



CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 80002172/9485

Project Title WMR Along Chouteau Trafficway Bid 2

KCMO Water Service Department
(Department Project)

WSD
Department

Abay construction inc.
(Bidder/Proposer)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

I, Henok Tereste, 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:

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

1 POST-BID/POST-RFP ESTIMATED BUDGET: \$ 1,975,552

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 Abay construction inc.
 Address 400 E Red Bridge Rd, KCMO, 64131
 Telephone No. 816-934-1628
 I.R.S. No. 87-1914503



Name of M/WBE Firm Tanner & son Trucking company, LLC
 Address P.O. Box 35634, KCMO 64134
 Telephone No. 816-728-3637
 I.R.S. No. 61-1537704

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
<u>Tanner & son Trucking</u>	<u>Contractor</u>	<u>200,811</u>		<u>11%</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



TOTAL MBE \$ / TOTAL MBE %: \$200,811 11 %

WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
Abay construction	Contractor	200,811		11 %

TOTAL WBE \$ / TOTAL WBE %: \$200,811 11 %

*“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: Abay Construction inc/Henok Tekeste
 Address: 400 E Red Bridge Rd, Kansas city, Mo 64131

Phone Number: 816-934-1628

Facsimile number: _____

E-mail Address: henok@abayconstruction.com

By: [Signature]

Title: V. President

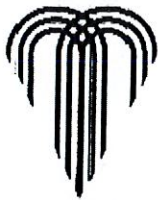
Date: 10/17/2024

(Attach corporate seal if applicable)

Subscribed and sworn to before me this 16th day of October, 2024.

My Commission Expires: May 6, 2028 Mary Beth Sharpe
 Notary Public





LETTER OF INTENT TO SUBCONTRACT

Check one:

Original LOI:

Updated LOI:

Project Name/Title WMP along Chouteau Trafficway

Project Location/Number 80002172/9485

PART I: Prime Contractor Abay construction inc agrees to enter into a contractual agreement with M/W/DBE Subcontractor Tanner & Son Trucking 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.]

Trucking

for an estimated amount of \$ 200,811 (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: TANNER + SON Trucking Co, LLC
 Full address: 8100 Prospect AVE Kansas City Mo 64134
Street number and name City, State and Zip Code
 Primary contact: (816) 728-3637 JABBAR TANNER
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 Hauling

c) The dollar value of this agreement is: _____

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: Abay Construction Inc
Signature: Prime Contractor [Signature] Print Name Henok Tekeste
V. President Title Date 10/16/2024

State of Missouri)
County of Jackson)

I, Mary Beth Sharpe 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 16th day of October, 2024

My Commission Expires: May 16, 2028 Mary Beth Sharpe Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: TANNER & SON Trucking Co. LLC
Signature: Subcontractor [Signature] Print Name Jabbar R TANNER
Member Title Date 10/17/2024

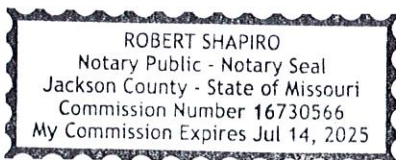
State of Missouri)
County of Jackson)

I, Robert Shapiro, 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 17th day of October, 2024

My Commission Expires: 07/14/2025 [Signature] Notary Public

STAMP:



TIMETABLE FOR MBE/WBE UTILIZATION

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

I, Henok Tekeste, acting in my capacity as V. President
(Name) *(Position with Firm)*
of Abay construction 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	<input type="checkbox"/>	120 days	<input type="checkbox"/>	180 days	<input checked="" type="checkbox"/>
Other	_____ (Specify)				

Throughout _____ Beginning 1/3 33.3%
Middle 1/3 33.3% Final 1/3 33.3%
Beginning 1/3 33.3% % Middle 1/3 33.3% Final 1/3 33.3% %

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)

V. President

(Position with Firm)

10/17/2024

(Date)



