



NORTHWEST ARKANSAS NATIONAL AIRPORT

REQUEST FOR PROPOSALS FOR A
CONVENIENCE STORE CONCESSION

January 12, 2026

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SECTION 1:
NOTICE OF OPPORTUNITY AND GENERAL PROJECT INFORMATION

A. NOTICE AND DESCRIPTION.

The Northwest Arkansas Regional Airport Authority (the “Authority”) gives notice of this request for proposals (together with any addenda and answers to questions, the “RFP”) from qualified convenience store facility operators/developers, or brokers on their behalf, for the construction and operation of a high-quality traditional or expanded format convenience store facility (the “Convenience Store” or “Concession”) to be located at the Northwest Arkansas National Airport (the “Airport” or “XNA”). The Authority has identified two sites at the intersection of Regional Avenue and Airport Boulevard (described more specifically herein) as possible locations for the Convenience Store. It is the Authority’s intent to select a proposal that meets or exceeds the criteria set forth in this RFP, and thereafter to negotiate a concession and lease agreement (the “Agreement”) with the successful proposer.

B. TIMELINE AND SCHEDULE OF EVENTS.

The anticipated timeline and schedule of events for the proposal process is as follows (all times are Central time zone):

EVENT	TIMELINE
Issue RFP	January 12, 2026
Deadline for submitting questions	February 6, 2026 (by 4:00 p.m.)
XNA issues responses to questions	February 11, 2026
SUBMISSIONS DUE	February 20, 2026 (by 4:00 p.m.)
Internal selection by staff	By February 25, 2026
Present to Operations Committee	March 3, 2026
Present to Board of Directors	March 10, 2026

*****NOTE***** The above timeline and schedule of events is subject to modification without notice at the Authority’s sole discretion.

C. LOCATION OF PROCUREMENT DOCUMENTS.

This RFP and all other documents related to this procurement will be maintained online at www.flyxna.com/public-notices-procurements. This RFP will be available beginning January 12, 2026. Any amendments, addenda, questions/answers, and

other documents pertaining to this procurement will be posted at this site as they are released. It is the responsibility of each proposer to visit this site frequently to ensure the delivery of up-to-date information and documentation regarding this procurement.

D. PRE-PROPOSAL MEETING AND SITE VISIT.

There will not be a formal pre-proposal meeting or site visit associated with this procurement. Proposers are encouraged to visit the site locations prior to submitting a proposal in order to familiarize themselves with the Airport and the surrounding area, and may coordinate such visit(s) with XNA staff.

E. MINIMUM QUALIFICATIONS.

A proposer must have substantial experience in the development and operation of convenience stores and must fully describe their level of experience. Proposers should have a minimum of three years' continuous experience within the last seven years in the operation and management of a convenience store. In determining whether a proposer has sufficient qualifications to operate a convenience store at the Airport, the Authority will consider the proposer's historical and existing financial stability, operating history of the proposer, and other information deemed relevant by Authority staff.

Proposers must be incorporated or organized under the laws of one state in the United States and must be authorized to do business in the State of Arkansas at the time of agreement execution.

F. EVALUATION.

The Authority will evaluate proposals based on the criteria set forth herein. In general, the Authority will only evaluate proposals submitted by proposers who meet the minimum requirements and qualifications set forth in this RFP. Provided, however, the Authority reserves the right to reject any or all proposals, to waive irregularities and technicalities of any kind, to re-advertise, or otherwise to proceed in the best interests of the Authority.

G. PROHIBITION AGAINST LOBBYING.

A proposer shall not lobby, either on an individual or collective basis, the Authority (including its directors, officers, employees, or agents) or any federal, state, or local elected or public official or staff regarding this RFP or its written proposal. No proposer, and no acquaintances, friends, family members, outside advisors, agents, or other representatives of a proposer, shall contact the Authority (including its directors, officers, employees, or agents), or any federal, state, or local public officials or Airport staff to arrange meetings, visits, or presentations to influence the outcome of the selection process. Violation of this provision, by or on behalf of a

proposer, intentionally or unintentionally, may result in disqualification of the proposer and/or rejection of a written proposal.

H. QUESTIONS, INQUIRIES AND AIRPORT CONTACT.

The Authority is committed to providing all interested parties with accurate and consistent information. To this end, from the date of this RFP through the selection of the successful proposer, the Authority's contact is Brian Burke (email: brian.burke@flyxna.com; telephone: (479) 205-1424. All submissions required by this RFP shall adhere to the Timeline and Schedule of Events set out in Section 1 of this RFP.

Oral communications and emails from the Authority, its staff, agents, employees or outside advisor, or any other person associated with this RFP shall not be binding on the Authority and shall in no way modify any provision of this RFP. Only formally issued addenda and the Authority's published responses to proposers' questions shall establish or modify the terms of this RFP. Any addenda issued for this RFP will be published at the following website address: www.flyxna.com/public-notices-procurements. Proposers are responsible for checking the website prior to submission of proposals for any addenda and responses to questions. If you are unable to download the addenda, you may contact the Authority's contact noted in this Section.

