

**PROPOSAL PACKAGE**

**CC-JNDDNWR-24-34**

*Department of the Interior*

U.S. Fish & Wildlife Service

J.N. "Ding" Darling National Wildlife Refuge

**Proposal to Operate Tram Tours and Rental Services at Tarpon Bay Recreation Area**

**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 U.S Fish and Wildlife (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. Submit the **CERTIFICATE OF BUSINESS ENTITY OFFEROR** as set forth below to certify that you are the responsible corporation/partnership/limited liability company/joint venture named as Offeror (or Offeror-Guarantor, if applicable) herein; with full authority under its governing instrument(s), within the scope of its powers, and with the intent to bind the entity.
3. The Proposal Package is drafted upon the assumption that an Offeror is the same legal entity that will execute the new concession Contract as the Concessioner. If the entity that is to be the Concessioner is not in existence as of the time of submission of a proposal, the proposal must demonstrate that the individual(s) or organization(s) (hereinafter Offeror-Guarantor) that intends to establish the entity that will become the Concessioner has the ability and is legally obliged to cause the entity to be financially and managerially capable of carrying out the terms of the Contract. In addition, the Offeror-Guarantor must unconditionally state and guarantee in its proposal that the Offeror-Guarantor will provide the Concessioner with all funding, management, and other resources that the Draft Contract requires and the proposal offers.
4. Submit the Electronic Proposals to: [Dingdarling@fws.gov](mailto:Dingdarling@fws.gov) by February 28<sup>th</sup> 2024

**OFFEROR'S TRANSMITTAL LETTER**

Concessions Manager  
J.N. "Ding" Darling National Wildlife Refuge  
1 Wildlife Drive  
Sanibel, FL 33957

Dear Concessions Manager:

The name of the Offeror is \_\_\_\_\_. If the Offeror has not yet been formed, this letter is submitted on its behalf by \_\_\_\_\_ as Offeror-Guarantor(s), who guarantee(s) all certifications, agreements and obligations of the Offeror hereunder and make(s) such certifications, agreements and obligations individually and on behalf of the Offeror.

The Offeror hereby agrees to provide visitor services and facilities within J.N. "Ding" Darling National Wildlife Refuge (Refuge) in accordance with the terms and conditions specified in the Draft Concession Contract CC-JNDDNWR-24-34, (Draft Contract) provided in the Prospectus issued by the public notice as listed on the refuge website and to execute the Draft Contract without substantive modification (except as may be required by the U.S. Fish and Wildlife Service pursuant to the terms of the Prospectus and the Offeror's Proposal). If the Offeror is not yet in existence, the undersigned, acting as guarantor(s) of all certifications, agreements and obligations of Offeror hereunder, makes such certifications, agreements and obligations individually and on behalf of the Offeror.

The Offeror is enclosing the required "PROPOSAL" which, by this reference, is made a part hereof.

The Offeror certifies that the information furnished herewith is complete, true, and correct, and recognizes that false statements may subject the Offeror to criminal penalties under 18 U.S.C. 1001. The Offeror agrees to meet all the minimum requirements of the Draft Contract and the Prospectus. The Offeror certifies that it has provided all of the mandatory information specified in the Prospectus.

The Offeror certifies in accordance with applicable law the following (initial all that apply):

- 1) None of the individuals or entities acting as Offeror or with an ownership interest in the Offeror is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a public transaction by a federal department or agency. \_\_\_\_\_
- 2) Within the three years preceding submission of the Proposal, none of the individuals or entities acting as Offeror or with an ownership interest in the Offeror has been convicted of, or had a civil judgment rendered against them for, commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction, or for violation of federal or state antitrust statutes or for commission of embezzlement, theft, forgery, bribery, falsification of records, making false statements, or receiving stolen property.  
\_\_\_\_\_
- 3) None of the individuals or entities acting as Offeror or with an ownership interest in the Offeror is presently indicted for or otherwise criminally or civilly charged by a federal, state or local unit of the government with commission of any of the aforementioned offenses. \_\_\_\_\_
- 4) The individuals or entities acting as Offeror or with an ownership interest in the Offeror have not had one or more public transactions (federal, state or local) terminated for cause or default within the three-year period preceding the submission of the Proposal. \_\_\_\_\_

