

Use Code 141

## Prospectus for Campground and Related Granger-Thye Concessions [name] National Forest

### U.S. DEPARTMENT OF AGRICULTURE Forest Service

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

<Optional: insert photograph>

[month and year solicitation is issued]

#### <GENERAL INSTRUCTIONS>

<Purpose. Use this prospectus to solicit applications for the operation of federally owned campgrounds or other recreation facilities to be authorized under Section 7 of the Granger-Thye (GT) Act.>

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

<Scope. Determining the scope of the prospectus is important to the economic viability of the concession. Inclusion of sites should be logical and efficient for management purposes. Generally, an offering that generates less than \$50,000 will not be of interest to local businesses, and an offering that generates less than \$200,000 will not be of interest to national businesses.>

<Service Contract Act Exemption. To qualify for the Service Contract Act (SCA) exemption at 29 CFR, 4.133(b), include only sites that qualify for charging a fee. However, do not dissect a site to remove non-fee elements when they are an integral part of the site and will be used by visitors without payment of a separate fee. The 1999 letter, *Applicability of the Service Contract Act to Concession Campgrounds*, addressing this issue is available online at: <http://fsweb.wo.fs.fed.us/specialuse/rec-letters.html>.>

<Expanded Amenity Recreation Fee Sites Under the Federal Lands Recreation Enhancement Act (REA). The Forest Service may charge an expanded amenity recreation fee only for the following facilities or services:

- Use of developed campgrounds that provide at least a majority of the following:
  - Tent or trailer spaces.
  - Picnic tables.
  - Drinking water.
  - Access roads.

- Fee collection by an employee or agent of the Forest Service.
- Reasonable visitor protection.
- Refuse containers.
- Toilet facilities.
- Simple devices for containing a campfire.
  
- Use of highly developed boat launches with specialized facilities or services, such as mechanical or hydraulic boat lifts or facilities, multi-lane paved ramps, paved parking, restrooms, and other improvements, such as boarding floats, loading ramps, or fish cleaning stations.
  
- Rental of cabins, boats, stock animals, lookouts, historic structures, group day use or overnight sites, audio tour devices, portable sanitation devices, binoculars, or other equipment.
  
- Use of hookups for electricity, cable, or sewer.
  
- Use of sanitary dump stations.
  
- Participation in an enhanced interpretive program or a special tour.
  
- Use of reservation services.
  
- Use of transportation services.
  
- Use of areas where emergency medical or first aid services are administered from facilities staffed by public employees or employees under a contract or reciprocal agreement with the federal government.
  
- Use of developed swimming sites that provide at least a majority of the following:
  - Bathhouse with showers and flush toilets.
  - Refuse containers.
  - Picnic areas.
  - Paved parking.
  - Attendants, including lifeguards.
  - Floats encompassing the swimming area.
  - Swimming deck.

<Standard Amenity Recreation Fee Sites Under REA [Reserved]. The Forest Service is proposing a revision to FSM 2344.3 to address treatment of standard amenity recreation fee sites in the concession program. The agency reserves the right to amend a special use permit issued under this prospectus to be consistent with any change in that directive.>

<Do not use this standard form when non-fee sites are included in an offering, that will be subject to the wage rate requirements in the SCA. Prospectuses for strictly non-fee sites must include SCA wage rate requirements.>

Under REA, the Forest Service may charge a standard amenity recreation fee for an area (1) that provides significant opportunities for outdoor recreation; (2) that has substantial federal investments; (3) where fees can be efficiently collected; and (4) that contains all of the following amenities:

- Designated developed parking
- A permanent toilet facility.
- A permanent trash receptacle.
- Interpretive sign, exhibit, or kiosk.
- Picnic tables.
- Security services.

<GT Fee Offset. The land use fee for the permit may be offset by the cost incurred by the holder for the Government maintenance, reconditioning, renovation, or improvement of facilities at the sites covered by the permit. Improvement in the context of Granger-Thye fee offset means advancing a fixed asset to a better quality or state. Improvement may involve total reconstruction of the site under permit to a higher standard. However, improvement is not new construction.>

<GT Fee Offset Work That Costs More Than the Amount of the Annual Land Use Fee. One way to maximize the amount of the land use fee available for offset is to group multiple sites under one permit. Another way to accomplish a large project is to consolidate land use fee payments for up to 5 years. The consolidated land use fee will be determined by converting the annual land use fee proposed by the holder to a flat amount and multiplying it by the number of years the consolidated land use fee payment will cover. To compute the flat fee, determine the average land use fee for the concession for the last 3 years. Multiply the average fee (adjusted, if necessary, based on expansion or contraction of the concession) by the number of years (not to exceed 5) that the land use fee will be consolidated. Consolidated land use fee payments must be negotiated after an applicant is selected, rather than required, unless land use fees are consolidated to pay for GT fee offset work that costs more than \$250,000, as discussed below.>

<Increased Permit Term for Construction That Costs More Than \$250,000. When a government-owned concession facility needs reconstruction or improvement that costs more than \$250,000 and a consolidated fee payment of more than 5 years is needed to finance the project, a 10-year term, with the option to extend the term an additional 5 years based on satisfactory performance, may be offered. The extended term must be offered competitively, and a minimum consolidated fee payment of \$250,000 must be required. This option should not be used for concession offerings that historically have fees that are insufficient to cover the construction cost even when consolidated or that have no revenue history.>

<Screening. Prior to issuing a prospectus, determine whether the opportunity meets the criteria for initial screening under 36 CFR 251.54(e)(1). The equivalent of second-level screening pursuant to 36 CFR 251.54(e)(5) will be conducted in evaluating applications received in response to the prospectus.>

<Inducing Applications. An objective of issuing a prospectus is to interest applicants in the offering and to motivate them to make their best effort to prepare an application that meets Forest Service needs and requirements. It will cost the applicant time and

money to prepare and submit an application. Explain why the offering is desirable and why the National Forest in question would be an ideal place for applicants to provide commercial recreation services.>

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<These appendices may be deleted or others may be added. Do not add appendices unless they are cited in the text of the prospectus.>

- Appendix 19: National Quality Standards for Recreation Site Management (formerly Meaningful Measures)
- Appendix 20: Water Testing Locations and Requirements

## VII. Pertinent Materials (Available Upon Request)

- “Cleaning Recreation Sites” (USDA-Forest Service)
- “In Depth Design and Maintenance Manual for Vault Toilets” (USDA-Forest Service)

## I. Business Opportunity

<Describe the business opportunity in a way that encourages potential applicants' interest. Write clearly and concisely. If a similar business already exists in the vicinity of the offering, compare the new opportunity with the existing one so as to allow applicants to make financial comparisons and decisions. If the nature of the operation to be authorized will change in some respect, an explanation of those changes must be included. State that applicants are responsible for producing their own business plans and for their own financial predictions in responding to this prospectus.>

<Accurately and completely present all information. Prompt applicants 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 is being issued to solicit applications for a concession campground special use permit. A permit or permits to provide high-quality public service in the operation and maintenance of Government-owned recreation facilities located on the [name] Ranger District, [name] National Forest, will be issued. The permit or permits will include the following developed sites:

[list of sites]

The authorized officer for this business opportunity is the Forest Supervisor for the [name] National Forest, [address].

