

## **PART – 2**

# **An Overview of The Bureau of Reclamation and Concessions Management Within the Agency**

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## An Overview of the Bureau of Reclamation

### A. Introduction

Reclamation was established by an act of Congress in 1902 (The Reclamation Act). Reclamation is best known for the dams, powerplants, and canals it has constructed and operates throughout the 17 Western States. These water projects were a primary impetus for settlement and subsequent economic development of the West. Since its inception, Reclamation has constructed 350 dams and reservoirs, including Monticello Dam on Putah Creek (Lake Berryessa), Hoover Dam on the Colorado River (Lake Mead), and Grand Coulee on the Columbia River (Lake Roosevelt).

Reclamation is an agency within the U.S. Department of the Interior (Interior). Through its various agencies including Reclamation, the Bureau of Land Management, the U.S. Fish and Wildlife Service, and the NPS, among others, Interior manages much of the federally held public lands and natural and cultural resources in the Western United States.

Reclamation is a contemporary water management agency with a Strategic Plan that outlines numerous programs, initiatives, and activities designed to help States, Native American Tribes, and others meet their new and ever-changing water needs while balancing a multitude of competing uses, including recreation sites.

Reclamation operates under a mandate to use its land and water resources wisely, which includes protecting fish and wildlife, preserving environmental and cultural values, and providing for public enjoyment through outdoor recreation. Reclamation also encourages stewardship and citizen responsibility for public lands and promotes citizen participation in the care of those lands.

Today, Reclamation is the largest wholesaler of water in the country, responsible for providing water to more than 31 million people. Reclamation conveys irrigation water to one out of five western farmers - some 140,000 farmers - who produce approximately 60 percent of the nation's vegetables and 25 percent of its fruits and nuts, among other crops, on 10 million acres.

Reclamation is also the second largest producer of hydroelectric power in the Western United States, generating enough electricity to serve 6 million homes. Reclamation's 58 powerplants generate more than 40 billion kilowatt-hours and nearly a billion dollars in power revenue annually, depending upon the availability of water.

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The Commissioner of Reclamation establishes, implements, and manages policies, directives, standards and guidelines under the broad direction of the Assistant Secretary of the Interior for Water and Science. Reclamation is comprised of five Regions encompassing the 17 Western States, the Office of the Commissioner in Washington, D.C., and the Reclamation Services Center in Denver, Colorado. Each Region is comprised of Area Offices which have significant front-line responsibilities for operating and maintaining the water resource and power infrastructure, and managing related programs.

The Mid-Pacific Region includes the northern two-thirds of California, most of western Nevada, and a part of southern Oregon. Central California Area Office (CCAO) encompasses a 12-county area within northern and central California. Primary responsibilities include the Solano Project which includes Lake Berryessa, the Central Valley Project (CVP) American River Division, the CVP Auburn-Folsom South Unit and the CVP East Side Division. CCAO manages the largest recreation program of any area office in Reclamation with operations at Lake Berryessa, New Melones Lake, Folsom Lake State Recreation Area, and the Auburn State Recreation Area.

### **B. Mission Statement**

The mission of Reclamation is to manage, develop, and protect water and related resources in an environmentally and economically sound manner in the interest of the American public.

### **C. Vision Statement**

Through leadership, use of technical expertise, efficient operations, responsive customer service, and the creativity of people, Reclamation will seek to protect local economies and preserve natural resources and ecosystems through the effective use of water.

### **D. Recreation**

Reclamation provides more than 90 million visitors a year with water-based recreation opportunities at more than 350 reservoirs. Nearly 200 recreation areas are managed by non-Federal Governmental entities, such as State and County parks. Many are managed by other Federal agencies, such as the National Park Service (NPS), the Forest Service, Bureau of Land Management and the Fish and Wildlife Service. There are nine National Recreation areas on water projects developed by Reclamation including Lake Powell, Lake Mead, and Grand Coulee.

Reclamation has also developed partnerships with non-governmental organizations such as the Bass Anglers Sportsman's Society, Trout Unlimited, and America Outdoors to sponsor fishing and outdoor events in cooperation with local businesses and community groups. In addition to these partnerships, there are over 200 concessions operating on

Reclamation projects. These concessions provide the recreating public with a wide range of facilities and services such as marinas, campgrounds, swimming beaches, equestrian centers, and golf courses. Fishing and boating are the most popular recreational activities at Reclamation reservoirs.

### **Concessions Management in Reclamation**

#### **A. Concession Contract Management**

The Secretary and the Secretary's authorized representatives have statutory authority to enter into concession contracts for recreation development and delivery of wide range of recreation services. Concession contracts provide Reclamation with a vehicle to allow commercial entities to provide the visiting public with necessary and appropriate facilities and services. The determination of which facilities and services are necessary and appropriate for a particular site is made through Reclamation's planning process. The types of business vary with the purpose of different areas and the circumstances of each area at the time of contracting.