- 5) The individuals or entities seeking participation in this Concession Contract have not had one or more public transactions (federal, state or local) terminated for cause or default within the three-year period preceding the submission of the Proposal. \_\_\_\_\_
- 6) If a corporation, the Offeror does not have any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability. \_\_\_\_\_
- 7) If a corporation, the Offeror has not been convicted of a felony criminal violation under any Federal law within the preceding 24 months. \_\_\_\_\_

If the Offeror is unable to certify one or more of the items above, it may sign this transmittal letter and, together with this transmittal letter, must submit detailed information explaining why it is unable to certify the item(s). The information the Offeror must submit includes a description of every incident that prevents the Offeror from certifying the item(s); the current status of each incident; and, if resolved, how each incident was resolved. The Offeror must explain how these incidents may affect the Offeror's ability to fulfill the terms of the Draft Contract.

The Offeror, by submitting this Proposal hereby agrees, if selected for award of the Draft Contract:

- 1) To perform, in a timely and competent manner, the minimum requirements of the Draft Contract as identified in this Prospectus.
- 2) To complete the execution of the final Concession Contract within the time provided by the U.S. Fish and Wildlife 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 U.S. Fish and Wildlife Service approved rates until such time as amended rates may be approved by the U.S. Fish and Wildlife Service.
- 5) [Include only if the Offeror is not yet in existence.] To provide the entity that is to be the Concessioner under the Draft Contract with the funding, management, and other resources required under the Draft Contract and/or described in our Proposal.
- 6) [Include only if the Offeror is a business entity, rather than an individual] To deliver to the Regional Director within 10 days following the announcement of the selection of the Offeror as the Concessioner, current copies of the following:
  - Certificate from its state of formation indicating that the entity is in "good standing" (if such form is issued in that state for Offeror's type of business entity);
  - Governing documents of Offeror (e.g., Articles of Incorporation and Bylaws for corporations; Certificate of Formation and Operating Agreement for LLCs; Partnership Agreement for Partnerships; or Venture Agreement for Joint Ventures); and
  - If the business entity was not formed in the State of Maine, evidence that it is qualified to do business there.

The Offeror certifies it has submitted the following documents using the email address [Dingdarling@fws.gov](mailto:Dingdarling@fws.gov):

Document Title	Filename	File Size

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

If the Offeror is not yet in existence as of the time of submission – list all entities if more than one and clearly indicate that the entity is an Offeror-Guarantor. If there is more than one Offeror-Guarantor, each Offeror-Guarantor must sign the Offeror’s Transmittal Letter.

BY \_\_\_\_\_ DATE \_\_\_\_\_  
(Type or Print Name)

ORIGINAL SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(END OF OFFEROR'S TRANSMITTAL LETTER)

**CERTIFICATE OF BUSINESS ENTITY OFFEROR**  
(OR OF OFFEROR-GUARANTOR IF OFFEROR IS NOT YET FORMED)  
(Offerors who are individuals should skip this certificate)

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_ of the [specify one] corporation/partnership/limited liability company/joint venture named as Offeror (or Offeror-Guarantor, if applicable) herein; that I signed this proposal for and on behalf of the Offeror (or Offeror-Guarantor, if applicable), with full authority under its governing instrument(s), within the scope of its powers, and with the intent to bind the entity.

NAME OF ENTITY: \_\_\_\_\_

BY \_\_\_\_\_ DATE \_\_\_\_\_  
(Type or Print Name)

ORIGINAL SIGNATURE \_\_\_\_\_

TITLE \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Unless the offeror, in its proposal, agrees to all the following minimum requirements, the proposal will be considered non-responsive.**

(I) (We) agree to comply with all terms and conditions in the Contract, including, without limitation, all applicable laws, environmental protection and conservation laws, and U.S. Fish and Wildlife Service Policies, Directives, and Standards.