AFFIRMATIVE ACTION PROGRAM AFFIDAVIT

(required for any contractor with 50 or more employees and a contract with the City of Kansas City, Missouri, in excess of \$300,000.00)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

On this 16th day of October, 2024, before me appeared Henok Tekeste, personally known by me or otherwise proven to be the person whose name is subscribed on this affidavit and who, being duly sworn, stated as follows:

I am of sound mind, capable of making this affidavit, and personally swear or affirm that the statements made herein are truthful to the best of my knowledge. I am the Vice President (title) of Abay Construction Inc (business entity) and I am duly authorized, directed or empowered to act with full authority on behalf of the business entity in making this affidavit.

I hereby swear or affirm that [*enter business entity name*] has an affirmative action program (the "Program") in place and will maintain the Program for the duration of its contract with the City of Kansas City, Missouri ("City") as required by Chapter 3 of the City's Code of Ordinances.

I hereby additionally swear or affirm that attached hereto is a true copy of the Program.

I hereby additionally swear or affirm that the business entity shall not discriminate against any employee or applicant for employment because of race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age in a manner prohibited by Chapter 3 of the City's Code of Ordinances.

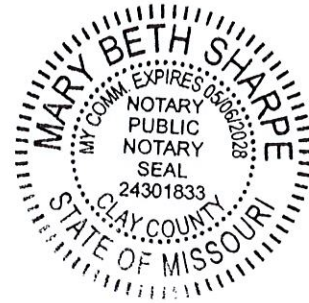
I acknowledge that I am signing this affidavit as the free act and deed of the business entity and that I am not doing so under duress.

[Signature]
Affiant's signature

Subscribed and sworn to before me this 16th day of October, 2024.

Mary Beth Sharpe
Notary Public

My Commission expires: May 6, 2028





AFFIDAVIT OF TRAINING PROGRAM

This form must be submitted with 48 hours of Bid Opening

Bidder Abay construction inc

Project Title and Number WME Along Choctaw Trafficway Bid 2

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:

Abay is a union shop. They train at the union hall and in the field by journeyman and foreman.

(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:

V. President of Abay construction
(Title) (Name of Bidder)

Dated: 10/17/2024 By: [Signature]
(Affiant)

Subscribed and sworn to before me this 16th day of October, 2024.

My Commission Expires: May 6, 2028

[Signature]
Notary Public



EMPLOYEE ELIGIBILITY VERIFICATION AFFIDAVIT

(Required for any contract with the City of Kansas City, Missouri in excess of \$5,000.00)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

On this 16th day of October, 2024 before me appeared Henok Tekeste, personally known by me or otherwise proven to be the person whose name is subscribed on this affidavit and who, being duly sworn, stated as follows:


I am of sound mind, capable of making this affidavit, and personally swear or affirm that the statements made herein are truthful to the best of my knowledge. I am the Vice President (title) of Abay Construction Inc (business entity) and I am duly authorized, directed or empowered to act with full authority on behalf of the business entity in making this affidavit.

I hereby swear or affirm that the business entity does not knowingly employ any person in connection with the contracted services who does not have the legal right or authorization under federal law to work in the United States as defined in 8 U.S.C. § 1324a(h)(3).

I hereby additionally swear or affirm that the business entity is enrolled in an electronic verification of work program operated by the United States Department of Homeland Security (E-Verify) or an equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, under the Immigration Reform and Control Act of 1986, and that the business entity will participate in said program with respect to any person hired by the business entity to perform any work in connection with the contracted services. I have attached hereto documentation sufficient to establish the business entity's enrollment and participation in the required electronic verification of work program.

I am aware and recognize that unless certain contractual requirements are satisfied and affidavits obtained as provided in Section 285.530, RSMo, the business entity may face liability for violations committed by its subcontractors, notwithstanding the fact that the business entity may itself be compliant.

I acknowledge that I am signing this affidavit as the free act and deed of the business entity and that I am not doing so under duress.



