

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

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

Terms of Clearance: None

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Title VIII, Section 802 of the National Parks Omnibus Management Act of 1998 (Title 54 United States Code, Sections 102101 et. seq. and 306121) provides legislative authority, policies, and requirements for the solicitation, award, and administration of National Park Service (we, NPS) leases for property located within areas of the national park system. NPS has implemented this authority in 36 CFR Part 18. Regulations are needed to assure consistent policies and procedures in the award and administration of NPS leases. The regulations contain six sections that involve the collection of information as follows:

- | | |
|-------------------------|--|
| a. Section 18.7 | Requests for Bid |
| b. Section 18.8 | Requests for Qualifications/Requests for Proposals |
| c. Section 18.12(c) | Subletting and Assignment of Leases |
| d. Section 18.12(i)-(j) | Approval of Lessee Construction/Demolition |
| e. Section 18.12(k) | Approval of Lease Amendments |
| f. Section 18.12(1) | Approval of Lessee Encumbrances |

We will use the information to evaluate offers, proposed subleases or assignments, proposed construction or demolition, the merits of a proposed lease amendment, and proposed encumbrances.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection. Be specific. If this collection is a form or a questionnaire, every question needs to be justified.

Information is collected from anyone who wishes to submit a bid or proposal in response to the Request for Bids (awarded on the basis of highest bid (rent)) or Request for Proposals (awarded based on criteria other than the amount of the rent). We will use the information to determine to whom to award a lease. Information is collected from existing leaseholders who seek to:

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

Information that we collect includes, but is not limited to:

- Description of how respondent will conduct operations to minimize disturbance to wildlife; protect park resources; and provide visitors with a high quality, safe, and enjoyable visitor experience.
- Organizational structure and history and experience with similar operations.
- Details on violations or infractions and how they were handled.
- Financial information and demonstration that respondent has credible, proven track record of meeting obligations.

We collect this information in narrative and template format. We are converting this collection into the following forms that have not been approved previously. These forms were created to allow for a separate, simpler form, to be used for businesses that are owned by an Individual or Sole Proprietor. The changes also make the forms easier for applicants to read and edit, and provide a more consistent appearance to the forms.

- Form 10-352 Identification and Credit Information (Individual)
- Form 10-353 Identification and Credit Information (Business) (Individual or Sole Proprietor)
- Form 10-354 Identification and Credit Information (Business) (Corporation, Limited Liability Company, Partnership, or Joint Venture)
- Form 10-355 Financial Information for Revenue-Producing Uses.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden and specifically how this collection meets GPEA requirements.

At this time, the collection of information involving electronic means is not available, primarily due to the wide disparity in both size and type of operations. The amount of information or degree of detail requested varies widely, depending upon the size and scope of the lease opportunity. Much of the information is extensive and confidential financial information; electronic submission may not be secure. Applicants are allowed to provide the information in a format that is convenient for them and to the extent possible, electronic submissions are accepted.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The information collected is unique to the applicant and no other source of information is available. As each business opportunity is also unique, offers submitted in response to each bid solicitation must be prepared individually as well as requests for sublets and assignments, and cannot be reused in the case of renewals or other repeat applications. As each business opportunity is unique, offers submitted in response to each bid solicitation must be prepared individually as well as requests for sublets and assignments, requests for construction and demolition, requests for lease amendments, and requests for encumbrances, and cannot be reused in the case of renewals or other repeat applications.

No similar information pertaining to business opportunities on park lands is collected by the NPS or other Federal agencies.

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

Information is collected from those small businesses that wish to submit a bid or proposal in response to the solicitation for a leasing opportunity. Information is also collected from those small businesses that hold a lease and wish to:

- Sublet the premises or assign the lease;
- Construct or demolish leased premises;
- Amend a lease; or
- Wish to encumber the leased premises.

As in the case of other applicants, information is limited to that required in order for us to objectively review all bids or proposals to determine which among them is the highest bid or best proposal. Also, in the case of existing leaseholders, information is limited to that required in order for us to objectively review sublet requests, requests to construct or demolish leased premises, amend leases, or encumber the leased premises.