(I) (We) agree to comply with all the terms and conditions specified in the Contract, including its exhibits.

(I) (We) agree to charge rates for concession basic goods and services during the term of the Contract that are comparable to rates charged for similar goods and services at comparable facilities in the region. These rates are subject to approval by the U.S. Fish and Wildlife Service.

(I) (We) agree to accept the government provided concession facilities and personal property assigned to the concession as required by the Contract, "as is."

(I) (We) agree to implement the proposed Maintenance Plan for this operation, addressing all the elements identified in the Contract.

(I) (We) agree to implement the proposed Marina and Development Plan for this operation, addressing all the elements identified in the Contract.

(I) (We) agree to develop and implement an effective Risk Management Program (health and safety program) according to the requirements of the Contract.

(I) (We) agree to develop and implement an effective Environmental Plan according to the requirements of the concession contract.

(I) (We) agree to meet the public liability and property insurance requirements of the Contract and agree to provide property and liability insurance at least at the types and levels of coverage described in the Contract.

(I) (We) agree to implement the annual financial and reporting requirements identified in the Contract.

(I) (We) agree to implement an equal opportunity program and comply with the terms of equal opportunity and access for persons with disabilities requirements identified in the Contract.

(I) (We) agree to develop and implement a Merchandising Plan allowing for final approval of items by the Refuge Manager with the U.S. Fish and Wildlife Service. Offerors must provide the following information for their proposals to (1) qualify for consideration and (2) be evaluated with respect to other qualifying competitive Proposals submitted. A proposal will not qualify for further consideration if it receives an unsatisfactory rating for any one of the following principal factors.

## **Proposals**

Identify the legal structure of the offeror's organization. Indicate how long this business organization has been in existence or whether it will be organized specifically to operate the concession.

Enter the following information for your business organization:

1. Name: \_\_\_\_\_

2. Present address: \_\_\_\_\_

\_\_\_\_\_

3. Contact person: \_\_\_\_\_

4. Present telephone number: \_\_\_\_\_

5. Fax number: \_\_\_\_\_

6. Website and e-mail address: \_\_\_\_\_

\_\_\_\_\_

7. Form of business: Corporation\_\_\_ Partnership\_\_\_ Individual\_\_\_

Sole proprietorship\_\_\_ Other: \_\_\_\_\_

8. Ownership

Names and Addresses of Owners (Corp: Show Controlling Interest; Close Corp: Show All)	Number and Type of Shares or Percentage of Ownership	Total Current Value of Investment
Total of all owners		
Total Shares Outstanding		

9. If a corporation, list the names, addresses, and titles of corporate officers and the names and affiliations of the members of the Board of Directors:

Name	Address	Title

10. State of incorporation: \_\_\_\_\_

11. The following attachments must be provided as applicable for each subject of the form. For offerors and Concessionaires who are corporations:



- a. Articles of Incorporation.
  - b. Bylaws.
  - c. Certificate from the State of incorporation indicating that the corporation is in "good standing."
12. For offerors and Concessionaires who are partnerships:
- a. Partnership agreements or joint venture agreements.
13. If the entity that is to be the Concessionaire is not formally in existence as of the time of submission of the Proposal, demonstrate that the individual(s) or organization (s) that intend(s) to establish the entity that will become the Concessionaire has (have) the ability and is (are) legally obligated to create and participate in managing the entity.
14. Has the offeror (or have the principals) ever defaulted or been issued a notice of default or been terminated from a management position or contract, or been forbidden from contracting by a public agency or private company? If the answer is yes, provide full details of the circumstances.
15. Describe any filings for bankruptcy, fines, or penalties levied by Government agencies, including but not limited to, any and all legal proceedings against the offeror (or its principals) that are related to the offeror's (or its principal) past performance in providing facilities and services similar to those described in the prospectus. Include the date of those occurrences and all related information.
16. The entity that will operate the concession services must provide a clear complete, and understandable internal organizational chart. In addition, an external organizational chart must show the relationship between the entity that will operate the concession service and any superior organization (s), all subsidiaries or affiliates and any parent organization with management, financial, or legal relationship to that entity. Show the lines of authority between individuals within all the business organization(s) in full. Within both organization charts, show the names of individuals, as well as titles, not merely titles. Include resumes for those individuals, indicating their relevant experience.

