



Agenda

Transportation, Infrastructure and Operations Committee

Chairperson Kevin O'Neill
Vice Chair Melissa Robinson

Councilmember Eric Bunch

Councilmember Johnathan Duncan

Councilmember Lindsay French

Tuesday, June 11, 2024

9:00 AM

26th Floor, Council Chamber

<https://us02web.zoom.us/j/84530222968>

PUBLIC OBSERVANCE OF MEETINGS

Members of the City Council may attend this meeting via videoconference.

Any closed session may be held via teleconference.

The public can observe this meeting at the links provided below.

Applicants and citizens wishing to participate have the option of attending each meeting or they may do so through the videoconference platform ZOOM, using this link:

<https://us02web.zoom.us/j/84530222968>

Public Testimony is Limited to 2 Minutes

Director of Water Services

[240485](#)

Sponsor: Director of Water Services Department

Authorizing a \$1,650,000.00 construction contract with Leath & Sons, Inc., for the Water Department Emergency Transmission Water Main Repair project; and authorizing four successive one-year renewal options for a maximum expenditure of \$8,250,000.00 with further City Council approval.

Attachments:

[9848 Docket Memo](#)

[9848 Approved Goals](#)

[9848 Approved CUP](#)

[Ordinance 240485-CUP Summary 9848.pdf](#)

Director of Water Services

[240492](#) Sponsor: Director of Water Services Department

Authorizing a \$4,619,205.00 design professional services contract with HDR Engineering, Inc., for the South Water Supply Resiliency Water Treatment Plant project.

Attachments: [9785 Docket Memo](#)
[9785 Approved MWBE Goals](#)
[9785 CUP, LOI & Timetable Forms](#)
[Ordinance 240492-CUP Summary-- 9785.pdf](#)

[240493](#) Sponsor: Director of Water Services Department

Authorizing a \$194,728.76 construction contract Change Order No. 3 with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project for a total contract amount of \$10,196,330.81.

Attachments: [9735 Change Order 3 Docket Memo](#)
[9735 Approved Construction Goals](#)
[9735 Original CUP Approval](#)
[Ordinance 240493-Revised CUP Summary 9735-A#.pdf](#)

HELD IN COMMITTEE

Lucas and Robinson

[240474](#) Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to enter into an MOU with the KCATA setting out the process for approval of TEFRA certificates for KCATA projects.

Attachments: [Docket Memo 240474](#)

ADDITIONAL BUSINESS

1. There may be a general discussion regarding current Transportation, Infrastructure and Operations issues.

2. Closed Session

- Pursuant to Section 610.021 subsection 1 of the Revised Statutes of Missouri to discuss legal matters, litigation, or privileged communications with attorneys;
- Pursuant to Section 610.021 subsection 2 of the Revised Statutes of Missouri to discuss real estate;
- Pursuant to Section 610.021 subsections 3 and 13 of the Revised Statutes of Missouri to discuss personnel matters;
- Pursuant to Section 610.021 subsection 9 of the Revised Statutes of Missouri to discuss employee labor negotiations;
- Pursuant to Section 610.021 subsection 11 of the Revised Statutes of Missouri to discuss specifications for competitive bidding;
- Pursuant to Section 610.021 subsection 12 of the Revised Statutes of Missouri to discuss sealed bids or proposals; or
- Pursuant to Section 610.021 subsection 17 of the Revised Statutes of Missouri to discuss confidential or privileged communications with auditors.

3. Those who wish to comment on proposed ordinances can email written testimony to public.testimony@kcmo.org. Comments received will be distributed to the committee and added to the public record by the clerk.

The city provides several ways for residents to watch City Council meetings:

- Livestream on the city's website at www.kcmo.gov
- Livestream on the city's YouTube channel at <https://www.youtube.com/watch?v=3hOublg4fok>
- Watch Channel 2 on your cable system. The channel is available through Time Warner Cable (channel 2 or 98.2), AT&T U-verse (channel 99 then select Kansas City) and Google Fiber on Channel 142.
- To watch archived meetings, visit the City Clerk's website and look in the Video on Demand section: http://kansascity.granicus.com/ViewPublisher.php?view_id=2

The City Clerk's Office now has equipment for the hearing impaired for use with every meeting. To check out the equipment please see the secretary for each committee. Be prepared to leave your Driver's License or State issued Identification Card with the secretary and she will give you the equipment. Upon returning the equipment your license will be returned.

Adjournment



File #: 240485

ORDINANCE NO. 240485

Sponsor: Director of Water Services Department

Authorizing a \$1,650,000.00 construction contract with Leath & Sons, Inc., for the Water Department Emergency Transmission Water Main Repair project; and authorizing four successive one-year renewal options for a maximum expenditure of \$8,250,000.00 with further City Council approval.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of Water Services Department is authorized to execute Contract No. 9848 in the amount of \$1,650,000.00 with Leath & Sons, Inc., for the Water Department Emergency Transmission Water Main Repair project, Project No. 60800073. A copy of the contract is on file in the office of Water Services.

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$1,650,000.00 from Account No. 25-8010-802010-619060, Division of Distribution-Pipeline, to satisfy the cost of this contract.

Section 3. That the Director of the Water Services Department is authorized to execute four successive one-year renewal options for this work with further City Council approval.

Section 4. That the Director of Water Services is authorized to expend up to \$6,600,000.00 to satisfy the costs of the four successive one-year renewals with such funds as appropriated by the Council in future annual budgets, for a maximum expenditure of \$8,250,000.00 for Contract No. 9848 and the four renewals.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen

Director of Finance

Approved as to form:

Mark P. Jones
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240485

Submitted Department/Preparer: Water

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a \$1,650,000.00 construction contract with Leath & Sons, Inc., for the Water Department Emergency Transmission Main Repair contract; and authorizing four successive one-year renewal options for a maximum expenditure of \$8,250,000.00 with further City Council approval.

Discussion

Project Justification

KC Water is undertaking this project to make scheduled and emergency repairs to the transmission water mains throughout the City's water distribution system.

Project Description

The scope of work to be provided under this contract will include scheduled and emergency transmission water main repairs to the City's water distribution system.

Unit prices for the work to be completed under this contract were set based on the bids received. Therefore, KC Water proposes a not to exceed \$1,650,000.00 contract to complete restoration work orders.

This ordinance also authorizes the Director of Water Services to execute four successive one-year renewal options for this contract with additional City Council approval.

Proposed Contract:	\$1,650,000.00
Proposed Renewal #1:	\$1,650,000.00
Proposed Renewal #2:	\$1,650,000.00
Proposed Renewal #3:	\$1,650,000.00
<u>Proposed Renewal #4:</u>	<u>\$1,650,000.00</u>
Total:	\$8,250,000.00

This contract is based on unit prices with a maximum expenditure of \$1,650,000.00 for a term of one year with four potential successive one-year renewals at \$1,650,000.00 per year at the City's option (for a total of \$8,250,000.00 over five years).

The term of this contract is 365 calendar days.

MBE/WBE Goals

CREO KC established goals of 11% MBE and 11% WBE for this construction project on February 14, 2024 as part of the CREO KC Annual Goal Program.

Solicitation

This project was advertised in accordance with the City's requirements. Public bids were opened on April 2, 2024 with 7 bidders responding.

Awardee/Subcontracting Participation

Leath & Sons, Inc. was selected for this project as the lowest, most responsive, and most responsible bidder with a bid amount of \$864,579.00, with subcontracting participation of 11% MBE and 11% WBE. The maximum obligation of the City for the work on this project will be \$1,650,000.00.

Other Bidders/Subcontracting Participation

Beemer Construction Co., Inc. / \$924,015.00 / 11% MBE and 11.03% WBE
Genesis Environmental Solutions, Inc. / \$931,369.51 / non-responsive
SHEDIGS IT, LLC / \$997,165.00 / non-responsive
Haines & Associates Construction Co., Inc. / \$1,036,515.00 / non-responsive
Infrastructure Solutions, LLC / \$1,257,025.00 / non-responsive
Hettinger Excavating, LLC / \$1,409,735.00 / non-responsive

Estimated Project Cost

The estimated opinion of probable construction costs for this project is \$983,775.00.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No

2. What is the funding source?
25-8010-802010-619060 = \$1,650,000.00
Division of Distribution-Pipeline; Water Fund

3. How does the legislation affect the current fiscal year?
This project was included in the Water Services Department Operating Budget.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
No.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No
2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
- Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
 - Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
 - Build on existing strengths while developing a comprehensive transportation plan for the future.
 - Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
 - Ensure adequate resources are provided for continued maintenance of existing infrastructure.
 - Focus on delivery of safe connections to schools.

