

Request for Proposals – Addendum #2
Food & Beverage and Retail Concessions
Issued by Jackson Hole Airport

This Addendum #2 to the RFP for Food & Beverage and Retail Concessions at the Jackson Hole Airport provides further clarification regarding the RFP and the Airport Facilities Lease and Concessions Agreement (Agreement). All other provisions and requirements as originally set forth in the RFP and RFP Addendum #1 remain in full force and effect.

Clarifications:

1. Page 11 of the RFP states as follows:

ACDBE Requirements.

“The Agreement will be subject to the requirements of the U.S. Department of Transportation’s regulations, 49 CFR part 23, Participation of Disadvantaged Business Enterprise in Airport Concessions. In accordance with Part 23, the Board has established an ACDBE goal. The Board is currently updating its ACDBE Program and goal, and as a result, the ACDBE goal will change prior to the term of this Agreement. Proposers shall take all necessary and reasonable steps to achieve any ACDBE goal established by the Board. The Proposer shall demonstrate that it has met any established goal or provided sufficient evidence of good faith efforts to meet the established ACDBE goal. The Board will rely on the guidance set forth in Part 23 to evaluate good faith efforts.”

Subsequent to the issuance of this RFP, the U.S. Department of Transportation issued on September 30, 2025, the Interim Final Rule, *Disadvantaged Business Enterprise Program and Disadvantaged Business Enterprise in Airport Concessions Program Implementation Modifications*, published at 90 Fed. Reg. 47,969 (Oct. 3, 2025) (“IFR”). The IFR changed the criteria for certifying DBEs and ACDBEs and required each Unified Certification Program (“UCP”) to reevaluate currently certified DBEs and ACDBEs.

The IFR added Section 23.25(h), which provides, “Effective October 3, 2025, you may not use any of the measures described in paragraph (e) of this section until the UCP that covers you has completed the reevaluation process described in § 23.81.” For clarity, Section 23.25(e)(1) provides for establishing concession-specific goals for particular concession opportunities.

In light of the IFR, **the Jackson Hole Airport Board has determined that there can be no goal for ACDBE participation for purposes of this RFP.** Bidders are not required to include any specific information on ACDBE participation in their proposals, and ACDBE participation will not be considered in the Airport Board’s evaluation, selection and award.

2. Section 7.5 of the Agreement has been revised to ensure compliance with the IFR (changes in red line):

7.5 Airport Concession Disadvantaged Business Enterprise.

7.5.1 It is the policy of Board that disadvantaged business enterprises, including firms owned and controlled by socially and economically disadvantaged individuals as defined in 49 C.F.R. Part 23, shall have maximum opportunity to participate in the performance of its leases.

7.5.2 ~~The Board has prepared, and the Federal Aviation Administration has approved, an Airport Concession Disadvantaged Business Enterprise ("ACDBE") Program Plan, including goals for certified ACDBE participation in Airport concessions.~~ Lessee agrees to comply with the Board's ACDBE Program Plan, ~~including good faith efforts to achieve the participation goal and reporting obligations,~~ and to comply with applicable requirements of 49 C.F.R. Part 23, as the Program Plan and regulations may be amended during the Term.