



# City of Kansas City, Missouri

## Docket Memo

Ordinance/Resolution #: TMP-4944

Submitted Department/Preparer: Water

Revised 6/10/24

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

### Executive Summary

Authorizing a \$6,885,000.00 Design-Build Contract with Kissick Construction Company, Inc., for Renewal No. 3 for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

### Discussion

#### Reason for Contract

In 2010, the City of Kansas City, Missouri entered into a Consent Decree with the United States Environmental Protection Agency (EPA) to reduce the volume and frequency of overflows from the City's sewer system. The City's Smart Sewer Program is currently in year 14 of a 30-year implementation period.

The purpose of this project is to rehabilitate existing sewer infrastructure that is damaged or exposed due to the asset's age and proximity to nearby eroding, migrating, or incising waterways. Damaged and exposed sewer segments located near waterways are at risk of receiving large amounts of inflow and infiltration when exposed to creek flows and stream migration. Investigating and rehabilitating these assets will help to reduce large sources of inflow and infiltration to the City's sewer system and prevent overflows and exfiltration of wastewater to the natural environment.

#### Construction Contract Description

The scope of work to be provided under this Design-Build contract will provide design-build services to investigate, design, and construct approximately twelve (12) already identified rehabilitation sites located around the City, totaling up to 5,120 linear feet of sanitary sewer infrastructure.

The term of this project will be 730 calendar days.

#### Executed Contract Summary

City Council passed Ordinance No. 170032 on January 26, 2017, authorizing \$6,885,000.00 Design-Build Contract Number 1275 with Kissick Construction Company, Inc. for design and build services of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

City Council passed Ordinance No. 180345 on June 7, 2018, authorizing \$6,885,000.00 Design-Build Contract Number 1493-1 with Kissick Construction Company, Inc. for design and build services of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project, Renewal No. 1.

City Council passed Ordinance No. 210978 on November 10, 2021, authorizing \$6,885,000.00 Design-Build Contract Number 1493-2 with Kissick Construction Company, Inc. for design and build services of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project, Renewal No. 2.

This proposed \$6,885,000.00 ordinance under Contract No. 1493-3 is for the third and final renewal option for the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

#### Contract Cost Summary

- Original Contract: \$6,885,000.00
- Renewal No. 1: \$6,885,000.00
- Renewal No. 2: \$6,885,000.00
- Proposed Renewal No. 3: \$6,885,000.00
- Total: \$27,540,000.00

#### Solicitation

City-Wide Sewer Infrastructure Rehabilitation within Waterway Project was advertised in accordance with the City's requirements. The Technical Approach and Price Submittals were submitted on November 15, 2016, with five (5) proposers/bidders responding. Public bids were opened on November 29, 2016.

The original Contract No. 1275 was advertised to allow for 3 successive renewals, with each renewal subject to further City Council approval.

#### Awardee/Subcontracting Participation

The team of Pyramid Excavation & Construction, Inc. and Wilson & Company was the apparent lowest, responsible, and responsive bid based on technical and price submittal. After the bids were read, Pyramid/Wilson withdrew their bid because they found a substantial calculation error in their bid and the Designer of Record resigned from Wilson & Company.

The second highest score based on the technical and price submittals is the team of Kissick Construction and CDM Smith. The bid documents, qualification, and financial information for Kissick Construction and CDM Smith was evaluated. After the evaluation, Kissick Construction and CDM Smith was recommended as the lowest, responsible, and responsive bidder, with subcontracting participation of 11% MBE and 6% WBE.

## **Fiscal Impact**

1. Is this legislation included in the adopted budget? ☒ Yes ☐ No
2. What is the funding source?  
AL-8193-807769-611060-81000756 = \$4,370,294.00; Sewer Rev Bond Series 2023A  
AL-8194-807769-611060-81000756 = \$2,514,706.00; Sewer Rev Bond Series 2024A
3. How does the legislation affect the current fiscal year?  
Work on this project will begin in the current fiscal year and extend into FY27. Invoices will be submitted by the Contractor monthly after construction begins.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.  
Funds encumbered in the current fiscal year will be disbursed over subsequent fiscal years as construction proceeds. Work on the project is anticipated to be complete within 730 calendar days from the notice to proceed.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?  
No

#### **Office of Management and Budget Review**

(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. ☐ Yes ☒ No
2. This fund has a structural imbalance. ☐ Yes ☒ No
3. Account string has been verified/confirmed. ☒ Yes ☐ No

#### **Additional Discussion (if needed)**

Click or tap here to enter text.