Prior Legislation

N/A

Service Level Impacts

N/A

Other Impacts

1. What will be the potential health impacts to any affected groups?
N/A
2. How have those groups been engaged and involved in the development of this ordinance?
N/A
3. How does this legislation contribute to a sustainable Kansas City?
This project will contribute to a sustainable Kansas City by making timely repairs to water main breaks, which will reduce water loss.
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

N/A

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)
Please attach or copy and paste CREO's review.

The Contractor Utilization Plan was submitted to CREO KC for the construction project on April 24, 2024, and was approved on May 3, 2024 with 11% MBE and 11% WBE participation.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

Yes(Press tab after selecting)

List the three (3) lowest bidders in addition to the selected bidder.

Genesis Environmental Solutions, Inc. / \$931,369.51

SHEDIGS IT, LLC / \$997,165.00

Haines & Associates Construction Co., Inc. / \$1,036,515.00

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
No(Press tab after selecting)

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

**Date: 2/8/2024
Form Prepared By: J.Wright**

Contract/Project Number: 9848/60800073	Project Name: WD Emergency Transmission Water Main Repair
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Owning Department: KC Water	Project Manager: Jason Wright
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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:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 No: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 365	Anticipated Solicitation Date: 03/15/2023
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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:

Description of Contract (Provide Details):
This contract will cover repair and construction to the water distribution system for scheduled and emergency transmission main repairs.

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

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 GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type: _____

According to CREO Annual Goal Manual, the Goals for this project are:

_____ 11 % MBE	_____ 11 % WBE	_____ % DBE
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Electronic Record? Yes No

DocuSigned by:
GSD Signature: Darrell Everett Date: 2/14/2024
8D98B9CAE78542A

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

_____ % MBE	_____ % WBE	_____ % DBE
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No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier: _____

Electronic Record? Yes No

CREO Signature: _____ Date: _____



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Non-discrimination in Employment. Contractor shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Contractor shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

Ban the Box in Hiring and Promotion.

(a) Pursuant to Section 38-104, City Code Ordinances, Contractor shall not base a hiring or promotional decision on an applicant's criminal history or sentence related thereto, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

(b) Notwithstanding subsection (a), Contractor may inquire about an applicant's criminal history after it has been determined that the individual is otherwise qualified for the position, and only after the applicant has been interviewed for the position. Any such inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

(c) This provision shall not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national or origin (including limited English proficient individuals), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City of Kansas City, Missouri requires compliance with the requirements of Title VI in all of its programs and activities regardless of the funding source.

Contractor shall not discriminate on the grounds of race, color, or national or origin (including limited English proficient individuals).

Quality Services Assurance Act. If this Contract exceeds \$160,000.00, Contractor certifies Contractor will pay all employees who will work on this Contract in the city limits of Kansas City, Missouri at least \$15.00 per hour in compliance with the City's Quality Services Assurance Act,

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Section 3-66, Code of Ordinances or City has granted Contractor an exemption pursuant to the Quality Services Assurance Act.

Anti-Discrimination Against Israel. If this Contract exceeds \$100,000.00 and Contractor employs at least ten employees, pursuant to Section 34.600, RSMo., by executing this Contract, Contractor certifies it is not currently engaged in and shall not, for the duration of this contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

Affirmative Action. If this Contract exceeds \$300,000.00 and Contractor employs fifty (50) or more people, Contractor shall comply with City's Affirmative Action requirements in accordance with the provisions of Chapter 3 of City's Code, the rules and regulations relating to those sections, and any additions or amendments thereto; in executing any Contract subject to said provisions, Contractor warrants that it has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract. Contractor 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 City's Code. Contractor shall:

- (a) Execute and submit the City of Kansas City, Missouri CREO Affirmative Action Program Affidavit warranting that the Contractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract.
- (b) Submit, in print or electronic format, a copy of Contractor's current certificate of compliance to the City's Civil Rights and Equal Opportunity Department (CREO) prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years. If, and only if, Contractor does not possess a current certification of compliance, Contractor shall submit, in print or electronic format, a copy of its affirmative action program to CREO prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years.
- (c) Require any Subcontractor awarded a subcontract exceeding \$300,000.00 to affirm that Subcontractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the subcontract.
- (d) Obtain from any Subcontractor awarded a subcontract exceeding \$300,000.00 a copy of the Subcontractor's current certificate of compliance and tender a copy of the same, in print or

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

electronic format, to CREO within thirty (30) days from the date the subcontract is executed. If, and only if, Subcontractor does not possess a current certificate of compliance, Contractor shall obtain a copy of the Subcontractor's affirmative action program and tender a copy of the same, in print or electronic format, to CREO within thirty (30) days from the date the subcontract is executed.

City has the right to take action as directed by City's Civil Rights and Equal Opportunity Department to enforce this provision. If Contractor fails, refuses or neglects to comply with the provisions of Chapter 3 of City's Code, then such failure shall be deemed a total breach of this Contract and this Contract may be terminated, cancelled or suspended, in whole or in part, and Contractor may be declared ineligible for any further contracts funded by City for a period of one (1) year. This is a material term of this Contract.

Compliance with Laws. Contractor shall comply with all federal, state and local laws, ordinances and regulations applicable to the work and this Agreement. Contractor shall maintain in effect all the licenses, permissions, authorizations, consents and permits that it needs to carry out its obligations under this Agreement.

Prevailing Wage. If the Agreement exceeds \$75,000.00 and any of the Services performed by Contractor includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair, that is subject to the Missouri Prevailing Wage Law (Section 290.210, RSMo – 290.340, RSMo), Contractor shall immediately notify the City prior to performing Services so the parties can execute an agreement that incorporates, the appropriate Wage Order. Contractor shall comply with all requirements of Section 290.210, RSMo – 290.340, RSMo even if Contractor fails to notify the City.

Contractor Utilization Plan Approval Form

Prepared by: Angela Bennett

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: 4/23/24

Contract/Project Number: 60800073	Project Name: Emergency Transmission WMR
Developer/Prime: Leath and Sons	Contact Name: Jeff Leath
Address: 9301 E. 63rd St Raytown, Mo 64133	Email: Jeffl@leathandsons.com

Full Contract Value: \$ 1,650,000.00

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>11</u> %	MBE: <u>11</u> %
WBE: <u>11</u> %	WBE: <u>11</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: Jason Wright Email: jason.wright@kcmo.org
 Additional Information:
 Project Manager's contact
 Jason Wright 816-513-4772

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:

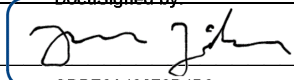
Approved Disapproved

11 % MBE 11 % 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

CREO Signature:  Date: 5/3/2024

Comments:



Inter-Departmental Communication

Date: June 10, 2024

To: Councilman Kevin O'Neill; Chair; Transportation, Infrastructure & Operations Committee

From Jaime Guillen; Director; Civil Rights & Equal Opportunity Department

Subject: CUP Summary #: 240485

CONTRACTOR: Leath & Sons, Inc.
Address: 9301 E. 63rd St.
Raytown, MO 64133
Contract #: 9848 / 60800073 – Water Dept. Emergency
Transmission Water Main Repair
Contract Amount: \$1,650,000.00*
MBE Goal: 11%
WBE Goal: 11%
Total MBE Achieved: 11%
Total WBE Achieved: 11%

MBE SUBCONTRACTORS:
Name: Diggs Construction, LLC
Address: 2033 Vine St.
Kansas City, MO 64108
Scope of Work: Water Line Repairs
Subcontract Percentage: 11%
Ownership: Diggs, Dale Jr.
Structure: African-American Male Code: 15

WBE SUBCONTRACTORS:
Name: EJ & Sons Construction, LLC
Address: 3910 Norton Ave.
Kansas City, MO 64130
Scope of Work: Hauling
Subcontract Percentage: 11%
Ownership: Jones, Elwanda
Structure: African-American Female Code: 23

Comments:

*Note: Participation was calculated based on the prime contractor's base bid amount of \$864,579.00



File #: 240492

ORDINANCE NO. 240492

Sponsor: Director of Water Services Department

Authorizing a \$4,619,205.00 design professional services contract with HDR Engineering, Inc., for the South Water Supply Resiliency Water Treatment Plant project.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to execute Contract No. 9785 in the amount of \$4,619,205.00 with HDR Engineering, Inc., for the South Water Supply Resiliency Water Treatment Plant project, Project No. 80002439. A copy of the contract is on file in the office of Water Services.

