

Use Code [code]

FS-2700-14a (09/2020)

OMB 0596-0082

<USER NOTES>

<Delete all user notes, instructions, sample narratives, and charts prior to printing.>

Prospectus for Leasing Administrative Sites

[name]

U.S. DEPARTMENT OF AGRICULTURE  
Forest Service

<Optional: insert photograph>

[month and year prospectus is issued]

<GENERAL INSTRUCTIONS>

<Purpose. Use this prospectus to solicit applications for an administrative site lease under section 8623 of the Agriculture Improvement Act of 2018 (Farm Bill) or the Forest Service Facilities Realignment and Enhancement Act of 2005 (FSFREA).>

<Retention of Standard Language. The language in this prospectus is standard and may not be altered, except as provided in the instructions and fillable fields.>

<Authority Selection. Because in-kind consideration is available only for leases issued under section 8623 of the Farm Bill, the correct authority must be selected before issuing this prospectus so that applicants will bid rent in accordance with the applicable authority.>

<Screening. Prior to issuing a prospectus, ensure that the opportunity meets the criteria for initial screening under 36 CFR 251.54(e)(1) based on the consideration of reasonably foreseeable uses of the administrative site. Second-level screening pursuant to 36 CFR 251.54(e)(5) will be conducted in evaluating applications received in response to this prospectus. In particular, for initial screening, complete a preliminary project analysis for the lease in accordance with FSM 7310 and record the project in the Facilities Master Plan. Consider reasonably foreseeable uses of the administrative site (including any desired construction and any Government maintenance, repair, improvement, restoration, or reconstruction of facilities or improvements at an administrative site) that would achieve management objectives; meet facilities planning requirements in FSM 7312; and meet the initial screening criteria. Prepare a market analysis to determine the most reasonably foreseeable use of the administrative site for purposes of environmental analysis.>

<Acreage Limit. An administrative site or compound of administrative sites offered under this prospectus may not exceed 40 acres.>

<Leasing of Facilities or Improvements Separately from the Land. Facilities and improvements at the administrative site may be leased separately from the underlying National Forest System (NFS) lands. For example, a lease may be issued for all but one of the facilities and improvements at an administrative site and their underlying NFS lands, and a separate lease may be issued only for the remaining facility or improvement without the underlying NFS lands.>

<Review of Draft Prospectus. If the rent for the administrative site to be leased is \$2,000,000, the prospectus must be submitted to the Washington Office and the National Land Ownership Adjustment Team for review before it is issued.>



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## I. Offering

**<Describe the leasing opportunity in a way that encourages potential lessees' interest. Write clearly and concisely. Present all information as accurately and completely as possible. Ensure your statements prompt potential lessees to conduct their own analyses and draw their own conclusions. Disclaimers may be appropriate for data that are incomplete or inconclusive. In some cases, it may be appropriate to provide information, but request that applicants verify it.>**

### A. Introduction

This prospectus offers the selected applicant the right to use and occupy the [name] administrative site (administrative site) under the standard administrative site lease (the lease; see Appendix E) in the [name] National Forest (see Appendix A, Vicinity and Area Maps). This prospectus is being issued because the Forest Service has determined that competitive interest exists in leasing the administrative site.

The lease and a sample operating plan outline (Appendix F) are attached to this prospectus and should be reviewed before an application is submitted. The standard terms and conditions of the lease are not negotiable and may not be modified or deleted. If there is a conflict between this prospectus and the terms of the lease, the terms of the lease will govern.

Cost recovery fees to recover the Forest Service's costs in preparing the prospectus and reviewing applications submitted in response to the prospectus are addressed in Section IV.B.

In addition to rent (Section III.A), the selected applicant may have to pay monitoring fees to recover the Forest Service's costs in monitoring compliance with the lease (see 36 CFR 251.58(d)).

The authorized officer for the lease is [name], [title], [address].

### B. Description of the Leasing Opportunity

**<At a minimum, describe the reasons for the leasing opportunity, the type of facilities and improvements being sought, and the types of facilities and improvements which the Forest Service might approve in the future. Address all present and foreseeable development so that there will be a common basis for evaluating applications.>**

### C. Site Description and Utilization

**<Describe the administrative site, including existing facilities and improvements, as accurately as possible in a narrative format. Use of the additional table is optional. For clarity and to assure that all pertinent information is included, both are recommended. In addition, describe desired development of the site, including any requirements regarding the site development plan, site development schedule, and construction or modification of facilities and improvements.>**

The administrative site is located at [legal description of the property], for a term of [up to 30] years for an annual rent of \$[amount] as presently configured and described below:

[Describe all legal access routes to the property. Include road ownership status (Forest Service, state, county, private with easement), surface, weather-related or other safety concerns, and any seasonal restrictions on property access.]

[Describe how the site has been used in the past and any special or desirable property features.]

[Describe all site-specific restrictions, topographical limitations, contamination, and other constraints on property utilization, such as a limitation on available square footage due to colocation with Forest Service staff or other activities.]

***Prospectus for an Administrative Site Lease***

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[Describe each structure that is being offered with the lease. Tally total available square footage, number and type of rooms, and all basic features such as number of entrances, accessibility, available parking, and installed technological systems.]

[If development is contemplated at the administrative site, consider zoning, density, liability, maximizing employee housing and affordability, and ownership issues associated with condominium developments.]

