



Project Number-80002027
WTM/Ext NE 64th St & N Brighton Ave / NE Pleasant Valley
Rd & Searcy Creek Pkwy

CREO Document Upload:#2

Subject: CUP/LOI Document Upload | Contract WSD9768
Initiator: Windsor, Jeffrey
Date Created: 05.27.2025 10:07AM
Department: Water Services

Process Information

Document Type: CUP/LOI
Date Submitted: 05.27.2025
Date Received: 05.01.2025
Contract Number: WSD9768
Prime Contractor: BEEMER CONSTRUCTION CO INC
Amount of Project: 10766000.00
%MBE 2
%WBE 4
%DBE

Special Instructions:

Due to the nature of this project being primarily located within green space, there are limited opportunities to carve out scope to M/WBE subcontractors. For this reason, the Contractor is requesting this request for waiver of the target goals. KC Water is in support of this waiver.

CREO - Division of Economic Equity & Inclusion

Contractor Utilization Plan Approval Form

Prepared by: Delois Moore

e-Builder users: Approval Form must be completed and attached in PDF format where indicated. CUP/LOIs must be attached where indicated, or as supporting documents.

Date: 5/30/25

Contract/Project Number: 80002027/9768	Project Name: 36-inch Water Transmission Main extension from NE Shoal Creek Pkwy, crossing I-435 to NE 82nd
Developer/Prime: Beemer Construction Co., Inc.	Contact Name: Joseph D. Blecha
Address: 606 SE central Dr., Blue Springs, MO 64014	Email: joeb@beemerconstruction.com

Full Contract Value: \$ 10,766,000.00

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:

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.

Contract Goals:	Contractor Utilization Plan Achievement:
Self-Perform: ____%	Self-Perform: ____%
MBE: <u>14</u> %	MBE: <u>1.5</u> %
WBE: <u>14</u> %	WBE: <u>3.9</u> %
Non-certified firms: ____%	Non-certified firms: ____%

Contract Type (select one): ☐ Construction ☐ Design-Build ☒ Design Professional ☐ Professional Services
☐ General Services ☐ Facilities Maintenance/Repair/Renovation ☐ Concessions ☐ Co-operative
☐ Revenue Sharing ☐ Non-Municipal Agency ☐ Other Goods & Services ☐ Other _____

Project Manager: Reza Zonnooz

Email: Reza.Zonnooz@kcmo.org

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 Contractor Utilization Plan is:**

☒ Approved ☐ Disapproved

2 % MBE 4 % WBE _____ % DBE

The Request for Good Faith Efforts Waiver is:

☒ Approved ☐ Disapproved ☐ Not Applicable

Appeal Sent to FICB or Incentive Agency? ☐ Yes _____ FICB _____ Incentive Agency ☐ No

DocuSigned by:

CREO Signature:

Rebecca Amezquita-Hogan

Date: 6/30/2025

Comments:

Contract Type: Construction
CUP Approved at 2/4 RAH



Contractor Utilization Plan (CUP) MUST be submitted to CREO prior to being posted on docket for review & approval from Council.

CREO EEI Contractor Utilization Plan Approval Form REVISED 12-01-2023

Inter-Departmental Communication

Date: June 30, 2025

To: Jaime Guillen; Director; Civil Rights & Equal Opportunity Department

From: Rebeca Amezcua-Hogan, Civil Rights Specialist

Subject: Good Faith Efforts Evaluation / CUP Summary #:

CONTRACTOR: Beemer Construction Co., Inc.
Address: 606 SE central Dr.
Blue Springs, MO 64014
Contract # 80002027/9768 - 36-inch Water Transmission
Main extension from NE Shoal Creek Pkwy,
crossing I-435 to NE 82nd Ter
Contract Amount: \$10,766,000.00
MBE Goal 11%
WBE Goal: 11%
Total MBE Achieved: 2%
Total WBE Achieved: 4%

MBE SUBCONTRACTORS:

Name: J.A. Lillig Grading, LLC
Address: 1615 E. 173rd St.
Belton, MO 64012
Scope of Work: Dump Fees and Disposal
Subcontract Percentage: \$54,054.00
Ownership: Lillig, Jim
Structure: Native American Male Code: 17

MBE SUBCONTRACTORS:

Name: S.A. Flick Seed Co.
Address: 109B SW 12th St.
Oak Grove, MO 64075
Scope of Work: Arborist
Subcontract Percentage: \$20,000.00
Ownership: Flick, Steve
Structure: Native American Male Code: 17

MBE SUBCONTRACTORS:

Name: South 71 Trucking Co., LLC
Address: 3839 E 71st Ter
Kansas City, MO 64132

Scope of Work:	Hauling	
Subcontract Percentage:	\$57,724.00	
Ownership:	Bowman, Kevin	
Structure:	African American Male	Code: 15

MBE SUBCONTRACTORS:

Name:	Tenoch Construction, Inc.	
Address:	912 Scott Ave. Kansas City, KS 66105	
Scope of Work:	Concrete Curbs and Paving	
Subcontract Percentage:	\$30,766.00	
Ownership:	Segura-Ulrich, Sonya	
Structure:	Hispanic/Latino America Female	Code: 20

WBE SUBCONTRACTORS:

Name:	Streetwise, Inc.	
Address:	13501 Arrington Rd Grandview, MO 64030	
Scope of Work:	Traffic Control	
Subcontract Percentage:	\$40,929.00	
Ownership:	Hettinger, Shawna	
Structure:	Caucasian Female	Code: 27

WBE SUBCONTRACTORS:

Name:	Clymore Trucking Co.	
Address:	530 S. 291 Highway Independence, MO 64056	
Scope of Work:	Traffic Control	
Subcontract Percentage:	\$57,819.00	
Ownership:	Clymore, Debra	
Structure:	Caucasian Female	Code: 27

WBE SUBCONTRACTORS:

Name:	Little Joe's Asphalt	
Address:	134 N. 130th St. Bonner Springs, KS 66012	
Scope of Work:	Asphalt Paving	
Subcontract Percentage:	\$72,529.00	
Ownership:	Buehler, Theresa	
Structure:	Caucasian Female	Code: 27

WBE SUBCONTRACTORS:

Name:	Welch Silt Fence & Erosion Control	
Address:	3003 Cantrell Road	

	Harrisonville, MO 64701	
Scope of Work:	Erosion Control	
Subcontract Percentage:	\$253,131.00	
Ownership:	Welch, Danielle	
Structure:	Caucasian Female	Code: 27

Comments:

The prime contractor failed to achieve the goals established for the project of 11% MBE, with participation achieved of 2% MBE. The prime also failed to achieve the goals established for the project of 11% WBE, with 4% WBE.

It must be noted that when goals were set, they should have been prorated to only include the funds that were eligible for goal analysis.

Out of the \$10,766,000.00, only \$2,611,999.00 should have been calculated since \$8,154,001.00 is being utilized for materials and specialized scopes in which MWBE participation is not feasible.

Total contract amount	\$ 10,766,000.00
Removing materials & specialized scopes	\$ 8,154,001.00
Eligible \$ to be assessed for goals	\$ 2,611,999.00
11% of eligible \$ (goals were assigned at 11/11)	\$ 287,319.89
Prorated MBE/ WBE goals	3% and 3%

The prime has submitted a CUP achieving 2% MBE and 4% WBE, therefore *technically* achieving the assigned 11/11 goals when prorated at 3/3.

The Prime Contractor has submitted a Good Faith Efforts with their CUP submission. The prime contractor's Good Faith Efforts to achieve the MBE & WBE goals are evaluated below:

Good Faith Efforts Evaluation:

Good faith efforts are efforts that, given all relevant circumstances, a bidder, proposer, contractor, or developer actively and aggressively demonstrates in attempting to meet the prescribed goals. Good faith efforts must be demonstrated to be meaningful and not merely formalistic compliance. Notwithstanding the foregoing or anything in this division to the contrary, to the extent a bidder, proposer, contractor or developer, as applicable, has performed the following, the bidder, proposer, contractor or developer, as applicable, shall be presumptively determined to be in

compliance with this section and only determined not to be in compliance upon a clear and convincing showing of an affirmative act or omission that is intentionally contrary to the spirit of this division:

- (1) Advertised for at least 15 calendar days prior to the bid or proposal due date opportunities to participate in the contract in general circulation media, trade and professional association publications, small and minority business media, and publications of minority and women's business organizations which are included in a list along with their contact information identified on the directory as the list of publications available to publish such advertisements, which list shall be updated by the department no less than every three months, and such 15 calendar days shall be deemed sufficient time to allow MBE and WBE firms to participate effectively. Each advertisement shall contain the information required by subsection [3-441\(a\)\(9\)](#); and

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not met.

- (2) Sent written notices at least 15 calendar days prior to the bid or proposal due date containing the information required by subsection [3-441\(a\)\(9\)](#), by certified mail, e-mail or facsimile, to at least 80 percent of minority and women's business organizations which are included in a list along with their contact information identified on the directory as the list of organizations available to receive such notices, which list shall be updated by the department no less than every three months, and such 15 calendar days shall be deemed sufficient time to allow MBE and WBE firms to participate effectively; or

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not met.

- (3) Sent written notices, containing the information required by subsection [3-441\(a\)\(9\)](#), by certified mail, e-mail or facsimile, to at least 80 percent of MBEs and WBEs listed on the directory certified in the applicable scopes of work for the particular bid soliciting their participation in the Contract at least 15 calendar days prior to the bid or proposal due date and such 15 calendar days shall be deemed sufficient time to allow them to participate effectively; and

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not met.

- (4) Attempted to identify portions of the work for qualified MBE and/or WBE participation in order to increase the likelihood of meeting the goals, including breaking down contracts into economically feasible units that take into consideration the capacity of available MBE/WBEs appearing on the directory; and

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not met.