Many Federal statutes directly apply to the management of concessions operating on Reclamation-administered land and water. State and local laws and regulations may also apply depending on the nature of the area of operation's jurisdiction. Some areas are exclusively Federal in jurisdiction, while others involve State and local jurisdiction.

#### **B. Applicable Authorities and Guidelines**

The services to be provided under this concession contract are to be performed under the applicable laws, regulations, policies, and planning existing now or established during the term of the concession contract.

#### **C. Concession Program Management**

The CCAO is responsible for oversight of this concession opportunity and will administer all concession contracts awarded for Lake Berryessa. Day-to-day administration will be through the CCAO Lake Berryessa Recreation Resource Office located at 5520 Knoxville Road, Napa, California. Policy direction is provided by the Area Manager, CCAO. Additional support to the CCAO concession program is available as necessary or appropriate from the MP Region.

#### **D. Program Management - Operating Programs and Practices**

While the role of a concession contractor must include well-defined business-oriented goals and management for the concession contractor to be successful, the concession contractor must also meet the goals of the community and incorporate those objectives for visitor service and other matters into its own objectives.

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Concession contractors and their staff are important members of the community. The visiting public has continuous contact with, and receives significant information from, concession employees. These contacts can have a significant effect on the quality of the visitors' experience.

To manage these effects, Reclamation has developed operating programs, practices, and guidelines that allow Reclamation to supervise concession contractor activities in an orderly and consistent manner and establish certain unique approaches to the provision of hospitality and recreation services in the Reclamation system.

### **E. Resource Protection Considerations**

Reclamation expects its concession contractors to support Reclamation's mission and to give special attention to the preservation, conservation, and protection of area resources and the environment.

Business operations, educational activities, and employee programs must be conducted in accordance with all applicable environmental laws and in a manner that minimizes negative environmental impacts on the area and encourages others to do the same.

Issues and technologies change over time. The following provide some idea of Reclamation's current resource protection objectives:

1. Solid waste disposal is a major environmental issue as well as a costly problem. Concession contractors are expected to reduce, reuse, and recycle solid wastes. Concession contractors should actively work to reduce the amount of trash and waste generated by concession operations and the public at-large, to acquire products with consideration given to the ability to reuse or recycle the product and its packaging, and to recycle all materials possible. An approach that minimizes such trash and ensures recycling where possible is necessary.
2. Water and energy conservation must be practiced in daily operations and incorporated into the design and construction of both rehabilitated and new facilities.
3. Concession contractor-operated underground and aboveground tanks for building and vehicle fuels, whether Government- or concession contractor-owned, must meet all of the requirements of Federal, State, and local laws and regulations. Responsibilities include cleanup of spillage or leaks, demonstration of financial responsibility, and fulfillment of reporting requirements.
4. The effect of vehicles and other operations on air quality is of concern to Reclamation. Fuel and engine technology is evolving

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in ways that will benefit air quality. Concession operations should adapt their operations to such changes when they are proven to be reliable and effective. The use of electric vehicles is encouraged when possible.

5. Operations may be conducted in a natural area with a variety of wildlife. Concession contractors must conduct their operations under Reclamation's direction for mitigating human-wildlife interactions.
6. Employee orientation programs and development must genuinely emphasize the importance of the area's natural and cultural resources and the necessary consideration for those resources by all employees.
7. The Integrated Pest Management Program ensures that the use of chemicals to control plant and insect pests is strictly regulated to minimize such uses and that such applications are the last resort in control efforts. The concession contractor must work with the area's Reclamation officials to incorporate this program in its operations and in the areas for which it is responsible.
8. Concession Contractor must comply with the objectives of the National Fire Plan (Wildland Fire).

The overall objective of resource protection is to conduct operations in a manner oriented toward the use of efficient and cost-effective approaches that minimize negative impacts on our environment, and to also encourage others to do so, for the same cost-effective and self-protective reasons.

Additional important information regarding "protection of resources" may be found in Reclamation's Concessions Management Guidelines in the section titled, "Environmental Protection and Pollution Prevention."

### **F. Construction**

All construction should harmoniously integrate with the environment where it is located. Facilities that are cultural resources must be managed to maintain their intrinsic qualities through sustained conservation. Architectural style, design elements, and construction materials should reflect the area and its history.

Plans and specifications for any and all construction and landscaping development on Government-owned lands assigned to the concession contractor must be approved, in writing, by Reclamation before the work may begin. Plans must be prepared in accordance with Reclamation standards.

