



United States
Department of
Agriculture

Forest
Service

Region 1

200 East Broadway
P. O. Box 7669
Missoula, MT 59807

File Code: 1570 (251-1)
Appeal # 99-01-00-0078

Date:

Certified Mail - Return Receipt Requested

Sarah McDermitt
85 Don Rich Drive
Carrollton, GA 30117
Dear Ms. McDermitt:

This letter is my review decision of your December 31, 1998, Notice of Appeal (NOA) of the Gallatin National Forest Supervisor's December 2, 1998, selection of Campfire Lodge Resort, Inc. for operations and maintenance of Beaver Creek and Cabin Creek Campgrounds and related recreation facilities on the Hebgen Lake Ranger District.

My review was conducted pursuant to, and in accordance with, 36 CFR Part 251, Subpart C. My responsibility as Reviewing Officer is to assure the analysis and decision are in compliance with applicable laws, regulations and orders. This review decision hereby incorporates by reference the entire administrative appeal record.

I. SUMMARY

Your appeal was received by the Forest Supervisor on January 5, 1999. The Forest Supervisor, David P. Garber, issued his responsive statement to your appeal on February 1, 1999, and your reply to the responsive statement was received by the Regional Forester on February 18, 1999. The appeal record was closed on February 22, 1999. My review of the appeal is based upon this administrative record.

II. OVERVIEW OF ISSUES AND RELIEF REQUESTED

The following issues and contentions were identified from your NOA:

Issue 1. Whether the selection of Campfire Lodge Resort, Inc. as the concessionaire for maintenance and operation of the Beaver Creek and Cabin Creek Campgrounds, and related recreation facilities was predetermined and made without consideration of the other applications. Your contentions are:

- a. "In conversation with Gene Hardin, (Hebgen Lake Ranger District permit administrator) he stated that the present permittee had done good job, they were well pleased with them, and it would be hard to obtain the permit." (from NOA, paragraph 2)
- b. "When we (the Gallatin National Forest) previously bid this package approximately 5 years ago the current permittee was selected with the understanding that bear proof storage containers among other things would be place(d) in the campground. According to Mr. Hardin, this has not been done." (from NOA, paragraph 2)

Issue 2. The selection process did not reveal any reason for non-selection.



"The letter I received from David Garber did not state any reason why I was not selected to become the permittee in this area."

III. REVIEW FINDINGS

I have thoroughly reviewed the appeal record, including the concerns raised in your NOA, the Forest's Responsive Statement and your reply to the responsive statement. The results of my review and a detailed response to the issues you have raised follows.

Issue 1. a. ...that the Forest Service was pleased with the current permittee and it would be hard to obtain a permit...

Response: I have found nothing that disputes Mr. Hardin's statement that the current permittee had done a good job and that the district was pleased with him. Neither have I found that Mr. Hardin stated the decision to select Campfire Lodge Resort, Inc. as the permittee had been predetermined. The selection process is well defined in the Forest Supervisor's Responsive Statement, Appendix A. This process is designed to objectively evaluate multiple proposals. The forest team which evaluated the proposals is well qualified for the work. It used established evaluation criteria and adequately defined the recommendation of Campfire Lodge Resort, Inc. as the best candidate for the concession permit. The rationale in Appendix B to the Responsive Statement summarizes the selection of Campfire Lodge Resort, Inc. as the concession permittee.

I find that the District Ranger consistently and impartially evaluated all proposals, the Forest Supervisor appropriately reviewed that evaluation, and the best overall proposal was selected for the operations of the subject Forest Service recreation sites.

Issue 1. b. ...that the current permittee did not fulfill his obligations by not placing bear-proof storage containers among other things in the campground...

Response: I concur with the Forest Supervisor's conclusion as stated in his Responsive Statement, "there is no record of this being a requirement of issuing the permit to the current permittee (this is referring to the permit that expired Jan. 1, 1999).

Both your proposal and that of Camp Fire Lodge, Inc. provide for adequate information on bear awareness. However, your proposal was not specific on the number of times garbage cans would be emptied per week while Campfire Lodge Resorts specified twice each week.

Issue 2. ...that the selection process did not reveal any reason for non-selection...

Response: In the selection process it is not necessary to detail the rationale for non-selection. I have reviewed the record, including the evaluation analysis of individual proposals, which the Forest Supervisor used during his review of the rationale for selecting Campfire Lodge Resort, Inc. for Offering B - the maintenance and operation of Beaver Creek and Cabin Creek Campgrounds. I support the analysis process of the prospective concessionaires' proposals, and the determination that Campfire Lodge Resort, Inc. provided the best overall response to the prospectus. The selection rationale are sound.

Requested Relief: Your requested relief is that "this prospectus be put back out for rebidding."

Response: I agree with the Forest Supervisor's response that the prospectus not be put back out for rebidding.

IV. DECISION

I affirm the Gallatin National Forest Supervisor's decision that Campfire Lodge Resort, Inc. be selected as concessionaire for Beaver Creek and Cabin Creek Campgrounds. The decision is reasoned and in conformance with applicable laws, regulations and orders. Your request for relief is denied.

This is the final determination of the Department of Agriculture, unless the Chief of the Forest Service, on his own initiative, elects to review the decision within 15 days of receipt [36 CFR 251.87 (e) and 251.100].

Sincerely,

/s/ Maureen McBrien (For)

GARY A. MORRISON
Director of Recreation, Lands,
Minerals, Heritage and Wilderness