likely to be audited or reviewed; the above-listed individuals or entities should state that the financial statements are compiled or have an authorized officer of each entity or the submitting individual, as applicable, attest to the accuracy and completeness of the interim financial statements.

If any of the above-listed individuals' or entities' financial position has substantially changed from the most recent fiscal year, provide a narrative to help the Service understand any changes to their financial position.

**3. Demonstrate that your proposal is financially viable and that you understand the financial obligations of the Draft Contract by providing your projection on the following forms in the provided Excel workbook:**

- *Investments and Investments Assumptions* forms:
  - Fully explain the methodology and the assumptions used to develop the estimates for the line items included in the Total Initial Investment and Start-up Expenses of the business. The information provided (both estimates and assumptions) should include sufficient detail to allow a reviewer to understand how you determined the estimates.
  - If you are the Existing Concessioner and do not anticipate any additional initial investment or start-up costs, please provide the value of your existing assets in the appropriate section and state that you consider the current personal property and assets adequate to operate this concession opportunity successfully.
- *Income Statement, Income Statement Assumptions, Operating Assumptions, Cash Flow Statement, Cash Flow Statement Assumptions, Recapture of Investment, and Recapture of Investment Assumptions* forms:

- Use the forms to provide estimates of prospective revenues, expenses, and cash flows of the concession business for the entire term of the Draft Contract. Use the forms to explain your financial projections and assumptions that support your financial projections.
- Include the recapture amount and assumptions you expect at the end of the Contract in the *Cash Flow Statement, Cash Flow Statement Assumptions, Recapture of Investment, and Recapture of Investment Assumptions* forms and not the *Income Statement* form.

Indicate whether you intend to offer employee housing outside the Park within the Operating Assumptions form and include the related expenses in the appropriate forms.

Below are general notes regarding the provided forms found in the Excel workbook included as an Appendix to the Prospectus.

- The Service has provided forms that request the information in the required format. These forms may differ from the format and requirements set forth in generally accepted accounting principles (GAAP) or generally accepted auditing standards (GAAS). The Service does NOT request that the information provided on these forms be reviewed in accordance with GAAS.
- Do not add or eliminate rows or columns on the Excel forms provided. If you wish to provide additional financial information, do so in additional spreadsheets, outside of the ones provided. If additional financial information is provided, clearly explain how it rolls up or applies to the provided forms.
- 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. Provide sufficiently detailed and complete information to fully explain how you determine your estimates. If you make commitments in other sections of your proposal, please clearly account for the related expenses or investments for those commitments in the appropriate form in the Excel workbook; you may include an additional spreadsheet that identifies these specific commitments and where you account for the investment in your proposal. The Service will not evaluate expanded or additional commitments related to a response to another selection factor that exceed the page limits for that response. Include the cost amounts for the Concession Facility Improvement Program (CFIP), deferred maintenance (DM), and other significant investments in these forms so the Service understands how you intend to fund the investments.

**4. Demonstrate your ability to obtain the funds necessary to operate under the Contract by providing the following:**

Explain how you will fund the initial investment, including start-up costs, and additional investments (e.g., CFIP, PPIRs, CRR, DM) required throughout the term of the Contract.

Note: The financial arrangements you propose here should be reflected in your responses on the forms in the provided Excel workbook.

If funding is provided from another level of your organization, such as a parent or related entity, clearly explain how funding transfers from each level and ultimately to the Offeror and obtain clear commitments, as evidenced through the documents requested below, at each level. If the Offeror is obtaining even a portion of the necessary funds from another individual or entity, including accredited financial institutions, the Service must be able to determine from the documents submitted that the Offeror is highly likely to obtain either the stated amount, or an amount in excess of the stated amount, from an individual or entity with sufficient financial capability to provide the funds. The documentation requested below is intended to help the Service clearly reach this determination.

The more definite the terms stated in the documentation and the more comprehensive the documentation, the more likely the Service is to find the Offeror's ability to obtain the required funds credible.