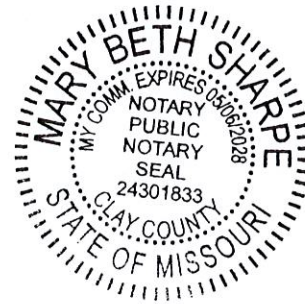
Affiant's signature

Subscribed and sworn to before me this 14th day of October, 2024.



Notary Public

My Commission expires: May 1, 2028





Pre Contract Bidder's Certification

Project Number 80002172

Project Title: Water Main Replacement Along Chouteau Trafficway and Front Street *Bid 2*

STATE OF *Missouri*)
) SS
COUNTY OF *Jackson*)

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.

Abay Construction Inc.
(Bidder's Name)

10/16/2024
(Date)

[Signature]
Signature of Person Making This Affidavit

In witness whereof, I have hereunto subscribed my name and affixed my official seal this *16* day of *October*, 20*24*

Mary Beth Sharpe



**City of Kansas City, Missouri
Human Relations Department
Construction Contractor Employee Identification Report**

Company Name: Abay Construction, Inc
Company Address: 400 E Red Bridge Rd
Ste 215
Company City, State, Zip: Kansas City, MO 64131
Name of Person Completing Report: Suzie Fischer
Phone Number: (816) 934-1628
Email: Suzie@abayconstruction.com

Prime's Name: Abay Construction Inc
KCMO Project Name: Water Main Replacement Along
Chouteau Trafficway and Front Street Bid 2
KCMO Project Number: 80002172/9485
Today's Date: 10/16/2024
City Department: Water Services Dept.

Instructions:

- 1) Each applicable Prime Contractors must complete this form for its company within 48 hours of bid opening
- 2) The Human Relations Department strongly recommends usage of the electronic version of this form. This form may be obtained by visiting www.kcmo.gov website. The website is enabled with a "search" function on the Home page in the center titled "What are you looking for?". Type in the "What are you looking for?" field Contract Central. Click on the link to Standard City Contract Forms. Scroll down to Construction Contractor Employee Identification Report and click the link to open this document. Complete the fields in the Employee section; the Official Use Only section will automatically populate. NOTE: This form can be printed and attached to other required Bid documents.
- 3) All subcontractors shall be required to complete this form and submit to the Prime Contractor. For each subcontractor, the Prime must submit this form to City at least at least (10) days prior to the date the subcontractor shall commence work under a city construction contract.
- 4) Complete this form if you are the Prime contractor on a City construction project estimated over \$300,000 & over 800 man hours.
- 5) Complete this form with data from your current construction workforce (no office personnel).
- 6) Prime contractor is responsible to ensure subcontractor completes this form as required in #3 above.

Official Use Only

Females		Males		Journeyman		Apprentice		Journeyman		Apprentice	
KCMO Resident		KCMO Resident		KCMO Resident		KCMO Resident		KCMO Resident		KCMO Resident	
African American	#####	African American	#####	Foreman/Supervisor	5	Operating Engineer	7		0		0
Asian/Pacific Islander American	#####	Asian/Pacific Islander American	#####	Asbestos Worker	0	Painter	0		0		0
Caucasian American	#####	Caucasian American	16	Boilermaker	0	Pipe Fitter/Plumber	0		0		0
Hispanic/Latino American	#####	Hispanic/Latino American	#####	Bricklayer	0	Plasterer	0		0		0
Native American	#####	Native American	#####	Carpenter	0	Roofer	0		0		0
Other	#####	Other	#####	Cement Mason	0	Sheet Metal	0		0		0
	#####		22	Electrician	0	Sprinkler Fitter	0		0		0
	#####		3	Elevator Constructor	0	Truck Driver	0		0		0
		Number of KCMO Residents	3	Glazier	0	Welder	0		0		0
		Number of Journeyman	22	Iron Worker	0	Other	3		-		-
		Number of Apprentice	1	Laborer	7		1		70		0
					12		1				

