

**SUPPORTING STATEMENT A
FOR PAPERWORK REDUCTION ACT SUBMISSION**

**NPS LEASING PROGRAM, 36 CFR 18
OMB CONTROL NUMBER 1024-0233**

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.**

The National Park Service (NPS) has general authority to lease historic buildings and other structures, including associated property, under the Historic Preservation Act of 1966 (54 U.S.C. 306121) and the National Parks Omnibus Management Act of 1998 (54 U.S.C. 102102). These authorities allow the NPS to enter into public-private partnerships through leases that allow the lessee to use properties that are not needed for park purposes. In some cases, it has enabled major rehabilitation projects that would have otherwise not been fiscally possible.

The NPS's leasing authority under the Historic Preservation Act of 1966 and the National Parks Omnibus Management Act of 1998 are implemented by Part 18 of Title 36 of the Code of Federal Regulations. These regulations require parks to make the determinations that the lease: will not result in the degradation of the purposes and values of the park; will not deprive the park of property necessary for appropriate park protection, interpretation, visitor enjoyment, or administration; will contain terms and conditions that will assure the leased property will be used for activity and in a manner that are consistent with the purposes established by law for the park; is compatible with the programs of the NPS; is for rent at least equal to the fair market value rent of the leased property; will adequately insure the preservation of historic property; and is of a term length of 60 years or less. These regulations also require parks to make the determination that the proposed activities under the lease are not subject to authorization through a concession contract, commercial use authorization, or similar instrument.

Nationwide, the NPS currently has more than 160 leases that cover over 340 structures. The NPS leasing program provides support to parks and regions on all aspects of the leasing process, including assisting with drafting requests for proposals (RFPs), drafting lease documents, determining regulatory compliance, and increasing awareness of opportunities that are available through the NPS's leasing authority. The leasing program continues to develop formal training for

staff to expand capacity across the NPS to initiate and manage park-level leasing programs.

The forms in this collection are used to to evaluate offers, proposed subleases or assignments, proposed construction or demolition, the merits of a proposed lease amendment, and proposed encumbrances.

Legal Authorities

- 54 U.S.C. 100102 - National Parks Omnibus Management Act of 1998
- 54 U.S.C. 306121 - Historic Preservation Act of 1966

- 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.**

We collect the following information as a requirement of the NPS Leasing Program:

- Description of how respondent will conduct operations within the leased facility to minimize disturbance to wildlife; protect park resources; and provide safe services to the public.
- Organizational structure and history and 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.

Information is collected from individuals or organizations submitting a bid or proposal in response to the Request for Bids or Request for Proposals. The information is used to determine the award.

Information is also collected from existing leaseholders who seek to:

- Sublet a leased property or assign the lease to a new lessee.
- Construct or demolish portions of a leased property.
- Amend a lease to change the type of activities permitted under the lease.
- Encumber (mortgage) the leased premises.

Information is collected in both a narrative and template format and on the forms. The forms were revised from our previous submission to allow for simpler forms to be used for businesses that are

owned by an Individual or Sole Proprietor and for smaller leases that require less financial detail. The table below describes the revisions.

Previous Form Name: 10-352 Identification and Credit Information

Revised Form Name: 10-352 Business History Information: Proposal Package

Revised Forms: 10-353 Business Organization Information: Corporation, Limited Liability Company, Partnership, or Joint Venture
10-354 Individual or Sole Proprietorship

Rationale for change: Based upon comments received from previous users of the forms we determined that the level of detail required for the offeror's business history is not the same in each case. Therefore, changes were made to provide a shorter version of the form (10-352) for applicants with "simple" business structures that may not have the number of corporate levels, entities, or different levels of management that need to be reported as a larger corporation.

Previous Form: 10-355 Financial Information for Revenue Producing Uses

Revised Forms: 10-355A Offeror Financial Statements and Projections
Small Leases
10-355B Offeror Financial Statements and Projections
Large Leases

Rationale for change: The change in the form is in response to comments received from applicants not understanding the financial information required. The revised forms allow for a more thorough description of larger more complex leases that include substantial investments in capital improvements.