- a) If you will use funds from cash on hand or operating cash flows from the Offeror's current business, document and provide sources and proof of the availability of these funds. At a minimum, provide the information requested under each bullet point.
- Provide current (no more than 30 days prior to the proposal due date) financial institution documents (including investment accounts) that verify the accounts and account balances to provide proof of the available funding. Financial institution account statements must include the name of the account holder and a date.
  - Provide a statement from the Offeror stating that funds are available and not committed to other sources.
  - Provide a list of assets to be sold and their anticipated value (if applicable).
  - If information provided in your financial statements or financial institution account statements contradict the appearance of available funds, provide additional narrative to explain how funding will be available from cash on hand or operating cash flows from the existing business by the effective date of the Draft Contract. Include an explanation of how you will meet your financial obligations under the Draft Contract should these assumptions fail to occur.
- b) If an accredited financial institution will provide funding, provide supporting information including, but not limited to, documents that describe the approximate amount of the loan(s) and whether the loan(s) will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86.<sup>1</sup> Additionally, provide the following information:
- Include a commitment letter (addressed to the National Park Service from the financial institution on the financial institution's letterhead and dated no more than 30 days prior to the proposal due date) stating the amount of funds that have been or will be made available to the Offeror. 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 to the Offeror along with the Offeror's 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 and other conditions required for the financial institution to provide the Offeror the funds.
- Note:. The more definite the terms provided in the documentation of the potential loan or financial arrangement, the more likely the Service will be to find the Offeror's ability to obtain the required funds credible.
- c) If an Offeror-Guarantor, individual, or entity other than an accredited financial institution will provide funding, provide the information requested under each bullet point for each individual or entity providing

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<sup>1</sup> If the loan or financial arrangement will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86, and the Offeror is selected for award of the Draft Contract, then the Offeror will be required to submit to the Service a separate package seeking approval of the encumbrance.

funding. If funds will be obtained from an Offeror-Guarantor, individual, or entity whose primary fund source is an individual, provide the information requested under each bullet point with respect to such individual. If funds will be obtained from another source (e.g., an entity whose primary fund source is not an individual), provide the information requested under each bullet point for each source:

- Provide current (no more than 30 days prior to the proposal due date) financial institution documents (including investment accounts) that verify the account(s) and account balance(s) to provide proof of the available funding. Financial institution account statements must include the name of the account holder and a date.
- Provide a statement from the account holder stating that funds are available and not committed to other sources.
- Include a commitment letter from the funding source stating the approximate amount of the financial assistance, the terms of the financial arrangement (if a loan, provide the information requested under 4.b), and whether the arrangement will result in an encumbrance requiring Service approval under 36 C.F.R. § 51.86.
- Provide a list of assets to be sold and their anticipated value (if applicable).
- Provide any other assurances or documents that demonstrate that the funds are available, including documentation from independent sources.
- If information provided in the financial statements or financial institution account statements contradict the appearance of available funds, provide additional narrative to explain how funding will be available from cash on hand or operating cash flows from the existing business by the effective date of the Draft Contract. Include an explanation of how you will meet your financial obligations under the Draft Contract should these assumptions fail to occur.

**Principal Selection Factor 4 Instructions Summary Table**

The following table summarizes the forms and documentation you must submit in responding to Principal Selection Factor 4.

	<i>Submit for Offeror?</i>	<i>Submit for Offeror-Guarantor(s) (if any)?</i>	<i>Submit for Other Individuals or Entities Providing Funding (if any)?**</i>
<i>Business History Information Form</i>	Yes*	Yes	Yes
<i>Complete Credit Report</i>	Yes*	Yes	Yes
<i>Financial Statements</i>	Yes*	Yes	Yes
<i>Interim Financial Statements (if necessary)</i>	Yes*	Yes	Yes
<i>Proformas (using the Excel workbook forms provided)</i>	Yes	Not applicable	Not applicable
<i>Current Financial Institution Account Statements</i>	Yes*	Yes	Yes

<i>Signed commitment letters from individuals or entities (including financial institutions) that will provide funding</i>	<i>Yes (if applicable)</i>	<i>Yes (if applicable)</i>	<i>Yes (if applicable)</i>
<i>List of assets to be sold and their anticipated value</i>	<i>Yes (if applicable)</i>	<i>Yes (if applicable)</i>	<i>Yes (if applicable)</i>
<i>Narratives to support, clarify, or expand on the financial information provided</i>	Yes	Yes	Yes

\*Unless the Offeror is not yet in existence or was formed recently and has no financial or operational history.

Please state if there is no financial or operational history for the Offeror.

\*\*Other than accredited financial institutions.



**BUSINESS HISTORY INFORMATION FORM  
PROPOSAL PACKAGE  
CC-BADL001-25  
(Principal Selection Factor 4)**

Business history information should be provided for the Offeror or Offeror-Guarantor(s) AND any individual or entity other than an accredited financial institution that will provide financial or management assistance.