6. Describe the consequences to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

We cannot collect the information less often. Information is collected in response to an announcement of a leasing opportunity or when a lessee take the actions identified in item 5. If we did not collect the information, we would be unable to objectively assess all bids or proposals received in response to the advertisement of a leasing opportunity, as required by Public Law 105-391, and determine which is the most responsive bid. Also, we would be unable to objectively determine whether or not to approve a sublease or a lease assignment, proposed construction or demolition, proposed lease amendments, and proposed encumbrances.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;
- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data

- * security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or requiring respondents to submit proprietary trade secrets, or other confidential information, unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

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

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and in response to the PRA statement associated with the collection over the past three years, and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every three years — even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

On September 8, 2016, we published in the Federal Register (81 FR 62173) a Notice of our intent to request OMB approval of this information collection. In that Notice, we solicited comments for 60 days, ending on November 7, 2016. We did not receive any comments in response to that Notice.

In addition to the Federal Register Notice, we attempted to contact nine (9) individuals familiar with the collection of this information. Of those nine individuals, we received feedback from 3 individuals and one individual responded that they did not have any comment. Despite multiple attempts via email and at least one phone call to contact the remaining five individuals, we were unable to solicit feedback from them:

Position	Affiliation
Owner	Trapp Family Farm
Owner	Oxbow Orchard
Owner	Rainbow Landings
Owner	Tidewater Inc.
Individual	Individual
Individual	Individual
Owner	Riis Park Beach Bazaar, LLC
Owner	Patterson-Schwartz Real Estate
Owner	Robert Ryan Catering

Specifically, we asked for comments on:

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

Comment:

1. One commenter suggested adding active/settled judgements to the credit information request.
2. One commenter suggested that requesting the personal financial statements and credit reports for all general partners and managing members and joint venture holders is excessive for established businesses, and that proving the business is viable and meets all other requirements should be sufficient. The commenter suggested making this information only necessary for newly formed entities.

NPS Response/Action Taken:

- Comment #1: The Service believes that asking for this information could result in the disclosure of information that is unrelated to the offerors ability to perform under a lease and that the current question regarding “... any pending litigation or current lawsuits which if adversely resolved would materially impact the financial position of the Applicant.” is sufficient to determine if there is a potential for a future judgement to adversely impact the offerors ability to perform under the contract. Asking for this information could result in requiring the applicant to provide personal information that is unrelated to ability to perform under the contract. No action taken.
- Comment #2: The Service believes that the credit worthiness of each individual partner or managing member is important in understanding the applicant’s overall financial position and history of meeting financial obligations. Additionally, the fact that a business is “established” does not necessarily mean that the business is currently in a financial position to meet the obligations of the lease and credit reports from each of the partners provides a more complete financial picture of the organization. No action taken.

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

Comments:

1. One commenter suggested that the general information form would take approximately 10 minutes to complete and that gathering all of the documents and background information needed to complete the credit information form could take up to 3-4 hours depending on the complexity of the organization and that the financial information should be readily available and the form should be easily completed in one hour. Another commenter suggested that each of the forms would take 5 hours to complete.

NPS Response/Action Taken:

- Comment #1: The Service has adjusted the burden estimate for the credit information forms in consideration of the estimates provided.

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

Comments:

1. One commenter suggested that utilizing a grid to collect the general information on General Information form would make it appear cleaner and easier to complete.

NPS Response/Action Taken:

- Comment #1: The general information form has been revised.

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

1. One commenter suggested that it can be difficult for an applicant to supply their own credit report and that it could be an opportunity for fraud.
2. One commenter suggested that eliminating the requirement for personal financial statements, for established businesses would streamline the process.
3. One commenter suggested that the applicant be given the option of providing their own P&L statement if it includes all of the requested information.