### **Response Format**

- 1) Please number each page and section in your completed proposal. Add information to your proposal that extent that it is necessary and relevant to respond to the selection factors.
- 2) The evaluation panel will only take firm commitments into account when evaluating proposals. Responses that include terms such as "look into," "research," "may," "if feasible," and similar terms are not considered as firm commitments. In addition, the Service considers responses that include a specific time for commitment implementation as a stronger response. For

example, “XXX commits to provide recycling containers in each lodging room by December of 2017.”

- 3) The Service would like to see clear and concise proposals that address the criteria in the prospectus and selection factors below.
- 4) 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.
- 5) Page margins must be 1 inch. Page numbers and identifications of confidential information may appear within the margins.
- 6) Within your proposal address each of the Selection Factors listed below.
- 7) The following exhibits shall accompany the proposal.

Exhibit A: Offeror’s Operation and Staffing Plan (see Appendix C of the Prospectus)

Exhibit B. Offeror’s Maintenance Plan (see Appendix D of the Prospectus)

Exhibit C. Offeror’s Insurance Plan

Exhibit D. Offeror’s Environmental Management Plan

**SELECTION FACTOR 1. THE TECHNICAL APPROACH OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS AND DRAFT CONCESSIONS CONTRACT, OF PROTECTING, CONSERVING, AND PRESERVING RESOURCES OF THE REFUGE. (0-15 POINTS)**

**Note to Offeror:**

*This selection factor’s objectives relate specifically to the protection of the resources of J.N. “Ding” Darling National Wildlife Refuge and conservation, and preservation of the natural environment in general.*

- *Describe what methods you will take to ensure that tours/rentals are conducted in order not to disturb wildlife.*
- *Describe what procedures you will employ to ensure that renters do not litter and waste is managed .*

***In your answers, be sure to provide examples of how you plan to meet or exceed the minimum requirements in Exhibit A and E of the Draft Contract. By completing the Offeror's transmittal letter, you have already agreed to the requirements of the Draft Contract.***

Scoring: The Service will score Subfactor 1(a) up to 5 points, Subfactors 1(b) up to 4 points and Subfactors (c) and (d) up to 3 point each.

**Service Objectives:**

The Service's objectives under this factor are for the Concessioner to conduct high quality visitor operations in a manner that minimizes the impact of operations on the natural and cultural resources of J.N. "Ding" Darling National Wildlife Refuge (including but not limited to impacts on Refuge water quality, roads, trail systems, wildlife, vegetation, and facilities).

**Subfactor 1(a). Solid Waste Management, Reduction, and Recycling (0-5 points)**

**Using not more than two (2) pages**, including all text, pictures, graphs etc., describe the ways you will manage the solid waste (including reduction of solid waste) and materials produced by your operation and how to encourage high levels of participation from staff and visitors; the efforts for the purchasing and the use of recycled products; reducing or eliminating the use of toxic products; and how you would implement these efforts including support infrastructure such as education, signage, recycling containers. Consideration should be given to products that have at least one of the following characteristics:

- a. Products with recycled content, e.g., paper with recycled content, recycled-content trash bags.
- b. Products that are less toxic, such as paints with low volatile organic compounds (VOC) contents, citrus versus solvent-based cleaners.