<Insert revenue for the last three years of operation for each site included in the prospectus. If no revenue data are available, insert "not available.">

The current permit for this concession expires on [insert date or "not applicable"]. Over the past three years, this concession has generated the following gross revenues:

<u>Year</u>	<u>Gross Revenue</u>
[20__]	[\$amount]
[20__]	[\$amount]
[20__]	[\$amount]

### B. Area Description

<Describe the major characteristics of the immediate geographic area that are pertinent to the concession opportunity.>

<Sample Narrative>

The Descanso Ranger District is located in the southeastern portion of San Diego County in southern California. Laguna Mountain Recreation Area, located above 5,500 feet, is primarily covered by black oaks, pines, and montane meadows. The Sunrise

Highway, a National Scenic Byway, bisects Laguna Mountain Recreation Area, providing year-round access.

The Cleveland National Forest provides year-round recreational opportunities due to the area's mild climate. The major season of use is from May 15 through October 30. Recreational activities in the Laguna Mountain Recreation Area include camping, hiking, mountain biking, picnicking, and driving along the Sunrise Scenic Byway, hang gliding, and horseback riding. If it snows during the winter, residents of San Diego and Imperial Counties and Mexico flock to Laguna Mountain for the day. The Pacific Crest Trail and Noble Canyon National Recreation Trail cross through Laguna Mountain Recreation Area.

Laguna Mountain Recreation Area is easily accessible to the populations of San Diego, Riverside, Orange, and Imperial Counties. Some people travel from as far away as Arizona and Mexico to enjoy the mountain setting. Most visitors come from within a 2-to-3-hour driving radius.

The two campgrounds listed in this offering are accessible via paved County Highway (Sunrise Highway) and are less than 15 miles from Interstate 8 (see Appendix 1 of the prospectus).

### C. Description of Developed Recreation Sites and Facilities

The following is a description of each developed recreation site included in this prospectus (see Appendix 2 of the prospectus).

<Describe each developed recreation site included in the prospectus as accurately as possible, in either a narrative or tabular format or both. For clarity and to assure that all pertinent information is included, both are recommended. Verify that all numbers add up correctly and that all relevant information is furnished.>

<Sample Narrative>

#### Burnt Rancheria Campground

This campground is located in San Diego County, approximately 60 miles east of San Diego, California. To get there, take Interstate 8 east past Pine Valley, and exit at Laguna Mountain Recreation Area, Sunrise Highway (S-1). Take Sunrise Highway north 9 miles to the Burnt Rancheria Campground entrance.

Burnt Rancheria Campground was listed in the May 1997 issue of *Sunset Magazine* as one of the top 100 campgrounds in the West.

Burnt Rancheria has 109 camping units with fire rings and picnic tables: 51 camping units are designed for 2 vehicles and a tent (the parking spurs are less than 30 feet long); 28 camping units have paved parking spurs between 30 and 39 feet long; 26 camping units have paved parking spurs between 40 and 49 feet long; and 4 camping units have parking spurs that are longer than 50 feet. In addition, there are two host sites equipped with electrical, water, and sewage hookups and telephone service. There is an amphitheater that seats approximately 75 people. There are no audiovisual



facilities at the amphitheater. A Saturday evening interpretive program presented from Memorial Day weekend through Labor Day weekend has proven to be extremely popular and has been well-attended.

The interior campground roads and parking spurs are paved. There are 11 vault toilets and one flush toilet in the campground. Water is pumped to a 45,000-gallon tank near the campground from the Agua Dulce well. The water hydrants have not been designed for year-round use. The water system has been shut off between November 30 and May 15.

There are 12 large bins located throughout the campground for garbage collection and disposal. A local disposal company has serviced these garbage bins.

The Forest Service is scheduled to receive funding through the Capital Improvement Program to replace the vault toilets and install two additional flush toilet buildings and one shower building. In addition, seven campsites, the main host site, the amphitheater and the fee/information station will be made accessible. This work is scheduled for fiscal year 2008.

The average operating season for Burnt Rancheria Campground has been May 15 through October 31. At a minimum, the Forest Service will expect the permit holder to operate the campground fully from May 15 through October 31.

### Laguna Campground

This campground is located in San Diego County, approximately 65 miles east of San Diego, California. To get there, take Interstate 8 east past Pine Valley, and exit at Laguna Mountain Recreation Area, Sunrise Highway (S-1). Take Sunrise Highway north 15 miles to the Laguna Campground entrance.

Laguna Campground has 103 camping units with fire rings and picnic tables: 30 camping units are designed for 2 vehicles and a tent (the parking spurs are less than 30 feet long); 43 camping units have paved parking spurs between 30 and 39 feet long; 21 camping units have paved parking spurs between 40 and 49 feet long; and 9 camping units are wider than 50 feet. Site 65 has been reconstructed to be fully accessible. Sites 5, 6, and 8 are within habitat for the Laguna Skipper. Occupancy in these sites is limited to 2 people per site.

There is an amphitheater that seats approximately 100 people, with a projector stand with electrical hook-up, stage, and projection screen. A Saturday evening interpretive program, presented Memorial Day weekend through Labor Day weekend, has proven to be extremely popular and has been well-attended.

There are two host sites equipped with electrical, water, and sewage hookups. One host site has as a telephone hook-up. There is also a pay telephone at the entrance to the campground.

The interior campground roads and parking spurs are paved. There are two flush toilet and shower buildings constructed in 1994. Each building has two flush toilet units and two coin-operated shower units and is fully accessible. There are seven vault toilets in the campground and one converted flush toilet building. Water is pumped to a 72,000-

gallon tank from the Agua Dulce well or Laguna well. Some water hydrants at Laguna Campground are designed for year-round use.

There are ten large bins located throughout the campground for garbage collection and disposal. A local disposal company has serviced these garbage bins.

At least two loops and two toilets have remained open year-round at Laguna Campground, with a campground host on site to protect the facilities from vandalism and to provide public assistance. As a minimum, the Forest Service will expect the permit holder to operate one loop and two toilets year-round at Laguna Campground, with a campground host on site.

Use fees may be charged at both Burnt Rancheria Campground and Laguna Campground. Neither of the campgrounds has electrical or water hookups at individual campsites, except for host sites. All campground roads and parking spurs are paved, unless otherwise indicated. Both campgrounds are equipped with vault toilets, unless otherwise indicated.

There are no recreational vehicle dump stations at either campground. The closest dump station is at a rest area on Interstate 8 at the Buckman's Spring exit.

<End of Sample Narrative>

<Sample Table (modify as needed)>

Characteristics of Developed Recreation Sites

Site	Burnt Rancheria Campground	Laguna Campground
Communications	Telephone hookups at 2 host sites	Telephone hookup at host site Pay telephone by entrance
Utilities	Water, electricity, and septic holding tank at each host site	Water, electricity, and septic holding tank at each host site
Drinking Water	Provided by the Forest Service Laguna Mountain water system	Provided by the Forest Service Laguna Mountain water system
Toilet/Shower Type	<p><u>Currently:</u>                      5 2-riser vault toilet bldgs.                      6 4-riser vault toilet bldgs.                      1 2-riser converted flush toilet bldg.</p> <p><u>Planned:</u>                      1 4-riser flush toilet bldg.                      1 4-riser flush toilet bldg. with 4 shower units                      1 2-riser converted flush toilet bldg. with 5 2-riser CXT vault toilets</p>	2 2-riser flush toilet bldgs. with 2 shower units 1 2-riser converted flush toilet bldg. 3 2-riser vault toilet bldgs. 4 4-riser vault toilet bldgs.
Toilet Vault Capacity	500-1,000 gallons	500-1,000 gallons
Forest Service Trash Bins	None	None
Trash Bin Type	12 dumpsters provided by contractor	12 dumpsters provided by contractor
Accessibility	<p><u>Currently:</u> none                      2007: 7 or more sites planned                      2008-09: additional sites planned</p>	<u>Currently:</u> 1 site
Elevation	5,500 feet	5,500 feet
Number of Camping Units	109	103
2001 Fee Per Camping Unit	\$14.00	\$14.00
2002 Fee Per Camping Unit	\$14.00	\$14.00
Minimum Operating Season	May 15–October 31	Year-round season for at least one loop and two toilets, with on-site host
Three-Year Average Gross Revenue (1999-2001)*	\$135,438	\$71,785

\* Does not include revenue from firewood sales, extra vehicles, day-use fees or coin-operated showers.

