

**Supporting Statement A for
Paperwork Reduction Act Submission**

**Submission of Offers in Response to Concession Opportunities
36 CFR Part 51, Subpart C**

OMB Control No. 1024-0125

Terms of Clearance: None.

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Title IV, Section 403 of the National Parks Omnibus Management Act of 1998 (Pub. L. 105-391) provides that “all proposed concession contracts shall be awarded by the Secretary to the person, corporation or other entity submitting the best proposal, as determined by the Secretary through a competitive selection process. Such competitive process shall include simplified procedures for small, individually-owned, concessions contracts.”

36 CFR Part 51, Subpart C, provides legislative authority, policies, and requirements for the solicitation, award and administration of National Park Service (we, NPS) concession contracts. Section 403(1) of the Act and implementing regulations at 36 CFR § 51.4 require that proposed concession contracts be awarded by the Secretary of the Interior to the person or entity submitting the best proposal as determined by the Secretary through a competitive selection process: “(a) The Director must award all concession contracts, except as otherwise expressly provided in this part, through a public solicitation process. The public solicitation process begins with the issuance of a prospectus. The prospectus will invite the general public to submit proposals for the contract. The prospectus will describe the terms and conditions of the concession contract to be awarded and the procedures to be followed in the selection of the best proposal.”

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

The prospectus identifies the minimum requirements that the concessioner must meet and identifies the information that must be provided. Information that we collect includes, but is not limited to:

- Description of how respondent will conduct operations to minimize disturbance to wildlife.
- Specific actions, steps, or programs that respondent will implement to protect park resources.
- Steps that respondent will take to provide visitors with a consistent, high quality, safe, and enjoyable visitor experience at a reasonable rate.
- Organizational structure and history.
- Experience with similar operations.
- Details on violations or infractions and how they were handled.
- Financial information and demonstration that respondent has credible, proven track record of

- meeting obligations.
- Ability to obtain funds for start-up costs.
- How respondent will communicate an environmental ethic to employees and visitors.

The amount of information or degree of detail requested varies widely, depending upon the size and scope of the business opportunity. For example, a much greater amount of detailed information would be required for a multi-unit lodging and food service operation (such as that at Yellowstone), than would be required for a small firewood sales operation.

We use the information provided to objectively evaluate offers received for a particular business opportunity, assure that the park resources will be adequately protected, and determine which offeror will provide the best service to visitors.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.**

Notice of the availability of the prospectus is advertised via the internet at fedbizopps.gov, and we publish each prospectus on our concessions web page. At this time, respondents are not able to submit responses electronically, due to the wide disparity in both size and type of operations.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The requested information is unique to the applicant and each business opportunity. Offers submitted in response to each prospectus must be prepared individually, and cannot be reused in the case of renewals or other repeat applications. No similar information pertaining to business opportunities on park lands is collected by other NPS offices or other Federal agencies.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

Information is collected from businesses that wish to submit an offer in response to the advertisement of a concession opportunity. We collect only the minimum information necessary to allow us to evaluate all offers received and determine which is the best. For example, as indicated in 36 CFR § 51.12, solicitations for large, complex operations may be issued in two phases, a qualifications phase and a proposal phase; while solicitations for concession contracts that the Director considers are likely to be awarded to a sole proprietorship or are likely to have annual gross receipts of less than \$100,000 will incorporate simplified administrative requirements.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

16 U.S.C. § 5952 requires us to use a competitive selection process for concession contracts and to solicit proposals. That law also requires us to collect the categories of information described in item 2 above. We only collect information in response to a specific advertisement of a concession opportunity. If we did not collect the information, we would be unable to: (1) objectively evaluate offers received for a particular business opportunity, (2) assure that the park resources will be adequately protected, and (3) determine which offeror will provide the best service to visitors at reasonable rates and with the greatest overall return to the Government.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * **requiring respondents to report information to the agency more often than quarterly;**
- * **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- * **requiring respondents to submit more than an original and two copies of any document;**
- * **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;**
- * **in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- * **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- * **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- * **requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

The only special circumstance that is inconsistent with OMB guidelines is the number of copies that we request from each offeror, which varies from two to six. When the contract has a preferred offeror, we usually request two or three copies. For projects where we expect several offers, we request more to ensure sufficient copies for the reviewing panel.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On July 24, 2012, we published in the Federal Register (77 FR 43354) a notice of our intent to request that OMB renew approval for this information collection. In that notice, we solicited comments for 60 days, ending on September 24, 2012. We did not receive any comments.