I. PUBLICATION OF NOTICE.

This RFP, or a summary thereof, may be separately published, posted, or delivered to any of the entities listed below. Updates will not be provided to these entities, and the official repository of all RFP documents will be as set forth in Paragraph B of this Section 1.

Convenience store trade publications;

Local commercial real estate brokers;

Any entity that has previously expressed interest in the project or which the Authority has identified as a potential proposer.

SECTION 2: AIRPORT AND REGIONAL INFORMATION

A. AIRPORT INFORMATION.

The Airport, which opened for commercial service on November 1, 1998, is the busiest commercial service airport in the State of Arkansas. In its first full year of operations, XNA had a total of just over 367,000 enplanements. In 2011, XNA opened a new concourse (Concourse A), which currently houses 12 gates. By 2018, XNA's enplanements had grown to over 788,000, an increase of 9% over 2017. In 2019, enplanements increased 17% to 922,533. Although XNA's enplanements followed the national and global decline during the COVID-19 pandemic, by 2022 enplanements had rebounded to 836,195. In September of 2024, monthly enplanements at the Airport surpassed Clinton National Airport in Little Rock (which opened in 1931) for the first time, on the way to an annual record of 1,147,947 enplaned passengers. Although final enplanement numbers for December 2025 were not available at the time this RFP was issued, XNA officials welcome yet another record year as 2025 enplanements were 1,161,934 through November. Approximately 1,000 people work on the XNA campus, with approximately 80 people being employed directly by the Authority. This does not include the various construction contractors and tradespeople on the Airport campus from time to time, which will continue to be steady and significant as the Authority makes plans to build a western concourse, construction of which is estimated to begin in late 2026 or early 2027.

Historically, XNA's customer base has been predominately made up of business travelers in support of Walmart, Tyson, J.B. Hunt, the University of Arkansas, and other companies in the Northwest Arkansas area. The COVID-19 pandemic ushered in a surge of leisure travelers, and the airlines have responded, adding new service and routes. Currently, XNA has six airlines (American, United, Delta, Allegiant, Frontier, and Breeze) serving 27 non-stop destinations: Atlanta (ATL), Charlotte (CLT), Chicago (ORD), Dallas-Fort Worth (DFW), Denver (DEN), Destin-Ft. Walton Beach (VPS), Detroit (DTW), Fort Lauderdale (FLL), Gulf Shores/Orange Beach (GUF), Houston/Bush Intercontinental (IAH), Las Vegas (LAS), Los Angeles (LAX), Miami (MIA), Minneapolis (MSP), Nashville (BNA), New Orleans (MSY), New York City (LGA), Orlando International (MCO), Orlando/Sanford (SFB), Pensacola (PNS), Philadelphia (PHL), Phoenix/Mesa Gateway (AZA), Phoenix/Sky Harbor (PHX), Salt Lake City (SLC), Tampa International (TPA), Tampa/St. Pete-Clearwater (PIE), and Washington, D.C. (DCA).

Ground transportation consists of ride share (Uber, Lyft, etc.), car service, hotel shuttles, peer-to-peer car sharing (e.g., Turo), and traditional rental car companies. Five rental car companies operate at XNA: Avis, Budget, Enterprise, National, and Hertz. The Authority has determined the following historical information relative to rental car usage (current through November 2025):

YEAR	NUMBER OF CONTRACTS	TOTAL CONTRACT DAYS
2016	131,857	272,318
2017	131,601	404,519
2018	138,455	432,994
2019	147,778	478,389
2020	55,177	202,787
2021	66,895	249,432
2022	97,489	347,164
2023	119,963	417,738
2024	140,721	497,616
2025*	135,915	471,927

*Through November

In addition, XNA has been capturing information on Turo peer-to-peer rental transactions since Turo began operating at XNA in October of 2023. Information submitted by Turo shows the following number of trip days on an annual basis:

YEAR	TURO TRIP DAYS
2023	1409
2024	5718
2025	5452

The airport terminal is accessed from the north by Regional Avenue, and from the south by Airport Boulevard (which directly serves the terminal facility). The most recent traffic count estimates from the Arkansas Department of Transportation indicate an average daily traffic count of 7,700 on Regional Avenue and 4,500 on Airport Boulevard. In April of 2024, the Arkansas Department of Transportation broke ground on the XNA Connector, a 3.4 mile fully controlled access highway connecting XNA's southern entrance to Interstate 49 via the Springdale Northern Bypass (Highway 612). Expected to open in mid-2027, the XNA Connector will introduce significantly more vehicle traffic onto Airport Boulevard and Regional Avenue, directly increasing the traffic count at the location for the Convenience Store.

