

SAMPLE PROSPECTUS:

**PROPOSALS FOR THE WHAT GRASSY CREEK CONCESSION AT
ANYWHERE NATIONAL WILDLIFE REFUGE**

Prospectus Number: 0000001

Date Issued: 09/30/20XX

1. Nature of Commercial Opportunity: The U.S. Fish and Wildlife Service (Service) is seeking proposals for the operation of a concession to provide the following minimum rental equipment and services for the public at the Grassy Creek area at Anywhere National Wildlife Refuge (Refuge).

- A. Rental of canoes/fishing boats/bikes
- B. Sale of canoes/fishing boats/bikes
- C. Interpretive guided tours of refuge
- D. Educational clinics and special events
- E. Meeting room rentals
- F. Campsite rentals

The Operations Plan contains all requirements for rentals, sales, guided tours, and educational clinics/special events.

2. Location of Concession Facility: The refuge is located in Anywhere, USA. The refuge consists of approximately 6,000 acres and is a unit of the National Wildlife Refuge System (System). The concession operation is located on the north end of the refuge. Access to the site is by vehicle via Wildlife Road and by water through Anytime Inlet. Visitation for the last full fiscal year recorded 1 million visitors to the refuge. Of this total, the concession area accommodated approximately 250,000 visitors. A map of the location of the facility is included as Exhibit B of the contract. The concession facilities include a fishing pier, restroom, fixed wooden boat dock, two lane boat ramp, 20' x 20' storage shed, and 12' x 20' office building.

3. Annual Gross Receipts by Year Recorded At Concession Facility:

Agreement Year 1: \$570,000.00

Agreement Year 2: \$600,000.00

Agreement Year 3: \$625,000.00

Agreement Year 4: \$700,000.00

4. Current Concession Contract: The current contract expires on September 30, 20XX. The existing concessionaire has operated satisfactorily during the period of the current contract and is expected to be a competitor for the new agreement.

5. Proposed Concession Contract: The proposed concession contract will be sent to all prospective offerors. Offerors are advised that this is not a procurement instrument subject to the rules and regulations of the Federal Acquisition Regulations. All provisions governing the concession operation, including required periods of operation, reporting, pricing and subcontracting, are set forth in this solicitation. By submitting a proposal, an offeror agrees to execute the agreement in its present form without negotiations or discussions. Offerors are strongly encouraged to carefully review this document and submit any questions in writing to the official listed in Section 8 of this prospectus.

6. Period of Proposed Agreement: The length of the proposed concession agreement is 5 years with a renewal period of 5 additional years depending upon performance of the company/individual winning the solicitation. In the event that changes are necessary due to new regulations or legislation, the Service and the concessionaire will, at the discretion of the refuge manager, renegotiate any material terms of the agreement affected by the changes.

7. Examination of Concession Area and Additional Information: The Service will conduct a one-time guided tour and questions-and-answer session of the concession area on Friday, January 26, 20XX at 1:00 p.m. EST. Offerors interested in participating should contact Refuge Ranger Ricky Rick at 555-555-5555. Offerors are encouraged to submit in advance of this meeting any questions they may have regarding the information contained in the prospectus or contract. Send advance questions in writing (by mail or facsimile) to the designated official identified in Section 8 at least 3 calendar days prior to the meeting date. A written transcription of all questions and answers presented at this session will be made available to all offerors.

8. Submission of Proposals: Persons or businesses having the experience and financial means to meet the minimum conditions specified in the prospectus and who desire to enter into an agreement may do so by submitting an original and five copies of a proposal to:

Mr. John Doe
Division of _____
U.S. Fish and Wildlife Service
999 Fisheries Drive
Anywhere, USA 99999
555-555-5555
555-555-5556 (Fax)

You must enclose proposals and modifications to proposals in sealed envelopes marked **"CONCESSION PROPOSAL IN RESPONSE TO PROSPECTUS 00001. MAIL ROOM DO NOT OPEN."**

Closing Date: All proposals must be received at the above address no later than 4:00 p.m. EST on February 16, 20XX. Proposals received after that date and time will not be eligible for consideration and will be returned. We will not accept proposals and modifications to proposals transmitted by facsimile.