- (5) At any time prior to submission of the CUP or submittal of a request for modification of a CUP, requested assistance in writing in achieving the MBE/WBE goals from the director and acted on the director's recommendations; and

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not Met.

- (6) Conferred with certified MBEs and WBEs which inquired about or responded to the bid solicitation and explained to such MBEs and WBEs the scope and requirements of the work for which their bids or proposals were solicited, and if not all certified MBEs and WBEs in the particular scopes listed on the directory have inquired about or responded to the bid solicitation for each scope of work, then contact by certified mail, e-mail or telephone the greater of ten or 80% of additional certified MBEs and WBEs in the particular scopes listed on the directory and offer to confer with such MBEs and WBEs for such particular scope of work and request such MBEs and WBEs to submit a proposal; and

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not Met.

- (7) Attempted to negotiate in good faith with certified MBEs and WBEs which responded to the bid solicitation or those certified MBEs and WBEs that were conferred with as contemplated by [section 3-441\(a\)\(6\)](#), and other qualified MBEs and WBEs, at the option of the bidder, proposer, contractor or developer, as applicable, to perform specific subcontracts, not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities by the bidder, proposer, contractor or developer; in the event an MBE or WBE is the low bid, but rejected as unqualified, the bidder, proposer, contractor

or developer and the director or board, as applicable, shall provide sound reasons for rejecting such MBE or WBE; and

The prime contractor did not submit supporting documentation. **Therefore; Standard: Met.**

(8) Attended pre-bid meetings when such meetings were indicated in the solicitation of bids or otherwise by the bidder, proposer, contractor or developer, as applicable or by the director provided the director provides written direction to the bidder, proposer, contractor or developer at the time the goals are recommended by the director pursuant to [section 3-431](#) to provide for a pre-bid meeting(s); and

The prime contractor provided no documentation that a pre-bid meeting was scheduled or held for the project. Therefore: **Standard: Not applicable.**

(9) Written notices and advertisements to be provided pursuant to (1), (2) and (3) above shall include the following information:

- a. The bid due date;**
- b. The name of the project;**
- c. The address or general location of the project;**
- d. The location of plans and specifications for viewing;**
- e. Contact information of the prime contractor or developer, as applicable;**
- f. A general description of the scopes of work that are the subject of the solicitation;**
- g. The goals established for the applicable contract, and if the goals are still subject to board approval, then a statement that the goals as stated are preliminary and are subject to board approval;**
- h. If the project or any portion of the project is subject to prevailing wage then a statement that all or a portion of the project will be subject to prevailing wage, as applicable; and if only a portion of the scopes are subject to prevailing wage, then identification of such scopes provided that such scopes are known as of the time of bid solicitation;**

i. The date and time of any pre-bid meeting(s), if any, which have been scheduled by the bidder, proposer, contractor or developer as of the bid solicitation; and

j. Any other information deemed relevant by the bidder, proposer, contractor or developer, as applicable, or the director to the extent the director provides written direction to the bidder, proposer, contractor or developer of such additional information at the time the goals are recommended by the director pursuant to [section 3-431](#).

(k) In the event the bidder, proposer, contractor or developer amends the scopes previously bid or decides to further open bids, and determines that further notice is necessary, the time for giving notices as provided in (1), (2) and (3) above shall be deemed sufficient if given seven business days in advance of the applicable updated bid due; and

The prime contractor did not submit supporting documentation. Therefore:
Standard: Not Met.

Summary:

The approved goals for this project are 11/11, set by General Services for a contract amount of \$10,766,000.00. The goals for this project should have been prorated to only apply to \$2,611,999.00.

1. Approximately 64.6% (\$6,956,695) of the contract is to purchase the water main materials – pipe, valves, fittings, accessories, etc. – not including mark up or installation by our crew.
2. Installation by the prime is approximately 7.6% (\$821,106) of the contract. The contract consists of only one water main – a 36" main – without any branch lines. The contract requires technical expertise and experience for the installation of a large diameter water main. As a result, the General Contractor possessing the qualifications is to install the line.
3. There is a large bore under Interstate 435 which requires a specialty contractor of which, there are none listed in the M/WBE directory for KCMO. It is 3.5% (\$376,200) of the project.

Material costs and specialized scopes of work should have been removed when calculating goals. Calculation below:

Total contract amount	\$ 10,766,000.00
Removing materials & specialized scopes	\$ 8,154,001.00
Eligible \$ to be assessed for goals	\$ 2,611,999.00

11% of eligible \$ (goals were assigned at 11/11)	\$ 287,319.89
Prorated MBE/ WBE goals	3% and 3%

Recommendations:

CREO KC recommends accepting the submitted Contractor Utilization Plan, with the prime achieving 2% MBE and 4% WBE. As the prime has successfully fell within the margins of the prorated goals of 3% MBE and 3% WBE.