<End of Sample Table>

#### D. Government-Furnished Property

The Forest Service will provide certain property in conjunction with the concession campground special use permit (see Appendix 3 of the prospectus). Included in this inventory are a description, the quantity, and the estimated replacement cost of the applicable property.

#### E. Government-Furnished Supplies

The Forest Service will not furnish any supplies for day-to-day operation of the concession. Government-furnished supplies will be limited to those necessary for programmatic consistency, including:

<Modify the list below as appropriate.>

- Forms to report use and revenue.
- A copy of the Forest Service publications, “Cleaning Recreation Sites,” “In-Depth Design and Maintenance Manual for Vault Toilets,” and “Vault Toilet Pumping Contract Specifications and Guidelines for Preparing Contracts.”
- A copy of “Recreation Opportunity Guides,” which the holder may reproduce at its expense.
- Title VI signs.

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

#### F. Utilities and Waste Management

Certain utilities and infrastructure exist for the developed recreation sites identified in this prospectus. The permit holder will be responsible for securing, managing, and paying for these utilities. Applicants should contact current service providers to obtain estimated costs for the utilities. These utilities include:

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

<Sample Text>

Electrical

San Diego Gas and Electric (SDG&E) has provided electrical service to both campgrounds through the use of five electrical meters.

### Telephone

There is telephone service available for both campground host sites in Burnt Rancheria Campground and the host site at the entrance to Laguna Campground. Pacific Bell is the current provider.

### Propane

The hot water heaters in Laguna Campground shower and toilet buildings are fueled by propane. There is a concrete pad for a 500-gallon propane tank by each building. There are a few suppliers of propane. The previous provider was Proflame, Inc.

### Water

Water at both campgrounds is provided by a 20,000-gallon tank and distribution system with hydrants located throughout the campgrounds. The permit holder is required to operate and maintain the water system for both campgrounds in compliance with applicable federal, state and local laws and regulations for the operation and maintenance of a public drinking water system.

### Garbage

The permit holder will be responsible for garbage removal at both sites. The previous provider was Pacific Waste Services.

### Liquid and Solid Waste Disposal

The permit holder is responsible for pumping all vault toilets and septic systems at the developed recreation sites. The previous provider was Atlas Pumping Service.

<End of Sample Text>

## II. Forest Service Concession Programs and Policies

Government-owned concessions are authorized by special use permits issued under Section 7 of the Granger-Thye (GT) Act, 16 U.S.C. 580d, and implementing regulations at 36 CFR Part 251, Subpart B.

In addition, there are certain Forest Service programs and policies that apply to campground concession. All applications must be consistent with these requirements.

<Delete the following section regarding the NRRS if it does not apply. Reletter the remaining paragraphs as necessary.>

### A. Recreation.gov

The [name] National Forest participates in Recreation.gov, which provides nationwide, toll-free telephone reservations for single-family or group camping sites, rental cabins, permits, tours, tickets, and other recreational facilities. Visitors pay the camping fee at the time they make a reservation, and no fees are collected at the site (although the

permit holder may allow occupancy of any site that is unreserved and charge on site for that use). Recreation.gov is part of the Recreation One-Stop Program, which is managed by the Washington Office Recreation, Heritage, and Volunteer Resources staff. The Forest Service contacts and program managers for Recreation.gov are listed below. Applicants should not contact the Recreation.gov contractor directly.

[name]

Region \_ Recreation.gov Coordinator

telephone:

email:

Susan Valente

Forest Service Agency Technical Representative

telephone: 303-621-4170,

email: svalente@fs.fed.us

Recreation.gov is the only authorized reservation system for Forest Service-developed recreation sites, including but not limited to campgrounds, cabins, and group use areas. Applicants may recommend adding sites to or deleting sites from Recreation.gov or changing the number of sites that may be reserved, the minimum number of days per reservation, or the location of sites that may be reserved. The permit holder also may make these recommendations during the term of the permit. The authorized officer will decide whether to accept or reject the recommendations.

Under Recreation.gov, the following guidelines must be followed, unless there are compelling operational reasons:

1. For each developed recreation site included in Recreation.gov, at least 60 percent of the units must be available for reservations. The rest of the units may be occupied on a first-come, first-served basis.

- Reservation windows vary by type of site and are as follows:

<In the list below, delete categories of sites that do not apply to this concession.>

Individual campsites: from 6 months to 0-4 days prior to arrival date, depending on location.

Group use areas: from 12 months to 0- 4 days prior to arrival date, depending on location.

Cabins: from 180 to 0-4 days prior to arrival date, depending on location

2. When Recreation.gov is utilized, the permit holder is responsible for on-site administration and will be required to:

- Obtain daily arrival reports (DARs) each morning by establishing at least one central facsimile location, email address, or other means of obtaining and distributing DARs.

- Develop a system for posting reservations at the sites so other visitors know which units are reserved.
- Post and hold reserved sites for 26 hours past the posted check-in time.
- Ensure that the party with the reservation is the party using the site.
- Resolve any disputes over the use of reserved sites by drop-in campers.
- Verify that visitors hold a valid federal pass (listed below) before giving the discount on fees for those passes (see section II.B). Do not discount fees if a visitor cannot present a valid pass.
  - o Golden Age or Golden Access Passport.
  - o America the Beautiful–The National Parks and Federal Recreational Lands Senior Pass or Access Pass.
  - o Other passes as required by the authorized officer and described in this prospectus, such as local area passes.
- Develop inventory data for sites being added to Recreation.gov, and update data for sites including fees charged the public and temporary site closures. Submit data updates to Recreation.gov at least annually.
- Communicate to Recreation.gov any emergency closures or other relevant operational changes as they occur.
- Approve customer refunds as appropriate, and process them through Recreation.gov. Refund policies can be found at <https://support.recreation.gov/>.

Because reservations can be made up to a year in advance for group sites and up to 6 months in advance for family sites, Recreation.gov is currently accepting reservations for the **upcoming** operating season. Fees received by Recreation.gov will be held by the Forest Service and distributed following issuance of a special use permit to the successful applicant. In the final year of the permit, fees will be held in the same manner until a new permit is issued. The permit holder will honor reservations made prior to issuance of the permit at the price in effect when the reservations were made. If funds are distributed prematurely for dates outside the permit term, a bill for collection will be issued to the permit holder.

## **B. Pass Discounts**

The permit holder must provide a 50 percent discount on recreation fees charged under REA at developed recreation sites covered by this prospectus to holders of Golden Age and Golden Access Passports, as well as holders of the Interagency Senior and Access Passes.

Specifically, holders of these passes are entitled to a 50 percent discount on the fee for a single campsite occupied by the pass holders. The pass holders are not entitled to a discount on the fee for a multiple-family campsite, cabin, or group use area or any

additional campsites occupied by those accompanying the pass holders. The 50 percent campsite discount does not include utility, water, or any other hookup fees.

Any loss of fee revenue from honoring the passes should be factored into applicants' bids.

The permit holder will not be required to offer discounts on camping to holders of the Annual or Volunteer Pass.