**Subfactor 1(b): Protection of Wildlife (0-4 points)**

The Service actively manages wildlife to minimize potentially harmful interaction between people and animals and between domestic animals and wildlife. Service regulations prohibit various activities involving domestic animals, including allowing dogs to run at large or off leash. **Using not more than one (1) page**, including all text, pictures, graphs etc., describe how you will manage trash receptacles to minimize attracting wildlife and how you will protect wildlife from dogs off leash, approaching roosting birds through education and other measures.

**Subfactor 1(c): Protection of Vegetation in the Refuge (0-3 points)**

The Service desires to minimize the trampling of vegetation by visitors in the land assignment. **Using not more than one (1) page**, including all text, pictures, graphs etc., describe how you will help the Refuge meet this goal through education and other measures.

**Subfactor 1(d). Water and Energy Conservation (0-3 points)**

**Using not more than two (2) pages**, including all text, pictures, graphs etc., describe the policies and practices the Offeror will implement to encourage water and energy conservation in your daily operations.

**SELECTION FACTOR 2. THE TECHNICAL APPROACH OF THE PROPOSAL TO THE OBJECTIVES, AS DESCRIBED IN THE PROSPECTUS AND DRAFT CONCESSIONS CONTRACT, OF PROVIDING NECESSARY AND APPROPRIATE VISITOR SERVICES AT REASONABLE RATES. (0 - 30 POINTS)****Note to Offeror:**

*This selection factor's objectives relate to providing visitors unique, informative, and educational experiences. The following elements of the experience are extremely important to the Service:*

- *providing visitors with a high quality, safe, visitor experience*
- *providing visitors with an opportunity to develop an appreciation of the natural, cultural/historical and recreation resources of J.N. "Ding" Darling National Wildlife Refuge and the U.S. Fish and Wildlife Service;*
- *Describe how tours will be conducted.*
- *Describe your proposed rental fee schedule and how they are equivalent to those the private sector would charge.*

***In your answers, be sure to provide examples of how you plan to exceed the minimum requirements in Exhibits A and E of the Draft Contract. By completing the Offeror's transmittal letter, you have already agreed to the requirements of the Draft Contract.***

Scoring: The Service will score Subfactor 2(a) up to 5 points, Subfactors 2(b) and (c) up to 1.5 points each.

**Subfactors 2(a). Safe Visitor Experience (0-10 points)**

**Using not more than two (2) pages**, including all text, pictures, graphs, etc., describe how the Offeror will accommodate clients of all abilities for their experience at the Tarpon Bay Recreation Areas and ensure that Offeror's staff are providing a safe visitor experience. Describe the safety procedures you intend to use. Specifically, describe how you will manage and mitigate the potential for accidents. Describe how your staff will keep vigilant watch of the water areas for canoes/kayaks/boats in distress. Describe what procedures your staff will use to respond to emergency situations.

**Subfactor 2(b). Connecting Visitors to Refuge Resources (0-10 points)**

Exhibit A - Operating Plan Section 4(A)(3) of the Draft Contract requires collaboration with the Service to provide interpretive content to its visitors, connecting them with the natural and cultural history of J.N. "Ding" Darling National Wildlife Refuge. 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. **Using not more than two (2) pages**, including all text, pictures, graphs, etc., describe how the Offeror will provide this interpretative service. Be sure to describe any training, technology, materials and processes that you will utilize.

**Subfactor 2(c). Training/instruction (0-7 points)**

Describe the training and instruction that you will give to all renters of equipment prior to embarking on self-guided tours. **Using not more than two (2) pages**, including all text, pictures, graphs, etc., describe how the Offeror will provide this interpretative service. Be sure to describe any training, technology, materials and processes that you will utilize. Identify any subcontractors that you intend to use and the extent to which you propose to utilize them.

**Subfactor 2(d). Reservation Management and Reporting Plan (0-3 points)**

**Using not more than one (1) page**, including all text, pictures, graphs etc., please describe how you will use specific technologies, platforms, and practices to make reservations available for tours; day use and reservations at Tarpon Bay.

