

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

Date: 1/11/2023

Form Prepared By: Itzel Vance

Contract/Project Number: 9718/80002377	Project Name: City Wide Automated Metering Infrastructure 2
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Owning Department: Water Services	Project Manager:
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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: Haines & Associates	Address: 600 Haines Dr. Suite A Liberty MO 64068
Contact: Chad Haines	Phone: 816-792-2905
Contact Email: chad@hainesassoc.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:

Tenoch Construction, informed Haines and Associates that they misunderstood the Scope of Work on the request for proposal for the project and will not be able to perform the work. Haines & Associates would like to replace Tenoch Construction with Abay Construction a (MBE) certified Company on this project.

CONTRACT SUMMARY*

Original Contract Maximum Obligation:	\$ 3,000,000.00
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:	\$
Proposed Amendment/Change Order No.	\$
Proposed Revised Contract Maximum Obligation:	\$ 3,000,000.00

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:**

☒ Approved ☐ Disapproved

12 % MBE 12 % WBE % DBE

The Request for Good Faith Efforts Waiver is:

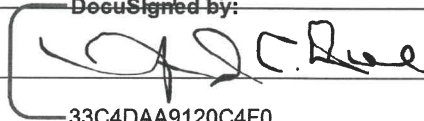
☐ Approved ☐ Disapproved ☐ Not Applicable

RFM/S Affidavit Attached?

☐ Yes

☐ No

CREO Signature:



Date: 1/13/2023

33C4DAA9120C4F0...

*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.





CREO KC Request for Modification or Substitution Approval

Date: December 31, 2022
 To: Itzel Vance, Civil Rights & Equal Opportunity Department
 From: Water Service Department
 Subject: Contract/Project No.: 9178-2/80002377
 Project Title: City Wide Automated Metering Infrastructure 2

<input type="checkbox"/> Amendment No. _____ <input type="checkbox"/> Change Order No. _____ (See Contract Summary on the next page.) <input checked="" type="checkbox"/>	
Funding: <input checked="" type="checkbox"/> City (MBE/WBE/DBE) <input type="checkbox"/> Federal (DBE) ¹ <input type="checkbox"/> State (DBE) ¹ - Grant <input type="checkbox"/> Other: _____	
Contract Category: <input checked="" type="checkbox"/> Construction <input type="checkbox"/> General Service <input type="checkbox"/> Facility Repair <input type="checkbox"/> Design Professional <input type="checkbox"/> Professional Services <input type="checkbox"/> Concession <input type="checkbox"/> Other: _____	
Company: Haines & Associates Construction Co. Inc. Contact: Chad Haines Contact Email: chad@hainesassoc.com	Address: 600 Haines Dr. Suite A, Liberty MO. 64068 Phone: 816-792-3905 Fax: _____
Additional Information: Tenoch Construction, informed Haines and Associates that they misunderstood the Scope of Work on the request for proposal for the project and will not be able to perform the work. Haines & Associates would like to replace Tenoch Construction with Abay Construction a (MBE) certified Company on this project.	

cc: Project Manager

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT USE ONLY The attached <u>Request for Modification or Substitution</u> is:	
<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	The Request for Best Faith Efforts Waiver is: <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Not Applicable
Contractor Utilization Plan Participation as Amended: _____% MBE & _____% WBE or _____% DBE	
Civil Rights & Equal Opportunity Department	Date _____

FOR GRANTING AGENCY USE ONLY² <input type="checkbox"/> N/A
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¹ DBE Programs apply to specific federal or state grant requirements.

² Federal and state grant agreements may require granting agency approval of D/M/WBE participation changes.