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.

Printed forms are accepted through email or by other electronic media devices (e.g., thumb drive, flash drive, etc.) or through postal mail.

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.

No similar information pertaining to business opportunities on park lands is collected by the NPS or other Federal agencies. The information collected is unique to the applicant and no other source of information is available. As each business opportunity is unique and offers submitted in response to each bid solicitation, sublet and assignments must be prepared individually. The information cannot be reused in the case of renewals or other repeat applications.

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

Information is collected from small businesses responding to solicitations for a leasing opportunity. There is no additional burden on small business to complete the application that would be different from the normal course of business.

6. Describe the consequences 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.

We cannot collect the information less often. If we did not collect the information, we would be unable to objectively make a determination whether or not to approve to all bids or proposals received in response to the advertisement of a leasing opportunity, as required by 54 U.S.C. 102102 and 36 C.F.R. Part 51.

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.**

There are no special circumstances that require us to collect the information in a manner inconsistent with OMB guidelines.

- 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 March 18, 2020, we published in the Federal Register (85 FR 15496) a notice of our intent to request OMB approval for this information collection. In that notice, we solicited comments for 60 days, ending on May 18, 2020. We did not receive any comments in response to that notice.

In addition to the Federal Register notice, we contacted nine individuals familiar with the collection of this information. Of those, we received feedback from five individuals. Despite multiple attempts via email to contact the remaining individuals, we were unable to solicit feedback from them.

Table 8.1 Consultation with persons outside the agency

Affiliation
Owner, Oregon Inlet Marina, LLC
Owner, Oregon Inlet Fishing Center
Owner, Moonbeam Great Kills Marina, LLC
Owner, Zest Enterprises, LLC
Owner, Riis Park Beach Bazaar, LLC

Specifically, we asked for comments on:

“Whether or not the collection of information is necessary, including whether or not the information will have practical utility; whether there are any questions they felt were unnecessary”

Comment:

- One commenter recognized the need for business information but questioned the utility of personal credit information.

NPS Response/Action Taken:

- Personal credit information is necessary to understand the financial position of the principles of the business. The forms will be modified to more clearly state when personal credit information is required and exactly which of the business principles or owners this would apply.

“The accuracy of our estimate of the burden for this collection of information”

Comments:

- Two commenters believed that the burden estimate for the completion of Form 10-355 to be insufficient. Another commenter thought the burden should be 2 hours and the other suggested 3-5 hours
- One commenter suggested that form 10-353, 10-354, and 10-355 were an undue burden on the applicant to pay for and supply a credit report and suggested that the government should conduct these activities.
- One commenter suggested that the paperwork was too confusing, too detailed, and too demanding and that it was not easy and simple to understand.

NPS Response/Action Taken:

- We recognize that the burden for each leasing opportunity may differ significantly. Since we have revised this form to create two separate forms, we have adjusted the estimated burden for these forms: 10-355A (2 hours) and 10-355B (10 hours).
- Recognizing that government does not have access to the credit information of individuals and therefore must rely on credit reporting entities to provide this information, we have removed this requirement as part of this form.
- The information requested is the minimum necessary to evaluate the financial and business capabilities of interested parties. The forms have been re-designed to mitigate the confusion expressed by previous users.

“Ways to enhance the quality, utility, and clarity of the information to be collected”

Comment:

- One commenter found form 10-355 to be confusing and offered specific suggestions including changes to labels and terms so that those completing the form have a better idea of what specific financial information the NPS is looking for.

NPS Response/Action Taken:

- Form 10-355 is now updated to be more in line with the standard financial forms that are used in business (Income Statement, Balance Sheet) and we developed a separate form for small leases.