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All concession-related construction activities must conform to nationally applicable codes, such as the Uniform Building Code and the National Fire Protection Association codes, including the National Fire Code, in the latest editions. Regional and local codes are to be adhered to, when they are more stringent than national codes or address unique issues. Even where area jurisdiction requires adherence to local codes, concession-related construction will conform to any higher standards in national codes. The seismic safety standards are to be applied to new buildings designed and constructed within the Reclamation system. Reclamation encourages concessionaires to consider energy audits to determine if proposed facilities are being efficiently designed.

### **G. Interpretation**

Reclamation expects that its concession contractors will, in appropriate ways, assist the visiting public and concession employees to interpret natural and cultural resources in an effort to instill an appreciation of the concession area and the surrounding region. Concession contractor interpretive messages should include safety, local resource management issues and objectives, history of the area, and interpretive themes. These opportunities and responsibilities are more specifically identified in the contract and Operating Plan for this operation.

### **H. Rates**

Rates and prices charged by the concession contractor are subject to approval by Reclamation. Reasonableness and appropriateness of rates and charges will be determined primarily by comparison with those rates and charges for facilities, goods, and services of comparable character, within the geographic region, operating under similar conditions, with allowances made for length of season, provision for peak loads, accessibility, cost of labor and material, and type of patronage. Consideration will be given to other factors deemed relevant.

### **I. Equal Opportunity**

Reclamation is interested in having its concession operations reflect, through its employees, the cultural and ethnic diversity of the area in which they operate and of the Nation as a whole. Reclamation is also interested in having minority and women professionals participate in the management of the concession. Reclamation believes that a varied and diverse concession workforce will better serve the increasingly varied and diverse clientele that uses Reclamation areas. A program for minority and women employees that advances these goals is desirable.

### **J. Facility and Reclamation Accessibility**

The concession contractor will be required to comply with the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for buildings and facilities. Compliance with ADAAG meets all accessibility requirements



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under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

A bidder must demonstrate a commitment to full participation for persons with disabilities. This commitment must represent opportunities for both mainstreaming individuals into the normal use patterns of concession facilities as well as the willingness to provide specialized accommodation and programs.

Reclamation recognizes that there are significant variations among concession activities as to the possible range of accessibility and accommodation; however, each concession contractor will be expected to handle accessibility issues and inquiries in a supportive and assisting manner that provides maximum opportunities for persons of all disabilities.

### **K. Utilities**

Where utility services are readily available, concession contractors will be required to obtain them from local sources. In other circumstances, Reclamation may furnish utilities to concession contractors. Rates for services furnished by Reclamation shall be based on actual development and operating costs and according to procedures established by the Secretary.

### **L. Maintenance Plan**

The Maintenance Plan provides area-specific information about required maintenance. The plan will describe the interaction of area maintenance activities with concession contractor activities and will specify and describe any maintenance tasks unique to the particular area that must be performed by concession contractors and those, if any, that will be the responsibility of Reclamation.

The concession contractor generally will be required to maintain, repair, and perform improvements for all necessary “housekeeping” activities associated with the concession operation to the satisfaction of Reclamation. Reclamation, in consultation with the concession contractor, will determine the specific maintenance responsibilities and establish priorities and projected completion dates.

The Maintenance Plan will be initiated at the area level and signed by the Contracting Officer or delegate. Such plans may not alter provisions in the body of the concession contract document or Reclamation policy.

The initial Maintenance Plan is in Exhibit F of the concession contract. In the Proposal, the concession contractor is provided the opportunity to propose changes and/or additions to the initial Maintenance Plan that will be reviewed by Reclamation in the Proposal evaluation and selection

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process. If appropriate and amenable to both the concession contractor and Reclamation, the concession contractor's proposed changes will be incorporated into the final concession contract Maintenance Plan Exhibit.

### **M. Operating Plan**

The Operating Plan includes such details about the operations as are necessary for the concession contractor and Reclamation to operate smoothly together and provides the concession contractor with information as to what specific operating practices are considered appropriate and satisfactory.

Operating Plans may address such issues as hours of operation, scope and quality of service, management information, lost and found procedures, reservations, advance deposits, cancellation and refund policy, convention policies, rates, safety, sanitation, security, health care, concession employees and employment, complaint review process, prior notification of changes in key management staff, and other areas of concern. The Operating Plan is initiated at the concession area level and signed by both the concession contractor and Reclamation. Such plans may not alter provisions in the body of the contract document or Reclamation policy.

The initial Operating Plan is in Exhibit G of the concession contract. The proposed Operating Plan from bidders will be reviewed at the discretion of Reclamation, and changes will be made as determined appropriate by Reclamation before finalizing Exhibit G of a final contract.

