



CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 60800073/9848

Project Title Water Dept Emergency Transmission Water Main Repair

Water Services
(Department Project)

KC Water
Department

Leath & Sons, Inc.

(Bidder/Proposer)

STATE OF Missouri)

COUNTY OF Jackson) ss

I, Jeffery B Leath, of lawful age and upon my oath state as follows:

1. This Affidavit is made for the purpose of complying with the provisions of the MBE/WBE submittal requirements on the above project and the MBE/WBE Program and is given on behalf of the Bidder/Proposer listed below. It sets out the Bidder/Proposer's plan to utilize MBE and/or WBE contractors on the project.

2. The project target goals are 11 % MBE and 11 % WBE.

3. Bidder/Proposer assures that it will utilize a minimum of the following percentages of MBE/WBE participation in the above project:

| BIDDER/PROPOSER PARTICIPATION: 11 % MBE 11 %
WBE

| POST-BID/POST-RFP ESTIMATED BUDGET: \$ _____

4. The following are the M/WBE subcontractors whose utilization Bidder/Proposer warrants will meet or exceed the above-listed Bidder/Proposer Participation. Bidder/Proposer warrants that it will utilize the M/WBE subcontractors to provide the goods/services described in the applicable Letter(s) of Intent to Subcontract, copies of which shall collectively be deemed incorporated herein). (*All firms must currently be certified by Kansas City, Missouri*)

| Name of M/WBE Firm Diggs Construction, LLC

Address 2033 Vine St Kansas City, MO 64108

Telephone No. 816-994-6950

I.R.S. No. 48-1210627

Name of M/WBE Firm EJ & Sons
 Address 3910 Norton Kansas City, Mo 64130
 Telephone No. 816-564-3599
 I.R.S. No. 47-4117083

Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

(List additional M/WBEs, if any, on additional page and attach to this form)

4. The following is a breakdown of the percentage of the total contract amount that Bidder/Proposer agrees to pay to each listed M/WBE:

MBE/WBE BREAKDOWN SHEET

MBE FIRMS:

Name of MBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
Diggs Construction, LLC	Contractor	\$ 95,104.00	\$ 95,104.00	11.00
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



TOTAL MBE \$ / TOTAL MBE %:	\$ 95,104.00	11.00 %
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WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
EJ & Sons	Contractor	\$ 95,104.00	\$ 95,104.00	11.00
TOTAL WBE \$ / TOTAL WBE %:		\$ 95,104.00		11.00 %

*"Subcontract Amount" refers to the dollar amount that Bidder/Proposer has agreed to pay each M/WBE subcontractor as of the date of contracting and is indicated here solely for the purpose of calculating the percentage that this sum represents in proportion to the total contract amount. Any contract amendments and/or change orders changing the total contract amount may alter the amount due an M/WBE under their subcontract for purposes of meeting or exceeding the Bidder/Proposer participation.

***"Weighted Value" means the portion of the subcontract amount that will be credited towards meeting the Bidder/Proposer participation. See CREO KC Forms and Instructions for allowable credit and special instructions for suppliers.

- Bidder/Proposer acknowledges that the monetary amount to be paid each listed M/WBE for their work, and which is approved herein, is an amount corresponding to the percentage of the total contract amount allocable to each listed M/WBE as calculated in the MBE/WBE Breakdown Sheet. Bidder/Proposer further acknowledges that this amount may be higher than the subcontract amount listed therein as change orders and/or amendments changing the total contract amount may correspondingly increase the amount of compensation due an M/WBE for purposes of meeting or exceeding the Bidder/Proposer participation



