

PHILADELPHIA BUSINESS JOURNAL

Fair Play on Independence

March 13, 2009

Editorial By Jonathan and Leslie Bari

It should not take four years and a team of lawyers for a small business to be able to compete on a level playing field in dealings with the National Park Service (NPS) and the Independence Visitor Center. However, that is exactly the case for The Constitutional Walking Tour of Philadelphia. To that end, in this economic crisis when many companies in diverse industries are seeking a federal bailout, The Constitutional is simply seeking a federal breakthrough to ensure that it receives equitable treatment from the National Park Service and Visitor Center in terms of visibility and accessibility for the operations of its guided historical tour business, as compared with other tour operators.

In 1999, the Gateway [Independence] Visitor Center Authorization Act was signed by President Clinton, and it authorized the Secretary of the Interior to execute a detailed management agreement with the Independence Visitor Center to construct and operate the Visitor Center on federal land. The Visitor Center is owned by the federal government and administered by NPS, which has contracted with a private entity, the Independence Visitor Center Corp. (IVCC), to operate the facility.

The failure of NPS and the Visitor Center to execute and make transparent a management agreement has been detrimental to The Constitutional since that management agreement would presumably set some formal ground rules for the equitable treatment and rights of vendors that operate visitor-related services at the Visitor Center.

In lieu of a long-term management agreement, the NPS issued a bare-bones temporary Special Use Permit to the Visitor Center in November 2001 and then has extended it 20 separate times over nine years “to allow additional time to finalize a formal [management] Agreement.” Huh? What is also even more curious about the repeated renewals of the Special Use Permit is that according to all of the audited financial statements of the Visitor Center since 2003, the NPS and Visitor Center have “substantially established a management agreement” that “calls for the NPS to make an annual payment of \$850,000 to the IVCC in exchange for the services provided by the IVCC more fully described in the agreement.” While more than \$6.4 million has been spent by the federal government to fund the Visitor Center’s operations since 2001, the NPS and Visitor Center have not made available for public inspection a detailed management agreement, which supposedly exists.

In the spirit of change, it is time for Congressional oversight to ensure long overdue operational changes by NPS. Further, until the NPS starts treating qualified tour operators like The Constitutional in an equitable manner and makes their statutorily required management agreement public, all federal appropriations should not be approved and/or disbursed going forward for NPS, including the annual federal appropriations of \$850,000 to fund the Visitor

Center's operations, and the \$6 million renovation of Franklin Court, albeit meritorious, but which is to be administered and developed by the Visitor Center.

Jonathan Bari and Leslie Bari are co-owners of The Constitutional Walking Tour of Philadelphia info@TheConstiutional.com.

Additional commentary can be found at www.IndependencePark.blogspot.com.

Originally Published by the Philadelphia Business Journal, <http://philadelphia.bizjournals.com/philadelphia/stories/2009/03/16/editorial3.html>