The following is a list of sites covered by this prospectus where the 50 percent discount for passes applies:

<List all developed recreation sites covered by this prospectus for which an expanded amenity recreation fee is charged.>

<User note for standard amenity recreation fee sites. Include the paragraph below if the prospectus includes standard amenity recreation fee sites. Otherwise, delete it. >

Standard Amenity Recreation Fee Sites Under REA [Reserved]. The Forest Service is proposing a revision to FSM 2344.3 to address treatment of standard amenity recreation fee sites in the concession program. The agency reserves the right to amend a special use permit issued under this prospectus to be consistent with any change in that directive.

<List all developed recreation sites covered by this prospectus for which a standard amenity recreation fee is charged.>

### C. Camp Stamps

Camp stamps must be honored at their face value and submitted to the authorized officer for reimbursement.

### D. Site Closure

The Forest Service reserves the right to close all or a portion of any area in 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 shall not be liable to the permit holder for lost revenue, operating costs, or any other losses resulting from these closures. However, for fee calculation purposes, the permit shall be placed in non-use status as provided by FSH 2709.11, section 31.23.

<If closures for construction or reconstruction are anticipated during the term of the permit, specify or estimate the timing of the closures in this section.>

### E. Administrative Use

<Do not require the permit holder to provide free administrative use. If the Forest Service asks the holder to operate a facility for the benefit of the Government, for



example, to accommodate a fire crew, the holder must be compensated for that use. The Forest Service may not procure use of the concession for a third party.>

If the Forest Service requires the permit holder to provide a service for the agency, the permit holder will be compensated for that use.

## F. Applicable Forest Orders

Forest Orders may be issued to address a variety of management concerns on a particular forest. Sample orders related to the offering are identified in Appendix 4. Additional applicable forest orders may be issued in the future.

## G. Fee Tickets and Compilation of Use and Revenue Data

The permit holder must provide fee tickets to visitors that include at least the following information:

- The site number and total amount paid.
- The date of issuance and number of days paid for.
- If a pass is used, the pass number.
- The number of people in the group.
- The number of vehicles and their license plate numbers.

The permit holder must provide use and revenue data to the Forest Service (see Appendix 5 of the prospectus for a sample use report). Use reports must be completed monthly and at the end of the operating season for each developed recreation site, provided that when the holder performs GT fee offset work in lieu of paying the land use fee in cash, use reports may be submitted quarterly, rather than monthly. At a minimum, monthly and year-end use reports must include:

- The total number of units occupied based on daily counts.
- The total number of people based on daily counts.
- The percentage of occupancy by month.
- Total recreation fee revenue.
- Total fee revenue for other goods and services.
- The total number of Camp Stamps collected.
- The total number of passes used.

In addition, year-end use reports must include:

- Total fee revenue collected under the NRRS.
- Total taxes paid.
- Total gross revenue.
- Total net revenue.

## H. Customer Service Comment Cards

The permit holder must provide a customer service comment card to visitors at each developed recreation site (see Appendix 6 of the prospectus).

## I. Performance Evaluations

At a minimum, the Forest Service will perform a year-end performance evaluation within four months of the close of the operating season (see Appendix 7 of the prospectus). An unsatisfactory rating may be cause for suspension or revocation of the special use permit. Sustained satisfactory performance is required for a permit extension.

## J. Accessibility

The Architectural Barriers Act of 1968 (ABA) 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 ABA and the Americans with Disabilities Act (ADA). These new guidelines are called the ADA/ABA Accessibility Guidelines. In 2006, the Forest Service issued the Forest Service Outdoor Recreation Accessibility Guidelines (FSORAG). The FSORAG addresses types of recreational facilities, including developed recreation sites, that are not covered by ADA/ABA Accessibility Guidelines.

Any Government maintenance, reconditioning, renovation, or improvement (see section III.C) must meet ADA/ABA Accessibility Guidelines, where applicable, as well as the FSORAG.

The FSORAG and the ADA/ABA Accessibility Guidelines are posted on the Forest Service's website at <http://www.fs.fed.us/recreation/programs/accessibility>. Questions regarding ADA/ABA Accessibility Guidelines may be referred to the Access Board at [www.access-board.gov](http://www.access-board.gov). Questions regarding the FSORAG may be referred to the accessibility coordinator for the local National Forest.

The permit holder is responsible for ensuring effective communication with visitors with disabilities, including persons with impaired vision or hearing, so that all visitors may obtain information on accessible services, activities, and facilities.

## K. Camping Unit Capacity

### Number of Vehicles Per Camping Unit

A single-family camping unit may accommodate one vehicle. A "vehicle" is defined as any motorized conveyance, except that for purposes of vehicular capacity, two motorcycles are considered one vehicle. Additional vehicles may be allowed at a camping unit, if the camping unit can safely accommodate them. When extra vehicles are allowed, an extra fee of up to 50 percent of the camping unit fee may be charged for each extra vehicle. If an extra vehicle exceeds the camping unit capacity (i.e., the extra vehicle causes a safety hazard or resource damage), the customer may be required to pay for an additional camping unit or park in an overflow parking area, if available. One towed vehicle per single camping unit will be allowed for no extra charge if it can be parked completely on the surfaced area and does not create a safety hazard. Examples of towed vehicles include a boat trailer or a car towed by a motor home.

<Include the following section if the prospectus includes one or more group sites. Generally, a group site is designed to accommodate 20 or more people and 4 or more vehicles. Delete the following section if it does not apply.>

#### Group Site Capacity

The capacity established for group sites is as follows:

<List the group sites by name or other designation and specify the capacity for each site.>

<Sample Text>

Site 1 will accommodate: [number] people and [number] vehicles.

<Include the following section if the prospectus includes day use sites. Revise the text to describe unique situations. Delete the following section if it does not apply.>

<Sample Text>

#### Day Use Site Capacity

<List the day use sites by name or other designation and specify the capacity for each site.>

#### L. Stay Limit

<Adjust the stay limit in accordance with applicable forest orders, as appropriate.>

<Sample Text>

Campers at overnight sites will be limited to a [7 or 14]-day stay limit during any consecutive 30 day period.

#### M. Fees Charged to the Public

The permit holder may charge the public fees only to the extent that the Forest Service can charge recreation fees under REA. All recreation fees must be specified per developed recreation site. The holder must honor the proposed pricing through the first full operating season. Thereafter, the holder may propose price adjustments with justification.

Permit holders may not charge for any of the following:

- Solely for parking, undesignated parking, or picnicking along roads or trailsides.
- General access, unless specifically authorized by REA.
- Dispersed areas with low or no investment, unless specifically authorized by REA.

- Persons who are driving through, walking through, boating through, horseback riding through, or hiking through NFS lands without using the recreational facilities and services for which a fee is charged.
- Camping at undeveloped sites that do not provide the minimum number of facilities and services prescribed by REA.
- Use of overlooks or scenic pullouts.
- Travel by private, noncommercial vehicle over any national parkway or any road or highway in the Federal-aid System that is commonly used by the public as a means of travel between two places, either or both of which are outside an area in which recreation fees are charged.
- Travel by private, noncommercial vehicle, boat, or aircraft over any road, highway, waterway, or airway to any land in which the person traveling has a property right, if the land is in an area in which recreation fees are charged.
- Any person who has a right of access for hunting or fishing privileges under a specific provision of law or treaty.
- Any person who is engaged in the conduct of official federal, state, tribal, or local government business.
- Special attention or extra services necessary to meet the needs of the disabled.