6. Bidder/Proposer acknowledges that it is responsible for considering the effect that any change orders and/or amendments changing the total contract amount may have on its ability to meet or exceed the Bidder/Proposer participation. Bidder/Proposer further acknowledges that it is responsible for submitting a Request for Modification or Substitution if it will be unable to meet or exceed the Bidder/Proposer participation set forth herein.
7. If Bidder/Proposer has not achieved both the M/WBE goal(s) set for this Project, Bidder/Proposer hereby requests a waiver of the MBE and/or WBE goal(s) that Bidder/Proposer has failed to achieve
8. Bidder/Proposer will present documentation of its good faith efforts, a narrative summary detailing its efforts and the reasons its efforts were unsuccessful when requested by the City.
9. I hereby certify that I am authorized to make this Affidavit on behalf of the Bidder/Proposer named below and who shall abide by the terms set forth herein:

Bidder/Proposer primary contact: Leath & Sons, Inc./Dave Oshel

Address: 9301 E 63rd St Raytown, MO 64133

Phone Number: 816-353-8623

Facsimile number: n/a

E-mail Address: clerical@leathandsons.com

By: [Signature]
Title: President

Date: 4-3-24

(Attach corporate seal if applicable)

Subscribed and sworn to before me this 3 day of April, 2024.

My Commission Expires: 8/14/25

[Signature]
Notary Public

ANGIE CUMBERFORD
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 14, 2025
Commission Number: 13497203



AFFIDAVIT OF TRAINING PROGRAM

This form must be submitted with 48 hours of Bid Opening

Bidder Leath & Sons, Inc.

Project Title and Number 60800073/9848 Water Dept Emergency Transmission Water Main Repair

STATE OF MISSOURI)
) ss:

COUNTY OF Jackson)

After being duly sworn the person whose name and signature appears below hereby states under penalty of perjury that:

1. I am the duly authorized officer of the business indicated above ("Bidder") and I make this affidavit on behalf of Bidder.
2. Bidder certifies that it presently participates in a training program that facilitates entry into the construction industry and which may include an on-the-job or in-house training program, further described as follows:

OSHA 10 hour training for all employees

Weekly toolbox talk training on jobsite

Midwest Builders Casualty Quarterly Jobsite

Union Trained Employees

United Rentals Trench Safety Training

(attach additional pages, if necessary)

3. If requested by the City, Bidder agrees to provide City further documentation of, or other information about, this training program within 48 hours of the request.
4. Bidder acknowledges that failure to submit this form to the City within 48 hours of the Bid Opening will automatically render its bid non-responsive.

I am authorized to make this Affidavit on behalf of the Bidder named below as:

President of Leath & Sons, Inc.

(Title) (Name of Bidder)

Dated: 4-3-24 By: [Signature]
(Affiant)

Subscribed and sworn to before me this 3 day of April, 2024.

My Commission Expires: 8/14/25

[Signature]
Notary Public

ANGIE CUMBERFORD
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 14, 2025
Commission Number: 13497203





Pre Contract Bidder's Certification

Project Number 60800073

Project Title Water Department Emergency Transmission Water Main Repair

STATE OF _____)
) SS
COUNTY OF _____)

Before me, the undersigned authority, personally appeared, who, being by me duly sworn deposed as follows:

I am authorized to make this affidavit on behalf of the named Bidder. I am of sound mind, capable of making this affidavit, and personally acquainted with the facts herein stated:

A. Bidder is current on payment of its Federal and State Income tax withholding and unemployment insurance payments, either in Missouri for companies doing business in Missouri, or in the state in which Bidder has its principal office; and

B. Bidder declares one of the following, regarding all work performed two (2) years immediately preceding the date of the Bid (check one):

☐ Contract by contract listing of all of Bidder's written notices of violations of any Federal or State prevailing wage statute in which prevailing wage penalties were assessed against the Bidder or paid by the Bidder (Complete and attach additional sheets if necessary):

1. _____
2. _____
3. _____

☒ There have been no written notices of violations of any Federal or State prevailing wage statute in which prevailing wage penalties were assessed against the Bidder or paid by the Bidder.

C. Bidder is currently in good standing with the Missouri Secretary of State or Bidder has filed a Registration of Fictitious Name with the Missouri Secretary of State.

