



CREO KC Request for Modification or Substitution Approval

Date: November 17, 2022
 To: Andrea Dorch, Civil Rights & Equal Opportunity Department
 From: Leona Walton, Water Services Department
 Subject: Contract/Project No.: 9716-1/60XX0011
 Project Title: Asphalt & Concrete Restoration, Renewal No. 1

<input type="checkbox"/> Amendment No. _____ <input type="checkbox"/> Change Order No. _____ (See Contract Summary on the next page.) <input checked="" type="checkbox"/>	
Funding: <input checked="" type="checkbox"/> City (MBE/WBE/DBE) <input type="checkbox"/> Federal (DBE) ¹ <input type="checkbox"/> State (DBE) ¹ - Grant <input type="checkbox"/> Other: _____	
Contract Category: <input checked="" type="checkbox"/> Construction <input type="checkbox"/> General Service <input type="checkbox"/> Facility Repair <input type="checkbox"/> Design Professional <input type="checkbox"/> Professional Services <input type="checkbox"/> Concession <input type="checkbox"/> Other:	
Company: Superior Bowen Asphalt Co. Contact: Matt Bowen Contact Email: matt@superiorbowen.com	Address: 520 W. Pennway, KCMO 64108 Phone: 816-921-8200 Fax:
Additional Information: Renewal No.1 to Contract No. 9716. Contract No. 9716 totaled \$5,000,000.00; the proposed Renewal No. 1 will be for \$6,500,000.00,	

cc: Todd Rohr, Project Manager

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT USE ONLY The attached Request for Modification or Substitution is:		The Request for Best Faith Efforts Waiver is:
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved		<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Not Applicable
Contractor Utilization Plan Participation as Amended: ⁸ _____% MBE & ⁸ _____% WBE or _____% DBE		
_____ Mark Runge <small>SAFE096450364170</small> Civil Rights & Equal Opportunity Department		_____ 1/4/2023 Date

FOR GRANTING AGENCY USE ONLY² <input type="checkbox"/> N/A Approved by: _____
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¹ DBE Programs apply to specific federal or state grant requirements.
² Federal and state grant agreements may require granting agency approval of D/M/WBE participation changes.
 CREO KC Request for Mod/Sub Approval 10.5.2021 1 of 2 Contract Central

		Date
CONTRACT SUMMARY³		
Approved CUP:	8% MBE	Original Contract Maximum Obligation: \$5,000,000.00
	8% WBE	Amendment/Change Order No. 1: _____
	_____% DBE	Amendment/Change Order No. 2: _____
		Amendment/Change Order No. 3: _____
		Amendment/Change Order No. 4: _____
		Amendment/Change Order No. 5: _____
		Current Maximum Obligation: \$5,000,000.00
		<i>Proposed Renewal No. 1</i> 6,500,000.00
		<i>Proposed Revised Contract Maximum Obligation</i> N/A
Attach a copy of the most recent 00485.01 M/WBE Monthly Utilization Report		

³ The CONTRACT SUMMARY information should match information and calculations gathered and computed on the Contract Amendment or Change Order Preparation Checklist. The Checklist forms are found on Contract Central.

MEMORANDUM

Date: December 20, 2022

To: CREO KC Department Director Andrea Dorch

From: Mark Runge, Sr. Contract Compliance Officer

Subject: RFM Approval Request from: Water Services / Superior Bowen

Project: Asphalt & Concrete Restoration, Renewal 1

Project #: 9716-1 / 60XX0011

Contract Amount: \$6,500,000.00

Background:

The FICB set the goals for the project at 8% MBE and 8% WBE on 10/14/2021. CREO KC approved a CUP from Superior Bowen on 1/6/2022 with participation of 8% MBE and 8% WBE as follows:

MBE:

Tenoch Construction- Concrete Repairs- \$403,804

Total MBE participation of \$403,804 out of \$5,048,800 for 8% MBE.

WBE:

Streetwise- Traffic Control / Pavement Marking- \$50,488

Gunter Construction- Concrete Repairs- \$302,928

Realm Construction- Concrete Repairs- \$50,488

Total WBE participation of \$403,904 out of \$5,048,800 for 8% WBE.

Participation was calculated on the base bid amount of \$5,048,800. The contract amount was listed as \$5,500,000.

Request for Modification / Substitution:

The prime contractor submitted a RFM to change the participation on the first renewal of the contract (9716-1). The prime contractor is requesting to replace two (2) of the MBEs on the CUP- Gunter Construction and Realm Construction- with Tenoch Construction, who is already on the CUP as the MBE participant on the CUP. Gunter Construction actually left the project halfway through the first year of the contract due to scheduling conflicts with other company contracts. The prime contractor indicated that the contract is an on-call contract and the

firms on the CUP need to have a crew ready when restoration services are required and the work has to be completed in a timely fashion. Realm Construction has also requested to be removed from the contract. The prime contractor indicated that during the first year of the contract, the work required was a better fit for the MBE on the CUP (Tenoch) than the WBEs (Gunter and Realm) and that when Gunter left the contract, they had to find a replacement as soon as possible so they used Tenoch Construction for that work, as well. The prime contractor indicated that the scopes of work that Tenoch Construction will be performing on the renewal contract will be distinct scopes of work for MBE (driveways and concrete base restoration) and WBE (Curbs / Gutters and Sidewalks restorations) and will be tracked accurately.

The prime contractor, as noted above, indicated that the work on the original contract has mostly been a better fit for the MBE subcontractor on the project (Tenoch) and Gunter Construction left the project so the WBE participation is lagging by over 5%. The prime contractor indicated that Realm Construction was going to provide Concrete Restoration for scheduled work, but there has not been any scheduled work for the WBE so far on the contract. The prime contractor indicated that the work on the contract to date has been on short notice with requirements to perform the work as soon as possible. Realm Construction has not performed any work on the contract to date and the WBE is requesting to be removed from the project. The prime contractor indicated that the addition of Tenoch Construction as a WBE on the project will give them more opportunities to increase the WBE participation on the original contract as well as the renewal contract.

Recommendations:

CREO KC recommends that the RFMs to replace Gunter Construction (WBE) and Realm Construction (WBE) with Tenoch Construction (WBE) be approved. The replacement will provide the prime contractor with more opportunities to increase the WBE participation on the original contract and on the renewal contract. The prime contractor is currently exceeding the MBE goal of 8% on the original contract with 11.5%, but is falling short on the WBE goal of 8% with only 2.5%.

Note:

According to B2G, the prime contractor is currently achieving the following participation on the original contract:

Dollars paid to prime contractor by City to date: \$3,043,366.28

Dollars paid to MBEs by prime contractor to date: \$349,593.76 for 11.5% MBE.

Dollars paid to WBE by the prime contractor to date: \$75,688.40 for 2.5% WBE.