NPS Response/Action Taken:

- Comment #1: Credit reports are available through multiple sources and the potential for fraudulent submissions is not prevalent enough to justify the collection of personal information, as well as the permission from the applicant, that would be necessary for the agency independently collect this information. No action taken.
- Comment #2: The Service believes that just because a business is “established” does not mean that they have a solid financial position, and that financial statements provide the information necessary to determine if the applicant has the financial means to meet the commitments of the proposed business venture. No action taken.
- Comment #3: The information format provided allows the Service to compare proposals from a number of offerors using a standard format. This eliminates the need to adjust or manipulate the figures provided by the offeror and the potential for errors to be introduced in this process by the Service when trying to compare competing proposals. No action taken.

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

We do not provide payments or gifts to respondents.

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

Offerors are advised in the solicitation document that all offers submitted may be disclosed by the Department of the Interior to any person upon request pursuant to the Freedom of Information Act. If the offeror believes that the offer contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the offer, as well as each page of the offer containing such information is to be labeled. Information in an offer identified as trade secret information or confidential commercial and financial information is used by the Government only for the purpose of evaluating the offer, except that, (i) if a lease is awarded to the offeror as a result of the submission of the offer, the Government has the right to use the information as provided in the lease, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

If the leaseholder believes that their submission contains trade secrets or confidential commercial or financial information exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552), the cover page of the request as well as each page of the request containing such information is to be labeled. Information in a request identified as

trade secret information or confidential commercial and financial information shall be used by the Government only for the purpose of evaluating the request, except that, (i) if a lease, sublease, or assignment is approved as a result of the submission of the request, the Government shall have the right to use the information as provided in the approval, and (ii) if the same information is obtained from another source without restriction, it may be used without restrictions.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- * **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- * **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included under "Annual Cost to Federal Government."**

We estimate that we will receive 121 responses totaling 1,576 annual burden hours. We estimate the dollar value of the burden hours is \$52,100.56. We used the below listed rates in accordance with Bureau of Labor Statistics news release [USDL-17-0321](#), March 17, 2017, Employer Costs for Employee Compensation—December 2016, to calculate the total annual burden:

- Individuals. Hourly rate for all workers \$34.90, including benefits.
- Private Sector. Hourly rate for all workers as \$32.76, including benefits.
- Government. Hourly rate for all workers as \$47.85, including benefits.

We are reporting an increase of 87 annual responses and an associated increase of 844 burden hours. The increase in the burden hours is due to the increase in respondents and the inclusion of a large residential master lease. Our new estimate is based on our recent experiences with collecting this information and the increase in the number of respondents to potential leases as well as the increase in the number of sub-lessees that may be required to complete these forms.

Activity	Annual Responses	Completion Time per Response (hours)	Annual Burden Hours	Hourly Labor Costs including Benefits	Dollar Value of Annual Burden Hours
Requests for Qualifications/Requests for Proposals/Requests for Bids - Simple (Forms 10-352, 10-353, or 10-354, and 10-355)					
Individuals	10	10	100	\$34.90	\$3,490.00
Private Sector	20	10	200	32.76	\$6,552.00
Requests for Qualifications/Requests for Proposals – Complex (Forms 10-352, 10-353, or 10-354, and 10-355)					
Private Sector	20	40	800	32.76	\$26,208.00
Approval of Lessee Construction/Demolition – Simple (Forms 10-352, 10-353, or 10-354, and 10-355)					
Individuals	1	12	12	\$34.90	\$418.80
Private Sector	3	12	36	32.76	\$1,179.36
Approval of Lessee Construction/Demolition – Complex (Forms 10-352, 10-353, or 10-354, and 10-355)					
Private Sector	5	32	160	32.76	\$5,241.60
Approval of Lease Amendments					
Individuals	2	4	8	\$34.90	\$279.20
Private Sector	4	4	16	32.76	\$524.16
Approval of Lessee Encumbrances – Simple					
Private Sector	2	8	16	\$32.76	\$524.16
Approval of Lessee Encumbrances – Complex					
Private Sector	2	40	80	\$32.76	\$2,620.80
Subletting and Assignment of Leases – Simple					
Individuals	50	2	100	\$34.90	\$3,490.00
Private Sector	1	8	8	\$32.76	\$262.08
Subletting and Assignment of Leases - Complex (Forms 10-352, 10-353, 10-354, or 10-355)					
Private Sector	1	40	40	\$32.76	\$1,310.40
TOTALS	121		1,576		52,100.56

13. Provide an estimate of the total annual non-hour cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden already reflected in item 12.)