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$4,619,205.00 from Account No. 25-8010-807773-611040-80002439, Water Treatment Facilities, to satisfy the cost of this contract.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Mark P. Jones
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240492

Submitted Department/Preparer: Water

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a \$4,619,205.00 design professional services contract with HDR Engineering, Inc., for the South Water Supply Resiliency Water Treatment Plant project.

Discussion

Project Justification

The existing Water Treatment Plant located at 1 N.W. Briarcliff Road is over 100 years old and upkeep costs are increasing. The Water Services Department seeks to identify and conceptualize a new Water Treatment Plant in the general area of the East Bottoms. The new Water Treatment Plant would provide:

- Resilient Infrastructure for future generations of Kansas Citizens.
- Increased reliability of Raw Water Sources.
- Reduced risk of water supply shutdowns due to point source operational risks (i.e. if there was only one Water Treatment Plant).
- Opportunity to utilize modern treatment technologies to optimize chemical usage.
- Opportunity to utilize emerging technologies to remove potential contaminants.
- Reduce current operation and maintenance (O&M) costs by maintaining existing systems in limited space, limited structures, and limited shutdown schedules.

Project Description

This project entails the development of a facility plan for a South Water Treatment Plant and water sourcing and conveyance to account for changing conditions in the service area and be able to address future regulatory requirements. The facility plan will include:

- Findings from geotechnical, environmental, and hydrological investigations.
- Information of raw water line, utility, and topographical surveys.
- Anticipated source water availability and electrical loading.
- Process Technology Evaluation and Selection.
- Facility Plan documents.

Based upon the facility plan development the City/Design Professional will evaluate risks and identify project delivery method best suited for City and will incorporate

Supervisory Control and Data Acquisition (SCADA) development for integration in the City water utility.

Term

The term of this project will be 360 days.

Solicitation

This Project was advertised in accordance with the City's requirements. Proposals were received on August 22, 2023 with 3 consultants responding.

MBE/WBE Goals

CREO KC established goals of 14% MBE and 14% WBE on this design professional services project on May 26, 2023.

Selection Method/Awardee/Subcontracting Participation

Selection Method for Design Professional Contract:

Per Code of Ordinances Section 3-31(b)(1), an Architect and Engineering Selection Committee was utilized ranking firms from most qualified to least qualified. The mayor elected to not sit on the selection committee or appoint a council member representative for the selection committee.

Selection Committee Members:

- Wes Minder, P.E., Director 2022-2023
- Morgon Holecek, Assistant City Manager
- Brent Herring, Deputy Director – Operations

HDR Engineering, Inc. was selected for this project with a contract amount of \$4,619,205.00, with subcontracting participation of 14% MBE and 14% WBE.

Other Proposals Received

Other proposals received included:

- Black & Veatch Corporation
- CDM Smith

Estimated Project Cost

The City's estimated cost for this project is \$4,200,000.00.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?

25-8010-807773-611040-80002439 = \$4,619,205.00
Water Treatment Facilities

3. How does the legislation affect the current fiscal year?

This ordinance is revenue supported and will not have a net impact on the current fiscal year.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.

No.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?

No.

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No

2. This fund has a structural imbalance. Yes No

3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)

2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)

3. Which objectives are impacted by this legislation (select all that apply):

- Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
- Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
- Build on existing strengths while developing a comprehensive transportation plan for the future.
- Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.

- Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- Focus on delivery of safe connections to schools.

Prior Legislation

N/A

Service Level Impacts

This project will contribute to service level impacts by increasing the resiliency of the Water Utility by having backup capacity in the event of plant outages at the main water treatment plant and other adverse events. The new plant will be constructed to meet proposed regulations, which will require higher levels of treatment. The new water treatment plant's capacity can be utilized to allow reduced capacity at our existing Briarcliff water treatment plant to aid in meeting new regulatory requirements.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Work on this project will contribute to health impacts by:
 - Continuing to provide clean water for rate payers.
 - Providing clean water for future growth of Kansas City and forecasted water demands.
 - Selecting modern treatment technologies that optimize chemical usage and address current and emerging contaminants.
2. How have those groups been engaged and involved in the development of this ordinance?
Not at this time, affected groups will be engaged through the study phase of this design contract.
3. How does this legislation contribute to a sustainable Kansas City?
This project contributes to a sustainable Kansas City by developing resilient water infrastructure needed for the forecasted water demand of Kansas City, and increase cybersecurity capabilities through an upgraded Supervisory Control and Data Acquisition (SCADA) system. Kansas City's Climate Protection plan will be incorporated to the extent possible.
4. Does this legislation create or preserve new housing units?

No (Press tab after selecting)

N/A

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

Yes - I have submitted documents for CREO Review (Press tab after selecting)
Please attach or copy and paste CREO's review.

The Contractor Utilization Plan was submitted to CREO KC for review on April 18, 2024, and was approved on April 22, 2024 with 14% MBE and 14% WBE participation.

There are Affirmative Action Program requirements in this contract.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

Yes(Press tab after selecting)

In an effort to prevent disclosure of confidential information, a separate communication will be provided to City Council members to reflect the top three proposers for the RFP/Q.

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 05/05/2023
Form Prepared By: Isaac Garlington

Contract/Project Number: 9785	Project Name: East Bottoms Water Treatment Plant
-------------------------------	--

Owning Department: Water Services Department	Project Manager: Isaac Garlington
--	-----------------------------------

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

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 360	Anticipated Solicitation Date: FY24
---------------------------------------	-------------------------------------

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:

Description of Contract (Provide Details):

This Contract is for a facility plan and conceptual design of a new Water Treatment Plant located adjacent to the East Bottoms Pump Station. Existing information shall be compiled from surveys, anticipated right-of-ways, current and future regulations, and current and future water demand needs. A facility plan and conceptual design will be created for the new Water Treatment Plant. Risks will then be identified for the facility and will be considered in different construction delivery methods.

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

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 GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type: _____

According to CREO Annual Goal Manual, the Goals for this project are:

_____ 14 % MBE	_____ 14 % WBE	_____ % DBE
----------------	----------------	-------------

Electronic Record? Yes No

DocuSigned by:
GSD Signature: *Darrell Ewertte* Date: 5/26/2023

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

_____ % MBE	_____ % WBE	_____ % DBE
-------------	-------------	-------------

No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier: _____

Electronic Record? Yes No

CREO Signature: _____ Date: _____



CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 800002439/9785

Project Title South Resiliency Water Treatment Plant

Water Services Department

(Department Project)

WSD

Department

HDR Engineering, Inc.