[To maximize marketability of the administrative site, consider factors such as:

- The adequacy of parking; office space, including the availability of high-speed internet and cellular service; ceiling height (for a warehouse or storage facility); and access (ability for trucks to unload at a warehouse or storage facility);
- Whether utilities are included or excluded from the rent, whether they are separately metered, and if not, whether there is a way to determine tenants' pro-rata share;
- Whether the cost of maintenance for improvements, parking areas, and landscaping; snow removal; and other types of maintenance is included or excluded from the rent, and if the cost is excluded, the Forest Service's and lessee's proposed pro rata shares;
- If only a portion of an administrative site is leased, whether there are security issues between the Forest Service's space and the leased space that need to be addressed; and
- For undeveloped land, at a minimum, the optimum size and shape of lots; the location and available capacity for water, sewer, electrical, natural gas, high-speed internet, and cellular services and storm drainage systems; existing access agreements, licenses, or easements; and local, county, and state requirements for improving proposed access routes, including interior street design requirements, storm systems, and roads built on site.]

[Provide additional information relevant to applicants, such as visitation data or planned government improvements.]

<Sample Table>

Characteristics of the Administrative Site and Its Facilities and Improvements

Site Name	Smokey Administrative Site
Lease Acreage	40 acres
Site Elevation	5500 feet
Operating Season	May 15–October 31
Facility Size	4500 sq. ft. (3900 useable sq. ft.)
Floors	3
Offices	12 offices (200 sq. ft. avg.)
Bathrooms	One per floor; main floor also contains a shower facility
Other	2 conference rooms and one common area kitchen
Parking	Lighted; 5 reserved spaces; 20 open
ADA accessibility	Full (ramps and elevators)
Technology Systems	VOIP conference system
Electricity	PG&E
Communication	Landline and broadband (40 mbps)
Water	XYZ water system
Sewer	On-site (septic)
Trash Bins	4 external dumpsters
Miscellaneous	Adjacent picnic area on site

D. Government-Furnished Property

Appendix C includes an inventory of government-furnished facilities and improvements at the administrative site.

**<Include the following section if applicable. Otherwise delete it.>**

In addition to the facilities and improvements listed in Appendix C, the following government-furnished property and equipment will be offered at the administrative site:

**<Modify the list below as appropriate.>**

- Furniture
- Server equipment and modems
- Telephone equipment
- Utility infrastructure, such as communications equipment, water and septic systems, and heating, ventilation, and air conditioning
- Storage facilities

**E. Utilities and Waste Management**

**<Insert a specific list of all applicable utilities and services and delete the sample text. Identify companies that supply or contract the appropriate services.>**

**Electrical**

[Specify the name of the electrical utility, the electrical capacity, the average annual operating cost of electricity, if known, and whether this service will be paid for by the Forest Service or the lessee.]

**Telephone**

[Specify the name of the current service provider and any alternate service providers, list all telephone equipment installed on site, and whether this service will be paid for by the Forest Service or the lessee.]

**Broadband**

[Specify the name of the current service provider and any alternate service providers, list all server equipment installed on site, and whether this service will be paid for by the Forest Service or the lessee.]

**Climate Control (Heating and A/C)**

[Describe the equipment installed on site, its fuel type, any applicable providers, and whether this service will be paid for by the Forest Service or the lessee.]

**Water**

[Describe the equipment installed on site, its storage capacities, any applicable providers, any water rights restrictions or requirements, and whether this service will be paid for by the Forest Service or the lessee.]

**Garbage**

[Specify the name of the current service provider, if applicable, list all refuse-related equipment installed on site, and whether this service will be paid for by the Forest Service or the lessee.]

**Liquid and Solid Waste Disposal**

[Specify the name of the current service provider, if applicable, list all sanitation equipment installed on site, and whether this service will be paid for by the Forest Service or the lessee.]

**F. Disclosures**

**<Include the following paragraphs, as applicable, based on the presence of lead-based paint, building materials containing asbestos, or hazardous materials at the administrative site.>**

**Lead-Based Paint**

Pursuant to a lead paint risk assessment, the Forest Service has determined that lead-based paint is present in the proposed lease area at the following locations, concentrations, and quantities and in the following condition:

<u>Location</u>	<u>Concentration</u>	<u>Quantity</u>	<u>Condition</u>
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[insert as applicable]

Notwithstanding any provision of law relating to the mitigation or abatement of lead-based paint, the Forest Service is not required to mitigate or abate lead-based paint in the proposed lease area before

issuance of a lease. Future construction in the lease area may trigger regulations issued by the United States Department of Housing and Urban Development at 24 CFR Part 35, by the United States Department of Environmental Protection Agency at 40 CFR Part 261, and by the Occupational Safety and Health Administration at 29 CFR 1926.62.

**Building Materials Containing Asbestos**

Pursuant to an asbestos survey, the Forest Service has determined that the following types of building materials containing asbestos are present in the proposed lease area at the following locations and quantities and in the following condition:

<u>Type</u>	<u>Location</u>	<u>Quantity</u>	<u>Condition</u>
[insert as applicable]			

Notwithstanding any provision of law relating to the mitigation or abatement of building materials containing asbestos, the Forest Service is not required to mitigate or abate building materials containing asbestos in the proposed lease area before issuance of a lease. Future construction in the lease area, including renovation or demolition, may trigger EPA regulations at 40 CFR 61.145 and OSHA regulations at 29 CFR 1926.1101.