“Ways to minimize the burden of the collection of information on respondents”

Comment:

- One commenter suggested that the forms should be provided in fillable PDF Format.
- One commenter suggested that some of the same information is requested multiple times throughout the forms and that avoiding redundancies would help in reducing the burden of the forms.

NPS Response/Action Taken:

- These forms are available in fillable PDF format when possible.
- We recognize that using multiple forms for different types of business arrangements creates confusion. We have attempted to consolidate this collection by creating a separate Business History Form to collect information on the business entities operational history and then allow the ownership information to be collected on a separate form.

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

We do not provide payments or gifts to respondents.

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

In some cases, trade secrets, commercial or financial information may be considered as confidential information. All offers may be disclosed by the Department of the Interior pursuant to the Freedom of Information Act (5 U.S.C. 552). If the offeror believes that the offer is exempt from disclosure under the Freedom of Information Act the cover page as well as each page of the offer containing such information is to be labeled. Trade secrets, confidential commercial and financial information identified in the offer is only used for the purpose of evaluating the offer, except that, (i) if a lease is awarded to the offeror as a result of the submission of the offer, the Government has the right to use the information as provided in the lease, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

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.

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. Instead, this cost should be included under “Annual Cost to Federal Government.”

We estimate that there will be approximately 250 annual responses totaling 1,649 burden hours. We estimate the total dollar value of the annual burden hours for this collection to be \$58,273 (rounded). We used the rates listed below in accordance with Bureau of Labor Statistics news release USDL-20-1232, June 18, 2020, Employer Costs for Employee Compensation—March 2020 (<https://www.bls.gov/news.release/pdf/ecec.pdf>), to calculate the total annual burden. Table 1 lists the hourly rate (including benefits) for all workers in the private sector as \$35.34.

The forms in this collection are categorized as followed:

- **Simple: Applicants seeking Small or Short-term Leases.** Submissions include requests for annual / seasonal leases of residential properties that are “move-in” ready or short-term leases of buildings where the lessee assumes no rehabilitation responsibilities (vacation rentals, event space, meeting space).
- **Complex: Applicants seeking Large or Long-term Leases.** Examples include major or long-term leasing projects. Typically, public-private partnerships through leases that allow the lessee to use properties that are not needed for park purposes where the lessee assumes maintenance and rehabilitation responsibilities of historical assets.

Table 12.1 Applicants Seeking Small Leases - SIMPLE

Activity	Annual Responses	Average Completion Time per Response (hours)	Annual Burden Hours	Hourly Labor Costs including Benefits	Dollar Value of Annual Burden Hours*
10-352 - Business History Information	30	1	30	35.34	\$1,060
10-353 - Business Organization Information (Individual or Sole Proprietors)	30	1	30	35.34	1,060
10-354 - Business Organization Information (Corporation, Limited Liability)	30	5	150	35.34	5,301
10-355A - Offeror Financial Projections	30	5	150	35.34	5,301
Approval of Lessee Construction/Demolition	4	12	48	35.34	1,696
Approval of Lessee Encumbrances	2	8	16	35.34	565
Approval of Lease Amendments	2	12	24	35.34	848
Subletting and Assignment of Leases	50	2	100	35.34	3,534
Subtotal	0		0		0

Table 12.2 Applicants Seeking Large Leases - COMPLEX

Activity	Annual Responses	Average Completion Time per Response (hours)	Annual Burden Hours	Hourly Labor Costs including Benefits	Dollar Value of Annual Burden Hours*
10-352 - Business History Information	20	5	100	35.34	\$3,534
10-354 - Business Organization Information (Corporation, Limited Liability)	20	10	200	35.34	7,068
10-355B - Offeror Financial Projections	20	25	500	35.34	17,670
Approval of Lessee Construction/Demolition	5	32	160	35.34	5,654
Approval of Lessee Encumbrances	2	40	80	35.34	2,827
Approval of Lease Amendments	4	4	16	35.34	565
Subletting and Assignment of Leases	1	45	45	35.34	1,590
Subtotal	72		1,101		\$38,908

TOTAL	250		1,649		\$58,273
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*rounded

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.