(Bidder/Proposer)

STATE OF Missouri)

COUNTY OF Jackson) ss

I, Joni Campbell, 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 14.0 % MBE and 14.0 % 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:** 14.0 % MBE 14.0 % WBE

 | **POST-BID/POST-RFP ESTIMATED BUDGET:** \$ 4,619,205.00

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 Environmental Advisors and Engineers, Inc.
 | Address 19211 W 64th Terrace, Shawnee, KS 66218
 | Telephone No. 913-599-4326
 | I.R.S. No. 43-1806626



Name of M/WBE Firm HG Consult, Inc.
 Address 7733 N. Wallace Ave, Kansas City, Missouri 64158
 Telephone No. 816-256-5153
 I.R.S. No. _____

Name of M/WBE Firm KMB Engineering, LLC
 Address 11412 W. 114th Street, Overland Park, KS 66210
 Telephone No. 913-707-0543
 I.R.S. No. 87-4401810

Name of M/WBE Firm Parsons + Associates
 Address 1780 Woodland Avenue, Kansas City, Missouri 64108
 Telephone No. 816-216-6571
 I.R.S. No. 33-1169076

Name of M/WBE Firm Taliaferro & Browne, Inc.
 Address 1010 E. 8th Street, Kansas City, Missouri 64106
 Telephone No. 816-283-3456
 I.R.S. No. 48-0758891

Name of M/WBE Firm Tsi Geotechnical, Inc.
 Address 8248 NW 101st Terrace, #5, Kansas City, Missouri 64153
 Telephone No. 314-373-4000
 I.R.S. No. 43-1535463

(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>HG Consult, Inc.</u>	_____	<u>\$ 84,896.00</u>	<u>\$ 84,896.00</u>	<u>1.85</u>
<u>Parson + Associates</u>	_____	<u>\$ 164,314.00</u>	<u>\$ 164,314.00</u>	<u>3.60</u>
<u>Taliaferro & Browne</u>	_____	<u>\$ 344,117.00</u>	<u>\$ 344,117.00</u>	<u>7.50</u>
<u>Tsi Geotechnical</u>	_____	<u>\$ 52,033.00</u>	<u>\$ 52,033.00</u>	<u>1.10</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



TOTAL MBE \$ / TOTAL MBE %: \$ 645,360.00 14.00 %

WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
Environmental Advisors & Engineers		\$ 426,778.00	\$ 426,778.00	9.30
KMB Engineering		\$ 216,374.00	\$ 216,374.00	4.70
TOTAL WBE \$ / TOTAL WBE %:		<u>\$ 643,125.00</u>		<u>14.00 %</u>

*“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: Ryan Saffels, PE
 Address: 10450 Holmes Rd, Ste 600
Kansas City, MO 64131
 Phone Number: 816-360-2700
 Facsimile number: 816-307-5208
 E-mail Address: Ryan.Saffels@hdrinc.com

By: *Peter G*
 Title: Senior Vice President
 Date: 4/17/24
 (Attach corporate seal if applicable)

Subscribed and sworn to before me this 17th day of April, 2024.

My Commission Expires: October 2, 2024 *Joni L. Campbell*
 Notary Public

JONI L. CAMPBELL
 Notary Public - Notary Seal
 State of Missouri
 Commissioned for Cass County
 My Commission Expires: October 02, 2024
 Commission Number: 12400350



LETTER OF INTENT TO SUBCONTRACT

Check one:
 Original LOI:
 Updated LOI:

Project Name/Title South Resiliency Water Treatment Plant

Project Location/Number 800002439/9785

PART 1: Prime Contractor HDR Engineering, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor HG Consult, Inc. 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.]
Engineering design assistance

for an estimated amount of \$ 84,896 (or 1.85 % 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: _____

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:

**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: HDR Engineering, Inc.

[Signature]
Signature: Prime Contractor
Sr. Vice President
Title

Patrick Young
Print Name
4/16/24
Date

State of Missouri)

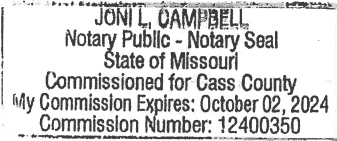
County of Jackson)

I, Joni Campbell, 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 April, 2024

My Commission Expires: October 2, 2024 [Signature]
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: Hg Consult, Inc.

[Signature]
Signature: Subcontractor
Associate Vice President
Title

James M. Alexander
Print Name
4/16/24
Date

State of Missouri)

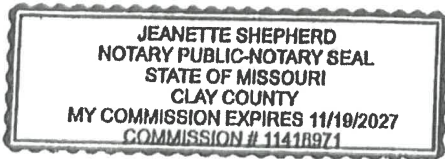
County of Clay)

I, James M. Alexander, 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 April, 2024

My Commission Expires: 11/19/2027 [Signature]
Notary Public

STAMP:





LETTER OF INTENT TO SUBCONTRACT

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

Project Name/Title South Resiliency Water Treatment Plant

Project Location/Number 800002439/9785

PART I: Prime Contractor HDR Engineering, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Parsons + Associates 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.]

Communications services

for an estimated amount of \$ 164,314 (or 3.6 % 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: _____

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:

**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: HDR Engineering, Inc.

Patrick Young
Signature: Prime Contractor
Sr. Vice President
Title

Patrick Young
Print Name
4/16/24
Date

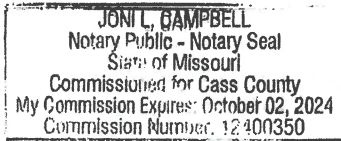
State of Missouri)
County of Jackson)

I, Joni Campbell, 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 April, 2024

My Commission Expires: October 2, 2024 Joni L. Campbell
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: Parson + Associates

Robert "Jason" Parson
Signature: Subcontractor
President
Title

Robert "Jason" Parson
Print Name
16 April 24
Date

State of)
County of)

I, Elmer Taylor III, 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 April, 2024

My Commission Expires: Sept 9, 2024 Elmer Taylor
Notary Public

STAMP:





LETTER OF INTENT TO SUBCONTRACT

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

Project Name/Title South Resiliency Water Treatment Plant

Project Location/Number 800002439/9785

PART I: Prime Contractor HDR Engineering, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Tallafarro & Browne, Inc. 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.]
 Field survey and engineering design assistance

for an estimated amount of \$ 344,117 (or 7.5 % of the total estimated contract value.)

- M/W/DBE 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: _____

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:

**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: HDR Engineering, Inc.

Patrick Young
Signature: Prime Contractor
Sr. Vice President
Title

Patrick Young
Print Name
4/16/24
Date

State of Missouri)
County of Jackson)

I, Joni Campbell, 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 April, 2024

My Commission Expires: October 2, 2024 Joni L. Campbell
Notary Public

STAMP: 

MWDBE SUBCONTRACTOR BUSINESS NAME: Taliaferro & Browne Inc.

Hagos E Andebrhan
Signature: Subcontractor
CEO
Title

Hagos E Andebrhan
Print Name
04/16/2024
Date

State of Missouri)
County of Jackson)

I, Hagos E Andebrhan, 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 April, 2024

My Commission Expires: 03-07-2026 Eartha J. Taylor
Notary Public

STAMP: 



LETTER OF INTENT TO SUBCONTRACT

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

Project Name/Title South Resiliency Water Treatment Plant

Project Location/Number 800002439/9785

PART 1: Prime Contractor HDR Engineering, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Tsl Geotechnical, Inc. 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.]
Geotechnical services

for an estimated amount of \$ 52,033 (or 1.1 % of the total estimated contract value.)

- M/W/DBE 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: _____

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:

**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: HDR Engineering, Inc.

Patrick Young
Signature: Prime Contractor
Sr. Vice President
Title

Patrick Young
Print Name
4/16/24
Date

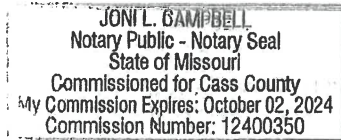
State of Missouri)
County of Jackson)

I, Joni Campbell, 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 April, 2024

My Commission Expires: October 2, 2024 Joni Campbell
Notary Public

STAMP:



MWD BE SUBCONTRACTOR BUSINESS NAME: TSi Geotechnical, Inc.

Denise B. Hervey
Signature: Subcontractor
CEO
Title

Denise B. Hervey
Print Name
04/16/2024
Date

State of Missouri)
County of St. Louis)

I, Denise B. Hervey, 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 April, 2024

My Commission Expires: 9/25/27 Molly K. Harris
Notary Public

STAMP:





LETTER OF INTENT TO SUBCONTRACT

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

Project Name/Title South Resiliency Water Treatment Plant

Project Location/Number 800002439/9785

PART 1: Prime Contractor HDR Engineering, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Environmental Advisors and Engineers, Inc. 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.]
Environmental services, architectural design, Envision sustainability design

for an estimated amount of \$ 426,778 (or 9.3 % 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: _____

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:

**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: HDR Engineering, Inc.

Patrick Young
Signature: Prime Contractor
Sr. Vice President
Title

Patrick Young
Print Name
4/16/24
Date

State of Missouri)
County of Jackson)

I, Joni Campbell, 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 April, 2024

My Commission Expires: October 2, 2024 *Joni Campbell*
Notary Public

STAMP:

JONI L. CAMPBELL Notary Public - Notary Seal State of Missouri Commissioned for Cass County My Commission Expires: October 02, 2024 Commission Number: 12400350
--

MWD BE SUBCONTRACTOR BUSINESS NAME: Environmental Advisors and Engineers, Inc.