Company Name: Abay Construction, Inc KCMO Project Name: Water Main Replacement Along KCMO Project Number: 80002172/9485

	Name		Job Title (use drop down menu)	Address	City	State	Zip Code	KCMO Resident	Gender	Ethnicity
	Last	First								
1	Applegate	Frank	Other	11700 N Stark	Kansas City	MO	64157	YES	Male	Caucasian American
2	Barker	Chris	Laborer (Journeyman)	12605 E Bowen St	Independence	MO	64055	NO	Male	Native American
3	Bales	Tyrel	Foreman/Supervisor	1014 S Main St	Holden	MO	64040	NO	Male	Caucasian American
4	Berg	Connor	Laborer (Apprentice)	6205 NE 48th Terr	Kansas City	MO	64119	YES	Male	Caucasian American
5	Delana	Kenton	Laborer (Journeyman)	1053 S Camden	Richmond	MO	64085	NO	Male	Caucasian American
6	Espinosa	Luciano	Laborer (Journeyman)	9342 W 48th Terr	Merriam	KS	66203	NO	Male	Hispanic/Latino American
7	Gerdes	Shawn	Laborer (Journeyman)	518 Southeast Blvd	Tipton	MO	65081	NO	Male	Caucasian American
8	Ryals	Brody	Laborer (Journeyman)	110 L St	Lake Lotawana	MO	64086	NO	Male	Caucasian American
9	Jones	Chase	Operating_Engineer_(Journeyman)	213 Wedgewood Dr	Edgerton	KS	66021	No	Male	Caucasian American
10	Shoemaker	Christian	Operating_Engineer_(Journeyman)	540 E Arthur St	Liberty	MO	64068	NO	Male	Caucasian American
11	Kauffman	Adam	Foreman/Supervisor	600 Wright St.	Pleasant Hill	MO	64080	NO	Male	Caucasian American
12	Lopez	Angel	Foreman/Supervisor	404 S Broadmoor St	Louisburg	KS	66053	NO	Male	Hispanic/Latino American
13	Martinez	Alfredo	Laborer (Journeyman)	6205 N Topping Ave	Kansas City	MO	64119	Yes	Male	Hispanic/Latino American
14	Wilson	Glenn	Operating_Engineer_(Journeyman)	1103 Tudor Dr	Raymore	MO	64083	NO	Male	Caucasian American
15	Pope	Kevin	Operating_Engineer_(Journeyman)	18728 118th St	McLouth	KS	66054	NO	Male	Native American
16	Porter	Bobby	Operating_Engineer_(Journeyman)	7730 Hwy 131	Odessa	MO	64076	NO	Male	Caucasian American
17	Powers	Jake	Operating_Engineer_(Journeyman)	206 W 1st St	Garden City	MO	64747	NO	Male	Caucasian American

ID	Name		Job Title <i>(use drop down menu)</i>	Address	City	State	Zip Code	KCMO Resident	Gender	Ethnicity
	Last	First								
18	Spader	Cody	Foreman/Supervisor	601 N Jackson St	spring hill	KS	66083	No	Male	Caucasian_American
19	Stanfill	Joshua	Operating_Engineer_(Journeyman)	519 E Locust Street	Lacygne	KS	66040	No	Male	Caucasian_American
20	Thatcher	Brian	Laborer_(Journeyman)	15431 NW 124th St	Platte City	MO	64079	NO	Male	Caucasian_American
21	Sharpe	Mary Beth	Other	19707 NE 197th Pl	Smithville	MO	64089	NO	Female	Caucasian_American
22	Pearce	Garrett	Foreman/Supervisor	1100 South 102nd Ter	Edwardsville	KS	66111	NO	Male	Caucasian_American
23	Yassin	Keyrat	Other	10310 W 70th Terr	Shawnee	KS	66203	NO	Male	African_American