

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 11/03/23
Form Prepared By: Nicole Tauheed

Contract/Project Number: 473/82000365	Project Name: Milray Stoddard Flood Control Project
Owning Department: KC Water	Project Manager: Nicole Tauheed/816-513-0573/Nicole.Tauheed@kcmo.org

Funding: City State Federal CO-OP Grant: 23-3090-800001-479983-82000 Other:

Project Requirements: M/WBE DBE Section 3 N/A

Tax Incentive: LCRA TIF PIEA N/A Other:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 270	Anticipated Solicitation Date: N/A
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Contract Type:

Construction Design-Build Design Professional Professional Services

General Service Concession Other Goods & Services Non-Municipal Agency

Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation

Other:

Description of Contract (Provide Details):

Phase II engineering design services to develop construction plans and specifications for the Milray Stoddard Flood Control Project. The project will provide design for regional flood control facilities in the area between NW 83rd to NW 75th Street, along the Walnut Creek Corridor which sits between Milray Street and Stoddard Street. MBE/WBE Participation will be used for Site Survey (Taliaferro & Browne, \$90k), Geotechnical Services (TSi, \$30k), and Utility Coordination (VSM, \$10k) for a total of 26.67% of the total contract cost. Phase I of this project was performed by the same design professional, Wilson & Company, under their On-Call Services Contract that has established goals of 15% MBE, 11% WBE. For Phase II, a Contract Solicitation waiver will be submitted to the City Manager for approval.

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type: _____

According to CREO Annual Goal Manual, the Goals for this project are:

_____ % MBE	_____ % WBE	_____ % DBE
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Electronic Record? Yes No

GSD Signature: _____ Date: _____

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

_____ 15 % MBE	_____ 11 % WBE	_____ % DBE
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No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier: _____

Electronic Record? Yes No

CREO Signature: Rio Cervantes-Reed Date: 11/15/2023
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¹ Contractor Utilization Plan (CUP) MUST be submitted to CREO prior to being posted on docket for review & approval from Council.

Scopes of Work

Contract/Project Number: 473/82000365

Project Name: Milray Stoddard Flood Control Project

NOTE: Include a breakdown of the scope of work and/or disciplines that will be required for this contract.

List NAICS Codes & Description
541330 Engineering Design Services: Develop preliminary to final construction plans and specifications for the design of regional detention pond and culverts, and the regrading and stabilization of Walnut Creek.
541370 Surveying and Mapping: Field Survey/Easement Documents
541380 Geotechnical Investigation: 13 soil borings, analysis and recommendation submitted in soils report for project area.
541330 Engineering Services - Utility Coordination: provide all relevant information received from each utility company after each milestone submittal, with at least one coordination meeting.
541130 Engineering Services - Project Management, Quality Control, and 5 Project Meetings.



**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Nondiscrimination & Equal Opportunity Review Form**

Date:
Form Prepared By:

Contract/Project Number: 473/82000365	Project Name: Milray Stoddard Flood Control Project
Developer/Prime: Wilson & Company	Contact Information:
Final Contract Value: \$487,373.00	Project Manager: Nicole Tauheed/816-513-0573/Nicole.Tauheed@kcmo.org

Funding: City State Federal CO-OP Grant: Other:
 Project Requirements: M/WBE DBE Section 3 N/A
 Tax Incentive: LCRA TIF PIEA Ch. 100 Other: N/A
 Prevailing Wage: Yes No
 Davis-Bacon: Yes No
 Construction Employment Program: Yes: Workforce goals are 10% Minority & 2% Women. There are over 800 Workforce hours and project cost is \$300,000 or more.
 No: Workforce hours are less than 800 and project cost is less than \$300,000.

Contracts & Leases	Nondiscrimination
Ch. 3 Article IV: <u>yes</u>	Ch. 38: <u>yes</u>
RSMo 213: <u>yes</u>	Title VI: <u>yes</u>
MWDBE: <u>yes</u>	Prevailing Wage and Labor Standards: <u>N/A</u>
SLBE: <u>N/A</u>	RSMo 34 Anti-Discrimination Against Israel: <u>yes</u>

Contract Type:

Construction Design-Build Design Professional Professional Services
 General Service Concession Other Goods & Services Non-Municipal Agency
 Co-Operative Revenue Sharing Facilities Maintenance/Repair/Renovation
 Other:

Additional Information:

This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

The Document is:

Approved Disapproved

Changes Needed:

Federal Provisions Included:

Approved Disapproved Not Applicable

CREO Signature: _____ Date: _____

Comments:



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Non-discrimination in Employment. Contractor shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Contractor shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

Ban the Box in Hiring and Promotion.

(a) Pursuant to Section 38-104, City Code Ordinances, Contractor shall not base a hiring or promotional decision on an applicant's criminal history or sentence related thereto, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

(b) Notwithstanding subsection (a), Contractor may inquire about an applicant's criminal history after it has been determined that the individual is otherwise qualified for the position, and only after the applicant has been interviewed for the position. Any such inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

(c) This provision shall not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national or origin (including limited English proficient individuals), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City of Kansas City, Missouri requires compliance with the requirements of Title VI in all of its programs and activities regardless of the funding source.

Contractor shall not discriminate on the grounds of race, color, or national or origin (including limited English proficient individuals).

Quality Services Assurance Act. If this Contract exceeds \$160,000.00, Contractor certifies Contractor will pay all employees who will work on this Contract in the city limits of Kansas City, Missouri at least \$15.00 per hour in compliance with the City's Quality Services Assurance Act,



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Section 3-66, Code of Ordinances or City has granted Contractor an exemption pursuant to the Quality Services Assurance Act.

Anti-Discrimination Against Israel. If this Contract exceeds \$100,000.00 and Contractor employs at least ten employees, pursuant to Section 34.600, RSMo., by executing this Contract, Contractor certifies it is not currently engaged in and shall not, for the duration of this contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

Affirmative Action. If this Contract exceeds \$300,000.00 and Contractor employs fifty (50) or more people, Contractor shall comply with City's Affirmative Action requirements in accordance with the provisions of Chapter 3 of City's Code, the rules and regulations relating to those sections, and any additions or amendments thereto; in executing any Contract subject to said provisions, Contractor warrants that it has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract. Contractor shall not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age in a manner prohibited by Chapter 3 of City's Code. Contractor shall:

- (a) Execute and submit the City of Kansas City, Missouri CREO Affirmative Action Program Affidavit warranting that the Contractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract.
- (b) Submit, in print or electronic format, a copy of Contractor's current certificate of compliance to the City's Civil Rights and Equal Opportunity Department (CREO) prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years. If, and only if, Contractor does not possess a current certification of compliance, Contractor shall submit, in print or electronic format, a copy of its affirmative action program to CREO prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years.
- (c) Require any Subcontractor awarded a subcontract exceeding \$300,000.00 to affirm that Subcontractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the subcontract.
- (d) Obtain from any Subcontractor awarded a subcontract exceeding \$300,000.00 a copy of the Subcontractor's current certificate of compliance and tender a copy of the same, in print or

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Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

electronic format, to CREO within thirty (30) days from the date the subcontract is executed. If, and only if, Subcontractor does not possess a current certificate of compliance, Contractor shall obtain a copy of the Subcontractor's affirmative action program and tender a copy of the same, in print or electronic format, to CREO within thirty (30) days from the date the subcontract is executed.

City has the right to take action as directed by City's Civil Rights and Equal Opportunity Department to enforce this provision. If Contractor fails, refuses or neglects to comply with the provisions of Chapter 3 of City's Code, then such failure shall be deemed a total breach of this Contract and this Contract may be terminated, cancelled or suspended, in whole or in part, and Contractor may be declared ineligible for any further contracts funded by City for a period of one (1) year. This is a material term of this Contract.

Compliance with Laws. Contractor shall comply with all federal, state and local laws, ordinances and regulations applicable to the work and this Agreement. Contractor shall maintain in effect all the licenses, permissions, authorizations, consents and permits that it needs to carry out its obligations under this Agreement.

Prevailing Wage. If the Agreement exceeds \$75,000.00 and any of the Services performed by Contractor includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair, that is subject to the Missouri Prevailing Wage Law (Section 290.210, RSMo – 290.340, RSMo), Contractor shall immediately notify the City prior to performing Services so the parties can execute an agreement that incorporates, the appropriate Wage Order. Contractor shall comply with all requirements of Section 290.210, RSMo – 290.340, RSMo even if Contractor fails to notify the City.



Contract Solicitation City Manager Waiver Kansas City Code Sec. 3-7¹

Date: November 03, 2023
To: Brian Platt, City Manager
From: Wes Minder, Department Director
Subject: Contract/Project Title: Milray Stoddard Flood Control Project.
Contract No/Project No.: 473/82000365

It is recommended that in accordance with Code Sec. 3-7(a)(3), the solicitation requirements of Code Sec. 3-3 be waived and that approval be granted to enter into a contract with Wilson & Company to provide Design Professional services. The estimated contract amount is \$487,373.00. The factors supporting this recommendation are as follows:

Per Code Section 3-7(a)(3) a Specialized Waiver for Design Professional Contracts can be requested to utilize the same design professional for additional design work on subsequent phases of the same project, without a new qualification based selection process. This waiver is requested for Wilson & Company to provide design work on the subsequent design phase of the Milray Stoddard Flood Control project. Wilson & Company was the original design professional on the NW Stoddard Detention – Preliminary Engineering Study in 2018.

It is in the best interest of the city to contract with Wilson & Company to retain the historical knowledge and understanding of the project area gained from the study, therefore eliminating the time and expense needed for a new design professional to become acclimated.

Approved:

DocuSigned by:

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City Manager

¹ The city manager and the manager of procurement services are authorized to waive the solicitation requirements for any contract.