Jill R. Biesma
Signature: Subcontractor
President
Title

Jill R. Biesma
Print Name
04/16/2024
Date

State of Missouri)
County of Clay)

I, Jill R. Biesma, 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 April, 2024

My Commission Expires: November 17, 2024 *Samantha Floyd*
Notary Public

STAMP:

SAMANTHA FLOYD NOTARY PUBLIC - NOTARY SEAL STATE OF MISSOURI MY COMMISSION EXPIRES NOVEMBER 17, 2024 CLAY COUNTY COMMISSION #12331055
--



LETTER OF INTENT TO SUBCONTRACT

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

Project Name/Title South Resiliency Water Treatment Plant

Project Location/Number 800002439/9785

PART 1: Prime Contractor HDR Engineering, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor KMB Engineering, 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.]
Electrical and controls engineering

for an estimated amount of \$ 216,347 (or 4.7 % of the total estimated contract value.)

- M/W/DBE 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: _____

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:

**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: HDR Engineering, Inc.

Patrick Young
Signature: Prime Contractor
Sr. Vice President
Title

Patrick Young
Print Name
4/16/24
Date

State of Missouri)
County of Jackson)

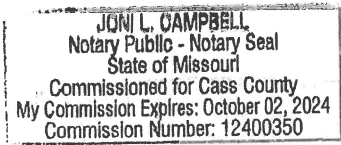
I, Joni Campbell, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 16th day of April, 2024

My Commission Expires: October 2, 2024

Joni Campbell
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: KMB Engineering LLC

Kathleen M Buechler
Signature: Subcontractor
Principal
Title

Kathleen M Buechler
Print Name
4/16/24
Date

State of KANSAS)
County of JOHNSON)

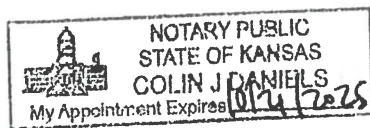
I, Colin Daniels, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 16 day of APRIL, 2024

My Commission Expires: 10/21/2025

Colin Daniels
Notary Public

STAMP:



Inter-Departmental Communication

Date: April 22, 2024

To: Councilman Kevin O'Neill; Chair; Transportation, Infrastructure & Operations Committee

From Jaime Guillen; Director; Civil Rights & Equal Opportunity Department

Subject: CUP Summary #: 240492

CONTRACTOR: HDR Engineering, Inc.
Address: 10450 Holmes Rd., Suite 600
Kansas City, MO 64131
Contract #: 9785 / 80002439 – South Water Supply Resiliency Water Treatment Plant
Contract Amount: \$4,619,205.00
MBE Goal: 14%
WBE Goal: 14%
Total MBE Achieved: 14%
Total WBE Achieved: 14%

MBE SUBCONTRACTORS:

Name: Hg Consult, Inc.
Address: 7733 N. Wallace Ave.
Kansas City, MO 64158
Scope of Work: Design Assistance
Subcontract Amount: \$84,896
Ownership: Harrison, Earl Jr.
Structure: African-American Male Code: 15

MBE SUBCONTRACTORS:

Name: Parson & Associates, LLC
Address: 1518 E. 18th St.
Kansas City, MO 64108
Scope of Work: Communications / Public Involvement
Subcontract Amount: \$164,314
Ownership: Parson, R. Jason
Structure: African-American Male Code: 15

MBE SUBCONTRACTORS:

Name: Taliaferro & Browne, Inc.
Address: 1020 E. 8th St.
Kansas City, MO 64106
Scope of Work: Surveying / Design Assistance
Subcontract Amount: \$344,117
Ownership: Andebrhan, Hagos
Structure: African-American Male Code: 15

MBE SUBCONTRACTORS:

Name: Tech Services to Go, Inc. dba TSi Geotechnical
Address: 8248 NW 101st Terrace, #5
Kansas City, MO 64153
Scope of Work: Geotechnical Services
Subcontract Amount: \$52,033
Ownership: Hervey, Denise
Structure: African-American Female Code: 19

WBE SUBCONTRACTORS:

Name: Environmental Advisors & Engineers, Inc.
Address: 19211 W. 64th Terrace
Shawnee, KS 66214
Scope of Work: Environmental / Architectural Engineering /
Envision
Subcontract Amount: \$426,778
Ownership: Biesma, Jill
Structure: Caucasian Female Code: 27

WBE SUBCONTRACTORS:

Name: KMB Engineering, LLC
Address: 11412 W. 114th St.
Overland Park, KS 66210
Scope of Work: Electrical / Controls Engineering
Subcontract Amount: \$216,374
Ownership: Buechler, Kathleen
Structure: Caucasian Female Code: 27

Comments:



File #: 240493

ORDINANCE NO. 240493

Sponsor: Director of Water Services Department

Authorizing a \$194,728.76 construction contract Change Order No. 3 with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project for a total contract amount of \$10,196,330.81.

WHEREAS, Ordinance No. 221013 was approved on December 18, 2022, approving a \$9,107,589.00 construction contract under Contract No. 9735 with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project and authorizing a maximum expenditure of \$10,018,348.00; and

WHEREAS, the City executed a \$329,983.00 Change Order No. 1 on November 7, 2023, for additional water main repair/relocation/adjustment/restoration work and fire hydrant assembly and restoration in the project area and a 14 day time extension; and

WHEREAS, the City executed a \$564,030.05 Change Order No. 2 on March 18, 2024, for additional emergency construction work and fire hydrant installations in the project area and a 60 day time extension; and

WHEREAS, this proposed \$194,728.76 Change Order No. 3 is for restoration, addition of a 6-inch water service line, an emergency repair, and a credit for work not performed in the project area, with the contract total increasing to \$10,196,330.81; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the Director of the Water Services Department is authorized to execute a construction Change Order No. 3 to Contract No. 9735 in the amount of \$194,728.76, for a total contract amount of \$10,196,330.81, with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project, Project No. 80002271. A copy of the change order is on file in the office of Water Services.

Section 2. That the Director of the Water Services Department is authorized a maximum expenditure of \$194,728.76 from Account No. AL-8079-807705-611060-80002271, Water Main Replacement Program, to satisfy the cost of this change order.

..end

I hereby certify that there is a balance, otherwise unencumbered, to the credit of the appropriation to which the foregoing expenditure is to be charged, and a cash balance, otherwise unencumbered, in the treasury, to the credit of the fund from which payment is to be made, each sufficient to meet the obligation hereby incurred.

Tammy L. Queen
Director of Finance

Approved as to form:

Mark P. Jones
Senior Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240493

Submitted Department/Preparer: Water

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Authorizing a \$194,728.76 construction contract Change Order No. 3 with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project for a total contract amount of \$10,196,330.81.

Discussion

Project Justification/Description

The Water Services Department is undertaking this construction project to improve distribution system reliability, increase hydraulic conveyance capacity, and support fire protection.

This project includes the replacement of approximately 10,066 linear feet (LF) of break prone 6-inch through 24-inch break-prone or obsolete water mains and appurtenances and will provide other distribution system improvements in the area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue, in Kansas City, Jackson County, Missouri. This work also includes the transfer of customers' water service connections from existing mains to new mains, as well as restoration of roads and properties.

Contract/Change Order Summaries

Ordinance No. 221013 was approved on December 18, 2022 approving a \$9,107,589.00 construction contract under Contract No. 9735 with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project and authorizing a maximum expenditure of \$10,018,348.00.

The City executed a \$329,983.00 Change Order No. 1 on November 7, 2023 for additional water main repair/relocation/adjustment/restoration work and fire hydrant assembly and restoration in the project area and a 14 day time extension.

The City executed a \$564,030.05 Change Order No. 2 on March 18, 2024 for additional emergency construction work and fire hydrant installations in the project area and a 60 day time extension.

This proposed \$194,728.76 Change Order No. 3 is for restoration, addition of a 6-inch water service line, an emergency repair, and a credit for work not performed in the project area, with the contract total increasing to \$10,196,330.81.