Approved by: _____

Date**CONTRACT SUMMARY³**

Approved CUP:

12 % MBE12 % WBE % DBEOriginal Contract Maximum Obligation: \$ 3,000,000.00Amendment/Change Order No. 1: n/a

Amendment/Change Order No. 2: _____

Amendment/Change Order No. 3: _____

Amendment/Change Order No. 4: _____

Amendment/Change Order No. 5: _____

Current Maximum Obligation: \$ 3,000,000.00*Proposed Amendment/**Change Order No. _____*\$ 0*Proposed Revised**Contract Maximum Obligation*\$ n/a

Attach a copy of the most recent 00485.01 M/WBE Monthly Utilization Report

³ 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: James & Associates Const. Co., Inc.
ADDRESS: 600 Kansas Dr. Suite A Liberty MO 64019
PROJECT NUMBER OR TITLE: 60023719718
AMENDMENT/CHANGE ORDER NO: (if applicable) _____

Project Goals:
Contractor Utilization Plan:

<u>12</u> % MBE	<u>12</u> % WBE
_____ % 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 James & Associates Const. Co., Inc.
(Name of new firm)

to perform Large Access Motor Pans Club Sport
(Scope of work to be performed by new firm)

for the MBE/WBE firm James & Associates Const. Co., Inc. 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: Large Access Motor Pans Club Sport
(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:

UNDERSTANDING ATTACHED IS A LETTER FROM TENDER

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

Dated: 11/18/20

James Assoc. Const. Co. Inc.
(Bidder/Proposer/Contractor)

By: [Signature]
(Authorized Representative)



Where a strong foundation begins
Tenoch Construction, Inc.
912 Scott Avenue
Kansas City, Kansas 66105

Office: (913) 671-7706
Fax: (913) 671-7307

sonya@tenochconstruction.com

>>>A Certified KDOT-DBE, MoDOT-DBE, KCMO-MBE/WBE Contractor<<<

10/26/2022

Re: KCMO Project No.80002377/9718
Citywide Automated Metering Infrastructure 2

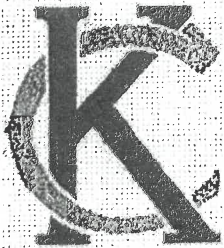
Mr. Chad Haines,

Tenoch Construction, Inc. regrets to inform Haines and Associates that we misunderstood Scope of Work on request for proposal for this project and are unable to perform the work.

Thank you for the opportunity,

Sonya SeguraUlrich

Sonya SeguraUlrich/President



LETTER OF INTENT TO SUBCONTRACT

Project Name/Title Citywide Automated Metering Infrastructure 2

Project Location/Number 80002377/9718

Select one:
Original LOI: ☒
Updated LOI: ☐

PART 1: Prime Contractor Haines & Associates Const. Co. Inc. agrees to enter into a contractual agreement with M/W/DBE/Section 3 Subcontractor Abay Construction 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.]
Labor, adjusting meter pit installing curb stops

for an estimated amount of \$ 360,000.00 (or 12 % 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/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: _____

Full address: _____
Street number and name City, State and Zip Code

Primary contact: _____
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: _____

c) The dollar value of this agreement is: _____

PART 3: Please complete fields below, print, sign/notarize and submit.

**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: Haines & Associates Const. Co. Inc.

[Signature]
Signature: Prime Contractor
President

Title

Chad Haines

Print Name

11/18/2022

Date

State of Missouri

County of Clay

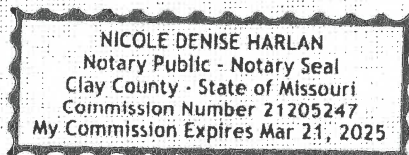
I, Nicole Denise Harlan state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 10
day of June, 2023

My Commission Expires: 3/21/25

Nicole Denise Harlan
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: Abay Construction

[Signature]
Signature: Subcontractor

Vice president

Title

Henok Tekeste

Print Name

11/18/22

Date

State of Missouri

County of Jackson

I, Robbie Tubbs 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 18th
day of Nov, 2022

My Commission Expires: March 10, 2023

Robbie Tubbs
Notary Public

STAMP:



ROBBIE L. TUBBS
My Commission Expires
March 10, 2023
Jackson County
Commission #15464082