**Additional Disclosures**

[Describe any additional issues that may require disclosure, such as hazmat contamination.]

**II. Applicable Legal Requirements and Forest Service Policies**

A. Statutory Authority

**<USER NOTES FOR STATUTORY AUTHORITY>**

**<Select the following sentence for leases issued under FSFREA. Delete the remaining sentence.>**

The lease for this offering will be issued under FSFREA and will be subject to its provisions.

**<Select the following sentence for leases issued under section 8623 of the Farm Bill. Delete the preceding sentence.>**

The lease for this offering will be issued under section 8623 of the Farm Bill and will be subject to its provisions.

B. Statutory, Regulatory, and Policy Requirements

**Resource Concerns**

**<Describe any resource concerns that applicants should be aware of. If none, so state.>**

**Wildlife Mitigation**

**<Describe any wildlife mitigation that the lessee will have to conduct. If none, so state.>**

**Endangered Species**

**<Describe any endangered species at the administrative site and any measures that the lessee will have to take to address endangered species or their habitat. If none, so state.>**

**Archaeological Resources**

**<Describe any archaeological resources at the administrative site and any measures that the lessee will have to take to address those resources. If none, so state.>**



## **Environmental Site Assessments**

The selected applicant will be required to submit for written approval by the Forest Service an initial environmental site assessment (SA) prior to use and occupancy under the lease and a follow-up SA prior to termination or upon revocation of the lease. If the initial SA shows that a hazardous substance release is present in the lease area, and cleanup or other remedial action is required to accommodate the lessee's intended use, then the lessee shall be responsible for any cleanup or other remedial action that the Forest Service determines to be required in the lease area based on the initial SA. The level of cleanup or other remedial action shall be commensurate with the lessee's intended use and occupancy of the lease area and shall be completed before the lessee's use and occupancy commence. More information on these requirements is contained in the lease (Appendix E).

### **C. Applicable Forest Orders**

Forest orders may be issued to address a variety of management concerns. Forest orders that apply to the administrative site are identified in Appendix D. Additional applicable forest orders may be issued in the future.

### **D. Accessibility**

The Architectural Barriers Act of 1968 and Section 504 of the Rehabilitation Act of 1973 require new or altered facilities to be accessible, with few exceptions. In 2004, the Architectural and Transportation Barriers Compliance Board (Access Board) issued revised accessibility guidelines for buildings and facilities subject to the Architectural Barriers Act and the Americans with Disabilities Act. These new guidelines are called the Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines.

Any construction or Government maintenance, repair, improvement, restoration, or reconstruction (Appendix E, clause VI.A) conducted at the administrative site must meet the Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines, where applicable.

The Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines are posted on the Forest Service's website at: <http://www.fs.fed.us/recreation/programs/accessibility>. Questions regarding the Americans with Disabilities Act/Architectural Barriers Act Accessibility Guidelines may be referred to the Access Board at [www.access-board.gov](http://www.access-board.gov).

### **E. Area Closures**

Per 36 CFR 251.55(b)(1) and (b)(2), the Forest Service reserves the right to close all or a portion of any National Forest System lands and National Forest System roads and National Forest System trails covered by this prospectus for repair; construction; floods, snow, extreme fire danger, or other natural events; wildlife protection; or risks to public health and safety. The Forest Service will not be liable to the lessee for lost revenue, operating costs, or any other losses resulting from these closures.

**<Include Section II.F if additional requirements apply to the offering. Otherwise, omit Section II.F.>**

### **F. Other Requirements**

The following additional requirements apply to the offering. All applications must be consistent with these requirements:

**<Describe additional requirements.>**

### **III. The Lease**

In exercising the rights and privileges granted by the lease, the lessee must comply with all present and future federal laws and regulations and all present and future state, county, and municipal laws, regulations, and other legal requirements that apply to the lease area, to the extent they do not conflict with federal law, regulation, or policy. The Forest Service assumes no responsibility for enforcing laws, regulations, and other legal requirements that fall under the jurisdiction of other governmental entities.

See Appendix E for all the terms and conditions of the lease. Terms and conditions that may affect applications submitted in response to the prospectus are discussed below.

#### **A. General Terms**

##### **Proposed Uses**

[Describe all acceptable uses, and highlight any uses desirable to the Forest Service.]

##### **Term**

The term of the lease is [number of years up to 30] years. Upon revocation or termination of the lease, if the Forest Service determines that competitive interest exists in the administrative site, issuance of a new lease will be subject to a competitive offering. If the Forest Service determines that no competitive interest exists, upon termination of the lease, a new lease may be issued to the lessee.

##### **Assignability**

The lease is fully assignable, provided that the lessee is in full compliance with the terms and conditions of the lease and that the assignment has prior written approval from the Forest Service. For more information on assignability, see Appendix E.

##### **Subleasing**

The lessee may sublease the facilities and improvements at the administrative site with prior written approval from the Forest Service. The Forest Service reserves the right to disapprove subleases. For more information on subleasing, see Appendix E.

