

Interdepartmental Communication

DATE: November 2, 2021

TO: Andrea Dorch, Director, Civil Rights and Equal Opportunity

FROM: Leona Walton, KC Water

SUBJECT: Contract /Project No. 1493-2 / 81000756 – City-Wide Sewer Infrastructure Rehabilitation within Waterways, Renewal No. 2

Renewal No. 2 for the subject contract requires City Council approval. Kissick Construction Company, Inc. is recommend for this 2nd renewal. The contractor will use the same subcontractors with no modification nor waiver requested. We recommend the City move forward to renew this contract with Kissick Construction Company, Inc. for Renewal No. 2 with a contract amount of \$6,885,000.00.

- This is a prevailing wage contract.
- Bonds are required. (performance and maintenance bond & payment bond)
- The goals are set at 11% MBE and 6% WBE.
- Currently, Kissick Construction Company’s utilization is MBE 6.2% and WBE 0.2%
- The Current Annual Spend under the contract is \$6,885,000.00

The contract renewal information is available upon request.

Approved:  11/22/2021
(CREO Director)

cc: Jon Parker, Project Manager

Inter-Departmental Communication

Date: November 8, 2021

To: Mayor Quinton Lucas; Chair: Transportation, Infrastructure & Operations Committee

From: Andrea Dorch; Director; Civil Rights & Equal Opportunity Department

Subject: Docket Memo #: 210978

CONTRACTOR: Kissick Construction Co., Inc.
Address: 8131 Indiana Ave.
Kansas City, MO 64132
Contract #: 1493-2 / 81000756 – City Wide Sewer Infrastructure Rehabilitation within Waterways, Renewal 2
Contract Amount: \$6,885,000.00
MBE Goal: 11%
WBE Goal: 6%
MBE Achieved: 11.3%
WBE Achieved: 6.5%

MBE SUBCONTRACTORS:
Name: RGS & Associates Development Co., LLC
Address: 9411 E. 63rd St.
Raytown, MO 64133
Scope of Work: Concrete / Hauling
Dollar Amount: \$70,000
Ownership: Green, Rodney
Structure: African-American Male Code 15

MBE SUBCONTRACTORS:
Name: S.A. Flick Seed Co.
Address: 109-B SW 12th St.
Oak Grove, MO 64075
Scope of Work: Seeding / Sodding
Dollar Amount: \$10,000
Ownership: Flick, Steve
Structure: Native American Male Code 17

MBE SUBCONTRACTORS:

Name: Redford Construction, Inc.
Address: 17322 S. State Route 291
Pleasant Hill, MO 64080
Scope of Work: Sanitary Sewer Install / Repair
Dollar Amount: \$700,000
Ownership: Redford, Stan
Structure: Native American Male Code 17

WBE SUBCONTRACTORS:

Name: Rising Construction Services, Inc.
Address: 1206 NW Baytree Dr.
Grain Valley, MO 64029
Scope of Work: Traffic Control / Flagging
Dollar Amount: \$10,000
Ownership: Rising, Kristen
Structure: Caucasian Female Code 27

WBE SUBCONTRACTORS:

Name: TREKK Design Group, LLC
Address: 1411 E. 104th St.
Kansas City, MO 64131
Scope of Work: Surveying / Layout / Design
Dollar Amount: \$10,000
Ownership: Robinett, Kimberly
Structure: Caucasian Female Code 27

WBE SUBCONTRACTORS:

Name: JA Lillig Excavating, Inc.
Address: 1615 E. 173rd St.
Belton, MO 64012
Scope of Work: Excavating / Clearing & Grubbing
Dollar Amount: \$50,000
Ownership: Lillig, Kristi
Structure: Caucasian Female Code 27

WBE SUBCONTRACTORS:

Name: EJ & Sons Construction, LLC
Address: 3910 Norton Ave.
Kansas City, MO 64130
Scope of Work: Hauling
Dollar Amount: \$125,000
Ownership: Jones, Elwanda
Structure: African-American Female Code 23

WBE SUBCONTRACTORS:

Address: 950 N. Scott Ave.
Belton, MO 64012
Scope of Work: Sanitary Sewer Install / Repair
Dollar Amount: \$250,000
Ownership:
Structure: Caucasian Female Code 13

Comments:

This is the second renewal of contract 1275. The first renewal was contract 1493. Contract 1275 was closed out with the prime contractor achieving 11% MBE and 8% WBE. Contract 1493 is still open and the prime contractor is currently achieving only 6% MBE and 0.2% WBE according to B2G. The prime contractor indicated that they still plan to meet the goals on the project with the dollars remaining in the contract. The prime contractor indicated that there are some payments which have not been entered in B2G which would increase their current participation and the prime contractor is working with CREO KC to get the payments updated. The prime contractor also indicated that there have been some projects under the contract which have been delayed by the Dept. and those projects will have significant MBE/WBE participation. The prime contractor also indicated that there has been over \$1,700,000 in emergency repairs on the contract and over \$1,000,000 in CIPP work- and both the emergency repairs and the CIPP work have limited opportunities for MBE/WBE participation. Still, there is \$2,054,458.38 remaining on the contract and there will be opportunities for the prime contractor to meet the goals of 11% MBE and 6% on the contract. The prime contractor has already identified some of the areas where they will be able to obtain additional MBE/WBE participation on the work remaining on the contract.

Original Contract: \$6,885,000.00
Renewal 1: \$6,885,000.00
Current Amount: \$13,770,000.00
Renewal 2: \$6,885,000.00

Proposed Amount: \$20,655,000.00
Future Renewal 3: \$6,885,000.00
Future Amount: \$27,540,000.00

According to B2G, the prime contractor has achieved the following participation on the contract and first renewal to date:

1275

Dollars paid to prime contractor by City to date: \$6,885,000
Dollars paid to MBEs by prime contractor to date: \$725,237.62 for 11% MBE.
Dollars paid to WBEs by prime contractor to date: \$563,056.45 for 8% WBE.

1493

Dollars paid to prime contractor to date: \$4,830,541.62
Dollars paid to MBEs by prime contractor to date: \$297,987.07 for 6% MBE.
Dollars paid to WBEs by prime contractor to date: \$10,516.30 for 0.2% WBE.

The prime contractor indicated that \$137,604.25 has been paid to TREKK Design Group (WBE) that has not been entered in B2G. That \$137,604.25 would increase the WBE participation to 3% WBE.

The prime contractor indicated that there were 2 projects placed on hold due to easement issues that have now been resolved, that will add dollars to the MBE participation- \$380,000 for Redford Construction. The prime contractor also indicated that EJ & Sons Construction has not yet invoiced \$30,000 in work on the Barry Harbor project that will add dollars to the WBE participation. These additions would increase the participation achieved to date to 14% MBE and 3.7% WBE based on the current amount paid. The prime contractor indicated that design services on six (6) future sites would add \$240,000 for TREKK Design for WBE credit. Using the information above the prime's expected participation on the total contract amount would be as follows:

\$677,987.07 out of \$6,885,000 for 10% MBE
\$418,120.55 out of \$6,885,000 for 6% WBE.

The prime contractor indicated that they intend to meet both the MBE and the WBE goal. The prime contractor indicated that they have been hampered by emergency work that was added to the contract totaling \$1,700,000 where there were limited opportunities for MBE/WBE participation and the fact that over \$1,000,000 of the work performed to date was for CIPP Lining work where there is no opportunity for MBE/WBE participation. The 2 sites that were on hold for over \$710,000 has also limited the opportunities for MBE/WBE participation, but those sites should be starting soon. There is still \$2,054,458.38 remaining on the contract so there will be additional opportunities for MBE/WBE participation.

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Request for Modification/Substitution Approval Form**

Date: 4/17/24
Form Prepared By: J Driskell

Contract/Project Number: 1493-2 / 81000756	Project Name: SSP City-Wide Sewer Infrastructure Rehabilitation within Waterways
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Owning Department: Water Services - SSP	Project Manager: Nicki Chestnut
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Funding: City State Federal CO-OP Grant: Other:
 Project Requirements: M/WBE DBE Section 3 N/A
 Tax Incentive: LCRA TIF PIEA N/A Other:

Developer/Prime: Kissick Construction	Address: 8131 Indiana Ave
Contact: Spencer Moore	Phone:
Contact Email: smoore@kissickco.com	Fax:

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:

Reason for Modification/Substitution Request:
 Wiedenmann North America can no longer perform their WBE scope due to current workload. Prime would like to substitute and give work to WBE-She Digs It

CONTRACT SUMMARY*	
Original Contract Maximum Obligation:	\$ 6,885,000.00
Amendment/Change Order No. 1:	\$
Amendment/Change Order No. 2:	\$
Amendment/Change Order No. 3:	\$
Amendment/Change Order No. 4:	\$
Amendment/Change Order No. 5:	\$
Current Maximum Obligation:	\$ 6,885,000.00
Proposed Amendment/Change Order No.	\$
Proposed Revised Contract Maximum Obligation:	\$ 6,885,000.00

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 Request for Modification/Substitution is:		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	
11 % MBE	6 % WBE	% DBE
The Request for Good Faith Efforts Waiver is:		
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	<input type="checkbox"/> Not Applicable
RFM/S Affidavit Attached?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

DocuSigned by:
 CREO Signature: Mark Runge Date: 5/15/2024
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*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.