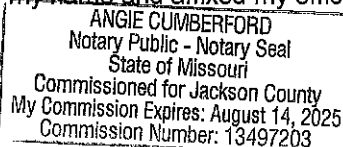
Leath & Sons Inc
(Bidder's Name)

(Date) 4-3-24

[Signature]
Signature of Person Making This Affidavit

In witness whereof, I have hereunto subscribed my name and affixed my official seal this 3 day of Apr. 1, 2024.

Angie Cumberford



TIMETABLE FOR MBE/WBE UTILIZATION

(This form should be submitted to the City after contract award.)

I, Jeffery B Leath, acting in my capacity as President
(Name) (Position with Firm)
of Leath & Jones Inc, with the submittal of this Timetable, certify that
(Name of Firm)
the following timetable for MBE/WBE utilization in the fulfillment of this contract is correct and true to the best of my knowledge.

ALLOTTED TIME FOR THE COMPLETION OF THIS CONTRACT

(Check one only)

15 days	___	75 days	___	135 days	___
30 days	___	90 days	___	150 days	___
45 days	___	105 days	___	165 days	___
60 days	☐	120 days	☐	180 days	☐
Other	<u>365</u> (Specify)				

Throughout	<u>190,208.00</u>	Beginning 1/3	<u>63,402.67</u>
Middle 1/3	<u>63,402.67</u>	Final 1/3	<u>63,402.67</u>
Beginning 1/3	<u>33.33</u> %	Middle 1/3	<u>33.33</u> %
		Final 1/3	<u>33.33</u> %

PLEASE NOTE: Any changes in this timetable require approval of the Civil Rights & Equal Opportunity Department in advance of the change.

If you have any questions regarding the completion of this form, please contact the Civil Rights & Equal Opportunity Department at: (816) 513-1836.


(Signature)
President
(Position with Firm)
4-3-24
(Date)

KANSAS CITY
MISSOURI

LETTER OF INTENT TO SUBCONTRACT

Check one	
Original LOI:	☐
Updated LOI:	☐

Project Name/Title Water Dept Emergency Transmission Water Main Repair
 Project Location/Number 60800073 / 9848

PART 1: Prime Contractor Leith & Sons Inc agrees to enter into a contractual agreement with M/W/DBE Subcontractor Diggs Construction LLC who will provide the following goods/services in connection with the above-reference contract: [Insert a brief narrative describing goods/services to be provided. Broad Categorizations (e.g., "electrical," "plumbing," etc.) or the listing of NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in denial of this Letter of Intent to Subcontract.]

for an estimated amount of \$ 95,104.00 (or 11 % of the total estimated contract value.)

M/WBE Vendor type: ☒ Subcontractor/manufacture (counts as 100% of contract value towards goals)
☐ Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
☐ Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Civil Rights & Equal Opportunity Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, contingent upon award of the contract to Prime Contractor.

PART 2: This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

Select one: ☒ The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
☐ The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: Diggs Construction LLC

Full address: 2033 Vine Street Kansas City, Mo 64108
Street number and name City, State and Zip Code

Primary contact: Dale Diggs 316-648-3428
Name Phone

a) This subcontractor is (select one): ☒ MBE ☐ WBE ☐ DBE ☐ N/A

i: If this subcontractor is an M/W/DBE certified with the City of Kansas City, Missouri, a separate Letter of Intent must be attached to this document.

ii. If this subcontractor is NOT a certified M/W/DBE certified with the City of Kansas City, Missouri, the firm must still be listed for reporting purposes but a Letter of Intent is not required.

b) Scope of work to be performed: Waterline repairs

c) The dollar value of this agreement is: \$95,104.00

PART 3:

**NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI);
SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).**

PRIME CONTRACTOR BUSINESS NAME: Leath & Sons Inc
[Signature] Jeffery B Leath
Signature: Prime Contractor Print Name
President 4-3-24
Title Date