### **Citywide Business Plan (CWBP) Impact**

1. View the [Adopted 2025-2029 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?  
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
  - ☐ Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.

- ☐ Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
- ☐ Build on existing strengths while developing a comprehensive transportation plan for the future.
- ☒ Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
- ☒ Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- ☐ Focus on delivery of safe connections to schools.

## Prior Legislation

City Council passed Ordinance No. 170032 on January 26, 2017, authorizing \$6,885,000.00 Design-Build Contract Number 1275 with Kissick Construction Company, Inc. for design and build services of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project.

City Council passed Ordinance No. 180345 on June 7, 2018, authorizing \$6,885,000.00 Design-Build Contract Number 1493-1 with Kissick Construction Company, Inc. for design and build services of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project, Renewal No. 1.

City Council passed Ordinance No. 210978 on November 10, 2021, authorizing \$6,885,000.00 Design-Build Contract Number 1493-2 with Kissick Construction Company, Inc. for design and build services of the City-Wide Sewer Infrastructure Rehabilitation within Waterways Project, Renewal No. 2.

## Service Level Impacts

This sewer maintenance rehabilitation project will reduce the amount of stormwater and groundwater inflow and infiltration entering the City's separate sanitary system and prevent potential sanitary sewer exfiltration to the environment by repairing, rehabilitating, or stabilizing sanitary sewer system assets that have become exposed to flowing waterways. As a result, the project addresses known asset exposures at-risk of failure, thereby protecting public health and the environment.

## Other Impacts

1. What will be the potential health impacts to any affected groups?  
The project will protect public health and the environment by restoring sewer conveyance capacity, increasing the service life of the existing sewer system, and improving the water quality of the City's waterways.

2. How have those groups been engaged and involved in the development of this ordinance?

This project addresses sites as needed city-wide, typically occurring in creeks, forested, wooded, and undeveloped areas, many instances in city-owned parkland or stream corridors with no impact on other groups. Individual sites typically represent a small limit of construction and short construction duration. Nearby impacted residents and property owners are engaged by the design-builder and City on an as-needed basis as design progresses and as the extent of the public impact or engagement is known.

3. How does this legislation contribute to a sustainable Kansas City?

This project will contribute to a sustainable Kansas City by improving the performance, capacity, and reliability of the City's existing sanitary sewer system by reducing inflow and infiltration, thereby reducing the volume and frequency of overflows by restoring capacity of the collection system.

4. Does this legislation create or preserve new housing units?

No (Press tab after selecting)

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)  
Please attach or copy and paste CREO's review.

Subcontracting goals were established by the Fairness in Construction Board at 11% MBE and 6% WBE, which pre-dated the Annual Goal Program.

The original contract's Contractor Utilization Plan was submitted to the Human Relations Department on December 29, 2016, and was approved on January 19, 2017 with 11% MBE and 6% WBE participation. A Request for Modification was submitted to the Human Relations Department on January 13, 2017, and was approved on January 19, 2017 replacing an MBE subcontractor on the project.

Renewal No. 1 subcontracting information was submitted to the Human Relations Department on June 9, 2021, and was approved on June 22, 2021 with 11% MBE and 6% WBE participation. A Request for Modification was submitted to the Human Relations Department on June 9, 2021, and was approved on June 22, 2021 adding a WBE subcontractor to the project.

Renewal No. 2 subcontracting information was submitted to CREO KC on November 2, 2021, and was approved on November 22, 2021 with 11.3% MBE and 6.5% WBE participation. A Request for Modification was submitted to CREO KC on April 17, 2024, and was approved on May 15, 2024 substituting a WBE on the project.

Renewal No. 3 subcontracting information was submitted to CREO KC on September 30, 2024, and was approved on October 10, 2024 with 11% MBE and 6% WBE participation.

There are Affirmative Action Requirements for this contract.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No

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7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No