Project Cost Summary

Original Contract:	\$9,107,589.00
Change Order No. 1:	\$329,983.00
Change Order No. 2:	\$564,0303.05
Proposed Change Order No. 3:	<u>\$194,728.76</u>
Total:	\$10,196,330.81

Term

The term of this contract is 374 calendar days.

MBE/WBE Goals

CREO KC approved subcontracting goals of 12% MBE and 12% WBE on May 9, 2022 for this construction project. Subcontracting information was submitted to CREO KC for review on November 21, 2022 with was approved on November 23, 2022 with 19% MBE and 20% WBE participation.

Subcontracting participation will be met on this proposed Change Order No. 3.

Original Solicitation/Selection

This project was advertised in accordance with the City’s requirements. Public bids were opened on October 18, 2022 with 3 bidders responding. SHEDIGS IT, LLC was selected for this project as the lowest, most responsive, and most responsible bidder.

Other bidders on the original bid were Infrastructure Solutions, LLC and Beemer Construction Company, Inc.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
AL-8079-807705-611060-80002271 = \$194,728.76
Water Main Replacement Program; Water Rev Bond Series 2023A
3. How does the legislation affect the current fiscal year?
This ordinance is supported by the Fiscal Year 25 Water Services Annual CIP.

Work on this project will be performed during the current fiscal year to improve the reliability of the City's water distribution system. Invoices will be submitted by the contractor on a monthly basis.

4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Funds encumbered in the current fiscal year will be disbursed over Fiscal Year 25. Work on the project is anticipated to be completed by 374 days from the May 1, 2023 Notice to Proceed date.

5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
No.

Office of Management and Budget Review
(OMB Staff will complete this section.)

1. This legislation is supported by the general fund. Yes No

2. This fund has a structural imbalance. Yes No

3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)
Click or tap here to enter text.

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)

2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)

3. Which objectives are impacted by this legislation (select all that apply):
 - Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
 - Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
 - Build on existing strengths while developing a comprehensive transportation plan for the future.

- Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
- Ensure adequate resources are provided for continued maintenance of existing infrastructure.
- Focus on delivery of safe connections to schools.

Prior Legislation

Ordinance No. 221013 was approved on December 8, 2022 authorizing a \$9,107,589.00 construction contract with SHEDIGS IT, LLC, for the Water Main Replacement in the Area of Southwest Boulevard to Main Street, W. 43rd Street to Pershing Avenue project as well as \$910,759.00 in contingency for a total contract amount of \$10,018,348.00.

Service Level Impacts

This project will contribute to service level impacts by replacing aging, break-prone water mains with new water mains, thereby improving distribution system reliability, increasing hydraulic conveyance capacity, and supporting fire suppression.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Work on this project will contribute to health impacts by supplying healthy and safe drinking water to citizens and supporting fire protection when needed.
2. How have those groups been engaged and involved in the development of this ordinance?
The following proactive public engagements methods will be used on this project:
 - A public information sheet was posted to KC Water's website.
 - A public meeting was held virtually.
 - The contractor and project manager information will be distributed during the project.
 - The contractor notified customers prior to any traffic disruption and/or brief water outages.
3. How does this legislation contribute to a sustainable Kansas City?
This project will contribute to a sustainable Kansas City by replacing aging, break-prone water mains with new water mains, thereby improving distribution system reliability, increasing hydraulic conveyance capacity, and supporting fire protection.
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

N/A

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)
Please provide reasoning why not:

CREO KC approved subcontracting goals of 12% MBE and 12% WBE on May 9, 2022 for this construction project. Subcontracting information was submitted to CREO KC for review on November 21, 2022 with was approved on November 23, 2022 with 19% MBE and 20% WBE participation.

Subcontracting participation will be met on this proposed Change Order No. 3.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

N/A – this ordinance is for an approval of a change order on a previously bid project.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?

No(Press tab after selecting)



MBE/WBE/DBE Contract Goals Request

Date: May 5, 2022
 To: Civil Rights & Equal Opportunity Department
 From: Nimesha Senanayake, Water Services Department

Project Number	Project Name	
80002271	WMR in the area of SW Blvd. to Main St., W 43rd St. to Pershing Ave.- Transmisson Mains	
Contract ID Number	Estimated Cost: (cost breakdown attached)	Solicitation Date:
9735	\$ 7,828,500.00	
Estimated Project Duration:		

Note: Click the box to select

<input checked="" type="checkbox"/> FICB PREVAILING WAGE: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
Contract Category:	<input checked="" type="checkbox"/> Construction	<input type="checkbox"/> Design-Build	<input type="checkbox"/> Non-Municipal Agency
	<input type="checkbox"/> Design Professional	<input type="checkbox"/> Other Goods & Services	<input type="checkbox"/> Lease
	<input type="checkbox"/> Professional Services	<input type="checkbox"/> Facilities Maintenance/Repair	<input type="checkbox"/> Tenant (MBE/WBE)
	<input type="checkbox"/> Other (Enter Type):		<input type="checkbox"/> Concession
Type:	<input checked="" type="checkbox"/> Original <input type="checkbox"/> Amendment No.		
Funding:	<input checked="" type="checkbox"/> City(MBE/WBE) <input type="checkbox"/> Federal (DBE) <input type="checkbox"/> State (DBE)		
	<input type="checkbox"/> Other: <input type="checkbox"/> Grant#		
Construction Workforce Goals: Are the estimated construction labor hours greater than 800 and the estimated cost greater than \$300,000? If yes, complete "Required Crafts" Worksheet and include total number of hours in Description of Work.			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Estimated Cost Breakdown attached - Page 2		<input checked="" type="checkbox"/> List of Required Crafts attached - Page 3	

Description of work:

This Project in general consists of replacing approximately 14,600 LF of 6"-36" break-prone or obsolete water mains and appurtenances and providing other distribution system improvements within the project limits, generally defined as SW Blvd. to Main St., W. 43rd St to Pershing Ave.

cc: _____

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT USE ONLY:	
<input type="checkbox"/> No Goals are set for this Project; OR	
<input checked="" type="checkbox"/> The following Goals are approved for this Project	_____ 12 % MBE _____ 12 % WBE OR _____ % DBE
Civil Rights & Equal Opportunity Department	DocuSigned by: Date: _____

Goals based on availability analysis and historical data. Adjusted for feasibility of subcontracting opportunities.

¹ DBE Programs apply to specific federal or state grant requirements.
² For Projects subject to prevailing wage requirements only.
³ Federal and state grant agreements may require granting agency approval of contract goals.

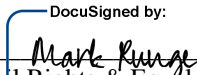


CREO KC Contractor Utilization Plan Approval

Date: November 21, 2022
 To: Itzel Vance, Civil Rights & Equal Opportunity Department
 From: Derrick Smith, Procurement Services
 Subject: Contract/Project No.: 80002271/9735
 Project Title: WMR in the area of Southwest Blvd. to Main Street, W. 43rd Street to Pershing Ave.

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: TIF		
Contract Category:	<input checked="" type="checkbox"/> Construction <input type="checkbox"/> Design Professional	<input type="checkbox"/> General Service <input type="checkbox"/> Professional Services	<input type="checkbox"/> Facility Repair <input type="checkbox"/> Concession <input type="checkbox"/> Other:
Bid/Proposal Closing Date:	October 18, 2022	No. of Bidders/Proposers: 3	
Recommended Bid/Proposal²:	\$ 9,107,589.00 (\$8,957,589.00 Base + \$150,000.00 Allowance)		
Company: SheDigs It, LLC	Address: 600 SE Central, Blue Springs, MO 64014		
Contact: Mike Akins	Phone: (816) 295-1100		
Contact Email: Mike@SheDigsIt.com	Fax: (816) 295-1627		
Additional Information:			

cc: Nimesha Senanayake, Project Manager:

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT USE ONLY	
The attached Contractor Utilization Plan is:	
<input checked="" 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: ¹⁹ _____% MBE & ²⁰ _____% WBE DocuSigned by:  Civil Rights & Equal Opportunity Department	or _____% DBE 11/23/2022 Date

FOR GRANTING AGENCY USE ONLY³	<input type="checkbox"/> N/A
Approved by: _____	_____
	Date

¹ DBE Programs apply to specific federal or state grant requirements.
² The dollar figure here should match the approved Bid/Proposal recommendation or amendment preparation checklist on file with the requesting department.
³ Federal and state grant agreements may require granting agency approval of contract goals.