B. REGIONAL INFORMATION.

Northwest Arkansas is a fast-growing metropolitan area that is home to more than 605,000 people. In addition to being home to the University of Arkansas, Northwest Arkansas is the corporate headquarters of three Fortune 500 companies: Walmart (#1), Tyson Foods (#85) and J.B. Hunt Transport Services (#348). Hundreds of Walmart supplier offices have been established in the region, meaning thousands of employees for Procter & Gamble, Colgate-Palmolive, General Mills, Kraft Heinz, Coca-Cola, Mondelez International, Johnson & Johnson, Nestle USA, and other companies rely on XNA to conduct business worldwide.

Leisure travelers use XNA to access the region's increasing number of quality-of-life amenities. Crystal Bridges Museum of American Art, The Momentary, the Walmart AMP outdoor concert venue, and the region's recognition as the mountain bike capital of the world are among dozens of reasons Northwest Arkansas is an attractive place to visit.

SECTION 3: PROJECT INFORMATION

A. PROJECT LOCATION.

XNA has identified the intersection of Regional Avenue and Airport Boulevard as the preferred location for the Convenience Store. This intersection is highlighted in Exhibit "A" attached hereto. A proposer may select from the northwest or southwest corners of this intersection as the site of its proposed Convenience Store (each a "Site"). XNA estimates that the Convenience Store will be approximately 3,400 square feet in total size, with a sales area of approximately 2,700 square feet. These size and area references are intended to be representative of the approximate expected size and scale of the Convenience Store and are not intended to be strict limitations. A Proposer may submit proposals for each Site, provided that all of the information required by this RFP is clearly provided for each separate Site.

B. DESCRIPTION OF SERVICES, AMENITIES, AND CONSTRUCTION.

Proposals must include a thorough description of the services and amenities to be offered at the Convenience Store, as well as a description of the physical aesthetics and attributes of the Concession's physical structure, referencing the following:

1. Services and Amenities. Proposals should describe the various fuels, food, general merchandise, and other items or services to be sold or provided at the Convenience Store. The Authority intends for the Convenience Store to be an extension of the XNA terminal building, so non-fuel amenities and retail items should be primarily geared toward people using XNA for air travel as well as those who work on the XNA campus or in the surrounding area. The Authority believes that a restaurant or prepared food option is an essential amenity, and

thus preferential consideration will be given to proposals that submit restaurant or prepared food options.

2. Construction Elements and Aesthetics. The Authority intends for the Convenience Store to be an elevated experience, both on the inside and on the outside. The construction methods, materials, and aesthetics should be sustainable, should convey a sense of place of the Northwest Arkansas area, and should complement the aesthetics and attributes of the XNA terminal building.
3. Quality of Service. The Authority expects that the Convenience Store Concession will provide a first-rate customer service experience, and will contractually require the successful proposer to provide sufficient staffing to provide same. To this end, proposals should describe how the Convenience Store will be staffed at all times (for both management and non-management employees) and should indicate the highest level of management available to Authority staff to address day-to-day issues that may arise. Proposals should also contain information relating to the day-to-day safety and security measures that will be implemented.
4. Hours of Operation. The Convenience Store will be required to be open every day (365 days per year with no holiday closures) at least between the hours of 3:00 a.m. and 11:00 p.m.; however, this requirement should not be construed as prohibiting operations outside of those hours, and 24-hour operation will be considered a positive factor in the evaluation of proposals. Reference should also be made to staffing plans for periods of inclement weather.
5. Brand Affiliation and Loyalty Program. The Convenience Store concept must be a nationally or regionally recognized brand with a robust loyalty or VIP program. If co-branding is proposed in order to provide a restaurant or prepared food offering, that co-brand should also be nationally or regionally recognized, but locally owned options will also be considered.

C. SUMMARY OF BUSINESS/CONCESSION TERMS.

The selected proposer shall provide a turn-key operation that includes all staffing, equipment, and inventory, and shall be responsible for all operational issues, janitorial services, maintenance, and trash removal incidental to the operation of the Convenience Store. Specific contractual terms will be negotiated between the Authority and the successful proposer and will be contained in the Agreement. **The Authority's obligation to enter into the Agreement is expressly conditioned on the Federal Aviation Authority's approval of the use of the Site for a convenience store for the duration of the agreed upon term.** which will be subject to and contingent upon approval by the Federal Aviation Administration. Insomuch as the Authority does not have any off-terminal concessions, no specimen agreement is included with this RFP. However, the following significant material terms should be expected:

1. Length of Term. The Authority is prohibited by Federal law from entering into leases the term of which is longer than what is reasonably necessary for a tenant to recover its investment and realize a reasonable return on that investment. The Authority thus anticipates that the term of the Agreement will not exceed 20 years. A proposer that does not believe that it can recover its investment for the convenience store it proposes to build and also recognize a reasonable return on that investment utilizing a 20-year term must include in its proposal a length of term that it believes is reasonably necessary for the recovery of its investment and production of a reasonable return, and must provide a supporting explanation together with any applicable documentation. During the term of the Agreement, the successful proposer will own the improvements it constructs to form the Convenience Store. At the conclusion of the term, ownership of the constructed improvements (excluding underground fuel storage tanks) shall revert to the Authority.
2. Payment to Authority. Proposals should contain a description of the monthly concession fee to be paid to the Authority. While the Authority contemplates that this fee will be composed of some combination of ground rent and percentage of gross sales, the Authority does not intend to foreclose other payment models. To the extent that the concession fee is wholly or partly composed of a percentage of gross sales, the Authority recognizes that profit margins on items sold at convenience stores vary greatly between item classes and would thus be agreeable to varying rate structure by product classification. These classifications might include:

- Retail and non-prepared food items
- Alcoholic beverages
- Lottery tickets
- Prepared food items

The Authority is also open to considering a fuel flowage fee as a component of the concession fee.

In no event shall the annual payment to the Authority be less than the annual fair rental value of the Site (\$1.00/sq. ft., increasing by 2% each year).

The retail cost of all non-fuel items will not be permitted to exceed 112% of the average cost of such items in Benton and Washington Counties. The retail cost of fuel by grade shall not exceed 105% of the average cost of fuel for such grades within a ten-mile radius of the Convenience Store.

3. Taxes, Insurance, and Other Operational Costs. The successful proposer shall be responsible for all taxes, insurance, and other costs associated with constructing, owning, and operating the Convenience Store.

4. Periodic Update/Refresh. Proposals should include a plan for the periodic update/refresh of the Convenience Store.

D. SITE LOCATION, INFRASTRUCTURE, AND CONSTRUCTION.

1. The Site is approximately two acres (more or less). The Site size is subject to expansion, contraction, or relocation depending on the needs of the successful proposer and/or any conditions imposed by the Federal Aviation Administration.
2. The Authority will cause water, sewer, and electrical service to be delivered to the selected Site. The successful proposer shall be responsible for the cost of connecting to said utilities as well as the deployment of same at the Site.
3. The successful proposer will be solely responsible for all design, engineering, and construction work associated with the Convenience Store.
4. Proposers should submit a detailed development plan for the Site and must submit conceptual plans that contain sufficient detail to facilitate a meaningful evaluation of the proposal. Proposers should also submit representative photographs from other convenience stores it owns or operates to serve as exemplars of the type of facility the Authority can expect from the proposer.
5. Proposals should include detailed information about the underground fuel storage tanks intended to be used for the Convenience Store, to include specific details regarding installation and removal processes. At the conclusion of the Agreement term, the successful proposer may be required to remove any underground fuel storage tanks supporting the Convenience Store. The installation, use, and removal of underground fuel storage tanks shall at all times be in accordance with all federal, state, and local laws and regulations.
6. The selected proposer shall provide a turn-key operation that includes all staffing, equipment, and inventory and shall be responsible for all operational issues, janitorial services, maintenance, and trash removal incidental to the operation of the Convenience Store Concession.
7. The Authority reserves the right to construct roadway or other improvements on or alterations to the Site without liability to the successful proposer.

E. MISCELLANEOUS REQUIREMENTS.

In addition to other requirements and terms described elsewhere in this RFP, and in addition to other negotiated terms in the Agreement, the following will apply:

1. ACBDE Requirements. In accordance with regulations of the U.S. Department of Transportation, 49 CFR Part 23, Subpart C, the Authority has implemented an Airport Concessions Disadvantaged Business Enterprise (ACDBE) concession plan under which qualified firms may have the opportunity to operate or participate in the operation of an airport business. However, due to the current state of federal law regarding the legitimacy of this program nationwide, and in consideration of the Authority's grant assurances to the Federal Aviation Administration, the Authority currently does not require or enforce ACDBE goals or reporting requirements. The future implementation of this requirement is subject to change pending the ultimate resolution of various ongoing challenges in federal courts across the United States.
2. Insurance and Indemnification. The successful proposer will be required to meet (or exceed as the Authority determines may be necessitated by the proposal) the Authority's minimum insurance requirements, currently:
 - a. Comprehensive commercial general liability with a limit of not less than \$1,000,000.00 per occurrence and not less than \$2,000,000.00 aggregate for bodily injury, including death resulting therefrom, personal injury, property damage and advertising injury;
 - b. Business automobile liability with a limit of not less than \$1,000,000.00 per occurrence and no less than \$2,000,000.00 aggregate;
 - c. Statutory workers compensation and employer's liability insurance with limits not less than \$1,000,000.00 for each sub-category of coverage;
 - d. Umbrella or excess liability coverage with a minimum limit of \$1,000,000.00 each occurrence and \$2,000,000.00 in the annual aggregate with coverage extending over primary commercial general liability, business automobile liability, and employer's liability; and
 - e. A storage tank pollution policy, with coverages and amounts sufficient to the Authority, which will be not less than the amounts set forth in subparagraph (a), above, for general liability coverage.