#### N. Law Enforcement

Forest Service Manual (FSM) 2342.1, Exhibit 01, addresses the law enforcement authorities and responsibilities of concessionaires, state and local law enforcement agencies, and the Forest Service at concession campgrounds. See Appendix 8 of the prospectus.

#### O. Other Pertinent Information

<Tailor this section to address local circumstances.>

<If no employee housing is available, delete the following section.>

<Sample Text>

##### Employee Housing

<If Forest Service housing, NFS lands for housing, or NFS lands for storage (other than host units) will be available for concessionaire use during the term of the permit, include specific information concerning those facilities in this section. State whether these facilities will be covered by the concession permit or whether they will be authorized under a separate permit or a lease issued under the Federal Property and

Administrative Services Act, 40 U.S.C. 490(h)(1), specific to the housing or storage facilities. State whether use of the facilities is optional.>

#### Resource Concerns

<Describe specific resource concerns that applicants should be aware of.>

#### Wildlife Mitigation

In Laguna Campground, two species of biological significance are known. Meadow Foam, a state-listed endangered plant, is present in Meadow Loop. In 1996 four campsites were relocated and a fence installed around a portion of significant habitat. The permit holder will be required to maintain the fence and discourage use within this fenced enclosure.

#### Endangered Species

The Laguna Skipper, an endangered species of butterfly, has been observed near Meadow Loop. The permit holder will be required to work with the Forest Service to inform campground users about this species and the protection of its habitat (see Appendix 9 of the prospectus). The permit holder will have to include this information in the annual operating plan for the permit.

#### Archaeological Resources

An archaeological site has been identified in Laguna Campground. This archaeological site is less than five acres in size and impacts two camping units. The Forest Service will provide a site map to the permit holder so that the holder can protect the site from disturbance. The permit holder will have to coordinate any projects within the archaeological site with the Forest Service before any work is started. The permit holder will have to notify Forest Service law enforcement personnel immediately of any unauthorized disturbance of the site.

#### Condition of Trees

The oak and pine stands within the campgrounds are mature to over-mature. During the past few years, the trees have experienced heavy damage from wind, snow, dwarf mistletoe, and sudden limb drop. Big oaks that look healthy on the exterior may contain rotten cores and can drop a heavy limb without any warning.

<Generally, the holder's financial responsibility for hazard tree removal should be limited to 1 percent of the gross revenue generated by the concession. For example, a concessionaire with gross revenue of less than \$200,000 should be responsible for up to \$2,000 for hazard tree removal. However, a concessionaire with gross revenue of \$500,000 may be responsible for up to \$5,000 for hazard tree removal.>

#### Hazard Tree Removal

The permit holder will have to conduct pre-season inspection of the campgrounds to identify existing and potential hazards, including hazard trees. The permit holder also will be responsible for monitoring and identifying hazard trees during the operating

season. After securing written approval from the authorized officer, the permit holder's financial responsibility for removing hazard trees and associated slash will not exceed \$ [amount] per year. The annual operating plan will address appropriate disposal of hazard trees and slash.

#### Butane and Propane Installations

For safety and regulatory reasons, the permit holder is not allowed to install or store bulk butane or propane.

<End of Sample Text>

### III. Special Use Permit

In exercising the rights and privileges granted by the special use permit, the permit holder 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 permit 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.

#### A. Permit Term

<If a 10-year initial term is being offered to finance reconstruction or improvement that costs more than \$250,000, of a government-owned concession facility, replace "5" in the first line with "10.">

The permit term will be for up to 5 years, with an option to extend the term for up to an additional 5 years at the sole discretion of the authorized officer. The decision to extend the term will depend, in part, on sustained satisfactory performance of the permit holder. Upon expiration of the permit, continuation of the permitted activity will be at the sole discretion of the authorized officer and will be subject to a competitive offering. A new prospectus will be issued during the final year of the permit term.

If the decision to select a permit holder is appealed, a permit will not be issued until the appeal has been resolved, unless operation is needed during the appeal, in which case a permit with a term of one year or less may be issued.

#### B. Permit Holder Responsibilities

This section highlights the requirements of the special use permit, which is contained in Appendix 10 of the prospectus. Applicants are responsible for familiarizing themselves with all permit requirements that govern the operation covered by this prospectus.

## Responsibility for Day-to-Day Activities

As a general rule, the holder will be required to conduct the day-to-day activities authorized by the permit. Some, but not all, of these activities may be conducted by someone other than the permit holder, but only with the prior written approval of the authorized officer. The permit holder will continue to be responsible for compliance with all the terms of the permit.

## Permit Holder-Furnished Supplies and Equipment

The permit holder will be required to provide all vehicles, equipment, and supplies necessary to operate the authorized developed recreation sites in accordance with the special use permit.

<Include the following section if there are vehicle use restrictions.>

## Holder-Furnished Vehicles

<Describe any restrictions that apply to the types of vehicles that may be used within the campground. Delete sample text below if not applicable.>

The permit holder may not use all-terrain vehicles, motorcycles, or motorbicycles in the campgrounds. The holder may propose use of golf carts or other similar vehicles to facilitate daily maintenance of the facilities. If authorized, carts must stay on designated roads or trails while driving between sites or loops.

## Holder Maintenance, Reconditioning, or Renovation (MRR)

Maintenance, reconditioning, and renovation are defined in the permit (FS-2700-4h, clause IV.E.1(a), (c)). Holder MRR is defined as maintenance, reconditioning, or renovation that neither materially adds to the value of the property nor appreciably prolongs its life. The work serves only to keep the facility in an ordinary, efficient operating condition. From an accounting or tax perspective, it is work that may be expensed, but not capitalized. In fulfilling these responsibilities, the holder must obtain any licenses and certified inspections required by regulatory agencies and follow state and local laws, regulations, and ordinances and industry standards or codes applicable to the permitted operation (FS-2700-4h, clause IV.E.1(d)). The permit holder, at its expense, will be required to perform holder MRR under a holder MRR plan (FS-2700-4h, clause II.D). The holder MRR plan will describe required holder MRR and its frequency. The holder MRR plan will become part of the permit holder's annual operating plan.

## C. Granger-Thye Fee Offset Agreement

The federal government owns all the improvements at the developed recreation sites covered by this prospectus. Under Section 7 of the Granger-Thye (GT) Act and the terms of the permit, the permit fee may be offset in whole or in part by the value of Government maintenance, reconditioning, renovation, and improvement (MRRI) performed at the permit holder's expense. Government MRRI is defined as maintenance, reconditioning, renovation, or improvement that arrests deterioration,

improves and upgrades facilities, and appreciably prolongs the life of the property. Government maintenance, reconditioning, renovation or improvement, whether performed by the holder or the Forest Service, shall be performed at the sole discretion of the authorized officer. See Appendix 4 of the prospectus and FS-2700-4h, clause IV.E.

All Government MRRI shall be enumerated in an annual GT fee offset agreement signed by the holder and the Forest Service in advance of the operating season (see Appendix 11 of the prospectus and FS-2700-4h, Appendix B). Alternatively, a multi-year fee GT fee offset agreement can be prepared for consolidated fee payments. A list of sample Government MRRI projects is included in Appendix 12 of the prospectus.

<Select one of the set of paragraphs below based on whether the Forest Service or the holder will perform GT fee offset work or whether the determination of who will perform GT fee offset work will be made annually. Delete the other two sets of paragraphs.>

<Select this set of paragraphs if the holder will perform GT fee offset work.>

The holder must perform GT fee offset work. When that work includes construction that costs more than \$2,000, it is subject to the Davis-Bacon Act and the GT fee offset agreement must contain Davis-Bacon Act wage provisions. Additionally, indirect costs may be offset provided the holder submits either a currently approved indirect cost rate or accounting procedures and supporting documentation to determine an indirect cost rate (see Appendix 13 of the prospectus).

