



September 18, 2020

Kurt Rausch, Chief
Commercial Services Program
National Park Service
1849 C Street, N.W., Mail Stop 2410
Concessions Contracts Revised Rule Comments
Washington, D.C. 20240

**Subject: Commercial Visitor Services – Concession Contracts Proposed Rule
National Park Service, RIN 1024-AE57**

Dear Mr. Rausch:

I write today to highlight concerns with the National Park Service's (NPS) concession contract award system, and urge NPS to address these matters during this rulemaking process to ensure that concession contract awards are made as fairly and equitably as possible.

Under the National Park Service Concessions Management Improvement Act of 1998, NPS is tasked with considering five specific primary factors for awarding concession contracts, and secondary factors may also be considered at the discretion of the Secretary of Interior. While the Concessions Improvement Act sought to improve the concessions process by making it more competitive, I am concerned that implementation of this law and its related regulations may be unfairly benefitting a few large national companies. That is why I urge NPS to consider local community business engagement as a secondary factor for all concession contracts, such as concessioners that purchase food locally or regionally, or companies with local board members, accountants or lawyers. This consideration will help even the playing field for successful yet small businesses that benefit the local community around a given national park unit.

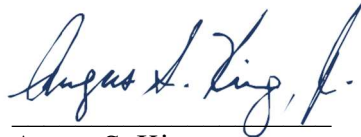
I also remain perplexed at the concession award system that seems to only award those companies skilled at bidding, not operating. Shockingly, the NPS concession contract process does not require a final contract to incorporate the terms of a winning bid, and there is no enforcement of bid claims. This all but guarantees companies that over-promise will be awarded contracts instead of honest operators. There needs to be an enforcement mechanism that requires the company with the winning bid to actually incorporate their bid claims.

Further, NPS must consider past performance as a major indicator when considering "the offeror's experience and expertise in providing the visitor services," as it is required to consider as a principal selection factor by law. For example, a company's past performance as an

excellent concessioner should be highly valued when considering the principal factors in a concession contract award process, especially when compared to a company who may only be overpromising in their bid.

I urge NPS to improve the concessions process by implementing these suggestions and making the process more fair and equitable for smaller and more local concessioners, and I look forward to working with NPS to help make these improvements a reality.

Sincerely,

A handwritten signature in blue ink that reads "Angus S. King, Jr." with a horizontal line underneath.

Angus S. King
UNITED STATES SENATOR

Cc:

The Honorable David Bernhardt

Margaret Everson, Counselor to the Secretary