In addition to the Federal Register notice, we contacted three concessioners and requested comments on the accuracy of burden estimates, availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. No responses were received.

JBAY, LLC 101 West San Francisco Street Santa Fe, NM 87501	John Rudder, CFO Flagg Ranch Village PO Box 187 Moran, WY 83013
John Macy Southern Sea, Inc. 44a Queen Cross Street Christiansted, VI 00820-5020	

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

No payments or gifts are provided to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Information is collected and protected in accordance with the Freedom of Information Act (5 U.S.C. 552) (FOIA). In accordance with the Freedom of Information Act, if respondents believe their application contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act, the cover page, as well as each page of the application containing such information is to be labeled. Information in an application identified as trade secret information or confidential commercial and financial information will be used by the Government only for the purpose of determining whether the proposed transaction should be approved, except that if the same information is obtained from another source without restriction, it may be used without restriction.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

No sensitive questions are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here.**

The National Park Service advertises approximately 50 concession opportunities (40 small and 10 large) each year. We estimate that we will receive 90 annual responses totaling 12,000 burden hours. It takes approximately 240 hours to prepare and submit an offer for a large operation and approximately 80 hours for a small operation.

We estimate that the total dollar value of the burden hours is \$924,720. We used the Bureau of Labor Statistics Occupational Employment and Wages, May 2011 (<http://www.bls.gov/oes/current/oes111021.htm>) to estimate average hourly wages. Table 11-1021 lists the mean hourly wage for a General Manager as \$55.04. To calculate benefits, we multiplied the hourly wage by 1.4 in accordance with BLS News Release, USDL 12-2404, December 11, 2012. The hourly rate with benefits is \$77.06.

ACTIVITY	TOTAL ANNUAL RESPONSES	COMPLETION TIME PER RESPONSE	TOTAL ANNUAL BURDEN HOURS	\$ VALUE OF ANNUAL BURDEN HOURS (\$77.06/hr)
Large Concession	30	240 hours	7,200	\$554,832
Small Concession	60	80 hours	4,800	369,888
TOTALS	90		12,000	\$924,720

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- * **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- * **If cost estimates are expected to vary widely, agencies should present ranges of cost**

burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- * Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

The total nonhour cost burden is \$420,000. We estimate that the average cost per respondent is \$3,000 for small operations and \$8,000 for large operations. These costs include, but are not limited to, expenses for printing, travel for onsite visits and professional fees. Costs will vary due to proximity to the proposed concession operation and the desired involvement of consultants and other professionals outside the company. There are no other costs associated with preparing and submitting an offer.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

The annual cost to the Federal Government to administer this information collection is estimated at \$559,884. Salary costs for staff time to process and review applications are \$484,884. In addition, we estimate approximately \$75,000 for printing. We used Office of Personnel Management Salary Table 2012-DCB to determine hourly wage rates. We multiplied the hourly rate by 1.5 to account for benefits in accordance with BLS news release USDL 12-2404.

POSITION/ GRADE/STEP	NO. OF RESPONSES	ESTIMATE D TIME PER RESPONSE	TOTAL HOURS	HOURLY RATE	HOURLY RATE W/ BENEFITS*	TOTAL ANNUAL COST*
Large Concession						
Supv. Concessions Specialist GS-13/5	30	40 hours	1,200	\$48.35	\$75.53	\$90,636
Concessions Specialist GS-11/5 (2 FTE)	30	80 hours	2,400	\$33.92	\$50.88	\$122,112
Lawyer GS-14/5	30	40 hours	1,200	\$57.13	\$85.70	\$102,840
Small Concession						
Supv. Concessions Specialist GS-13/5	60	16 hours	960	\$48.35	\$75.53	\$72,509
Lawyer GS-15/5	60	16 hours	960	\$67.21	\$100.82	\$96,787
Total						\$484,884

15. Explain the reasons for any program changes or adjustments in hour or cost burden.

We are reporting 90 responses totaling 12,000 annual burden hours, which is an adjustment decrease of 150 responses and 64,800 burden hours from our previous submission. We have reduced the number of business opportunities we announce each year, due the elimination of our backlog. Based on our experience over the last 3 years, we have reduced estimates for the number of responses we will receive for each announcement. In addition, we have instituted a limit on the number of pages allowed per response, thereby reducing the completion time for each offer. We believe our previous estimates for completion times were high, especially for small concessions. The institution of page limits has reduced the volume of information we receive, especially for large concessions, by up to 75 percent.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We do not publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date on appropriate materials.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.