



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, D.C. 20240

IN REPLY REFER TO:

A3815(2605)

FEB 04 2014

The Honorable Angus S. King, Jr.
United States Senate
Washington, DC 20510

Dear Senator King:

Thank you for your letter of November 7, 2013, regarding the National Park Service's (NPS) selection of Dawnland, LLC as the new concessioner to provide food and beverage and retail services at Acadia National Park.

The NPS issues concession contracts pursuant to the NPS Concessions Management Improvement Act of 1998 (Title IV of Pub. L. 105-391), and subsequent regulations (36 CFR Part 51) and policies. Section 403(1) of the 1998 Act states that concession contracts shall be awarded "to the person, corporation, or other entity submitting the best proposal, as determined by the Secretary [of the Interior] through a competitive selection process." The 1998 Act made a number of changes in how the NPS awards concession contracts in order to enhance competition for NPS concession contracts. For the contract at Acadia National Park, an evaluation panel of NPS employees and technical experts performed a comprehensive analysis of the proposals and identified the best offeror based on the selection factors specified in Section 403(5)(A) of the 1998 Act.

To review the proposals and recommend the offeror, the NPS Northeast Regional Director convened a panel consisting of NPS personnel, including a park Technical Advisor, with relevant technical and operational expertise. The NPS Commercial Services Program in Washington reviewed and approved the composition of this panel. The panel performed a comprehensive analysis of the proposals, which began soon after the proposals were received. The panel met in person in December, 2012, during which time it reviewed and evaluated the proposals. Dawnland, LLC's proposal received the highest cumulative point score. The Northeast Regional Director forwarded the panel's recommendation to the NPS Associate Director, Business Services, for review and approval. The selection of Dawnland, LLC was then approved by the Associate Director.

We offer the following information in response to your questions:

Why was Acadia Corp.'s long-standing and exemplary experience as a concessionaire at Acadia not considered?

The NPS panel fully considered the information Acadia Corporation provided about its past performance and expertise as part of the evaluation of its proposal under Principal Selection Factor 3, which, as stated in the 1998 Act, considers, “The experience and related background of the offeror, including the past performance and expertise of the offeror in providing the same or similar visitor services as those to be provided under the concession contract.” As required by the 1998 Act, the NPS did not give Acadia Corporation preference as the incumbent concessioner. The 1998 Act states that a concessioner is only eligible for a preferential right of renewal if it is either an outfitting and guide concessioner or it generates less than \$500,000 in annual gross receipts. The most recent concession contract with the Acadia Corporation does not meet either of those conditions.

Why was the perspective of a technical advisor from Acadia National Park not considered by the panel during the five-day selection process?

Acadia National Park personnel either provided extensive input into or drafted language for all documents included in the prospectus, with the superintendent of Acadia National Park providing final approval of the complete package before the prospectus was released. The Technical Advisor provided a written summary of operational issues for the prospective concessioner, presented the information in conference calls with the panel before its face-to-face meeting, and participated by phone in another meeting of the full panel in December 2012. As set forth in NPS guidelines, the role of the Technical Advisor is to review proposals as directed by the panel chair and, if requested, provide technical information and advice to the panel (e.g., scope of existing concession operations, environmental regulations, and financial analysis).

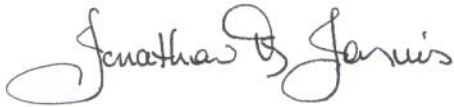
How will NPS re-evaluate the selection process to ensure fairness and transparency?

The Northeast Region and Washington Offices took extraordinary efforts to review the panel evaluation process and conclusions due to concerns expressed by personnel at Acadia National Park regarding the selection of a new concessioner. Over the course of the past summer, personnel in the Washington Office Commercial Services Program were asked to thoroughly review the process and the recommended result. The review was conducted to: (1) ensure the process strictly adhered to applicable law, regulation, and policy; (2) review whether the evaluation faithfully reflected what was contained in the proposals; and (3) confirm whether the panel’s scoring of the proposals presented an accurate representation of those contents as they relate to the applicable selection factors and in comparison to other proposals received. The review found all results to be strongly supported and resulted in no changes in the recommended rankings or even specific scores. Further, the review found that the panel operated professionally and in a manner consistent with normal NPS commercial service evaluation panel processes. At this time, no new information has arisen that would trigger further review of the process.

We appreciate your suggestion to have the NPS Regional Director visit Acadia National Park and meet with the superintendent and local stakeholders to listen to their concerns and respond to their questions. Regional Director Dennis Reidenbach retired on January 3, 2014, and

we plan to appoint a new regional director in early 2014. After that selection is made, we will arrange for the new regional director to visit Acadia National Park to touch base with the local constituents. In the meantime, if you have any further questions please call Acting Regional Director Mike Caldwell at 215-597-7059 or via email at mike_caldwell@nps.gov. An identical response is being sent to Senator Susan M. Collins.

Sincerely,

A handwritten signature in black ink that reads "Jonathan B. Jarvis". The signature is written in a cursive style with a large, decorative initial "J".

Jonathan B. Jarvis
Director