State of _____)
County of _____)

I, Jeffery B Leath, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this
3rd day of April, 20 24

My Commission Expires: 8/14/25

[Signature]
Notary Public

STAMP:

ANGIE CUMBERFORD
Notary Public - Notary Seal
State of Missouri
Commissioned for Jackson County
My Commission Expires: August 14, 2025
Commission Number: 13497203

MWD BE SUBCONTRACTOR BUSINESS NAME: Diggs Construction LLC
Dale Diggs Dale Diggs
Signature: Subcontractor Print Name
President 4/3/24
Title Date

State of Kansas)
County of Sedgwick)

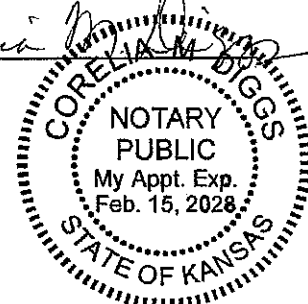
I, Corelia Diggs, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this
3rd day of April, 20 24

My Commission Expires: February 15, 2028

[Signature]
Notary Public

STAMP:





KANSAS CITY,
MISSOURI

LETTER OF INTENT TO SUBCONTRACT

Project Name/Title Water Dept Emergency Transmission
Water main Repair
Project Location/Number 60800073/9848

Check one:
Original LOI: ☐
Updated LOI: ☐

PART I: Prime Contractor Leath & Sons Inc agrees to enter into a contractual agreement with M/W/DBE Subcontractor EJ & Sons who will provide the following goods/services in connection with the above-reference contract: [Insert a brief narrative describing goods/services to be provided. Broad Categorizations (e.g., "electrical," "plumbing," etc.) or the listing of NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in denial of this Letter of Intent to Subcontract.]

for an estimated amount of \$ 95,104.00 (or 11 % of the total estimated contract value.)

M/WBE Vendor type: ☒ Subcontractor/manufacturer (counts as 100% of contract value towards goals)
☐ Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
☐ Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Civil Rights & Equal Opportunity Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, contingent upon award of the contract to Prime Contractor.

PART 2: This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

Select one: ☒ The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
☐ The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: EJ & Sons

Full address: 3910 Norton Kansas City, Mo 64130
Street number and name City, State and Zip Code

Primary contact: Mark Jones 816 564 3599
Name Phone

a) This subcontractor is (select one): ☐ MBE ☒ WBE ☐ DBE ☐ N/A

i: If this subcontractor is an M/W/DBE certified with the City of Kansas City, Missouri, a separate Letter of Intent must be attached to this document.

ii. If this subcontractor is NOT a certified M/W/DBE certified with the City of Kansas City, Missouri, the firm must still be listed for reporting purposes but a Letter of Intent is not required.

b) Scope of work to be performed: trucking

c) The dollar value of this agreement is: *95,104.00



PART 3:

**NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI);
SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).**

PRIME CONTRACTOR BUSINESS NAME:

Leath & Sons Inc

Signature: Prime Contractor

Jeffery B Leath

Print Name

4-3-24

Date

Title

President

State of

)

County of

)

I, Jeffery B Leath
and belief.

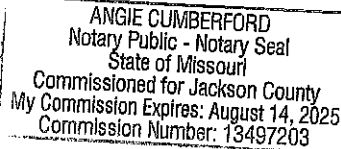
state that the above and foregoing is based on my best knowledge

Subscribed and sworn to before me, a notary public, on this
3rd day of April, 2024

My Commission Expires: 8/14/25

Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME:

EJ and Sons Construction

Signature: Subcontractor

Mark Jones

Print Name

04/3/2024

Date

Title

Vice President

State of

Missouri

)

County of

Jackson

)

I, Latrina Jones
and belief.

state that the above and foregoing is based on my best knowledge

Subscribed and sworn to before me, a notary public, on this 3rd
day of April, 2024

My Commission Expires: 01/26/2025

Notary Public

STAMP:

