



Bureau of Land Management
Attn: Dr. Mark Hall
Winnemucca District Office
5100 East Winnemucca Blvd
Winnemucca, NV 89445

February 9, 2018

2018 COST RECOVERY PHASE 1 PLANNING LABOR AND GOVERNMENT CONTRACTS

Dear Dr. Hall,

Black Rock City LLC (BRC) received your letter and Phase 1 Cost Recovery Agreement (CRA) with the Cost Recovery Estimate (CRE) attached. Thank you for providing the CRA early in the year. Our team is looking forward to the 2018 planning season, working with BLM to plan a safe and successful Burning Man event.

The 2018 Phase 1 CRE is \$235,628 higher than 2017, including the following new line items:

- Dispatch Services Contract \$215,000
- Microwave/Internet Bandwidth Contract \$20,000
- Radio Base Station digital upgrade \$25,000
- IT Program Planning 150 hours \$10,814

We understand from BLM that the Dispatch Services Contract was moved from the BRC Statement of Work (SOW) program back into a government contract in order to allow additional interested parties to compete for the contract, and that the contract can move back into the BRC SOW program in 2019. As you know, the BRC SOW program can be mutually beneficial, reducing BLM's workload and saving BRC the BLM indirect administrative cost (which at 21.8% will be \$46,870 for the dispatch contract alone). As such, BRC appreciates the opportunity to include these expensive contracts in the BRC SOW program. We also appreciate the opportunity for additional service providers to compete for the contract and potentially provide better service and/or service at a more reasonable cost.

We also understand from BLM that you must make the microwave/internet bandwidth contract a government contract for 2018, instead of a BRC SOW as in 2017. We hope to learn more about this requirement during 2018 planning.

The 2018 Phase 1 CRA includes \$25,000 for a radio base station digital upgrade. BRC has serious ongoing concerns about this requirement and all of BLM's communications, technology, and information technology expenses for the Burning Man event. As you know the event has remained very much the same in terms of population and scope of operations over the past four years, and yet BLM's costs continue to climb. In 2014, the cost of BLM's communications, technology, and IT operation was about \$390,000. The next year, costs increased an astonishing 92% to \$750,000, and they have continued to increase. In addition, BRC is faced each year with significant, seemingly never-ending "one-time" costs such as this radio base station digital upgrade and \$50,000 worth of servers and server racks in 2017. It is extremely difficult to understand why BLM would need \$50,000 in new servers and racks for the Burning Man event. We do not wish for our cost recovery



660 Alabama St., 4th Fl
San Francisco, CA 94110

to be treated like the bank account for an annual buying spree. We remain likewise concerned about the BLM requiring a private entity to pay for federally mandated upgrades to BLM equipment. Additionally, BRC wants to make sure that equipment being purchased for our Special Recreation Permit is not being used for other purposes throughout the year. It is our desire to reevaluate these communications and information technology programs long before the 2018 event, before BLM commits to additional contracts and expenditures, so that BLM's requirements and costs are limited to those that are necessary to administer our SRP.

We have already submitted check #23514 in the amount of \$707,866.00 to your office under separate cover. Enclosed please find the signed 2018 Phase 1 CRA. We submit this Phase 1 CRA but continue to have concerns that many of BLM's requirements and costs are excessive. BRC signs this CRA reserving all rights to appeal BLM's final decision on cost recovery for the 2018 SRP. Our hope is that the final decision will reflect only BLM's reasonable costs to administer our permit.

Mark, it was a pleasure working with you and your team in 2017. We greatly appreciate the level of professionalism, collaboration and communication you brought to the planning process and event operations, including during the spring when uncertain playa conditions prevailed after the winter rains. Our team is very much looking forward to working with you, Becky Anders, and Mark Pirtle again this year.

Thank you sincerely,

Marnee Benson
Associate Director, Government Affairs
Burning Man

COST RECOVERY AGREEMENT
Phase 1 (Planning & Gov't Contracts Funds)

BURNING MAN SPECIAL RECREATION PERMIT: NVW03500-17-01

APPLICANT: Black Rock City, LLC.

LEAD BLM OFFICE: Winnemucca District, Black Rock Field Office

I. AUTHORITY: Section 304(b) of the Federal Land Policy and Management Act (FLPMA) [43 U.S.C. 1734(b), as amended and 43 CFR Subpart 2932.