The holder's claims for GT fee offset must be documented using the FS-2700-4h, Appendix G, Granger-Thye Fee Offset Certification Form (see Appendix 14 of the prospectus). This form requires the holder to itemize allowable costs incurred for an approved GT fee offset project and to certify the accuracy and completeness of claims.

<Select this set of paragraphs if the determination of who will perform GT fee offset work will be made annually.>

Either the holder or the Forest Service may perform GT fee offset work. This determination will be made annually. When the holder performs GT fee offset work, if it includes construction that costs more than \$2,000, it is subject to the Davis-Bacon Act and the fee offset agreement must contain Davis-Bacon Act wage provisions. Additionally, indirect costs may be offset provided the holder submits either a currently approved indirect cost rate or accounting procedures and supporting documentation to determine an indirect cost rate (see Appendix 13 of the prospectus).

The holder's claims for GT fee offset must be documented using the FS-2700-4h, Appendix G, Granger-Thye Fee Offset Certification Form (see Appendix 14 of the prospectus). This form requires the holder to itemize allowable costs incurred for an approved GT fee offset project and to certify the accuracy and completeness of claims.

When the Forest Service performs GT fee offset work, the holder will deposit fee payments into a CWFS account. The Forest Service will perform GT fee offset work under a collection agreement and offset those costs against the permit holder's annual permit fee (see FS-2700-4h, clause IV.E.3, and Appendix 15 of the prospectus). The Forest Service's indirect costs may be offset at the agency's approved rate. The Forest



Service and the holder will agree on the work to be performed in advance of each operating season.

<Select this paragraph if the Forest Service will perform GT fee offset work.>

The holder will deposit fee payments into a CWFS account. The Forest Service will perform GT fee offset work under a collection agreement and offset those costs against the permit holder's annual permit fee (see FS-2700-4h, clause IV.E.3, and Appendix 15 of the prospectus). The Forest Service's indirect costs may be offset at the agency's approved rate. The Forest Service and the holder will agree on the work to be performed in advance of each operating season.

#### D. Insurance

##### Liability Insurance

The successful applicant must have liability insurance covering losses associated with the use and occupancy authorized by the permit arising from personal injury or death and third-party property damage in the minimum amount of \$[amount] for injury or death to one person per occurrence; \$[amount] for injury or death to more than one person per occurrence; and \$[amount] for third-party property damage per occurrence, or in the minimum amount of \$[amount] as a combined single limit per occurrence. Insurance policies must name the United States as an additional insured (see Appendix 10 of the prospectus and FS-2400-4h, clause III.I).

<The authorized officer has the discretion to determine whether to require property insurance, provided that when a consolidated fee payment is required, property insurance is also required. If property insurance is not required, delete this section. Property insurance costs around \$6.50 per \$1000 of insurance coverage. Consider the economic efficiency of a concession operation in determining the amount of property insurance to require. Also consider the availability of this type of insurance. Generally, the combined cost of property and liability insurance should not exceed 3 to 7 percent of gross revenue generated by the concession. Specify all the federal property to be insured. Determine whether the coverage is for replacement in kind or functional replacement and the amount of coverage needed. The amount of coverage should represent 80 to 100 percent of either the cost of replacement in kind or functional replacement. Only require property insurance for facilities that are necessary for the operation to function (such as a primary toilet, shower house, or sewage processing facility). Do not require property insurance for roads, camping unit spurs, trails, or underground utilities. Enumerate in Appendix 3 the property to be insured, or prepare a separate list of property to be insured.>

##### Property Insurance

Property insurance will be required for [identify the federal property to be insured] in the amount of \$[amount] for [replacement in kind or functional replacement] of the insured property (see Appendix 3, Inventory of Government-Furnished Property).

#### E. Bonding

<The authorized officer has the discretion to determine whether bonding will be required. If a bond will be required, include this section in the prospectus. Otherwise, delete it.>

< Bonding may be appropriate for reconstruction or improvement work performed pursuant to a GT fee offset agreement. Additionally, bonding is appropriate to protect the Forest Service from a default on provision of camping services for sites that are reserved through the NRRS. In the latter instance, the amount of the bond should be based on the value of outstanding reservations made on average for that concession. A bond should not be required to enforce general terms of the permit or as a substitute for enforcement action under the permit.>

The permit holder will provide a performance bond in the amount of \$[amount]. The bond may take the form of corporate surety, Treasury bills, notes or other negotiable securities, cash deposits, irrevocable letters of credit, assignment of savings accounts, or assignment of certificates of deposit. The authorized officer may reevaluate the need for or the amount of the bond after the first operating season.

## IV. Application

### A. Instructions for Submitting Applications

<Choose one of the following statements regarding the scope of the offering, and delete the other.>

Applicants must submit a written application for all developed recreation sites offered in this prospectus.

<or>

Applicants may submit an application for all or some of the developed recreation sites offered in this prospectus.

Applicants are strongly encouraged to visit the sites at least once before submitting an application (see Appendices 1 and 2, vicinity and area maps and maps of developed recreation sites).

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.

All applications must be submitted to [name], Forest Supervisor, Attention: [name of forest contact], [address]. Applications must be received by close of business (4:30 p.m.) on [date solicitation closes].

Applicants must submit [number needed for evaluation panel] copies of their application package and supporting documents.

Please ensure that all requested information is submitted. Missing or incomplete information will result in a lower rating for the corresponding evaluation criteria.

Applications must be signed. The person signing for an entity must have authority to sign for that entity. Applicants must include their address, telephone number, facsimile number, and email address.

Corporations also must include:

- 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.

Partnerships, limited liability companies (LLCs), associations, or other unincorporated entities must submit 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.

Applicants should contact [name] at [telephone number and email address] regarding any questions related to this prospectus.

## **B. General Terms, Qualifications, and Reservations**

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.

The Forest Service will select the application that offers the best value to the Government. The Forest Service reserves the right to select the successful applicant based on a trade-off between the fee to the Government and technical merit.

The Forest Service is not obligated to accept the application with the highest return to the Government.

The Forest Service reserves the right to select the successful applicant based solely on the initial application, without oral or written discussions.

The Forest Service reserves the right to reject any or all applications and to rescind the prospectus at any time before a special use permit is issued.

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 special use permit, the terms of the permit will control.

The Forest Service is proposing a revision to FSM 2344.3 to address how passes and passports are honored in the concession program. The agency reserves the right to amend the special use permit consistent with any change to that directive. In addition, the Forest Service reserves the right to amend the special use permit, to make it consistent with applicable laws and regulations, including REA; other Forest Service directives; or other management decisions.

The information contained in applications will be kept confidential to the extent permitted under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a).

### C. Application Package Requirements

Applications must be in writing and must include or address the following:

- A proposed annual operating plan (including required and optional services).
- A business plan, business experience, references, and Small Business Development Center (SBDC) review fee, if applicable (see section IV.C.2).
- Financial resources.
- Fees charged to the public.
- Fee to the government.
- Initial processing fee.
- <Specify other evaluation criteria, if applicable.>

#### 1. Proposed Annual Operating Plan (Including Required and Optional Services)

<To qualify for the SCA exemption, the annual operating plan should emphasize results, not how results will be achieved.>

Applicants must submit a proposed annual operating plan that addresses all required and optional services. Applicants must utilize the sample annual operating plan (see Appendix 9 of the prospectus) to organize their response to this section. The successful applicant's proposed operating plan will be attached to and become a part of the special use permit.

