

**National Park Service
Fort McHenry National Monument and Historic Shrine
Retail Merchandise and Food Service
Solicitation Number: FOMC001-10**

Third modification to Presolicitation Notice

Additional Information for Prospective Offerors:

1. Appeal decision.

An appeal was filed disputing the National Park Service determination that no Preferred Offeror exists for the Draft Contract associated with Solicitation Number FOMC001-10. The Director has issued a decision denying the appeal based on the financial analysis that demonstrates that the gross receipts generated under the new concession contract would exceed \$500,000 in the first twelve months of operation. The appeals process is articulated in the Code of Federal Regulations at 36 C.F.R. 51.47, which is available in full from <http://www.gpoaccess.gov/ecfr/>.

2. Erratum to Prospectus for Concessions Contract solicitation number FOMC001-10.

The NPS hereby issues an erratum as follows.

Replace existing “No Preferred Offeror” section located in the Business Opportunity – Page 5 of 7 in its entirety with the following =

No Preferred Offeror

The Director has determined that no preferred offeror exists because the new concession contract is not a qualified concession contract. The new concession contract does not meet the Director’s requirement for a qualified contract as set forth in 36 CFR 51.37(b), which states “The new concession contract that is to replace the previous concession contract is estimated to result in, as determined by the Director, annual gross receipts of less than \$500,000 in the first 12 months of its term...” The Director has determined that the contract is estimated to result in annual gross receipts of more than \$500,000 during the first 12 months of its term. This is the sole basis for the determination that the new concession contract is not a qualified contract. This solicitation for commercial services is fully competitive. All interested parties, including the current operator, must apply and must submit a responsive proposal in response to this prospectus.

Second modification to Presolicitation Notice

Additional Information for Prospective Offerors:

1. Please resubmit any communications sent to NER_FOMC_Concessions@nps.gov.

Emails sent to NER_FOMC_Concessions@nps.gov must be resent to Kathleen_Karhnak@nps.gov with hard copy to National Park Service, attention Kathleen Karhnak; 200 Chestnut St; Philadelphia

PA 19106. Email messages sent to NER_FOMC_Concessions@nps.gov may not have been received due to technical difficulties. We apologize for this inconvenience.

2. The deadline for submitting questions has been extended.

Due to the technical difficulties with email, questions submitted via email about Solicitation No. FOMC001-10 may not have been received. Please resubmit questions by August 5, 2009 to Kathleen_Karhnak@nps.gov with hard copy to National Park Service, attention Kathleen Karhnak; 200 Chestnut St; Philadelphia PA 19106. All questions received with postmark of August 5, 2009 or earlier will be accepted.

3. The deadline for submitting proposals has been extended to September 1, 2009.

Due to the extension for submitting questions, the deadline for submitting proposals has been extended. The only change in the submission instruction is the date due. All other instructions and requirements remain in effect.

First modification to Presolicitation Notice

Additional Information for Prospective Offerors:

1. Appeal filed

An appeal was filed disputing the National Park Service determination that no Preferred Offeror exists for the Draft Contract associated with Solicitation Number FOMC001-10. The appeals process is articulated in the Code of Federal Regulations at 36 C.F.R. §51.47, which is available in full from <http://www.gpoaccess.gov/ecfr/>.

~~2. Emails sent prior to 7/14/09, 10:40 AM must be resent~~

~~All communications to NER_FOMC_Concessions@nps.gov sent before July 14, 2009, 10:40 AM must be resent. Email messages sent to NER_FOMC_Concessions@nps.gov before that time were not received due to technical difficulties. We apologize for this inconvenience. The problem has been corrected. [This portion of the modification has been superseded by Modification 2, section 1.]~~

3. Site visit participation

Due to the technical difficulties with email, communications about attending the site visit on July 16, 2009 were not received. All interested parties are welcome to attend the site visit.

The site visit will proceed at Fort McHenry National Monument and Historic Shrine at 12:00 noon on July 16, 2009 as listed in the prospectus. To participate, meet in the Visitor Center lobby at 12:00 noon. The park address is: 2400 East Fort Avenue, Baltimore, MD 21230. Participants will be required to provide the following information in order to participate:

- the full name, organization, address, phone number and email address for all attendees, and
- the organization's primary contact, phone number, and email address.