II. PURPOSE: This Agreement between the above referenced Applicant and the Bureau of Land Management (BLM) establishes procedures to reimburse BLM for costs incurred to process a Special Recreation Permit (SRP) NVW03500-17-01. If the BLM decides to authorize an SRP, this Agreement shall be amended to reflect the overall costs to be reimbursed to the BLM for costs incurred for the 2018 Burning Man SRP, reflecting both event monitoring and planning. This Agreement will serve as the initiation of the 2018 Cost Recovery Agreement (CRA) (Phase 1-Planning Labor/Government Contracts) developed to cover BLM incurred costs associated with project planning, with a final estimate for all additional 2018 expenses due by April 30, 2018, in order to develop a final estimate and decision for the overall 2018 CRA.

III. PROVISIONS OF AGREEMENT

A. In accordance with Section 304(b) of FLPMA, BLM Handbook H-2930-1, BLM Manual 1323, and 43 CFR 2932.31, Applicant agrees to reimburse BLM for the costs incurred by BLM for processing the Application, and should a SRP be issued, costs for issuing a SRP and monitoring the SRP.

B. This Agreement is subject to the Reimbursable Cost Provisions and the Direct and Indirect Costs to the government outlined in OMB Circular A-25, Treasury Account: 14X5017, Service Charges, Deposits, and Forfeitures, and 43 CFR Subpart 2932. The Cost Estimate is included, and it will be amended should actual expenses exceed the amounts identified in Attachment 1.

C. A cost recovery account will be established for the SRP. The BLM requires you to remit 100% of the estimated cost recovery costs before the start of the 2018 Event. Please refer to the payment schedule below. After the permit is complete and all work is finished, the BLM will notify you if additional funds are required or if you are entitled to a refund.

The following schedule for payments has been developed to allow for the amount due from the estimate to be paid in multiple installments and have 100% of the cost recovery estimate paid prior to the start of the event:

Payment	Date	Amount Due
#1	January 26, 2018 (Phase 1)	\$ 707,866.00
#2	Estimate for all additional 2018 expenses will be documented in Phase 2 of the CRA and will be broken down into multiple installments. The dates of Phase 2 payment will be documented in the Phase 2 CRA	TBD

Following the close-out of the event permit, an accounting of the cost recovery funds will be provided

to Black Rock City, LLC by January 31, 2018`.

IV. REIMBURSABLE COST PROVISIONS

A. BLM agrees to process the Application to the extent funding under the Agreement permits. Processing will include, but not be limited to, the following: coordination, administration and approval of any necessary NEPA compliance; consultation with appropriate Federal, State, Tribal, and local officials; preparation of the administrative record, monitoring the construction, operation and termination of any resultant authorization; and other necessary processing actions consistent with a final decision.

B. BLM agrees to timely notify the Applicant, in writing, of any changes to the indirect rate. Refer to the Definition of Direct and Indirect Costs in Section V. Applicant shall have the right to conduct, at its own expense, reasonable audits of the books, records, and documents of BLM relating to the items on any particular accounting statement provided by BLM.

C. Cost Recovery funds, once obligated by BLM, are not refundable and will not be made refundable by termination of the Project, withdrawal of the Application, or non-issuance of a SRP.

D. In accordance with 43 CFR 2932.31, 2932.32, and 2932.33(c), if BLM denies the Application, Applicant must reimburse BLM for all costs BLM incurred in processing the Application. If the Applicant withdraws the application, Applicant will reimburse BLM for processing costs incurred by BLM in closing its review of the Application and which cannot reasonably be avoided after BLM receives written notice of withdrawal of the Application.

E. Nothing herein shall be deemed to require BLM to maintain books, records, or documents other than those usually maintained by them, provided that such books, records, and documents reasonably segregate and identify the costs for which reimbursement is required and comply with generally accepted accounting practices for such documentation.

The designated points of contact with whom each party to this Agreement will communicate concerning any aspect of this Agreement are as follows:

Bureau of Land Management

Mark E. Hall
Black Rock Field Manager (Acting)
5100 E. Winnemucca Blvd
Winnemucca, NV 89445
775-623-1578

Black Rock City, LLC

Charlie Dolman
Event Operations Director
660 Alabama St
San Francisco, CA 94110-2008
415-865-3800 mehall@blm.gov
Charlie.dolman@burningman.org

V. DEFINITION OF DIRECT AND INDIRECT COSTS

Direct costs are those costs which can be specifically identified with the Application and which are incurred for the benefit of said applicant in that the costs would not have been incurred but for the Application and are appropriate in order for BLM to process the Application. Examples of direct costs include, but are not limited to, personnel costs in the form of wages paid to BLM personnel working on the Application, with allowances provided for fringe benefits and leave surcharge rate and any overtime associated with processing the Application; travel expenses; purchased services, if necessary, such as printing, automated data processing services and photographic reproduction; and any

miscellaneous supplies and equipment of a specialized nature, the use of which is directly applicable to processing the Application.