Applicants must specify whether another party will assist with any of the operational aspects of the concession, and if so, must include the other party's name, address, telephone number, email address, and relevant experience.

Below are highlights of what needs to be addressed in the proposed annual operating plan. For more detail, see the sample annual operating plan in Appendix 9 of the prospectus.

### Operating Season

<If there is a minimum operating season, state it here.>

Applicants need to propose the period in which they will operate the sites listed in the prospectus. All sites must be open and operational seven days per week during the minimum operating season, unless a Forest Service closure order is in effect.

### Staffing

Applicants must address appropriate staffing to meet customer service and cleanliness standards. The holder will be responsible for furnishing all personnel for the developed recreation sites and for adequately training and supervising their activities under the terms of the permit. The holder must meet requirements of federal and state laws governing employment, wages, and worker safety. Based on past experience, recommended staffing is outlined in Appendix \_\_\_ of the prospectus. Applicants should address worker hours and schedules. Applicants also should address staff training for effective customer service, conflict resolution, area-specific emergency procedures, and dissemination of recreation and tourism information.

### Supervision and Management

Applicants must designate an individual to serve as the agent of the holder for purposes of administration of the permit by the Forest Service. The designated agent must periodically review attendant performance on site and must be available to resolve repair needs within 24 hours of discovery or notification. The holder will be responsible for the conduct of its employees, including preventing conduct prohibited by 36 CFR part 261, Subpart A, and ensuring that employees are not under the influence of intoxicating beverages or narcotic drugs while on duty or representing the holder. Applicants also must include a policy for removing employees who engage in inappropriate conduct.

### Uniforms and Vehicle Identification

Applicants should describe employee uniforms, insignia, name tags, and the applicants' policy for ensuring a clean, professional appearance by staff while on duty. The holder's employees may not wear any component of the Forest Service uniform. Additionally, applicants should address their policy for vehicle maintenance and appearance; types of vehicles to be used for operations (vehicles may not be driven off designated roads or trails); and signage to identify the concessionaire to the public.

## 2. Business Plan, Business Experience, and References

<To minimize redundancy in application review, the Forest Service will utilize current fiscal year business plan reviews conducted by other Forest Service units or an SBDC. When prospectus timeframes overlap, a lead unit may be designated.>

Applicants must submit a business plan utilizing the format in Appendix 16 of the prospectus. This part of the application package must be a separate document. The business plan provides a thorough analysis of an applicant's vision of the proposed business. A good business plan is essential for running a successful business, maintaining and improving the business, and raising needed capital.

Applicants must furnish a detailed description of their experience relating to operating and maintaining developed recreation sites (e.g., campgrounds, beaches, and marinas). The description must include experience in private business, public service, or any nonprofit or other related enterprises. Applicants are encouraged to contact their local SBDC if they need assistance in completing their business plans. Alternatively, applicants who have already received a review of their business plan from an SBDC or the Forest Service for the current fiscal year may submit a copy of the review report.

<Include the following paragraph if the Forest Service will use an SBDC to assist in reviewing business plans submitted in response to the prospectus. This arrangement must be coordinated in advance. Do not allow SBDC representatives to review any business plans that they helped develop. If an SBDC will not be involved in reviewing business plans, delete the following paragraph.>

#### SBDC Review

All business plans will be independently reviewed by an SBDC. Applicants are required to submit [number] copies of their business plan. If an applicant's current fiscal year business plan has already been reviewed by an SBDC, the applicant may submit a copy of the review report.

<If the local SBDC will charge the applicant a fee for the review, include the following paragraph. Otherwise delete it.>

Along with a business plan, applicants also must submit a bank draft, money order, or cashier's check in the amount of \$[amount], made payable to the SBDC. Applicants submitting a current fiscal year review report by the Forest Service or an SBDC need not enclose payment.

#### Performance Evaluations

Applicants who have experience in managing Forest Service or other Government concessions must provide copies of the most recent annual written performance evaluations for each Forest Service or other concession the applicants have operated or are operating.

#### References

Applicants also must furnish three business references with names, addresses, telephone numbers, and email addresses in support of relevant business experience. These references will be contacted for information regarding applicants' past performance. In addition, the Forest Service may consider past performance information from other sources.

### 3. Financial Resources

<To minimize redundancy in application review, the Forest Service will utilize a current fiscal year financial ability determination (FAD) conducted by the Albuquerque Service Center or SBDC for another Forest Service unit. When prospectus timeframes overlap, a lead unit may be designated to conduct a FAD. The financial information that the Forest receives is confidential and should be secured.>

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). For any financial statements that were only compiled by a CPA, applicants must complete FS-6500-24, Financial Statement (see Appendix 17 of the prospectus) for certification of the accuracy of the financial statements.

Applicants must complete 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. An applicant who has had a financial ability determination (FAD) conducted within the past year should include a statement to that effect along with the forest name, contact name and telephone number. Additionally, applicants must identify any pending applications or new permits obtained from the Forest Service since the FAD was completed.

In completing FS-6500-24, LLCs must list the name of the company in block 1, the names and interests of the principals in block 5, and their members should be listed in block 6. In addition, LLCs must complete the certification in Part (D)(1) of FS-6500-24.

An applicant who has not been in business for the last three fiscal years, and therefore cannot submit audited, reviewed, or compiled financial statements or an FS-6500-24, must submit three fiscal years of projected financial statements compiled by a CPA using the forecast method.

Any financial information submitted by applicants must conform to generally accepted accounting principles (GAAP) or other comprehensive bases of accounting. Any previously prepared financial documents that are submitted must be unredacted and in their original form, including footnotes.

Applicants must show at least 25 percent of the first year's operating costs in liquid assets. Liquid assets are assets that are readily converted into cash.

Applicants also must complete blocks 1 through 5 of form FS-6500-25, Request for Verification (see Appendix 18 of the prospectus) and submit the signed and dated form with the application. The Forest Service will forward the FS-6500-25 for the most qualified 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 applicant does business. The financial institutions must complete blocks 6 through 15 of the form and mail the completed form to [USDA Forest Service, Albuquerque Service Center], Attention: [name of forest service auditor], [address].

### 4. Fees Charged to the Public

Applicants must provide a list of all fees they propose to charge to the public for the first three years of operation, including fees for required and optional services (see Appendix 9, Sample Annual Operating Plan, for a list of required and optional services). Discuss any variable pricing, discounts, and passes. All proposed fees to be charged to the public also must be included in the business plan as an income item.

The Forest Service reserves the right to regulate the rates charged to the public.

### 5. Fee to the Government

The Government is obligated to obtain fair market value for the use of its land and improvements. The minimum fee is \$[amount] per year. The minimum fee is the concession's average gross revenue for the past three years multiplied by the current 30-year Treasury bond rate. The minimum fee will be adjusted at the end of the first five years of the permit term if the permit is extended for five years.

#### Minimum Fee Calculation

<Replace figures below with current year and applicable gross revenue.>

<u>Year</u>	<u>Gross Revenue</u>
2003.....	\$181,743
2004.....	\$214,963
2005.....	\$226,357
Total	\$623,063

Total gross revenue ÷ 3 = average gross revenue

$$\$623,063 \div 3 = \$207,687$$

Average gross revenue multiplied by the current 30-year Treasury bond rate = the minimum annual fee. In the following example, the 30-year Treasury bond rate is 5.3 percent.

$$\$207,687 \times 0.053 = \$11,008 \text{ minimum annual fee}$$

Applicants may propose a fee below the minimum, provided they can document why this amount represents fair market value. However, the Forest Service may reject the proposed fee if the agency determines that it does not reflect fair market value.