**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. (0-25 POINTS)**

**Note to Offeror:** To assist the Service in the evaluation of proposals under this and other selection factors, provide the following information regarding the organizational structure of the business entity that will execute the Draft Contract. This organizational structure information will not be scored for selection purposes but may be used for assessing responses to various selection factors. If the Offeror is not yet in existence, the Offeror-Guarantor(s) should describe its own experience and explain how such experience will carry over to the Offeror entity.

**Offeror's Organizational Structure**

Describe the entity with which the U.S. Fish and Wildlife 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 Selection Factor 3, identify the Offeror and each business entity and/or individual to be involved in the management of the proposed concession operation. The Business Organization Information description should convey the following information:

- 1) The full legal name of the Offeror and any trade name under which it proposes to do business.
- 2) The legal form of the Offeror, if other than an individual.
- 3) The name, address and, if applicable, form of business entity of all owner(s) of the Offeror, including, the precise extent of their ownership interests.
- 4) The name, address and, if applicable, form of business entity of all related business organizations and/or individuals that will have a significant role in managing, directing, operating, or otherwise carrying out the services to be provided by the Offeror. Describe in detail how these relationships will work formally and in practice. Use additional pages if the information does not fit within the forms provided.
- 5) If applicable, the length of Offeror's existence as a business entity.

If the Offeror is not yet formed, submit a Business Organization Information form for each Offeror-Guarantor.

**Subfactor 3(a). Operational Experience (0-10 points)**

Using no more than three (3) pages, including all text, pictures, graphs, etc.:

**Describe two (2) examples** of the experience of the Offeror in the operation and management of services similar in scope and scale to those required by the Draft Contract: 1) Fully narrated tours, including private charters, along roads; with motorized or nonmotorized vessels 2) rental equipment; 3) Day-use, which includes vehicle parking, access to boat launches; 4) Collection of entrance fees.

If the Offeror is not yet in existence, demonstrate the Offeror-Guarantor(s) experience and explain how such experience will carry over to the Offeror entity directly. If the Offeror relies on the experience of a related entity, such as Offeror-Guarantor(s), explain how that entity's experience will benefit the Offeror's operations. For each example discussed, provide the following information segmented by operating department. If an Offeror provides more than two examples of operational experience, the Service will evaluate only the first two examples.

**General Information to be provided:**

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)

**Subfactor 3(b). Violations or Infractions (0-5 points)**

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 risk management strategy to minimize Infractions.

**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 the Service should know about prior to selecting you as the Concessioner under the Draft Contract. Keep in mind the services required under the Draft Contract only.
- 2) Explain how you responded to each Infraction, including actions you took to prevent a recurrence of the Infraction.
- 3) List the Related Entities (as defined below) you considered in providing the foregoing information.
- 4) Describe your overall strategy to minimize Infractions and how you resolve, or plan to resolve, Infractions when they do occur.

*Related Entities.* In responding to this subfactor, consider the Offeror and all of its principals (for corporations, their executive officers, Directors, and controlling shareholders; for partnerships, their general partners; for limited liability companies, their managing members and managers, if any; and for joint ventures, each venturer) and all parent entities, subsidiaries or related entities under the primary organizational entity (such as, a parent corporation and all subsidiaries), that provide the same or similar services as required or authorized by the Draft Contract.

\* Offeror will mean the Offeror; its affiliate, parent, subsidiary, and predecessor companies; other related business entities; and the Offeror's principals and employees (collectively, the "Business Entities").

**Subfactor 3(c). Employee Recruitment, Training and Retention Experience (0-10 Points)**

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 their 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. **Using no more than two (3) pages**, including all text, pictures, graphs, etc.:

Describe the experience of the Offeror:

- 1) In preparing staff with necessary the information and training needed to live and work in extreme weather location, high cost of living area, or other Refuge specifics) and how the Offeror will apply this experience to the Draft Contract.
- 2) 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.
- 3) In providing excellent customer service and how the Offeror will apply this experience to the Draft Contract.
- 4) In implementing a safety training and incentive program enabling employees to provide a saf workplace environment and how the Offeror, will apply this experience to the Draft Contract.