Proposers should be aware that the Authority is a public corporation and enjoys statutory immunity under Arkansas law. Thus, while the proposer will be required to indemnify and hold the Authority harmless as to any damages or claims arising out of the operation of the Convenience Store, the Authority cannot and will not agree to indemnify the successful Proposer.

F. EVALUATION AND CRITERIA.

Proposals received in response to this RFP will be evaluated by Authority staff members. Staff will use the evaluation criteria summarized below and may utilize any information or other criteria they deem necessary as submitted by proposers.

1. Overall concept and design (0 to 10 points);
2. Operations and management plan(s) (0 to 15 points);
3. Business and finance plan(s) (0 to 50 points);
4. Experience and qualifications of the proposer (0 to 25 points); and
5. Interview and presentation (if applicable).

SECTION 4: **PROPOSAL CONTENT AND INSTRUCTIONS**

Proposals shall be divided into the following five sections:

1. Cover Letter;
2. Proposed Concept and Design;
3. Operations and Management Plan;
4. Business and Financing Plan; and
5. Experience and Qualifications.

Each proposer shall submit one hard-copy original proposal, bound in a three-ring binder or comparable presentation. Additionally, each proposer shall submit a digital copy of the proposal on a USB flash drive, along with an executed copy of the certification form set out in Exhibit "B" hereto. Page sizes must be 8½" by 11"; provided, however, that drawings, renderings, or other similar material that would benefit from a larger page size may be on a page size of 11" by 17", folded to 8½" by 11". **Proposals may be submitted by brokers, but must contain all of the required information, and must identify the real party in interest.**

A. COVER LETTER.

Each proposer must submit a cover letter identifying (a) the proposer's name, legal form, date of formation, information relating to the proposer's size and history, along with biographical information of the proposer's principal officers; (b) complete contact information for the proposer's authorized representative; (c) a brief

description of the proposed concept; and (d) such other information which the proposer deems significant to the reader's general understanding of the proposal. The cover letter must be signed by an authorized representative of the proposer.

B. PROPOSED CONCEPT AND DESIGN.

This section should contain all pertinent information regarding the proposed concept and design. At a minimum, this section must contain the following:

1. A detailed description of the concept, design, and brand;
2. How the concept and design incorporates a "sense of place" of the Northwest Arkansas region;
3. Information on the proposer's operation of the same or similar concept or brand at other airport and/or local or regional locations (to include location, size, sales volume, etc.), how the proposal is similar to or differs from those other operations, and how the Airport's market facilitates those similarities or differences;
4. Copies of published reviews and awards;
5. A proposed menu of prepared food items (if applicable);
6. A layout/space plan of the proposed Convenience Store that is to scale and which shows each and every feature of the proposed concept, including the location of parking lots, fueling islands, light fixtures, facility entrances/exits, etc.;
7. Preliminary renderings of the proposed concept that are sufficient to show the interior and exterior of the proposed concept, proposed color schemes, finishings, furnishings, and graphics;
8. A narrative description of the proposed facility, including an explanation of significant design elements and design materials, an explanation and description of lighting concepts, and other notable features;
9. If applicable, thorough description (including anticipated cost) of any modifications or improvements to the Airport facility in order to accommodate the proposed concept; and
10. A Gantt-style schedule that defines, at minimum, design, design review, permitting, construction, turnover, stocking and training milestones.

C. OPERATIONS AND MANAGEMENT PLAN.

Each proposal shall contain a section that describes the proposed operation, management, staffing, and marketing of the proposed concept. At a minimum, this section must contain the following:

1. Operations. Operations plans should address:
 - a. Delivery, storage, replenishment, and trash removal;
 - b. Plans for ensuring ongoing, high-quality operations, including employee training and cleanliness standards;
 - c. Point-of-Sale equipment and procedures;
 - d. Cash control systems;
 - e. Audit practices;
 - f. Liquor control practices; and
 - g. Approach and ability to ensure operation of the Convenience Store during periods of inclement weather; and
2. Management. Management plans should address:
 - a. Description and experience of management team;
 - b. Proposed staffing schedule(s) during both peak and off-peak hours;
 - c. Recruitment and training practices;
 - d. Employee incentive programs (if any); and
 - e. Proposer's diversity, equity, and inclusion initiatives (if any).
3. Marketing and Promotion. Proposers should include marketing plans that address:
 - a. The methods to be used to gauge customer satisfaction; and
 - b. Process and philosophy on dealing with customer complaints.