- The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing). Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis

associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no nonhour cost burdens to respondents.

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information.

We estimate that the annual cost to the Federal Government to administer this information collection is \$176,484 (rounded), which includes salary costs for staff time to process and review proposals.

To determine hourly wage rates, we used the Office of Personnel Management Salary Table [2017-RUS](#) except for the Leasing Program Manager which reflects [2017-DC](#). We used the below listed rates in accordance with Bureau of Labor Statistics news release USDL-17-0321, March 17, 2017, Employer Costs for Employee Compensation—December 2016, (<https://www.bls.gov/news.release/pdf/ecec.pdf>) to calculate benefits. The hourly rates for government employees were multiplied by 1.59 to obtain the fully burdened rates.

Position Grade/Step	No. of Responses	Estimated Time per Response	Total Hours	Hourly Rate	Hourly Rate w/Benefits (1.59)*	Total Annual Cost
RFQ/RFP						
Leasing Program Manager GS-14/5	40	3 hours	120	60.83	96.72	\$11,606.40
Supv. Concessions Specialist GS-13/5	40	3 hours	120	46.60	74.09	\$8,890.80
Concessions Specialist GS-11/5	40	6 hours	240	32.70	51.99	\$12,477.60
Lawyer GS-15/5	40	3 hours	120	64.78	103.00	\$12,360.00
Approval of Lessee Construction/Demolition						
Leasing Program Manager GS-14/5	2	40 hours	80	60.83	96.72	\$7,737.60
Supv. Concessions Specialist GS-13/5	2	120 hours	240	46.60	74.09	\$17,781.60
Concessions Specialist GS-11/5	2	120 hours	240	32.70	51.99	\$12,477.60
Lawyer GS-15/5	2	40 hours	80	64.78	103.00	\$8,240.00
Approval of Lease Amendments						
Leasing Program Manager GS-14/5	5	8 hours	40	60.83	96.72	\$3,868.80
Supv. Concessions Specialist GS-13/5	5	16 hours	80	46.60	74.09	\$5,927.20
Concessions Specialist GS-11/5	5	16 hours	80	32.70	51.99	\$4,159.20
Lawyer GS-15/5	5	16 hours	80	64.78	103.00	\$8,240.00
Approval of Lessee Encumbrances						
Leasing Program Manager GS-14/5	2	40 hours	80	60.83	96.72	\$7,737.60
Supv. Reality Specialist GS-13/5	2	80 hours	160	46.60	74.09	\$11,854.40
Concessions Specialist GS-11/5	2	40 hours	80	32.70	51.99	\$4,159.20
Lawyer GS-15/5	2	80 hours	160	64.78	103.00	\$16,480.00
Subletting and Assignment of Leases						
Supv. Concessions Specialist GS-13/5	40	2 hours	80	46.60	74.09	\$5,927.20
Concessions Specialist GS-11/5	40	4 hours	160	32.70	51.99	\$8,318.40
Lawyer GS-15/5	40	2 hours	80	64.78	103.00	\$8,240.00
Total						\$176,484*

*rounded

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

The information we collect is currently collected using templates in our RFP documents, however, we are requesting approval for the following forms that have not been approved previously. These forms were created to allow for separate, simpler forms, to be used. The changes also make the forms easier for applicants to read and edit, and provide a more consistent appearance to the forms.

We are reporting an increase annual cost to the Federal Government of \$31,109 attributed to the increase in respondents and increased salary costs.

We are reporting an increase of 87 annual responses and an associated increase of 844 burden hours. The increase in the burden hours is due to the increase in respondents and the inclusion of a large residential master lease. Our new estimate is based on our recent experiences with collecting this information and the increase in the number of respondents to potential leases as well as the increase in the number of sub-lessees that may be required to complete these forms.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

We do not publish the results of this information collection.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

We will display the expiration date on forms and other appropriate materials.

18. Explain each exception to the topics of the certification statement identified in "Certification for Paperwork Reduction Act Submissions."

There are no exceptions to the certification statement.