**SELECTION FACTOR 4. THE FINANCIAL CAPABILITY OF THE OFFEROR TO CARRY OUT ITS PROPOSAL. (0-15 POINTS)****Notes to Offeror:**

*In the event the Offeror is not yet in existence, provide the information described below with respect to both the to-be-formed Offeror and the Offeror-Guarantor(s). The submission must include the Offeror's Transmittal Letter signed by each Offeror-Guarantor that unconditionally states and guarantees the Offeror-Guarantor will provide the Offeror with all funding, management and other resources that the Draft Contract requires and the proposal offers. Failure to provide the required documentation may lead to the U.S. Fish and Wildlife Service determining your offer is non-responsive and ineligible for award of the Draft Contract.*

*This selection factor has no subfactors. The Service will score the selection factor based upon the entirety of the response*

**Demonstrate that you have a credible, proven track record of meeting your financial obligations. The Offeror (or each Offeror-Guarantor) must provide comprehensive materials to demonstrate that it has a history of meeting its financial obligations by providing the following:**

- 1) Describe the complete Business History Information for the Offeror AND any entity that will provide financial or management assistance. If the Offeror is not yet formed, provide a business history form for each Offeror-Guarantor.
- 2) Provide A complete credit report in the name of the Offeror and a complete credit report for any entity that will provide financial assistance that includes scores and is dated within six months prior to the date of the proposal. The report must be from a major credit reporting company such as Equifax, Experian, TRW, or Dun & Bradstreet. If the Offeror is not yet formed, include a credit report for each Offeror-Guarantor.

**Demonstrate the Offeror's business experience and financial capacity by providing the following:**

Submit the Offeror's audited financial statements for the two most recent fiscal years, with all notes to the financial statements. Audited financial statements must also be provided for any general partners in a partnership (or deemed partnership, such as husband and wife), and all venturers in a joint venture. If the Offeror is not yet formed, submit audited financial statements for each Offeror-Guarantor.

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

If audited financial statements are not available but reviewed statements are, explain why the statements were reviewed rather than audited.

**If neither audited nor reviewed statements are available**, explain in detail why they are not available and submit:

**Certified financial statements.** The Offeror (or Offeror-Guarantor(s), as applicable) must submit its financial experience including financial statements that are certified as to accuracy and completeness by an authorized officer of the entity or by the individual Offeror, as appropriate.

**If none of the above are available**, explain in detail why they are not available and submit:

**Personal financial statements.** The Offeror (or Offeror-Guarantor(s), as applicable) must submit personal financial statements certified as to accuracy and completeness by the submitting individual for each of the Offeror's principals.

**Demonstrate that your proposal is financially viable and that you understand the financial obligations of the Draft Contract by providing the following:**

Describe your estimate of the acquisition and start-up costs of this business using the Initial Investment and Start-Up Expense and the Initial Investments and Start-Up Expense Assumptions. Explain fully the methodology and the assumptions used to develop the estimate. The information provided should be of sufficient detail to allow a reviewer to understand how the estimates were determined. If you are the Existing Concessioner and do not anticipate any additional initial investment or start-up costs, please state that you consider the current personal property and assets adequate to operate this concession opportunity successfully.

Describe your estimated Income Statement Assumptions and Cash Flow Statement Assumptions of the concession business in the form of annual prospective income and cash flow statements for the entire term of the Draft Contract.

Provide a clear and concise narrative explanation of the method(s) used to prepare the estimates and the assumptions on which your projections are based. Information must be sufficiently detailed to provide a full understanding of how the estimates were determined.