D. BUSINESS AND FINANCING PLAN.

Each proposal shall contain a thorough description of all business and financial matters regarding the proposal, to contain the following:

1. A proposal as to how monthly concession fee should be calculated;
2. If the proposer is proposing any term extensions beyond the initial 20-year term, the number and length of such proposed extensions;
3. The capital expenditure amount (expressed in dollars per square foot) proposed to be spent on the Convenience Store, itemized in such a way as to enable Authority staff to understand how the capital expenditure is divided among the various components of the Convenience Store, such as furnishings, fixtures, mechanical and electrical equipment, customer amenities, responsible parties, any third-party financing the proposer intends to obtain, etc.;
4. The timing of and amount to be spent on mid-term refurbishments to the Convenience Store, along with a description of potential refurbishment items;
5. The amount the proposer expects to spend on annual upkeep (expressed in dollars per square foot); and
6. The amount (expressed in whole dollars) the proposer expects to spend each month on operating expenses, to include an itemization of such expenses.

Proposers are free to include other financial metrics that would be relevant to an understanding of the financial viability of the proposal. However, the foregoing factors are required, and should be set out in order in the proposal.

E. EXPERIENCE AND QUALIFICATIONS.

Each proposal shall contain a section that fully and fairly describes the proposer's experience and qualifications to be selected as the Convenience Store operator, to specifically include information on the following:

1. Any experience in operating a convenience store within the 10-year period immediately preceding the submission of the proposal;
2. Any experience with the proposed concept, including data to support the success of the proposed concept;
3. The experience of the management team members that will be responsible for operating the Store;
4. A list of leases where the proposer has been a tenant and has been terminated for cause or declared in default within the 10-year period immediately preceding the submission of the proposal, unless termination or default was withdrawn in your favor;

5. A list of leases, agreements, loans, or other contractual obligations with any landlord or creditor where the proposer presently has delinquent debts or arrearages;
6. Any experience (positive and negative) pertaining to issues related to the installation, repair, removal, and maintenance of underground fuel storage tanks, including mitigation measures employed as a result of spills, tank leakage or failure, or other environmental issues.

SECTION 5:
MISCELLANEOUS NOTICES AND INFORMATION

A. TITLE VI SOLICITATION NOTICE.

The Authority, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq) and implementing regulations, hereby notifies all proposers that it will affirmatively ensure that all persons, businesses, and entities will be afforded a full and fair opportunity to participate in this solicitation, and that no person, business, or entity will be discriminated against on the basis of race, color, national origin, sex, creed, age, disability, or genetic information.

B. OPEN RECORDS AND CONFIDENTIALITY.

The Authority is a public corporation and is subject to the Arkansas Freedom of Information Act (“FOIA”), and upon receipt of a valid request made under FOIA, the Authority may be required to disclose copies of proposals submitted in response to this RFP. The Authority shall promptly notify a proposer if it receives a request under FOIA that would require it to produce financial information relating to a proposer or its proposal, and shall timely assert, for itself or on behalf of a proposer, any exemption to FOIA the Authority believes may apply to prevent or limit disclosure of such financial information. However, in the event the Authority believes no exemption applies, or if a requesting party pursues or threatens to pursue a lawsuit to enforce its request over any exemption asserted on a proposer's behalf, proposers are hereby notified that the Authority will comply with FOIA and a proposer may, at its expense, assert or defend on its own behalf any FOIA exemption it believes applies to the requested documents.

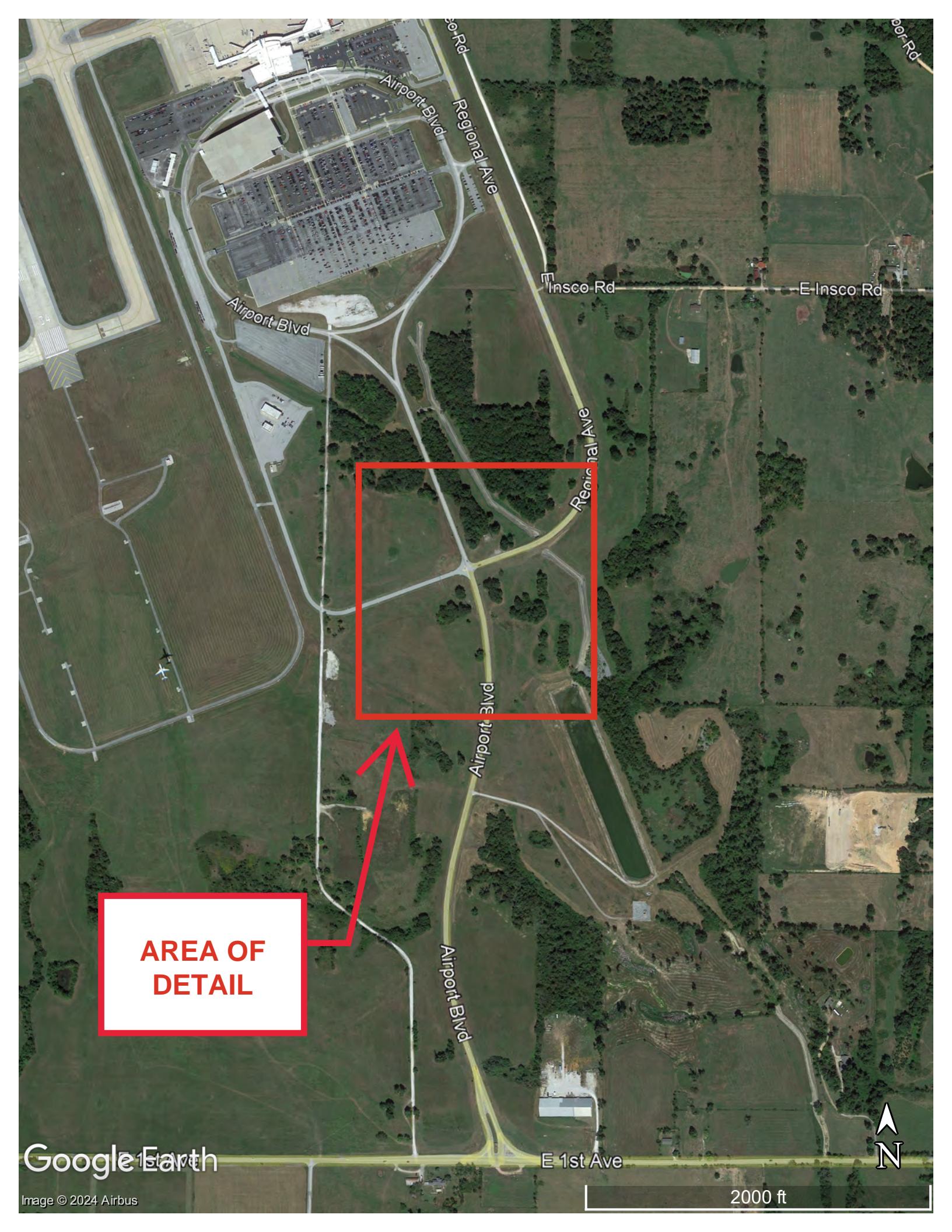
C. MANDATORY FEDERAL PROVISIONS.

Certain provisions mandated by federal law apply to this procurement and are attached hereto as Exhibit “C” and are incorporated herein by reference.

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EXHIBIT “A”

Site Locations



AREA OF DETAIL

Google Earth

Image © 2024 Airbus

E 1st Ave

2000 ft

N

DETAILED VIEW

NW SITE
LOCATION

SW SITE
LOCATION

EXHIBIT “B”

Virus-Free Certification

COMPUTER VIRUS AND MALWARE CERTIFICATION

Proposer Name: _____

I hereby certify that the proposal submitted on the USB flash drive accompanying this certification was scanned for computer viruses and malware using software that is commercially reasonable for such purpose, and that said flash drive is free of computer viruses and malware at the time of its delivery to XNA. I further certify that to the best of my knowledge any hyperlinks contained in the proposal may be safely accessed as of the date of this certification.

Signature of Authorized Representative

Date

Print name: _____

Print title: _____

EXHIBIT “C”

MANDATORY FEDERAL REQUIREMENTS

The following provisions, if applicable, shall be part of this procurement and will be included to the extent required in any contract with a submitting party.

All references made herein to “Contractor”, “Prime Contractor”, “Bidder”, and “Offeror” shall pertain to the submitting party.

All references made herein to “Subcontractor”, “Sub-Tier Contractor” or “Lower Tier Contractor” shall pertain to any subconsultant under contract with the submitting party.

All references made herein to “Sponsor” and “Owner” shall mean the Northwest Arkansas Regional Airport Authority.

All references made herein to “this contract” shall include this RFQ and any contract that results from it between the Authority and the successful submitting party.

1. **Disadvantaged Business Enterprises (Reference: 49 CFR Part 26).** The requirements of 49 CFR part 26, including any amendments thereto, apply to this solicitation. It is the policy of the Authority to practice nondiscrimination based on race, color, sex, or national origin in the award or performance in making any award or selection under this solicitation. The Authority encourages participation by all firms qualifying under this solicitation regardless of business size or ownership
2. **Fair Labor Standards Act.** All contracts and subcontracts that result from this solicitation incorporate by reference the provisions of 29 CFR part 201, *et seq.*, the Federal Fair Labor Standards Act (FLSA), with the same force and effect as if given in full text. The FLSA sets minimum wage, overtime pay, recordkeeping, and child labor standards for full and part-time workers.