#### **B. Rent**

The lessee is required by law to pay market value rent for the lease. The market value rent for the lease is \$[amount], which is based on the market value of the existing facilities and improvements at the administrative site. Applicants may offer rent above market value to enhance the competitiveness of their application.

The rent for the lease will be increased based on the market value of any new facilities or improvements to be constructed at the administrative site and the market value of any existing facilities or improvements at the administrative site that will be subject to Government maintenance, repair, improvement, restoration, or reconstruction. The market value of any construction of new facilities and improvements or any Government maintenance, repair, improvement, restoration, or reconstruction of facilities or improvements at the administrative site shall be determined based on the application granted by the Forest Service for that work.

Upon expiration of the lease and before issuance of a new lease for the administrative site, the Forest Service will determine the market value rent for the new lease based on any additional construction or Government maintenance, repair, improvement, restoration, or reconstruction of facilities and improvements.

Government maintenance, repair, improvement, restoration, or reconstruction is defined as maintenance, repair, improvement, restoration, or reconstruction that arrests deterioration, improves and upgrades facilities, and appreciably prolongs the life of the property, including but not limited to installing a new roof, new floor, or new siding; rebuilding boilers; replacing pipes, pumps, and motors; repairing or maintaining the paths, lands, walks, walls, or landscaping adjacent to federally owned structures; paving interior

roads, sidewalks, curbs and gutters, storm drain systems, upgrading facilities, and installing utilities; and performing exterior painting and refinishing (other than repair of unsightly visual marks caused by everyday use) and that is performed at the sole discretion of the authorized officer. See Appendix E, clause VI.A.

**<USER NOTES FOR IN-KIND CONSIDERATION>**

**<Add the following section on in-kind consideration for leases to be issued under section 8623 of the Farm Bill. Delete the following section on in-kind consideration for leases to be issued under FSFREA.>**

**In-Kind Consideration**

The lessee may pay rent entirely in cash, entirely in kind, or a combination of both.

Forest Service Objectives for Use of In-Kind Consideration. [Explain any objectives the unit would like to achieve using in-kind consideration, such as housing for Forest Service employees.]

All the following requirements apply to payment of rent using in-kind consideration.

Eligible Types of In-Kind Consideration. In-kind consideration may be paid based on the market value of only the following types of work:

- Construction of new facilities or improvements at the administrative site;
- Government maintenance, repair, improvement, or restoration of facilities or improvements at the administrative site (see Appendix E, clause VI.A); and
- Services relating to activities that occur at the administrative site.

Any cleanup or other remedial action performed by the lessee pursuant to an initial environmental site assessment (Section II.B) may be considered as in-kind consideration in the form of a service relating to activities that occur at the administrative site.

Market Value of In-Kind Consideration. The Forest Service will determine the market value of any in-kind consideration to be paid as rent.

Documentation. In-kind consideration must be documented in advance using the standard in-kind consideration agreement.

Davis-Bacon Act Requirements

- Improvement of Federally Owned Facilities and Improvements. Improvement of federally owned facilities or improvements at the administrative site performed as in-kind consideration under an in-kind consideration agreement is subject to the Davis-Bacon Act, 40 U.S.C. 3141 *et seq.*, and 29 CFR 5.5 when:
  - o The total estimated cost of the improvement work to be performed as in-kind consideration under the in-kind consideration agreement exceeds \$2,000; and
  - o The lessee is a private entity or a state or governmental entity that is subcontracting with a private entity for the work.
- Construction of New Facilities or Improvements. Construction of new facilities or improvements at the administrative site performed as in-kind consideration under an in-kind consideration agreement is subject to the Davis-Bacon Act, 40 U.S.C. 3141 *et seq.*, and its implementing regulations at 29 CFR 5.5 when:
  - o The total estimated cost of the construction work to be performed as in-kind consideration under this agreement exceeds \$2,000;

- o The United States holds title to the improvements or the lessee will be transferring title to the United States to the new facilities or improvements immediately upon completion; and
- o The lessee is a private entity or a state or governmental entity that is subcontracting with a private entity for the work.

Acceptance. Before acceptance of any in-kind consideration:

- The Forest Service will determine that the work or service was satisfactorily performed by the lessee;
- The cost of the in-kind consideration must be documented; and
- The costs of the in-kind consideration must be certified by the lessee using the standard form for that purpose.

Limit on Annual In-Kind Consideration. Annual in-kind consideration for an administrative site may not exceed the amount of annual market value rent for the site.

Consolidation of Rental Payments. The Forest Service may consolidate payment of rent for multiple years to increase the value of in-kind consideration that may be provided for large-scale projects.

Forest Service Performance of In-Kind Consideration. The Forest Service may perform work approved as in-kind consideration that is funded by the lessee under a collection agreement executed by the lessee and the Forest Service under section 5 of the Granger-Thye act, 16 U.S.C. 572, and the lease. The Forest Service must document the cost of work performed by the agency as in-kind consideration under a collection agreement.

Reconciliation of Annual Rent Against Costs of In-Kind Consideration. At the end of each year of operations, the Forest Service will reconcile the annual rent against approved costs of in-kind consideration. The lessee will be required to pay any additional rent owed for the past year's operations within 30 days of billing. Any overpayment of annual rent shall be reimbursed by the Forest Service.