Inter-Departmental Communication

Date: November 23, 2022

To: Councilman Kevin O'Neill, Chair: Transportation, Infrastructure & Operations Committee

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

Subject: Revised CUP Summary for Amendment 3 #: 240493

CONTRACTOR: She Digs It, LLC
 Address: 600 SE Central Dr.
 Blue Springs, MO 64014
 Contract # 9735 / 80002271 – WMR in the area of Southwest Blvd. to Main St., W. 43rd St. to Pershing Ave. Amendment 3
 Contract Amount: \$10,196,603.81 (\$194,728.76 on Amendment 3)*
 MBE Goal 12%
 WBE Goal: 12%
 Total MBE Achieved: 19%
 Total WBE Achieved: 20%

MBE SUBCONTRACTORS:
 Name: Abay Construction, Inc.
 Address: 400 E. Red Bridge Rd., Suite 215
 Kansas City, MO 64131
 Scope of Work: Water Main Installation
 Subcontract Percentage: 19%
 Ownership: Tekeste, Tehawerk
 Structure: African-American Female Code 19

WBE SUBCONTRACTORS:
 Name: She Digs it, LLC**
 Address: 600 SE Central Dr.
 Blue Springs, MO 64014
 Scope of Work: Excavation / Water Main Installation
 Self-Performed: 20%
 Ownership: Gerstner, Cheryl
 Structure: Caucasian Female Code 27

Comments:

***Note:** The contract amount includes an allowance of \$150,000.

****Note:** The prime contractor is a certified WBE and will be self-performing work on the project for WBE participation credit.

Original Contract Amount:	\$ 9,107,589.00
Amendment 1:	\$ 329,983.00
Amendment 2:	<u>\$ 564,303.05</u>
Current Contract Amount:	\$10,001,875.05
Proposed Amendment 3:	<u>\$ 194,728.76</u>
Proposed Contract Amount:	\$10,196,603.81

According to B2G, the prime contractor is currently achieving the following participation on the contract:

Dollars paid to prime contractor by City to date: \$3,329,112.39
Dollars paid to MBE by prime contractor to date: \$2,338,938.97 for 70% MBE
Dollars paid to prime contractor for WBE credit: \$990,173.42 for 30% WBE.



File #: 240474

ORDINANCE NO. 240474

Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to enter into an MOU with the KCATA setting out the process for approval of TEFRA certificates for KCATA projects.

WHEREAS, pursuant to the City’s Transit Oriented Development (“TOD”) Policy adopted by the City pursuant to Resolution No. 160361 on May 18, 2017 (the “City TOD Policy”), the City outlined its plan to encourage quality development, including affordable housing transit corridors (such as streetcar and MAX bus routes); and

WHEREAS, Kansas City Area Transportation Authority (“KCATA”) is a bi-state agency created in 1965 by a compact between the States of Missouri and Kansas, and approved by the United States Congress (the “Compact”); and

WHEREAS, the KCATA is generally responsible for planning, constructing, owning and operating passenger transportation systems and facilities within the seven-county Kansas City metropolitan area (the “District”), including Kansas City; and

WHEREAS, the KCATA has adopted a policy to advance the development of the affordable housing and other facilities within proximity of its passenger transportation system, particularly low-income housing facilities on the City’s East Side; and

WHEREAS, to facilitate the foregoing, the KCATA issues private activity, tax-exempt bonds pursuant to its authority under the Compact and Section 147 of the Internal Revenue Code (the “Tax Code”), to provide financing for each TOD, low-income housing facility; and

WHEREAS, Section 147(f) of the Tax Code, commonly known as the “Tax Equity and Fiscal Responsibility Act of 1982” (“TEFRA”), requires (a) that a proposed bond issuer and its “host jurisdiction” (the governmental unit where the proposed project is located) provide notice of a public hearing (a “Public Hearing”) for the purpose of providing the public an opportunity to, among other things, comment upon the proposed tax-exempt bond issue, prior to the issuance thereof; and

WHEREAS, the TEFRA requirements also provide that, following each Public Hearing, the chief elected official of the host jurisdiction provide a certificate indicating its approval of the tax-exempt bond issuance; and

WHEREAS, the City Council desires a clear and transparent process for TEFRA bonds for KCATA projects. NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. The City Council authorizes and expresses support for the City entering into a Memorandum of Understanding with the Kansas City Area Transportation Authority setting out the process for approval of TEFRA certificates for KCATA projects. A copy of the MOU is attached in substantial form.

..end

Approved as to form:

Emalea Black
Associate City Attorney



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: 240474

Submitted Department/Preparer: Public Works

Revised 11/01/23

Docket memos are required on all ordinances initiated by a Department Director. More information can be found in [Administrative Regulation \(AR\) 4-1](#).

Executive Summary

Sponsor: Mayor Quinton Lucas

Authorizing the City Manager to enter into an MOU with the KCATA setting out the process for approval of TEFRA certificates for KCATA projects.

Discussion

Authorizing the City Manager to enter into an MOU with the KCATA setting out the process for approval of TEFRA certificates for KCATA projects.

Fiscal Impact

- 1. Is this legislation included in the adopted budget? Yes No
- 2. What is the funding source?
N/A
- 3. How does the legislation affect the current fiscal year?
Undetermined
- 4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
Future impact to be determined by MOU authorized by this legislation
- 5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
Uncertain

Office of Management and Budget Review

(OMB Staff will complete this section.)

- 1. This legislation is supported by the general fund. Yes No

2. This fund has a structural imbalance. Yes No
3. Account string has been verified/confirmed. Yes No

Additional Discussion (if needed)

No account string to verify

Citywide Business Plan (CWBP) Impact

1. View the [FY23 Citywide Business Plan](#)
2. Which CWBP goal is most impacted by this legislation?
Infrastructure and Accessibility (Press tab after selecting.)
3. Which objectives are impacted by this legislation (select all that apply):
 - Engage in thoughtful planning and redesign of existing road networks to ensure safety, access, and mobility of users of all ages and abilities.
 - Enhance the City's connectivity, resiliency, and equity through a better-connected multi-modal transportation system for all users.
 - Build on existing strengths while developing a comprehensive transportation plan for the future.
 - Develop environmentally sustainable infrastructure strategies that improve quality of life and foster economic growth.
 - Ensure adequate resources are provided for continued maintenance of existing infrastructure.
 - Focus on delivery of safe connections to schools.

Prior Legislation

Click or tap here to list prior, related ordinances/resolutions.

Service Level Impacts

Click or tap here to provide a description of how this ordinance will impact service levels. List any related key performance indicators and impact.

Other Impacts

1. What will be the potential health impacts to any affected groups?
Uncertain
2. How have those groups been engaged and involved in the development of this ordinance?
Uncertain
3. How does this legislation contribute to a sustainable Kansas City?
Uncertain
4. Does this legislation create or preserve new housing units?
No (Press tab after selecting)

Click or tap here to enter text.

Click or tap here to enter text.

5. Department staff certifies the submission of any application Affirmative Action Plans or Certificates of Compliance, Contractor Utilization Plans (CUPs), and Letters of Intent to Subcontract (LOIs) to CREO prior to, or simultaneously with, the legislation entry request in Legistar.

No - CREO's review is not applicable (Press tab after selecting)

Please provide reasoning why not:

Click or tap here to enter text.

6. Does this legislation seek to approve a contract resulting from an Invitation for Bid?

No(Press tab after selecting)

Click or tap here to enter text.

7. Does this legislation seek to approve a contract resulting from a Request for Proposal/Qualification (RFP/Q)?
No(Press tab after selecting)

**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

Date: 05/05/2023
Form Prepared By: Isaac Garlington

Contract/Project Number: 9785	Project Name: East Bottoms Water Treatment Plant
Owning Department: Water Services Department	Project Manager: Isaac Garlington

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

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 360	Anticipated Solicitation Date: FY24
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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:

Description of Contract (Provide Details):

This Contract is for a facility plan and conceptual design of a new Water Treatment Plant located adjacent to the East Bottoms Pump Station. Existing information shall be compiled from surveys, anticipated right-of-ways, current and future regulations, and current and future water demand needs. A facility plan and conceptual design will be created for the new Water Treatment Plant. Risks will then be identified for the facility and will be considered in different construction delivery methods.