<Minimum land use fee for concessions subject to the SCA. For concessions subject to the SCA, reduce the minimum land use fee by subtracting 2 percent from the long-term bond rate. Thus, in the above example, the minimum land use fee would be  $\$207,687 \times 0.033 = \$6,854$ .>

Applicants must propose the fee to the Government as a percentage of the concession's adjusted gross revenue. One percentage may be proposed for the entire permit term, or the percentage may vary each year. However, if a consolidated fee



payment will be proposed, one percentage rate must be proposed for the entire period of consolidated payments.

<Select the optional or required consolidated land use fee payment provision, as applicable. Delete any inapplicable provisions.>

<Optional consolidated land use fee payment. Include the following provision when consolidating the land use fees for 2 to 5 years to finance the cost of a GT fee offset project that exceeds the amount of the land use fee for 1 year and costs up to \$250,000. This option is best suited to concessions that have a history of sufficient land use fees to finance construction.>

Optional Consolidated Land Use Fee Payment. Applicants may propose a consolidated fee payment for up to 5 years during the initial permit term or extension of the term to finance a GT fee offset project. The consolidated land use fee payment will be determined by multiplying the average annual gross revenue of the offering for the past 3 years (adjusted, if applicable, based on expansion or contraction of the concession) by the number of years the land use fee payments will be consolidated, and multiplying the product by the percentage of gross revenue proposed by the applicant. If the Forest Service will perform the GT fee offset work using a collection agreement, the entire consolidated land use fee payment must be made when the first land use fee payment otherwise would have been due. If the holder will perform the GT fee offset work, the holder must commence that work within the first 6 months of the consolidated fee period and must complete the work within 18 months of the beginning of the consolidated fee period. The consolidated land use fee payment will not be reconciled based on actual gross revenues.

<Required Consolidated Land Use Fee Payment. Include the following provision when consolidating land use fees for 6 to 10 years to finance a GT fee offset project that costs more than \$250,000. Do not use this option unless the offering has a history of sufficient land use fees to finance the project.>

Required Consolidated Land Use Fee Payment. A consolidated land use fee payment of [amount over \$250,000] is required for this offering. The consolidated land use fee payment will cover the land use fee for [6 to 10 years, i.e., the period that the land use fee will be consolidated] years. The consolidated land use fee payment will be determined by multiplying the average annual gross revenue of the offering for the past 3 years (adjusted, if applicable, based on expansion or contraction of the concession) by the number of years the land use fee payments will be consolidated, and multiplying the product by the percentage of gross revenue proposed by the applicant. If the Forest Service will perform the GT offset work using a collection agreement, the entire consolidated land use fee payment must be made when the first land use fee payment otherwise would have been due. If the holder will perform the GT fee offset work, the holder must commence that work within the first 6 months of the consolidated fee period and must complete the work within 18 months of the beginning of the consolidated fee period. At the midpoint of the consolidated fee period, the consolidated land use fee will be compared to actual gross revenues and adjusted as necessary for the remainder of the consolidated fee period.

<End Consolidated Land Use Fee Options>

The proposed fee to the Government also must be included in the business plan as an expense item in the cash flow projections.

The fee to the Government may be offset in whole or in part by the value of Government MRRRI, performed at the permit holder's expense in accordance with a GT fee offset agreement (see section III of the prospectus).

<Delete the following section if it does not apply, and renumber the remaining section.>

#### 6. Other Evaluation Criteria

<Describe the other criteria.>

#### 7. Application Fee

<Determination of Processing Fees. Review of applications submitted in response to this prospectus is subject to cost recovery. The initial processing fee will be determined in accordance with the schedule at FSH 2709.11, sec. 21.11b. The successful applicant will be subject to an additional processing fee for the costs of preparing and issuing a permit and conducting a FAD, if one is needed, or adjusting an existing FAD to reflect the change that this selection will have on the applicant's financial ability.>

<Deposit of Initial Processing Fees. Deposit initial processing fees as soon as possible. The special use administrator or collection officer for the unit will generate a bill for collection from the IWEB-SUDS database. The bill for collection will be sent from the IWEB-SUDS database to FFIS. Use job code URMN01-07 for deposit of initial processing fees. Send the fees to the USDA-Forest Service, c/o CITIBANK, P.O. Box 894183, Los Angeles, CA 90189-4183, accompanied by a copy of the bill for collection. Any subsequent cost recovery fees assessed to the selected applicant may be handled under a category 6 cost recovery agreement.>

#### Cost Recovery

Applications submitted in response to this prospectus are subject to cost recovery pursuant to 36 CFR 251.58(c)(1)(ii) and (c)(3)(iii). Applicants must submit a processing fee of \$ [amount] to cover the cost of the prospectus and review of the 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. Payments will be credited on the date received by the designated Forest Service collection officer or deposit location. Additionally, the selected applicant will be responsible for the costs of preparing and issuing the permit and conducting a FAD, 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.

#### D. Evaluation of Applications

<To evaluate applications, choose either a fixed weight (quantitative) or non-fixed weight (qualitative) method. This section must clearly describe the evaluation method that will be used. >

A Forest Service evaluation panel will evaluate each application utilizing the [fixed weight or non-fixed weight] method.

<In the following section, state the relative importance of each criterion. A statement that the criteria are listed in descending order of importance is acceptable, as long as there is not much difference in the importance assigned to any two consecutive criteria. If there is a significant difference, describe that difference.

<Numerical weights should not be disclosed in the prospectus. However, the relative weight of the criteria must be disclosed in narrative form, e.g., criterion 1 is more important than criterion 2, and both are more important than criterion 3. Where the prospectus is silent as to the relative importance of the criteria, they must all be deemed equal in importance.>

<If accelerated GT fee offset for reconstruction of a facility is important, make the fee to the Government the most important criterion by placing it first in the list.>

<The following are the minimum evaluation criteria that must be used. Additional criteria may be added, but they must be used sparingly since they will increase the complexity of the evaluation.>

<Sample List (reorder if appropriate).>

The following evaluation criteria are listed in descending order of importance:

- Proposed annual operating plan (including required and optional services).
- Business plan, business experience, and references.
- Financial resources.
- Fees charged to the public.
- Fee to the Government.

The Forest Service 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 offers the best value to the Government. The authorized officer will make the selection decision. All applicants will be notified of the successful applicant via certified mail.

The Forest Service will conduct a FAD on the selected applicant as a prerequisite to issuing a special use permit, unless the agency has a current fiscal year FAD conducted by the Albuquerque Service Center or SBDC for another Forest Service unit.

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 special use permit is issued. If the Forest Service rescinds the prospectus, application fees will be returned.

## V. Post-Selection Requirements

Once an applicant has been selected, the following information must be submitted and approved by the Forest Service prior to issuance of a special use permit:

- A final annual operating plan containing all the items included in the annual operating plan submitted in response to the prospectus.
- An annual GT fee offset agreement.
- Documentation of required liability insurance and, if applicable, property insurance.
- Documentation of bonding, if applicable.
- Required deposits and advance payments (see Appendix 10 of the prospectus and FS-2700-4h, clause IV.C.1).
- Documentation that utility services have been obtained in the name of the selected applicant.
- A state business license and any other required federal, state, or local certifications or licenses.

The successful applicant will be required to submit all these items within 30 days of the date of the selection letter. If these requirements are not met within the 30-day period, a special use permit will not be issued. The applicant who receives the next-highest rating may then be selected for the special use permit, subject to the same requirements.

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, audiotape, 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.