

APPLICATION FOR LEASE AGREEMENT

WICHITA AIRPORT AUTHORITY

Any Entity (e.g., person, firm, partnership, company, corporation, LLC, association, etc.) desiring to engage in a Business at Wichita Eisenhower National Airport or Colonel James Jabara Airport, by either leasing existing facilities or leasing land on which to construct new facilities, shall submit a written application to the Director of Airports.

APPLICATION

As appropriate to the specific type of business proposed, the prospective Tenant shall submit the information requested on the Application/Proposal Requirements checklist below and thereafter shall submit any additional information that may be required or requested by the Director in order to properly evaluate the application and facilitate an analysis of the prospective operation. The vetting process may include, but not be limited to: a comprehensive review of property and business ownership; federal, state and local tax liabilities; City code violations; liabilities associated with licenses, permits and fines/penalties; liens and judgments; bankruptcies; criminal and civil court records; history of experience, financial statements, and references, etc. Information provided may be verified and will be used during the vetting process.

An application is not complete if it does not provide the Director with the information necessary to allow for a meaningful assessment of the Applicant's prospective operation and capabilities, and to determine whether or not the prospective operation will comply with all applicable regulatory measures and be compatible with the Airport's planning documents as appropriate.

All applications received and the information contained within will remain confidential to the fullest extent permitted by the Kansas Open Records Act. The City asserts the applicable exceptions to disclosure found in the Act, such as protection of economic development proposals, attorney client privileged information, trade secrets, etc. However, it should be understood that information related to the Applicant can become public in the course of public meetings, requests from the public of correspondence or email communication, media announcements, etc. Please refer to the current statute for a complete listing of exceptions and instances in which they apply: K.S.A. 45-221(a).

Applicant shall provide with its application a signed certification statement as attached.

APPLICATION/PROPOSAL REQUIREMENTS

An application submitted to the Director shall include at least the following information in written form (as applicable to the type of business activity proposed):

1. Identify the building or land parcel to lease

2. The proposed nature of the business:

- Indicate whether the business is Aeronautical (e.g., requires access to the airfield or supports aircraft operations as defined in the Minimum Standards for Aeronautical Activities and Services) or Non-Aeronautical

- Describe the services to be provided or the products to be produced out of all Airport-based facilities
- Point of Contact Information: name, address, e-mail address, telephone numbers
- Provide business days and hours of proposed operation
(FBOs must offer line services 24 hours per day)
- Identify any potential sub-tenants and their use of the property
- Describe any access required to security areas of the Airport

3. List company background information.

- State the organizational format of the business and its ownership group (e.g., LLC, Corporation, sole proprietorship, etc.)
- Provide EIN Number or TIN Number of the entity and any predecessor business
- Identify all owners with a majority interest and their contact information
- Provide a copy of all organizational documents filed with any state (e.g., articles of incorporation and/or operating agreements)
- Provide a Certificate of Good Standing with the state for your active entities

4. Qualifications and experience:

- Identify all business enterprises similar to or related to that proposed in this application whether carried by this entity, any predecessor, or any member of the ownership group in the last 10 years
- Provide the resumes of key employees to be engaged in management of the proposed business

5. Financial Responsibility:

- Provide information to show the source of funding or financing for the project
- Provide a list of all businesses during the last 10 years in which the applicant(s) have had a management position or an equity interest of 5% or greater. Include the name and address of the registered agent.
- Provide a complete copy of federal and state income tax returns filed personally by the applicant(s) for the past three years
- Provide a list of all lawsuits, liens, or other legal actions filed in the last 10 years against or by the applicants or any business in which applicant(s) have had a management or equity interest
- Provide judgement or most recent pleading of any court action in the last 10 years involving this entity, any predecessor, or the ownership group
- Identify any delinquent taxes owed to, or outstanding warrants of, any taxing jurisdiction
- Provide the court and case number of any personal bankruptcy filed in the last 7 years

- Identify any felony charges, indictments, diversions, or convictions in any U.S. jurisdiction to which applicants(s) have been subject. If none exists, please state so.
- Provide a current certificate of insurance showing all coverages and limits of liability, including a statement of retentions and deductibles, that are currently in force
- Provide the most recent full-year audited financial statements of the entity and ownership group
- Has a finding of discrimination been made against any of the entities?

6. Miscellaneous:

- List any campaign contributions made to any Wichita City Councilmembers by applicant(s) or the business entities associated with this application
- Does applicant(s) have any family members employed by the City of Wichita or the Wichita Airport Authority?

7. References:

- Provide all contact information for at least four business references with knowledge of the applicant's competency to undertake the proposed operation and financial responsibility to continue operation once established

ADDITIONAL INFORMATION REQUESTED FOR NEW CONSTRUCTION/DEVELOPMENT ONLY

Applicants pursuing construction of improvements on the Airport, please answer the following additional questions:

8. Amount of land that will be needed (include preferred location on the Airport and a preliminary site plan for initial development and future expansions)
9. Amount of building space to be constructed and the site and floor plan proposed. Provide sketches, drawings, or renderings of the site and buildings proposed.
10. Description of type of construction anticipated for any improvements and any preliminary renderings if available. Applicant shall comply with appropriate construction standards and review procedures of the Authority.
11. Construction cost estimate
12. Construction schedule

INFORMATION REQUESTED FOR

AERONAUTICAL ACTIVITY

- 13.** Number and type of Aircraft that will be stored on the proposed site, if applicable
- 14.** List of aircraft and its owners other than the Applicant
- 15.** A written authorization for use by the Authority to obtain information from the FAA or other applicable Entity for any aviation or aeronautics commissions, administrators, departments of all states in which the applicant has engaged in aviation business to release information in their files relating to the applicant or its operation. The applicant shall execute all such forms, releases, or discharges as may be required by those agencies.
- 16.** State whether an above-ground aviation fuel storage tank is requested. Describe the location and who the users will be. All fuel uses shall be in compliance with the Authority's Minimum Standards and applicable safety rules and regulations.

Additional information may be requested by the Director so that we may fully vet this application.

Certification Statement

The undersigned is duly authorized to execute this application on behalf of the Applicant. The undersigned also:

1. Certifies that to the best of his or her personal knowledge and belief, the information being submitted to the Director is true and correct and that there are no omissions of material fact or information that render any response to be false or misleading and there are no misstatements of fact in any of the responses.
2. Certifies that the Applicant is in compliance with all applicable laws, regulations, ordinances and orders of public authorities.
3. Certifies that the Applicant is not in default under the terms and conditions of any grant or loan agreements, leases, or financing arrangements with any of its creditors.
4. Understands that the contents of this application, and any subsequent material submitted will remain confidential to the fullest extent permitted by the Kansas Open Records Act.
5. Authorizes the Director and any of his/her agents to conduct a background investigation based on the application, including but not limited to criminal history checks and TSA Security Threat Assessments, reference checks, obtaining information from the FAA and other agencies or airports with which the Applicant has engaged in an aeronautical or non-aeronautical activity, and credit checks and financial investigations, as appropriate. The Applicant shall execute all forms, releases, or discharges as may be required by those agencies.

Signature _____

Position _____

Date _____

Notarized by _____

ACTION ON APPLICATION AND APPROVAL PROCESS

The Director shall make a reasonable effort to review and act upon an application within thirty (30) days from the receipt of a complete and acceptable application.

DENIAL OF APPLICATION

The Director reserves at all times the right to approve or disapprove the application for any proposed Activity or Service. Such approval shall take into account the aforementioned standards and policies, along with an analysis of the business background, financing, and proposed plans for the development of the Activity or Service. Final approval by the Director shall thus be based on an appraisal of the application in regard to the purposes and intent as set forth and based on a commonly acceptable business analysis.

Applications may be denied for one or more of the following reasons, among others:

1. The Applicant does not meet qualifications, standards, and/or requirements established by policies of the Authority, including the Minimum Standards.
2. The Applicant's proposed operations or construction will create a safety hazard or have a detrimental operational effect on the Airport.
3. The granting of the application will require the expenditure of Authority funds, labor or materials on the facilities described in or related to the application, or the operation will result in a financial loss or hardship to Authority.
4. There is no appropriate or adequate available space on the Airport to accommodate the entire activity of the Applicant.
5. The proposed operation, development and/or construction is not in reasonable conformity with the spirit, intent, and overall objectives of the current airport master plan, Airport Layout Plan (ALP), or applicable development documents.
6. The development or use of the area requested will result in unduly interfering with the operations of any tenant on the Airport or will result in unduly interfering with the operations of any current FBO, SASO, or other tenant on the Airport, such as problems in connection with Aircraft traffic or service, or preventing free access and egress to the existing FBO, SASO, or tenant areas, or will result in depriving, without the proper economic study, an existing FBO, SASO, or tenant of portions of its leased area in which it is operating.
7. Any Entity applying or having an interest in the business has supplied false information, or has misrepresented any material fact in the application or in supporting documents, or has failed to make full disclosure on the application.

8. Any Entity applying, or having an interest in the business, has a record of violating any Wichita Airport Authority rules, regulations, policies, or procedures, or the rules and regulations of any other airport, any related Federal rules and regulations, or any other rule, regulation, law or ordinance applicable to this or any other airport.
9. Any Entity applying, or having an interest in the business, has defaulted in the performance of any Agreement with the Authority, or any agreement at any other airport.
10. The Applicant does not have the finances necessary to conduct the proposed operation. The Applicant must demonstrate financial capability to initiate operations, to construct proposed Improvements, and to provide working capital to carry on the contemplated operations. The demonstration of financial and managerial capability shall include a cash flow and a profit and loss projection for the first five (5) years of the proposed operation.
11. The Applicant cannot obtain proper insurance coverage for the proposed activity, or other performance, completion, and payment bonds during construction.
12. The proposed activity is inconsistent or incompatible with the Airport System's mission, goals or objectives, or any policies, laws or regulations, or FAA grant assurances, and including the Authority's obligation to run a safe, efficient, and financially self-sufficient business enterprise for the benefit of the public.

APPEAL OF DENIAL

Should an application be denied by the Director, the Applicant may appeal to the Wichita Airport Advisory Board (WAAB) for reconsideration. The WAAB will make a recommendation to the Wichita Airport Authority (WAA) governing body, whose decision will be final.

Revised 042821