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

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 GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type: _____

According to CREO Annual Goal Manual, the Goals for this project are:

_____ 14 % MBE	_____ 14 % WBE	_____ % DBE
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Electronic Record? Yes No

DocuSigned by:
GSD Signature: *Darrell Ewertte* Date: 5/26/2023

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

_____ % MBE	_____ % WBE	_____ % DBE
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No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier: _____

Electronic Record? Yes No

CREO Signature: _____ Date: _____



Contractor Utilization Plan Approval Form

Prepared by: Angela Bennett
by:

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: 4/23/24

Contract/Project Number: 60800073	Project Name: Emergency Transmission WMR
Developer/Prime: Leath and Sons	Contact Name: Jeff Leath
Address: 9301 E. 63rd St Raytown, Mo 64133	Email: Jeffl@leathandsons.com

Full Contract Value: \$ 1,650,000.00

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>11</u> %	MBE: <u>11</u> %
WBE: <u>11</u> %	WBE: <u>11</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: Jason Wright Email: jason.wright@kcmo.org
 Additional Information:
 Project Manager's contact
 Jason Wright 816-513-4772

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:

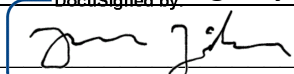
Approved Disapproved

11 % MBE 11 % 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

CREO Signature:  Date: 5/3/2024

Comments:



**Civil Rights & Equal Opportunity Department
Economic Equity & Inclusion
Contract Goals Request**

**Date: 2/8/2024
Form Prepared By: J.Wright**

Contract/Project Number: 9848/60800073	Project Name: WD Emergency Transmission Water Main Repair
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Owning Department: KC Water	Project Manager: Jason Wright
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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:

Prevailing Wage: Yes No

Davis-Bacon: Yes No

Presenting to Council¹: Yes No

Construction Employment Program: Yes: Workforce employment goals are 10% minority hours & 2% female hours. This project is estimated at over 800 work hours and over \$300,000.
 NO: This project is estimated at less than \$300,000 and no more than 800 work hours.

Estimated Number of Project Days: 365	Anticipated Solicitation Date: 03/15/2023
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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:

Description of Contract (Provide Details):
 This contract will cover repair and construction to the water distribution system for scheduled and emergency transmission main repairs.

Pursuant to RSMo. Section 610.021(11) & (12) documents related to bids will not be made available until bids are completed.

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 GENERAL SERVICES DEPARTMENT (PROCUREMENT) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No

Waiver being applied? Yes No Type: _____

According to CREO Annual Goal Manual, the Goals for this project are:

_____ 11 % MBE	_____ 11 % WBE	_____ % DBE
----------------	----------------	-------------

Electronic Record? Yes No

DocuSigned by:
 GSD Signature: *Darrell Everett* Date: 2/14/2024
8D98B9CAE78542A

FOR CIVIL RIGHTS & EQUAL OPPORTUNITY DEPARTMENT (CREO) USE ONLY:

Reviewed CREO Annual Goal Manual? Yes No N/A

The following Goals are approved for this Project:

_____ % MBE	_____ % WBE	_____ % DBE
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No Goals are set for this Project Waiver Approved Waiver Denied

Reason for Wavier: _____

Electronic Record? Yes No

CREO Signature: _____ Date: _____



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Non-discrimination in Employment. Contractor shall not discriminate against any employee or candidate for employment on the basis of an individual's race, hair texture or hair style associated with an individual's race, color, sex, religion, national origin, or ancestry, disability, sexual orientation, gender identity, age, or in any other manner prohibited by Chapter 38 of the City Code. Contractor shall not engage in any discrimination as prohibited by Chapter 3 of the City Code.

Ban the Box in Hiring and Promotion.

(a) Pursuant to Section 38-104, City Code Ordinances, Contractor shall not base a hiring or promotional decision on an applicant's criminal history or sentence related thereto, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

(b) Notwithstanding subsection (a), Contractor may inquire about an applicant's criminal history after it has been determined that the individual is otherwise qualified for the position, and only after the applicant has been interviewed for the position. Any such inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

(c) This provision shall not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

Title VI of the Civil Rights Act of 1964. Title VI of the Civil Rights Act of 1964 requires that no person in the United States shall, on the grounds of race, color, or national or origin (including limited English proficient individuals), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. The City of Kansas City, Missouri requires compliance with the requirements of Title VI in all of its programs and activities regardless of the funding source.

Contractor shall not discriminate on the grounds of race, color, or national or origin (including limited English proficient individuals).

Quality Services Assurance Act. If this Contract exceeds \$160,000.00, Contractor certifies Contractor will pay all employees who will work on this Contract in the city limits of Kansas City, Missouri at least \$15.00 per hour in compliance with the City's Quality Services Assurance Act,

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Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

Section 3-66, Code of Ordinances or City has granted Contractor an exemption pursuant to the Quality Services Assurance Act.

Anti-Discrimination Against Israel. If this Contract exceeds \$100,000.00 and Contractor employs at least ten employees, pursuant to Section 34.600, RSMo., by executing this Contract, Contractor certifies it is not currently engaged in and shall not, for the duration of this contract, engage in a boycott of goods or services from the State of Israel; companies doing business in or with Israel or authorized by, licensed by, or organized under the laws of the State of Israel; or persons or entities doing business in the State of Israel.

Affirmative Action. If this Contract exceeds \$300,000.00 and Contractor employs fifty (50) or more people, Contractor shall comply with City's Affirmative Action requirements in accordance with the provisions of Chapter 3 of City's Code, the rules and regulations relating to those sections, and any additions or amendments thereto; in executing any Contract subject to said provisions, Contractor warrants that it has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract. Contractor 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 City's Code. Contractor shall:

- (a) Execute and submit the City of Kansas City, Missouri CREO Affirmative Action Program Affidavit warranting that the Contractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the Contract.
- (b) Submit, in print or electronic format, a copy of Contractor's current certificate of compliance to the City's Civil Rights and Equal Opportunity Department (CREO) prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years. If, and only if, Contractor does not possess a current certification of compliance, Contractor shall submit, in print or electronic format, a copy of its affirmative action program to CREO prior to receiving the first payment under the Contract, unless a copy has already been submitted to CREO at any point within the previous two (2) calendar years.
- (c) Require any Subcontractor awarded a subcontract exceeding \$300,000.00 to affirm that Subcontractor has an affirmative action program in place and will maintain the affirmative action program in place for the duration of the subcontract.
- (d) Obtain from any Subcontractor awarded a subcontract exceeding \$300,000.00 a copy of the Subcontractor's current certificate of compliance and tender a copy of the same, in print or

CREO Form 3
Rev. 3.22.2023



Civil Rights and Equal Opportunity Department Civil Rights and Wage Assurances

electronic format, to CREO within thirty (30) days from the date the subcontract is executed. If, and only if, Subcontractor does not possess a current certificate of compliance, Contractor shall obtain a copy of the Subcontractor's affirmative action program and tender a copy of the same, in print or electronic format, to CREO within thirty (30) days from the date the subcontract is executed.

City has the right to take action as directed by City's Civil Rights and Equal Opportunity Department to enforce this provision. If Contractor fails, refuses or neglects to comply with the provisions of Chapter 3 of City's Code, then such failure shall be deemed a total breach of this Contract and this Contract may be terminated, cancelled or suspended, in whole or in part, and Contractor may be declared ineligible for any further contracts funded by City for a period of one (1) year. This is a material term of this Contract.

Compliance with Laws. Contractor shall comply with all federal, state and local laws, ordinances and regulations applicable to the work and this Agreement. Contractor shall maintain in effect all the licenses, permissions, authorizations, consents and permits that it needs to carry out its obligations under this Agreement.

Prevailing Wage. If the Agreement exceeds \$75,000.00 and any of the Services performed by Contractor includes construction, reconstruction, improvement, enlargement, alteration, painting and decorating, or major repair, that is subject to the Missouri Prevailing Wage Law (Section 290.210, RSMo – 290.340, RSMo), Contractor shall immediately notify the City prior to performing Services so the parties can execute an agreement that incorporates, the appropriate Wage Order. Contractor shall comply with all requirements of Section 290.210, RSMo – 290.340, RSMo even if Contractor fails to notify the City.