There are no non hour cost burdens to respondents.

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.

We estimate that the annual cost to the Federal Government to administer this information collection is \$232,273 (rounded), which includes salary costs for staff time to process and review proposals.

To determine hourly wage rates, we used the Office of Personnel Management Salary Table [2020-RUS](#) except for the Leasing Program Manager which reflects [2020-DC](#). We used the below listed rates in accordance with Bureau of Labor Statistics news release USDL-20-1232, June 18, 2020, Employer Costs for Employee Compensation—March 2020 (<https://www.bls.gov/news.release/pdf/ecec.pdf>) to calculate benefits. The hourly rates for government employees were multiplied by 1.6 to obtain the fully burdened rates.

Table 14.1 Estimated annual cost to the Federal Government

Position Grade/Step	No. of Responses	Estimated Time per Response (hours)	Total Hours	Hourly Rate	Hourly Rate w/Benefits (1.6)	Total Annual Cost*
Request for Qualifications (RFQ)/ Request for Proposals (RFP)						
Leasing Program Manager (GS-14/5)	40	5	200	\$65.88	\$105.41	\$21,082
Supv. Leasing Specialist (GS-13/5)	40	5	200	\$49.54	\$79.26	\$15,852
Leasing Specialist (GS-11/5)	40	12	480	\$34.76	\$55.62	\$26,698
Lawyer (GS-15/5)	40	6	240	\$68.86	\$110.18	\$26,443
Approval of Lessee Construction/Demolition						
Leasing Program Manager (GS-14/5)	2	40	80	\$65.88	\$105.41	\$8,433
Supv. Leasing Specialist (GS-13/5)	2	120	240	\$49.54	\$79.26	\$19,022
Leasing Specialist (GS-11/5)	2	120	240	\$34.76	\$55.62	\$13,349
Lawyer (GS-15/5)	2	40	80	\$68.86	\$110.18	\$8,814
Approval of Lease Amendments						
Leasing Program Manager (GS-14/5)	5	8	40	\$65.88	\$105.41	\$4,216
Supv. Leasing Specialist (GS-13/5)	5	16	80	\$49.54	\$79.26	\$6,341
Leasing Specialist (GS-11/5)	5	16	80	\$34.76	\$55.62	\$4,450
Lawyer (GS-15/5)	5	16	80	\$68.86	\$110.18	\$8,814
Approval of Lessee Encumbrances						
Leasing Program Manager (GS-14/5)	2	40	80	\$65.88	\$105.41	\$8,433
Supv. Leasing Specialist (GS-13/5)	2	80	160	\$49.54	\$79.26	\$12,682
Leasing Specialist (GS-11/5)	2	40	80	\$34.76	\$55.62	\$4,450
Lawyer (GS-15/5)	2	80	160	\$68.86	\$110.18	\$17,629
Subletting and Assignment of Leases						
Leasing Program Manager (GS-14/5)	40	2	80	\$55.75	\$105.41	\$8,433
Supv. Leasing Specialist (GS-13/5)	40	4	160	\$49.54	\$79.26	\$12,682
Leasing Specialist (GS-11/5)	40	2	80	\$34.76	\$55.62	\$4,450
TOTAL			2,840			\$232,273

*rounded

15. Explain the reasons for any program changes or adjustments.

With this renewal we are reporting an increase of 129 annual responses and an increase of 73 annual burden hours. The increase is due in part to the way the forms are reported in ROCIS. Previously, the forms were combined and collectively reported by activity versus the number of responses per form. This reporting more accurately accounts for the burden for each form versus the collective burden for the activity to complete the full application process.

We are reporting a net increase in the annual cost to the Federal Government of \$55,789. This increase better reflects the amount of time previously reported needed to review RFQ's and RFP's for these submissions.

- 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 forms and other 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.