Proposals will become the property of the U.S. Government at the time of submission and will not be returned. Disclosure of information in the proposals will be confined by the limits of the Freedom of Information Act. Upon signing the concession agreement, the winning proposal will become part of the agreement.

9. Standards:

A. **Zero Tolerance of Discrimination:** You must not discriminate against anyone on the basis of race, color, national origin, sex (including pregnancy, gender identity, transgender status, and sexual orientation), religion, disability, age, status as a parent, or genetic information, with regard to any program, activity, or service, including employment. You are subject to the following Equal Opportunity Employment laws and policies:

- Title VII of the Civil Rights Act of 1964;
- Age Discrimination Act of 1967;
- Rehabilitation Act of 1973;
- Americans with Disabilities Act of 1990 (amended in 2008 to broaden the definition of disability);
- Genetic Information Act of 2008;
- Executive Order (EO) 13152, Further Amendment to Executive Order 11478, Equal Employment Opportunity in Federal Government (Parental Status);
- EO 13672, Sexual Orientation; and
- Personnel Bulletin 18-01 “Prevention and Elimination of Harassing Conduct.”

B. **Environmental Stewardship:** You must:

-Provide a high level of environmental stewardship by using green methods of construction and green products whenever possible.

-Use the U.S. Environmental Protection Agency's "Guiding Principles for Environmentally Preferable Purchasing" as a reference when purchasing equipment, construction materials, and other products.

-These environmentally preferable materials and processes include:

- Post-consumer recycled materials;
- Materials that do not require care with toxic chemicals;
- Equipment and product life-cycle analysis; and
- Minimization of pesticides, persistent toxic chemicals, carcinogens, and invasive species.”

C. The Project Leader's appropriate use and compatibility determinations will govern the concession activity.

D. Facility construction and improvements that involve life safety and building code compliance issues must be coordinated with the Regional Engineering Office and the Concession Manager. These improvements become the property of the Service when completed. No compensation will be given to the concessionaire for the improvement.

E. All rentals and fees must be equal to those charged by members of the private sector for opportunities equal to those provided by the concessionaire.

F. If awarded this contract, you must participate in the contract close-out and turn over from the former concessionaire. Also, at the end of this contract, if you are not awarded the new contract, you must participate in the contract close-out and turn over at that time.

G. Health and Safety: The health and safety of the visiting public, employees, and wildlife must be considered at all times. You must create a plan for how you are going to mitigate any potential risks. In the event that there is a safety issue at the refuge or concession site, facilities, tours, programs, etc., may be discontinued until the safety issue is no longer a concern.

H. Prohibited uses: We prohibit alcohol and pets at the refuge.

I. Preservation of natural resources: We expect concessionaires to be environmentally conscious and to assist the Service in protecting our resources. All actions must be in an approved management plan or if new issues arise prior to updating the management plan, a signed letter from the concession manager stating that an activity is approved

J. No possessory interest in lands, waters, or facilities: When buildings or other structures must be built, the Service must approve facilities prior to construction, and any facilities built on Service lands or waters become Service property.

K. Property protection: The Government may assign you real or personal property. These items must be kept in good working condition. The Service will conduct annual audits of equipment and property assigned to the concessionaire. The concessionaire is responsible for maintaining the facilities in good repair. Approval from the concession manager may be necessary to maintain these facilities. The concessionaire is also responsible for preventing vandalism and reporting illegal activities.

L. Audits: The concessionaire must maintain financial reports and accounting records that provide adequate financial information to support audits of its operations. The accounting records must be approved by the Concession Manager, portray an adequate and accurate basis for audits, and meet current industry standards. The concessionaire must submit financial reports monthly to the Concession Manager. These reports will state gross receipts for the time period, as well as year-to-date gross receipt information and will be broken down by categories.

M. Indemnification: Public liability insurance to protect both the concessionaire and the Government is required. Public liability coverage must be at least \$100,000,000 and the concessionaire must co-name the Government as coinsured in each insurance policy for the concession operation on Service lands and waters.

N. We retain the right to enter the property and premises as needed to conduct inspections, audits, safety checks, etc.

O. Cooperation with authorities: We expect concessionaires to cooperate with authorities in the event of emergencies, investigations, and other events.

P. Performance Bonds: A performance bond is required for any construction project valued at \$100,000 and above. Also, a performance bond of \$250,000 is required for the operation of the concession (set by the Concession Manager).

Q. Property insurance: Property damage insurance is required for the replacement value of the facilities listed above. The appraised value of these facilities is \$500,000.

R. Meetings and Workshops: We require the concessionaire to attend certain meetings and workshops. A list of some of these meetings follows. Additional meetings identified by the Concession Manager may be required. We do not pay for the cost for attendance by the concessionaire or his/her employees at such meetings.

S. Cancellation for default: Concession contracts may be cancelled for many reasons including: the concessionaire failed to perform/provide the concession operations detailed in the proposal; the concessionaire failed to take corrective action as noted in an inspection report; and the concessionaire failed to pay fees in a timely manner.

T. Cancellation for convenience: Concession contracts may be cancelled for the convenience of the Government if: new laws or authorities require the cancellation; the level of visitation did not provide a sustainable venture; or natural conditions mandate the cancellation of the contract.

U. We are not responsible for losses and expenses incurred by the concessionaire due to conditions beyond our control. Closure of the refuge or concession facilities for longer than a day because of a natural disaster, natural phenomenon, or because of the risk to public health and safety are examples. We only provide the opportunity for concessionaires to supply visitor services to the general public, we do not guarantee it.

V. Concessionaires or parties holding an ownership in a concession may not sell, assign, or transfer their interests or part of their interest, to another party without prior approval from the Regional Director.

W. The Government may reject any or all proposals received and/or terminate the selection process.

10. Information to be Provided in Proposal: All proposals should at a minimum contain the following information:

A. Identify the Offeror:

(1) Identify the offeror ("proposed entity that the offeror intends to establish for the purpose of operating this concession") submitting this proposal.

(2) Clearly identify both the formal structure of the primary business entity with whom the U.S. Fish and Wildlife Service will be dealing with and its owner(s).

(3) Provide materials to explain the financial circumstances, legal form, and ownership of the business entity for the proposed concession operation.

(4) Identify related, subordinate, and superior entities and any other organization, entity, contractor, or subcontractor that will have a role in managing, directing, operating, or otherwise carrying out the service to be provided. Where these exist, or where many entities will act in concert to provide the services required, describe each of them and the relationship between or among them.

(5) Identify the offeror and any other entity that will be involved in the concession operation. Add information as necessary to make the relationships clear.

B. Demonstrated Experience:

(1) Offerors should give specific examples of past or current business operations that are similar to the type of business activity being solicited.

(2) Describe the business management qualifications and experience of the entity and how it relates to the management of the recreation area described on the first page of this solicitation. Include any past experience with providing services similar to the concessions operation at Anywhere NWR.

(3) Be specific with respect to size of operation, dates, area of operation, specific duties, number of people supervised, hours worked per week and other factors that would be helpful to evaluators in establishing a clear understanding.

(4) Include training, licenses, education, and special qualifications that are needed for special occupations.

(5) Include professional and community awards or special recognition received related to the similar work or operation of a business.

(6) Include any educational programs/workshops, and community involvement activities, that demonstrate experience requiring knowledge of the U.S. Fish and Wildlife Service mission, the National Wildlife Refuge System mission, refuge objectives, and the local ecosystem.

C. Financial Capability and Financial Resources:

(1) Provide the following information:

(a) For corporations, partnerships, or others that propose to provide the services or part of the services required: Provide the latest financial statement available including the notes to the statement or similar explanatory material and the related audit report.

(b) Sole proprietors and unconventional lenders and proposed individual investors: Provide personal financial statements.

(c) For proposed corporations or partnerships that will be formed for the purpose of offering a proposal for the concession: Provide financial statements that will demonstrate financial capability and resources.

(2) Identify the source(s) of all needed funding. Document the source and availability of all funds with current audited financial statements, financing agreements, letters of commitment, and similar supporting documents from all sources. Present compelling evidence of offeror's ability to obtain the necessary funds. Be specific. Identify all sources and provide complete documentation. Explain fully the financial arrangements you propose to use.

(a) If funds are to be obtained from individuals, provide a current personal financial statement, documentation of assets to be sold, commitments from lenders, or other assurances that make a compelling demonstration that the funds are available and committed.

(b) Funds from other sources must be supported by a current, audit balance sheet and income statement and whatever supporting documents are needed to provide compelling evidence that funds are available and committed.

(c) Funds obtained by the sale of assets must be supported by a description and condition of the assets and any encumbrances on those assets and/or the proceeds of their sale. Also, the condition of the market for such items should be indicated in a way that both the ability to sell the asset at the necessary time and the ability to sell at a price sufficient to meet funding expectations is identified. Qualified appraisals and other professional estimates of value must be provided. You must prove in a compelling way that the asset will yield the necessary funds at the necessary time.

D. Proposed Staffing/Management of Operation:

(1) Provide an organizational chart showing the principal lines of authority between departments or functional areas and managers. Provide names of individuals, background experience, and duties for all managerial positions associated with administering the proposed concession operation. If the individuals are not known, identify the positions and duties to be performed. Provide detailed resumes for all current and proposed onsite managers. Identify the specific responsibilities of the onsite manager and how that individual is qualified to undertake those responsibilities.

(2) Describe the decision-making authority that will be delegated to the onsite manager(s) if a higher corporate level of control is held.

(3) How are managers to be employed? By contract, as regular employees, season to season, on a rotation from some other operation, on rotation through the various parts of the concessions operations. What assurances can you give that the proposed manager(s) will be in place initially? What is your source of managers and key employees? Is there a skills or background profile you use for certain positions? What is it?

(4) Describe your proposed staffing plan for all concession activities. Be specific. Indicate the number of employees in each department or functional area and provide summary description of the basic functions. Make absolutely clear who the management decision makers will be. Where key employees are known, make sure that they are identified.

(5) Provide proposed wage levels and estimated hours per week for each position or group of positions.

(6) Identify the standards that you apply to the hiring of personnel. Identify the training they will receive.

(7) Indicate how you will ensure that employees be hospitable and exercise courtesy and consideration in their relations with the public. How will you hire people of integrity who are both interested in serving the public in a national wildlife refuge and interested in being positive contributors to the refuge community.

(8) Outline the training program that you propose. In instances where there is seasonal phase-up in operations, describe the training program that will prepare the staff for that phase of business.

(9) Describe how you will achieve a consistent standard level of knowledge among all staff about the refuge and its rules, regulations, special programs, as well as a consistent friendly and positive attitude by which guests are greeted.

(10) Describe any special experience or educational background that qualifies any of your staff to inform the public regarding such environmental topics as the mission and objectives of the National Wildlife Refuge System, endangered species of the refuge, specific plants and animals that inhabit the refuge, the surrounding ecosystem, and other habitat protection. Be specific. Identify the individual and his/her qualifications including but not limited to education (include all degrees), training, experience, and special recognition including awards articles published, speaking engagements, and teaching/instruction experience.

E. Description of Public Services and Facilities Proposed:

(1) Describe all equipment/facilities that you will use, rent or sell at the concession operation. Be specific. Your description should include, but not necessarily be limited to the following:

- (a) Provide description, manufacturer, model numbers, and age of equipment/facilities.
 - (b) Provide photos of equipment/facilities if owned or catalog descriptions if you intend to purchase for the concession operation.
 - (c) Describe what steps you will take to ensure that all equipment is safe and environmentally friendly.
 - (d) Describe what merchandise you intend to sell at the concession facility and how it will be wildlife and eco-tourist related.
 - (e) Describe food/beverage items that you intend to sell at the concession facility and if they will be sold in environmentally friendly packaging.
- (2) Describe all services that you will provide at the concession operation. Be specific. Your description should include (but not necessarily be limited to) the following:
- (a) Describe how tours will be conducted.
 - (b) Describe your proposed rental fee schedule and how they are equivalent to those the private sector would charge.
 - (c) Describe what methods you will take to ensure that tours/rentals are conducted in order not to disturb wildlife.
 - (d) Describe training/instruction that you will give to all renters of equipment prior to embarking upon their self-guided tours.
 - (e) Describe the type of information you intend to present during guided interpreted tours and what major themes you plan to use. Be as specific as possible. Describe what information you plan to present pertaining to the surrounding ecosystem, the plants and wildlife of the refuge, endangered species of the refuge, preservation of habitat of the refuge, and the mission and objectives of the Refuge.
 - (f) Identify any subcontractors that you intend to use and the extent to which you propose to utilize them.
 - (g) Describe your intended renter registration system.
 - (h) Describe how your staff will keep vigilant watch of the water areas for canoes/kayaks/boats in distress.
 - (i) Describe what procedures your staff will use to respond to emergency situations.

(j) Describe the safety procedures you intend to use.

(k) Describe what procedures you will employ to ensure that renters do not litter the wildlife area.

(l) Describe any educational workshops you plan to provide to the public. Describe their purpose and content.

F. Proposed Percentage of Gross Receipts Payable to the Government:

Proposed rate must be a minimum of 5 percent up to a maximum of 20 percent of gross receipts. Offerors are advised that it is the current policy of the U.S. Fish and Wildlife Service that in accordance with statute 16 U.S.C. 715, all revenues paid to the Service (including annual franchise fees and/or percentages of gross receipts) by public recreation related concession enterprises are credited entirely into the Refuge Revenue Sharing Account. These funds are utilized to help make payments to local governments prescribed by the Revenue Sharing Act of 1935 and will be returned to the refuge for administrative costs only. Proposals offering less than 5 percent will not be considered for award.

11. Consideration of Proposals: The Service will consider all proposals submitted where the offeror agrees to all of the conditions of the agreement and the prospectus and provides all information specified in the solicitation necessary for evaluation by the deadline stated above.

12. Freedom of Information Act:

A. The Freedom of Information Act (FOIA) allows the public to gain access to Federal agency records except to the extent that such records, or portions of them, are protected from disclosure by one of nine exemptions. Exemption 3 of the FOIA incorporates the disclosure prohibitions that are contained in various other Federal statutes. The "National Defense Authorization Act for Fiscal Year 1997" exempts contract proposals from public disclosure. Exemption 3 therefore allows for proposals to be protected from disclosure. Exemption 4 of the FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." If a contract contains information that could be harmful to a company if disclosed, that information can potentially be withheld. In order to protect information from disclosure, you must mark the cover page of each copy of the proposal with the following:

Exemption 3 of the Freedom of Information Act (FOIA) (5 U.S.C. 552(b)(3)) permits the withholding of information prohibited from disclosure by another statute. Pursuant to the "National Defense Authorization Act for Fiscal Year 1997," (Section 821 of P.L. 104-201), contract proposals may be exempted from such public disclosure in accordance with the FOIA.

B. In the event that the contract is awarded to the offeror, information submitted during the proposal stage that is included in the successful contract may be subject to disclosure under the FOIA. If the Service receives a FOIA request for such information, we will consult with the

offeror. It is in the best interest of the offeror (prior to or upon award of a successful contract) to indicate what information they believe to be exempt under 5 U.S.C. 552(b)(4), which allows the withholding of "trade secrets and commercial or financial information." The offeror should also provide an explanation of which parts of the contract (what information) would put them at a competitive disadvantage if released, and which information was voluntarily provided (not required as part of the competitive process). Doing so allows the agency to obtain any necessary review by the Office of the Solicitor; and effect the necessary withholdings and defend information that is subject to appeal under the FOIA.

13. Criteria for Evaluation of Offers and Selection: The U.S. Fish and Wildlife Service will use the following criteria to evaluate all proposals for concession operations on Service lands:

A. Proposal Evaluation:

(1) Proposal evaluation is an assessment of the proposal and the offeror's ability to perform the concession agreement successfully. The Service will evaluate all proposals to assess their relative qualities solely on the factors specified in the prospectus. Evaluations will be conducted using weighted factors. The relative strengths, deficiencies, significant weaknesses, and risks supporting proposal evaluation will be documented in the file. The Government intends to evaluate proposals and make award without discussions. Discussions are defined as negotiations that may include bargaining. Bargaining includes persuasion, alteration of assumptions and positions, give-and-take, and may apply to price, schedule, technical requirements or other terms of a proposed agreement. Award of the concession agreement will not be subject to discussions.

(2) The Government will evaluate each proposal strictly in accordance with its content and will not assume that performance will include areas not specified in the offeror's proposal. All proposals will be evaluated by a panel consisting of three to five Service staff knowledgeable in concession management issues. Members of the panel will sign a conflict of interest statement. They will individually evaluate each proposal. After individual proposal evaluations are completed, the panel members will meet to determine the best financial and the best technical proposals. The panel will evaluate the financial aspects of the proposals and will rank the proposals from lower number to higher number with the lower number having the most benefit to the Government. They will evaluate the technical aspects of the proposal and will rank the proposals from lower number to higher number with the lower number having the most technical benefit to the Government. When this process is completed, the panel will meet and determine which proposal provides the best financial and technical proposal for the Government.

(3) Listed below is a rating scale using adjectives and a numerical equivalent. The relative weight of the factor will be multiplied by this to determine the "weighted" score.

1.0 **Outstanding** - Very comprehensive, in-depth, clear response. Proposal consistently meeting this standard with no omissions. Consistently high quality performance can be expected.

0.8 **Excellent** - Extensive, detailed response to all requirements similar to outstanding in quality, but with minor areas of unevenness or spottiness. High quality performance is likely but not assured due to minor omissions or areas where less than excellent performance might be expected.

0.6 **Good** - No deficiencies in the response. Better than acceptable performance can be expected, but in some significant areas, there is an unevenness or spottiness that might impact on performance.

0.4 **Fair** - The response generally meets requirements but there is no expectation of better than acceptable performance. Deficiencies are confined to areas with minor impact on performance and can be corrected during negotiation without major revision to the proposal.

0.2 **Poor** - The response fails to meet one or more requirements. Deficiencies exist in significant areas but can be corrected during negotiations without major revision to the proposal or serious deficiencies exist in areas with minor impact.

0.0 **Unsatisfactory** - Serious deficiencies exist in significant areas. The proposal cannot be expected to meet the stated requirements without major revisions. The proposal only indicates a willingness to perform in accordance with the requirements document without specifying how or demonstrating the capability to do so. Only vague indications of the required capability are present.

-1.0 **Non-responsive** - Required documents are not provided or the proposal was submitted late.

(4) The panel will evaluate the proposals for financial aspects on the following criteria:

<u>FACTOR</u>	<u>WEIGHT</u>
A. Financial capability and financial resources adequate for the operation of the concession.	50%
B. Proposed percentage of gross receipts payable to the Government.	40%
C. The amount of anticipated sales	10%
Total Possible Points	100

(5) The following factors and weight is how each proposal will be evaluated in regards to Technical expertise.

<u>FACTOR</u>	<u>WEIGHT</u>
A. Demonstrated experience in the operation of concessions or other types of business similar to the concession operation at Anywhere Refuge. (Past Performance)	30%
B. Proposed sales and services (Phase-in and plan of operation)	25%
C. Method and caliber of staffing/management of the concession operation. (Management/Organization)	20%
D. Quality control factors	15%
E. Environmental stewardship	10%
Total Possible Points	100

(6) After initial review of each proposal the evaluation panels will be afforded the opportunity to request clarifications on any aspects of the proposals. Clarifications are limited to written exchanges of information between the Government and offerors. Normally the purpose is to allow offerors to clarify certain aspects of their proposal or to resolve minor or clerical errors. However, an offeror may not substantively amend or supplement a responsive proposal after the submission unless the agency provides all offerors that submitted responsive proposals a similar opportunity to amend or supplement their proposals. After the initial proposal review, the evaluation panel members will submit to the agency official in writing, their requests for clarification, if any. The agency official will provide to the offeror the written requests for clarification and request a written response. Responses may be sent via facsimile to the agency official.

(7) After clarifications with offerors are completed, the evaluation panels will meet to provide their final scores and recommendations to the agency official.

(8) Award of concession contract: The concession contract will be awarded to the offeror with the highest combined scoring proposal as determined by the evaluation panel. In the event of a tie, the award will go to the offeror with the highest percentage of gross receipts payable to the Government. If a tie still persists, we will award the concession contract to the offeror receiving the most number one rankings from the panel. In the event that a tie still exists, the award determination will be made by the Regional Director after consultation with the evaluation panel. The Government may reject any or all proposals received and or terminate the selection process.

(9) Debriefing: Requests for a debriefing must be submitted in writing to the agency official within 5 calendar days of receipt of the notice of award.