Reauthorization of the Use and Occupancy. If the use and occupancy of the administrative site will be reauthorized, before or upon revocation or termination of the lease, the Forest Service must ensure that the lessee transfer title to any new facilities or improvements constructed by the lessee as in-kind consideration to the United States in compliance with United States Department of Justice title standards.

Discontinuation of the Use and Occupancy. If the use and occupancy of the administrative site will not be reauthorized, upon revocation or termination of the lease, the Forest Service may require the lessee to transfer title to any or all new facilities or improvements constructed by the lessee as in-kind consideration to the United States in compliance with United States Department of Justice title standards, or may require the lessee to remove any or all authorized facilities and improvements and restore the site to the satisfaction of the Forest Service.

**<USER NOTES FOR SECTION III.C>**

**<Include the Section III.C below for leases issued under FSFREA, and delete the remaining Section III.C.>**

**C. Forest Service Employee Housing**

The Forest Service may reserve space for Forest Service employee housing in constructed, reconstructed, or improved facilities or improvements at the administrative site. The Forest Service will decrease the rent charged for these facilities or improvements proportionate to the space reserved for Forest Service employee housing.

**<Include the Section III.C below for leases issued under section 8623 of the Farm Bill, and delete the preceding Section III.C.>**

C. Forest Service Employee Housing

Existing Facilities or Improvements. The Forest Service may reserve space for Forest Service employee housing in existing facilities or improvements that are improved or restored as in-kind consideration. The Forest Service will decrease the rent charged for the facilities or improvements proportionate to the space reserved for Forest Service employee housing.

New Facilities or Improvements

- Lessee Retains Title Upon Completion. If the lessee retains title to new facilities or improvements upon completion and offers space in the new facilities or improvements for Forest Service employee housing at a discount or free of charge, there are two types of in-kind consideration: (1) the value of construction costs, including the costs of removing any existing facilities or improvements at the administrative site so that the new facilities or improvements can be constructed; and (2) the value of the discounted or free use of space for Forest Service employee housing, which is a service relating to activities that occur at an administrative site. If the use and occupancy of the administrative site will be reauthorized, before or upon revocation or termination of the lease, the lessee must transfer title to the new facilities or improvements to the United States. The Forest Service may provide for reservation of space for Forest Service employee housing in subsequent leases for the administrative site. Under the subsequent leases, the Forest Service will decrease the rent charged for the facilities or improvements proportionate to the space reserved for Forest Service employee housing.
- Lessee Transfers Title Upon Completion. If the lessee transfers to the United States title to new facilities or improvements upon completion and offers space in the new facilities or improvements for Forest Service employee housing, there is only one type of in-kind consideration: the value of construction costs, including the costs of removing any existing facilities or improvements at the administrative site so that the new facilities or improvements can be constructed. Since the lessee does not have title to the new facilities or improvements, the lessee cannot charge rent for them and therefore cannot offer space in them for Forest Service employee housing at a discount or free of charge as a form of in-kind consideration. The Forest Service will decrease the rent charged for the facilities or improvements proportionate to the space reserved for Forest Service employee housing.

D. Bonding and Insurance Requirements

**Liability Insurance**

The selected applicant must provide proof of liability insurance covering losses associated with the use and occupancy authorized by the lease arising from personal injury or death and third-party property damage in the minimum amount of \$[amount] as a combined single limit per occurrence. Insurance policies must name the United States as an additional insured.

**Property Insurance**

The selected applicant must provide proof of property insurance covering the facilities and improvements at the administrative site in the minimum amount of \$[amount]. The types of loss that must be covered by the property insurance include but are not limited to damage to the facilities and improvements at the administrative site.

**Performance Bond**

As a guarantee of compliance with the terms and conditions of the lease, the selected applicant must deliver and maintain a surety bond or other acceptable security, such as cash deposited and maintained in a federal depository or negotiable securities of the United States, in the amount of \$[amount] for [obligations and term covered].

## **Construction Bond**

The selected applicant must furnish a surety bond or other security for any construction or improvement authorized by the lease at a minimum to cover restoration of the administrative site upon completion of the work.

## **IV. Applications**

### **A. Instructions for Submitting Applications**

The information in this prospectus is from generally reliable sources, but no warranty is made as to its accuracy. Each applicant is expected to make an independent assessment of the business opportunity offered in this prospectus. Applicants are strongly encouraged to visit the administrative site at least once before submitting an application (see Appendices A and B, vicinity and area maps and site maps).

Applicants should ensure that all required information be submitted and that the application cover letter is signed. Missing or incomplete information will result in a lower rating for the corresponding evaluation criteria, and unsigned applications will not be considered.

All applications must be submitted by mail to [name], [address] or by e-mail to [email address]. Applications must be received by 4:30 p.m. on [date the application period closes]. At a minimum, all applications must include:

#### **A signed cover letter containing:**

- The applicant's name.
- The applicant's business address.
- The applicant's telephone numbers (landline and cellular) and e-mail address.
- The applicant's tax identification number.
- A brief explanation of the applicant's line of business.
- A brief description of the applicant's proposed uses of the administrative site.
- A brief description of the applicant's business plan for leasing the administrative site.

#### **<USER NOTES FOR PROPOSED RENT>**

**<Include the bracketed text in the bullet below for leases to be issued under section 8623 of the Farm Bill. Omit the bracketed text in the bullet below for leases to be issued under FSFREA.>**

- The proposed rent[, including in-kind consideration].
- The name, address, telephone number, and e-mail address for at least three business references. The Forest Service may also consider past performance information from other sources.

#### **The following supporting documents:**

- A proposed operating plan using the template in Appendix F that addresses all the requirements in the prospectus. [Describe any requirements for the operating plan, e.g., requirements regarding housing for Forest Service employees.] Applicants must specify whether another party will assist with any of the operational aspects of the administrative site, and if so, must include the other party's name, address, telephone number, e-mail address, and relevant experience. The selected applicant's proposed operating plan will be attached to and become a part of the lease.
- A proposed business plan using the template in Appendix G. Applicants are encouraged to contact their local small business development center if they need assistance in completing their

business plan. Alternatively, applicants who have already received a review of their business plan from a small business development center or the Forest Service for the current fiscal year may submit a copy of the review report.

- A proposed site development plan using the template in Appendix J, if applicable.
- A proposed site development schedule using the template in Appendix K, if applicable.
- A detailed description of the applicant's business experience that specifically relates to utilization of the administrative site as contemplated in this offering and the application.
- The following financial documentation, which must conform to generally accepted accounting principles or other comprehensive bases of accounting. Any previously prepared financial documents that are submitted must be unredacted and in their original form, including footnotes.
  - o Financial statements. Applicants must submit a complete set of all financial statements for the last three fiscal years that have been audited, reviewed, or compiled by a certified public accountant (CPA).
  - o Form FS-6500-24. For any financial statements for the last three fiscal years that were only compiled by a CPA, applicants must complete form FS-6500-24, Financial Statement (Appendix H), for certification of the accuracy of the financial statements. Applicants must also complete form FS-6500-24 for any of the last three fiscal years they were in business for which a financial statement was not audited, reviewed, or compiled by a CPA. In completing form FS-6500-24, limited liability companies must list the name of the company in block 1, the names and interests of the principals in block 5, and their members in block 6. In addition, limited liability companies must complete the certification in part (D)(1) of form FS-6500-24.
  - o Financial ability determination (FAD). Applicants who have had a FAD conducted by the Forest Service within the past year should include a statement to that effect along with the forest name, contact name, and contact telephone number. Additionally, applicants must identify any pending Forest Service special use applications or special use authorizations obtained from the Forest Service since the FAD was completed.
  - o Applicants who have not been in business for the last three fiscal years. Applicants who have not been in business for the last three fiscal years and therefore cannot submit audited, reviewed, or compiled financial statements or form FS-6500-24 must submit three fiscal years of projected financial statements compiled by a CPA using the forecast method. If selected, these applicants may be required to provide additional financial assurance to the Forest Service.
  - o Percentage of first year's operating costs in liquid assets. Applicants must show at least 25 percent of the first year's operating costs in liquid assets. Liquid assets are assets that are readily convertible into cash.
  - o Form FS-6500-25. Applicants must complete blocks 1 through 5 of form FS-6500-25, Request for Verification (Appendix I) and must submit the signed and dated form with their application. The Forest Service will forward form FS-6500-25 for the selected applicant to the Albuquerque Service Center for processing. The auditor assigned to conduct the FAD will send a copy to each financial institution with which the selected applicant does business. The financial institutions must complete blocks 6 through 15 of the form and must mail the completed form to USDA Forest Service, Albuquerque Service Center.
- A statement as to whether the applicant or any members of the applicant's organization are or ever have been suspended, debarred, or otherwise deemed ineligible for award of contracts by the federal government, and if so, a detailed description of the suspension, debarment, or other ineligibility.

**For corporations, the following documents:**

- Evidence of incorporation and good standing.
- If reasonably obtainable, the name and address of each shareholder owning 3 percent or more of the corporation's shares and the number and percentage of any class of voting shares that each shareholder is authorized to vote.
- The name and address of each affiliate of the corporation.
- If an affiliate is controlled by the corporation, the number of shares and the percentage of any class of voting stock of the affiliate owned, directly or indirectly, by the corporation.
- If an affiliate controls the corporation, the number of shares and the percentage of any class of voting stock of the corporation owned, directly or indirectly, by the affiliate.

**For partnerships, limited liability companies, associations, or other unincorporated entities, the following documents:**

- A certified copy of the partnership agreement or other documentation establishing the entity; or
- A certificate of good standing under the laws of the state where the entity is located.

**Application Processing Fee**

Applications submitted in response to this prospectus are subject to cost recovery pursuant to 36 CFR 251.58(b)(1), (c)(1), and (c)(3)(iii). Applicants must submit a processing fee of \$[amount] to cover the cost of the prospectus and review of their application. Payments due the United States for this application must be paid in the form of a bank draft, money order, or cashier's check payable to the USDA-Forest Service and sent to [name], [address]. Payments will be credited on the date received by the designated Forest Service collection officer or deposit location. Applications for which a processing fee has not been received by the date the application period closes will not be considered.

Additionally, the selected applicant will be responsible for the costs of preparing and issuing the lease and conducting a financial ability determination, unless the Forest Service has conducted a FAD for the applicant within the past year. If a FAD has been completed for the applicant within the last 12 months, the applicant will be responsible for the cost of adjusting it to reflect any change this selection will have on the applicant's financial ability.

**B. General Terms and Qualifications**

All applicants have an equal opportunity to apply. Except for members of Congress, Resident Commissioners, and current Forest Service employees, any individual or entity may apply.

The Forest Service does not guarantee a profitable operation. Rather, applicants are responsible for reviewing the prospectus and making their own determination concerning business viability.

Any oral statement made by a representative of the Forest Service shall not modify the requirements of this prospectus. If it is determined that an error or omission has been made or additional information is required, a written amendment will be sent to each person or entity receiving a copy of this prospectus.

If there is a conflict between the terms of the prospectus and the lease, the terms of the lease will control.

If the decision to select a lessee for this offering is appealed, a lease will not be issued until the appeal has been resolved.

**C. Evaluation of Applications**

Consistent with agency practice and to ensure objectivity and impartiality, the members of the evaluation panel for this prospectus have no connection to the administrative site, the [name] National Forest, or the [name] Region of the Forest Service. The evaluation panel will evaluate each application using a qualitative method; therefore, the quality of the way the applications address the evaluation criteria and their component parts is critical.



## **Evaluation Criteria**

- Proposed annual operating plan.
- Proposed site development plan and proposed site development schedule, if applicable.
- Financial resources.
- Business plan, relevant business experience, and references.

### **<USER NOTES FOR PROPOSED RENT>**

**<Include the bracketed text in the bullet below for leases to be issued under section 8623 of the Farm Bill. Omit the bracketed text in the bullet below for leases to be issued under FSFREA.>**

- Proposed rent[, including in-kind consideration].

The evaluation panel will consider only the applicant's written application package and any past performance information obtained by the Forest Service. During the evaluation process, the evaluation panel may contact any references, including all federal, state, and local entities that have had a business relationship with the applicant. The evaluation panel also may consider past performance information from other sources.

The evaluation panel will make a recommendation to the authorized officer as to which applicant to select. The authorized officer will make the selection decision.

The Forest Service will select the application that offers the best value to the Government. The Forest Service reserves the right to make the selection based on a trade-off between rent and technical merit. The Forest Service is not obligated to select the application with the highest rent.

The Forest Service reserves the right to reject any and all applications.

The Forest Service reserves the right to rescind the prospectus at any time before a lease is issued. If the Forest Service rescinds the prospectus, processing fees will be returned.

The Forest Service reserves the right to make the selection decision based solely on the initial application, without oral or written discussions.

All applicants will be notified of the selection decision via certified mail.

The Forest Service will conduct a FAD on the selected applicant as a prerequisite to issuing the lease, unless the agency has a current fiscal year financial ability determination conducted by the Albuquerque Service Center or Small Business Development Center for the applicant.

## **V. Post-Selection Requirements**

### **A. Forest Service Requirements**

The authorized officer will make the selection decision within [number] days from the date the application period closes. All applicants will be notified of the selection decision via certified mail.

### **B. Lessee Requirements**

The following must be submitted within 30 days of the date of the selection letter. Otherwise, the applicant who receives the next-highest rating may be selected, subject to the same requirements:

- Required deposits and advance payments.
- Documentation of required liability insurance.

## **Prospectus for an Administrative Site Lease**

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- Documentation of required property insurance.
- Documentation of bonding.
- Documentation that utility services have been obtained in the name of the selected applicant, if applicable.
- A state business license and any other required federal, state, or local certifications or licenses.

The following must be completed before the lease may be signed:

- The final operating plan must be approved by the Forest Service.
- The site development plan, if applicable, must be approved by the Forest Service.
- An in-kind consideration agreement must be signed by the Forest Service, if applicable.
- A FAD must be completed in accordance with FSH 6509.18, Financial Analysis Handbook, and FSM 1440.6, External Accounting and Review.

For more information on this prospectus contact:

[name]

[title]

Telephone number: (XXX) XXX-XXXX

E-mail address: [XXXX@usda.gov]

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond, to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0082. Response to this collection of information is mandatory. The authority to collect the information is the Organic Administration Act, 16 U.S.C. 551. The time required to complete this information collection is estimated to average 10 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotope, American Sign Language, etc.) should contact the responsible agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at How to File a Program Discrimination Complaint and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: [program.intake@usda.gov](mailto:program.intake@usda.gov).

USDA is an equal opportunity provider, employer, and lender.

The Privacy Act of 1974, 5 U.S.C. 552a, and the Freedom of Information Act, 5 U.S.C. 552, govern the confidentiality to be provided for information received by the Forest Service.

**Appendix A: Vicinity and Area Maps**

<Insert digital images of the area described in Section I.B.>

**Appendix B: Site Map**

**<Insert digital images of the area described in Section I.C. These can usually be obtained using the ALP Viewer tool <https://www.fs.fed.us/land/ALPLandStatusandEncumbrance/>.>**

**Appendix C: Inventory of Government-Furnished  
Facilities and Improvements**

<Fill out the table below for any items listed in Section I.D.>

<b>Property Type</b>	<b>Quantity</b>	<b>Estimated Replacement Value</b>

**Appendix D: Applicable Forest Orders**

<Include a full description of all forest orders that apply to the administrative site.>

**Appendix E: Lease**

**<Complete and attach the lease that corresponds to this prospectus.>**

**Appendix F: Proposed Operating Plan Outline**

At a minimum, the following topics must be addressed in the proposed operating plan:

I. Introduction

- a. Site name and location
- b. Executive summary of planned operations
- c. Detailed description of planned operations

II. Site Plans

- a. Proposed site configuration, including ingress and egress
- b. Construction plan overview, if applicable
- c. Pre-operational transition plan
- d. Proposed services and fees
- e. Feasibility study results, if applicable

III. Sustained Operations

- a. Operating season
- b. Operating days and hours
- c. Holiday schedule and other planned closures
- d. Staffing and management plan
- e. Designated agent for purposes of administration of the lease by the Forest Service
- f. Advertising and public engagement plan
- g. Facility maintenance plan
- h. Sanitary logistics plan
- i. Security plan
- j. Safety hazard mitigation plan
- k. Facility condition inspection plan and cycle
- l. Cycle for review of operations

IV. Emergency Response Procedures

- a. Emergency communications plan
- b. Imminent danger response plan
- c. Evacuation plan
- d. Hazmat response plan
- e. Incident reporting plan

V. Termination of Operations

- a. Emergency or unplanned shutdown procedures
- b. Planned shutdown procedures
- c. Site restoration plan



**Appendix G: Proposed Business Plan Outline**

At a minimum, the following topics must be addressed in the proposed business plan:

I. Introduction

- a. Company description and mission statement
- b. Current and planned corporate structure
- c. Industry description, including current and planned lines of business
- d. Description of corporate customers and market data

II. Organizational Management

- a. Detailed description of current corporate revenue streams
- b. Sales and marketing plan for the administrative site
- c. Key staff positions and organizational structure
- d. Narrative of current corporate assets and liabilities

III. Leasing Opportunity

- a. Relationship of the leasing opportunity to the larger corporate plan
- b. Analysis of targeted markets and customers
- c. Cost structure and revenue stream
- d. Staffing, management, and organizational structure
- e. Key activities, partnerships, funding, and other resources
- f. Assumptions and dependencies

IV. Site-Specific Five-Year Financial Outlook (quarterly projections)

- a. Projected startup costs
- b. Projected revenue
- c. Projected operating income
- d. Projected non-operating income
- e. Projected operating expenses
- f. Projected taxes, fees, and other expenses
- g. Projected short-term liabilities
- h. Projected long-term liabilities
- i. Projected intangibles
- j. Planned amortization and depreciation schedules
- k. Proposed owner investments and equity

V. Appendix (as relevant to the leasing opportunity)

- a. Articles of incorporation
- b. Credit histories
- c. Product pictures
- d. Letters of reference
- e. Required licenses or permits
- f. Contacts
- g. Patents, trademarks, or other intellectual property

**Appendix H: FS-6500-24, Financial Statement**

**<Insert a blank copy of the Financial Statement form.>**

**Appendix I: FS-6500-25, Request for Verification**

**<Insert a blank copy of the Request for Verification form.>**

**Appendix J: Proposed Site Development Plan**

**Instructions**

The proposed site development plan should depict the logical and progressive construction, improvement, or replacement of facilities and improvements needed for effective utilization of the administrative site. Physical conditions, opportunities, needs, zoning, and management objectives should shape the proposed site development plan to the extent they are known.

Below is a list of recommended format and content which should be included in the proposed site development plan to the extent data are available.

**Recommended Graphical Data (use of multiple overlays is recommended)**

- Reasonable approximation of site boundary locations.
- Existing or conceptual site zoning with rezoning plan detailed.
- Major topographic, hydrographic, vegetative, and cultural features.
- Adjacent conditions or improvements influencing development such as roads and water mains.
- Proposed landscaping plans, site grading, or other topographical modifications.
- Proposed changes to existing improvements and utility systems (above and below ground).
- Proposed new construction location, dimensions, materials and visual samples of design.
- Proposed supporting systems such as site drainage, leech fields, roads, parking, and signage.

**Recommended Tabular Data or Marginal Information**

- Climatological data and general site features that may influence design considerations.
- Local ordinances and zoning requirements, setback lines, zoning designations, and occupancy limits.
- Existing utility, improvement, and easement and right-of-way ownership data.
- Existing utility and improvement structural data, such as utility depth and building square footage.
- Specific non-graphical data on planned improvements such as design, materials, and esthetics.
- Project development priorities and proposed development schedules.
- Data limitations and necessary studies.
- Planned construction controls.

**Sample Project Budget Estimate**

Right-of-Way Acquisition Costs	\$ _____
Administrative and Legal Costs	\$ _____
Bonding and Insurance Costs	\$ _____
Contingency Fund Capital	\$ _____
Architectural and Engineering Costs	\$ _____
Demolition and Removal Costs	\$ _____
Development and Construction Costs	\$ _____
Inspection and Permitting Costs	\$ _____
Appraisal Costs	\$ _____
Equipment Costs	\$ _____
Financing Costs	\$ _____
Other Costs (Describe)	\$ _____
<b>TOTAL PROJECT COST</b>	<b>\$ _____</b>

**Appendix K: Proposed Site Development Schedule**

**Appendix L: FS-2700-452, In-Kind Consideration Agreement**

**<Insert a blank copy of form FS-2700-452.>**

**Appendix M: FS-2700-453, Claim for In-Kind Consideration Costs**

**<Insert a blank copy of form FS-2700-435.>**