REQUEST FOR MODIFICATION OR SUBSTITUTION

(This Form must be submitted to HRD to request substitutions for an MBE/WBE listed in the Contractor Utilization Plan or for modification of the amount of MBE/WBE participation listed in the Contractor Utilization Plan. This Form shall be an amendment to the Contractor Utilization Plan.)

BIDDER/PROPOSER/CONTRACTOR: Kissick Construction Co., Inc
ADDRESS: 8131 Indiana Ave, Kansas City, MO 64132
PROJECT NUMBER OR TITLE: 81000756 / 1493-2
AMENDMENT/CHANGE ORDER NO: (if applicable) _____

Project Goals: 11 % MBE 6 % WBE
Contractor Utilization Plan: _____ % MBE _____ % WBE

1. I am the duly authorized representative of the above Bidder/Contractor/Proposer and am authorized to request this substitution or modification on behalf of the Bidder/Contractor/Proposer.

2. I hereby request that the Director of HRD recommend or approve: (check appropriate space(s))

a. A substitution of the certified MBE/WBE firm She Digs It, LLC,
(Name of new firm)
to perform Sanitary Sewer Installation and Repairs,
(Scope of work to be performed by new firm)

for the MBE/WBE firm Wiedenmann North America, LLC which is currently
(Name of old firm)

listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan to

perform the following scope of work: Sanitary Sewer Installation and Repairs
(Scope of work of old firm)

b. A modification of the amount of MBE/WBE participation currently listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan from

 % MBE % WBE (Fill in % of MBE/WBE Participation currently listed on Contractor Utilization Plan)

TO

 % MBE % WBE (Fill in New % of MBE/WBE Participation requested for Contractor Utilization Plan)

- c. Attach 00450.01 Letter of Intent to Subcontract letter for each new MBE/WBE to be added.
- d. Attach a copy of the most recent 00485.01 or on-line M/WBE Monthly Utilization Report

3. Bidder/Contractor/Proposer states that a substitution or modification is necessary because: (check applicable reason(s))

The MBE/WBE listed on the Contractor Utilization Plan is non-responsive or cannot perform.

The MBE/WBE listed on the Contractor Utilization Plan has increased its previously quoted price without a corresponding change in the scope of work.

The MBE/WBE listed on the Contractor Utilization Plan has committed a material default or breach of its contract.

Requirements of the scope of work of the contract have changed and make subcontracting not feasible or not feasible at the levels required by the goals established for the contract.

The MBE/WBE listed on the Contractor Utilization Plan is unacceptable to the City contracting department.

Bidder/Contractor/Proposer has not attempted intentionally to evade the requirements of the Act and it is in the best interests of the City to allow a modification or substitution.

4. The following is a narrative summary of the Bidder's/Contractor's/Proposer's good faith efforts exhausted in attempts to substitute the MBE/WBE firm named above which is currently listed on the Contractor Utilization Plan with other qualified, certified MBE/WBE firms for the listed scope of work or any other scope of work in the project:

Contractor reached out to WBE firm and due to WBE workloads, WBE cannot participate / perform the work.

5. Bidder/Proposer/Contractor will present documentation when requested by the City to evidence its good faith efforts.

Dated: 03/21/2024

Kissick Construction Co., Inc
(Bidder/Proposer/Contractor) "Company Name"

By: 
(Authorized Representative) "signature"



LETTER OF INTENT TO SUBCONTRACT

Project Title City-Wide Sewer Infrastructure Rehabilitation within Waterways - Renewal No. 2

Project/Contract Number 81000756/1493-2

Check one:	
Original LOI:	<input checked="" type="checkbox"/>
Updated LOI:	<input type="checkbox"/>

PART I: Prime Contractor Kissick Construction Co., Inc agrees to enter into a contractual agreement with M/W/DBE/Section 3 Subcontractor She Digs It, 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.]

Sanitary Sewer Installation and Repairs

for an estimated amount of \$ 250,000.00 (or 3.63 % 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/Section 3 Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Human Relations 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: She Digs It, LLC

Full address: 600 SE Central Dr, Blue Springs, MO 64014

<u>Street number and name</u>	<u>City, State and Zip Code</u>
Primary contact: _____	<u>816-295-1100</u>

<u>Name</u>	<u>Phone</u>
a) This subcontractor is (circle 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: Sanitary Sewer Installation Repair

c) The dollar value of this agreement is: \$250,000.00

PCL XL error

Error: IllegalOperatorSequence
Operator: ReadImage
Position: 1068