**Demonstrate your ability to obtain the required funds for the initial investment, as listed in the Business Opportunity, and other investing activities under the Draft Contract by providing credible, compelling documentation, particularly evidence from independent sources, such as bank statements, audited or reviewed financial statements, and signed loan commitment letters. Fully explain the financial arrangements you propose, using the following guidelines.**

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

- 1) If funds are to be obtained from cash on hand or operating cash flows from the Offeror's current business, document each source and the availability of these funds by providing your previous and current audited financial statements for the two most recent fiscal years, with all notes to the financial statements (see 4(b) above if audited financial statements are not available). Depending on the Offeror's form of entity,



provide audited financial statements for any individual Offerors, general partners in a partnership, and all venturers in a joint venture.

- 2) If the Offeror is not formed and the Offeror-Guarantor is funding the required start-up costs, provide for each Offer-Guarantor the documentation for the appropriate type of Offer-Guarantor (individual, business entity) as described below.
- 3) If funds are to be obtained from lending institutions (banks, savings and loans, etc.), provide supporting documents including but not limited to documents that describe the approximate amount of the loan, the term of the loan and any proposed encumbrances on the Draft Contract. Include a letter (addressed to the U.S. Fish and Wildlife Service from the lender on the lending institution's letterhead) stating the amount of funds available to the Offeror at the date of the letter. In addition, the letter must outline the Financial Institution's historical relationship with the Offeror. Specifically, the Financial Institution should provide the following information: number of years of the relationship; description and amount of all credit facilities extended along with their average annual outstanding balance and current outstanding balance; current account balance; and statement of whether the Offeror has met all obligations with the Financial Institution as required.
- 4) If funds are to be obtained from an individual, or a business entity whose primary fund source is an individual, provide the following as appropriate with respect to such individual:
  - Signed funding commitment from the individual (stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract)
  - Current personal financial statement certified as to accuracy and completeness by the individual submitting it
  - Current bank/financial institution documents that verify the account(s) and account balance(s) for the primary fund source
  - Documentation of any assets to be sold
  - Any other assurances or documents that demonstrate that the funds are available
- 5) If funds are to be obtained from working capital liabilities (such as advance deposits), please provide estimates and a rationale for each estimate. The information provided should be of sufficient detail to allow a reviewer to fully understand how the estimates were determined.
- 6) If funds are to be obtained from another source (e.g., a business entity whose primary fund source is not an individual), provide the following as appropriate:
  - Signed funding commitment from the fund source stating the approximate amount of the loan, the term, and any proposed encumbrances on the Draft Contract
  - Current audited financial statements for the most recent year (see 4(b) above if audited financial statements are not available)
  - If the current audited financial statements do not evidence that the source has the necessary funds to make the funding commitment, provide additional documentation.

**NOTE:** *If the Offeror is obtaining even a part of the necessary funds from another, the Service must be able to determine from the documents submitted that the Offeror is highly likely to obtain either a stated amount or an unlimited amount of funding from an entity with sufficient financial capability to provide the funds.*

**SELECTION FACTOR 5. THE AMOUNT OF THE PROPOSED MINIMUM FRANCHISE FEE AND OTHER FORMS OF FINANCIAL CONSIDERATION TO THE REGIONAL DIRECTOR. (0-15 POINTS)**

The 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.

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 Refuge area and of providing necessary and appropriate visitor services to the public at reasonable rates.

A minimum offer of 5% is required, Proposals offering less than 5% will be rejected. Offers of the minimum of 5% will receive 0 points and Maximum of 20% will receive 15 points.

20%	= (15 points),
16-19%	= (13 points),
14-15%	= (10 points),
12-13%	= (7 points),
6-11%	= (1-6 points),
5%	= (0 points),
< 5%	= Disqualified

State the amount of franchise fee you propose in your proposal. An offeror may propose a constant fixed percentage, regardless of the level of gross receipts, or a "tiered" or "graduated" percentage that varies according to a range of gross receipts. 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 five (5) percent will not be considered for award.