The Contractor has full responsibility to monitor compliance to the referenced statute or regulation. The Contractor must address any claims or disputes that arise from this requirement directly with the U.S. Department of Labor – Wage and Hour Division.

3. **Foreign Trade Restriction.**
 - a. By submission of an offer, the Offeror certifies that with respect to this solicitation and any resultant contract, the Offeror:
 - i. is not owned or controlled by one or more citizens of a foreign country included in the list of countries that discriminate against U.S. firms as published by the Office of the United States Trade Representative (USTR);
 - ii. has not knowingly entered into any contract or subcontract for this project with a person that is a citizen or national of a foreign country included on

the list of countries that discriminate against U.S. firms as published by the USTR; and

- iii. has not entered into any subcontract for any product to be used on the Federal project that is produced in a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR.

This certification concerns a matter within the jurisdiction of an agency of the United States of America and the making of a false, fictitious, or fraudulent certification may render the maker subject to prosecution under Title 18 USC § 1001.

- b. The Offeror/Contractor must provide immediate written notice to the Owner if the Offeror/Contractor learns that its certification or that of a subcontractor was erroneous when submitted or has become erroneous by reason of changed circumstances. The Contractor must require subcontractors provide immediate written notice to the Contractor if at any time it learns that its certification was erroneous by reason of changed circumstances.
- c. Unless the restrictions of this clause are waived by the Secretary of Transportation in accordance with 49 CFR § 30.17, no contract shall be awarded to an Offeror or subcontractor:
 - i. who is owned or controlled by one or more citizens or nationals of a foreign country included on the list of countries that discriminate against U.S. firms published by the USTR; or
 - ii. whose subcontractors are owned or controlled by one or more citizens or nationals of a foreign country on such USTR list; or
 - iii. who incorporates in the public works project any product of a foreign country on such USTR list.
- d. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by this provision. The knowledge and information of a contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- e. The Offeror agrees that, if awarded a contract resulting from this solicitation, it will incorporate this provision for certification without modification in all lower tier subcontracts. The Contractor may rely on the certification of a prospective subcontractor that it is not a firm from a foreign country included on the list of countries that discriminate against U.S. firms as published by USTR, unless the Offeror has knowledge that the certification is erroneous.
- f. This certification is a material representation of fact upon which reliance was placed when making an award. If it is later determined that the Contractor or

subcontractor knowingly rendered an erroneous certification, the Federal Aviation Administration (FAA) may direct through the Owner cancellation of the contract or subcontract for default at no cost to the Owner or the FAA.

4. Prohibition of Covered Unmanned Aircraft Systems. In accordance with Section 936 of the FAA Reauthorization Act of 2024:

- a. The Bidder or Offeror certifies that they are aware of and comply with relevant Federal statutes and regulations, including those from the Federal Aviation Administration (FAA), for operating unmanned aircraft systems (UAS) in accordance, and in compliance with all related requirements in the FAA Reauthorization Act of 2024 (Public Law 118-63), section 936 (49 U.S.C. § 44801 note);
- b. Contractor warrants that all UAS operations will be conducted in full compliance with all applicable Federal Aviation Administration (FAA) regulations, including but not limited to 14 CFR Part 107, and any other applicable local, state, or Federal laws and regulations;
- c. Sponsors and subgrant recipients cannot use AIP grant funds to enter into, extend, or renew a contract related to covered unmanned aircraft systems (UAS). This includes both procurement and operational contracts, as well as contracts with entities that operate such systems.

5. Incorporated by Reference. The following six Federal provisions are incorporated in this RFP by reference:

- a. Buy American Preference (49 USC § 50101, Executive Order 14005, and Bipartisan Infrastructure Law (Pub. L. No. 117-58, Build America, Buy America (BABA));
- b. Title VI of the Civil Rights Act of 1964, as amended (49 U.S.C. § 47123);
- c. Davis-Bacon Requirements (2 CFR § 200, Appx. II(D), 29 CFR Part 5, 49 USC § 47112(b), and 40 USC §§ 3141-3144, 3146 and 3147);
- d. Debarment and Suspension (2 CFR Part 180 (Subpart B), 2 CFR Part 200, Appx. II(H), 2 CFR Part 1200, DOT Order 4200.5, and Executive Orders 12549 and 12689);
- e. Lobbying and Influencing Federal Employees (31 USC § 1352—Byrd Anti-Lobbying Amendment; 2 CFR Part 200, Appx. II(I), and 49 CFR Part 20, Appx. A); and
- f. Procurement of Recovered Materials (2 CFR § 200.322, 2 CFR Par 200, Appx. II(J), 40 CFR Part 247, and 42 USC § 6901 *et seq.* (Resource Conservation and Recovery Act)).