### **N. Sale of Souvenirs and Handicrafts**

The selection and sale of gifts, souvenirs, and handicrafts in areas administered by Reclamation is restricted by Reclamation policies and is limited to those that are appropriate for the public's use and appreciation of the greater recreation area. The sale of appropriate handicrafts associated with, or interpretive of, the greater recreation area is especially encouraged. The concession contractor will work with Reclamation and its resources/recreation staff to determine what type of merchandise is most appropriate for the recreation area.

### **O. Insurance**

The contract will require the concession contractor to purchase and maintain various types of insurance. Minimum coverage limits, as required, are provided in Exhibit I of the concession contract. The contract will require the concession contractor to insure any buildings, structures, equipment, furnishings, and merchandise used in the operation. In addition, the concession contractor must carry liability insurance adequate for the types of activities it conducts.

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### **P. Preference in the Award of a New Contract**

No new Preferential Right of Renewal will be awarded in this contract or in the future.

### **Q. Sub-concessionaires**

Reclamation will not allow the concession contractor to subcontract the provision of concession services that are authorized under this concession contract.

### **R. Compliance with Federal, State, and Local Laws**

Concession contractors operate on Federal land but within the jurisdictional framework established by the application of area jurisdiction. Federal statutes apply to concession operations. State and local laws and regulations may also apply.

### **S. Concession Contractor Risk Management Program**

The concession contractor will develop, maintain, and implement a documented Risk Management (Safety) Program as part of its proposal. This written program describes procedures, policies, and documentation for a process to minimize incidents and accidents that will affect the visitor, concession employees, and the facilities. The program is described in Exhibit M of the concession contract.

### **T. Program Management - Financial Programs and Practices**

The intention of Reclamation is to contract with individuals or companies to conduct concession activities that are necessary to achieve Reclamation goals rather than to have the Government conduct those activities directly. Reclamation requires the payment of a Franchise Fee based on the probable value of the opportunity provided by the Government. In addition, Reclamation requires that the concession contractor establish and maintain a reserve account for facilities improvement (RAFI) with monthly deposits calculated as a fixed percentage of concession contractor gross receipts.

### **U. Concession Contractor Pays Operating Costs**

The costs of operating the concession will be covered by the concession contractor.

### **V. Personal Property Belongs to the Concession Contractor**

Concession contractors, not the Government, are the owners of most types of personal property. Personal property is defined as all moveable equipment, park models, inventory, etc. including vehicles. The Government will not require a succeeding concession contractor to purchase such personal property. Government personal property, if any, will be identified in the concession contract.

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### **W. Concession Contracts May Not Be Sold Without Approval**

Concession contracts may not be sold or encumbered without the prior approval of Reclamation. Reclamation is required to make certain findings before approving a sale, transfer, or encumbrance. The potential buyer of the concession contract must complete the same procedure required of the original bidder, including completion of the proposal in its entirety, and they must be determined qualified through a review process.

### **X. No Guarantee of Profit**

Reclamation makes no guarantee that the concession contractor will obtain any profit over the term of a concession contract or of a profit in any given year. It is the responsibility of the bidders to assure that the terms of their bids provide a reasonable opportunity for profit.

### **Y. Concession Contractor Review Program**

The Secretary, through the Contracting Officer and his/her designated representatives, will maintain a continuing review of concession operations and management. This continuing review will determine if the concession contractor is complying with all provisions of the concession contract and will evaluate the concession contractor's operation to determine if the concession contractor is complying with operating standards. This Concession Contractor Review Program will include, but not be limited to:

1. Compliance with the Operating Plan.
2. Compliance with the Maintenance Plan.
3. The quality of the service rendered to the public.
4. The prices that are charged the public.
5. The condition of the premises.
6. The appearance and conduct of employees.
7. The degree to which facilities are properly maintained and repaired as required by the particular concession authorization.
8. The nondiscrimination policies of the concession contractor with relation to both employment and service to the public.
9. Compliance with the Risk Management Program.
10. Compliance with the Environmental Management Program.
11. Compliance with the RAFI.

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12. Compliance with U.S. Public Health Service standards and requirements and State and local health codes that may be applicable.
13. Compliance with practices that foster a safe environment for the public.
14. Compliance with the various administrative, reporting, and financial requirements of the concession contract, including any applicable construction program.

Periodic written evaluations will be prepared by Reclamation officials, on a schedule set forth in the Operating Plan, following the procedures and requirements of Reclamation Concession Contractor Review Program. From these evaluations, an overall rating will be established. Failure to operate in a satisfactory manner, as determined by the Concession Contractor Review Program, may be cause for termination of a concession authorization in accordance with the terms of this contract.