Indirect costs are those which cannot be specifically identified with the Application. These indirect costs have been calculated at a rate of 23.4 percent of direct costs. The indirect costs are subject to change annually. This percentage figure has been developed in accordance with Department of the Interior procedures and represents those administrative and program costs, excluding management overhead, which can be attributed to processing the Application. Indirect costs include a portion of the costs for capitalized and non-capitalized equipment; space rental; telephone services; postage; personnel transfer costs; budget and program development; administrative and clerical support; training; safety management; public information, inquiries and reports; cartography and basic series mapping; aviation management; telecommunications; maintenance of equipment and tools; and systems design and implementation.

Treasury Account 14X5017, Service Charges, Deposits, and Forfeitures further described as BLM Recreation Cost Recovery is defined in the table below:

Treasury Account	14X5017, Service Charges, Deposits, and Forfeitures
BLM Fund Code, Subactivity, and Title	XXXL5017AP, Fund 341, L51050000, Recreation Cost Recovery
Source of collections/appropriations	<p>Cost recovery charges are associated with recreation activities or events and shall be levied to compensate the Government for the costs of authorizing and administering the recreation-related use. As such, this Subactivity covers revenues and expenditures associated with any Special Recreation Permit that has been determined to be Cost Recovery by BLM personnel as outlined in 43 CFR 2930-1 Permits for Recreation on Public Lands and H-2930-1, Recreation Permit Administration Handbook.</p> <p>Project codes are mandatory and will be assigned and administered by the State Office from their block of unassigned project numbers. They are used to differentiate revenues and obligations for each specific permit.</p> <p>Fees are collected in advance for specified tasks that must be carried out before significant recreation events can be permitted to occur on public lands, and BLM is expected to account to each applicant on the cost of all aspects of the work BLM performs.</p>

As noted in the definition in the table, this account stipulates cost recovery charges shall be levied to compensate the Government for the costs of authorizing and administering the recreation-related use. Because Burning Man is a full cost recovery event, indirect costs will apply as they would for all other commercial permits that require full cost recovery.

VI. EFFECTIVE DATE:

This Agreement shall be effective, as of the latter date of its execution by both parties. Unless terminated earlier, it shall continue until the BLM authorized officer deems the agreement provisions have been satisfied.

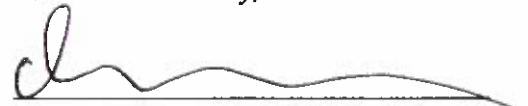
Please sign the agreement below, and return to the BLM, Winnemucca District Black Rock Field Office Manager by January 26, 2018.

VII. SIGNATURES OF AGREEMENT

For: Bureau of Land Management

For: Black Rock City, LLC

Signature


Signature

Date

2/12/18
Date

Mark E. Hall
Black Rock Field Manager

Charlie Dolman
Event Operations Director, BRC

Attachment 1

2018 Phase 1 COST RECOVERY (CR) ESTIMATE

Summary:

Labor Costs	\$ 135,171.00
Operational Costs (Travel)	\$ 15,000.00
Operational Cost (Gov't Contracts)	\$ 429,000.00
Misc Purchase (FRN Posting Fee)	\$ 2,000.00
Sub Total of Direct Costs	\$ 581,171.00
Indirect Cost (Rate of 21.80%)	\$ 126,695.00
Cost Estimate TOTAL	\$ 707,866.00

Labor Detail (Event Planning):

POSITION	ESTIMATED HOURS	ESTIMATED AMOUNT
Agency Administrator/Authoring Officer Planning	150	\$10,814
Civilian Operations Planning	350	\$23,317
LE Operations Planner Planning	450	\$34,065
Environmental Program Planning	150	\$7,587
Vending Program Planning	150	\$7,587
Communications Planning	150	\$10,814
IT Program Planning	150	\$10,814
Technology Planning	150	\$13,517
Contracting Planning	150	\$9,994
Finance Planning	80	\$5,330
Event NEPA Planning	20	\$1,332
TOTAL		\$135,171

Operations Detail (Government Contracts):

DESCRIPTION	AMOUNT
Satellite Tracking Services Contract	\$ 55,000
CAD Servers Licensing Contract	\$ 4,000
Network Services and Support Contract	\$ 110,000
Dispatch Services Contact	\$ 215,000
Microwave/Internet Bandwidth Contract	\$ 20,000
Radio Base Station digital Upgrade	\$ 25,000
TOTAL	\$ 429,000

Operations Detail (Planning Travel):

DESCRIPTION	AMOUNT
Travel	\$15,000
TOTAL	\$15,000

Miscellaneous Purchases (FRN Posting Fee):

DESCRIPTION	AMOUNT
FRN Posting	\$2,000
TOTAL	\$2,000