The information provided below is for the following individual or entity: \_\_\_\_\_

- (1) Has the individual or entity 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 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 individual or entity. 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 individual or entity'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 individual or entity 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:**

- 1.0% of gross receipts for annual gross receipts from \$0 to \$4,000,000; plus
- 3.8% of gross receipts for annual gross receipts greater than \$4,000,000

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 and expressed as a percentage of annual gross receipts.

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

Gross Receipts Tier	Minimum Franchise Fee Required (% of Annual Gross Receipts)	Proposed Franchise Fee (% of Annual Gross Receipts)
\$0 to \$4,000,000	1.0%	
Greater than \$4,000,000	3.8%	



**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, waste reduction, recycling and water conservation. **(0-3 points)**

**Service Objectives:**

The Service would like the Concessioner to exceed minimum standards related to environmentally preferable packaging for food and beverage & retail items, recycling, and waste reduction. The Service would like to understand how the Concessioner will work toward reducing and phasing out single-use plastics as described in the Department of Interior Secretary's Order 3407 (<https://www.doi.gov/reducing-single-use-plastic-pollution>).

**Subfactor 1(a). Solid Waste Reduction (Possible Score, 0-2 points)**

Using not more than 2 pages, including all text, pictures, graphs, etc.:

- 1) Identify three specific actions you will take to reduce solid waste (especially single-use plastics) generated by your operation beyond the requirements of Exhibit B Operating Plan and Exhibit H Maintenance Plan (Part C, Section 1F). At a minimum, your response must describe a recycling program plus two other proposed programs.
- 2) Describe how you will measure the effectiveness of each commitment set out above and monitor the effectiveness of your solid waste reduction programs throughout the term of the Draft Contract and report on those efforts to the Service.

The Service would like to ensure the Concessioner uses water efficiently and reduces water consumption and loss.

**Subfactor 1(b). Water Conservation (Possible Score, 0-1 point)**

Using not more than 1 page, including all text, pictures, graphs, etc.:

- 1) Describe the specific commitments and actions you will take to ensure that all Concession Facilities will operate to conserve water throughout the term of the Draft Contract.
- 2) Describe how you will measure the effectiveness of each commitment set out above and monitor the effectiveness of your water conservation programs throughout the term of the Draft Contract and report on those efforts to the Service.

**Secondary Selection Factor 2. Features and Amenities of Lodging Units and Campground (0-1 point)****Service Objective:**

The Service's objective under this factor is to ensure a high-quality visitor experience in line with prices paid for overnight accommodations and campsites. As rates for lodging and camping will be subject to Competitive Market Declaration, upgrades to soft goods, furniture and equipment may be needed to keep pace with the competitive market. NOTE: the Service does not intend for these upgrades to change any service classifications (e.g. Basic lodging).

Using not more than 2 pages including all text, pictures, graphs, etc.:

Describe any upgraded furniture, soft goods, features, equipment and amenities you will provide, including in (1) the existing cabins and cottage unit, and (2) the existing campsites and comfort stations.

**Secondary Selection Factor 3. Collaboration with Federally Recognized Tribes at Badlands National Park (0-2 points)****Service Objective:**

There are twenty four tribes that have traditional associations to the lands in Badlands National Park: Assiniboine and Sioux, Blackfeet, Cheyenne River Sioux, Crow, Crow Creek Sioux, Flandreau Santee Sioux, Lower Brule Sioux, Northern Arapaho, Northern Cheyenne, Oglala Sioux, Omaha, Ponca, Rosebud Sioux, Sisseton-Whapeton Oyate, Southern Cheyenne and Eastern Arapaho, Spirit Lake Dakota, Standing Rock Sioux, Three Affiliated Tribes: Mandan, Hidatsa, and Arikara, Turtle Mountain Band of Chippewa, The Winnebago Tribe of Nebraska, and the Yankton Sioux. The Service's objective is to support economic development of the 24 Federally recognized Indian tribes associated with Badlands National Park, and to provide opportunities for the sharing of traditional ecological knowledge through concessioner employment of members of such Indian tribes and concessioner use of businesses owned by such Indian tribes.

Using not more than 2 pages, including all text, pictures, graphs, etc.

Describe your plans for actively fostering the employment of members of the 24 Federally recognized Indian tribes that are associated with Badlands National Park or plans for involving businesses owned by the 24 Federally recognized Indian tribes associated with Badlands National Park, in the concession operations under the Draft Contract.

Note to Offerors: A stronger response may include letters of engagement, commitment, or other similar documentation of established relationships with the 24 Federally recognized Indian tribes associated with Badlands National Park. These supporting third-party documents are not included in page limits for this selection factor.