

**REQUEST FOR QUALIFICATIONS/PROPOSALS
PROFESSIONAL SERVICES CONTRACT**

**PROJECT NO. 07AR1902 - OWNER'S REPRESENTATIVE
Kansas City Convention Center Parking and Event Facility**

**CITY OF KANSAS CITY, MISSOURI
GENERAL SERVICES DEPARTMENT – CITY ARCHITECTURE DIVISION**

- 1. Purpose.** This is a Request for Qualifications/Proposals ("RFQ/P") issued by the City of Kansas City, Missouri ("City") through the General Services Department – City Architecture Division ("GSD") soliciting qualified firm(s) to provide services as the Owner's Representative ("OR") in the reconstruction of the parking and plaza facility at Barney Allis Plaza/Auditorium Plaza Garage. It is the intention of the City to have such firm(s) respond to this RFQ/P.
- 2. Definition of Request for Qualifications/Proposals.** This RFQ/P is an invitation by the City to Proposers to submit their qualifications and all other required submissions as part of their proposal for performing the services specified in this RFQ/P. Selection will be based upon the judgment of the City in obtaining a Proposer that will be in the best interests of the City. This RFQ/P is not a request for a competitive bid. Proposer's submittal of a proposal in response to this RFQ/P does not create any right in or expectation to a contract with the City.
- 3. Due Date.** Sealed Proposals are due Thursday, April 25, 2019 at 2:00 pm Central. Proposals shall be sent to: Attention Cedric Rowan, Procurement Services Division, City Hall 414 East 12th Street, Kansas City, MO 64106. Proposers shall submit one (1) signed original, five (5) copies of their Proposal, and one (1) copy on a CD in Microsoft Word/Excel format or on a flash drive. The City reserves the right at any time to change or extend the due date and time for any reason.
- 4. Pre-proposal Conference.** The conference is scheduled for Tuesday, March 19, 2019 at 9:00 a.m. Convention Center Bartle Hall Room 2204 301 West 13th Street, KCMO.
- 5. Formal Presentations.** It is the intention of the City that all Proposers should be available for formal presentations to the selection committee in Kansas City, Missouri. Presentations will be held on Friday, May 10th starting at 9:00 a.m. Convention Center Bartle Hall Rooms 2204 or 2205. Additional specific details regarding time and room assignment will be provided on or before May 2, 2019.
- 6. Project Background.** Barney Allis Plaza and the Auditorium Plaza Garage, built in the late 1950s, is a one-block plaza situated atop a three-story under-ground garage in downtown Kansas City. The plaza is named after prominent Kansas City hotelier, Barney Allis, who owned and operated the Muehlebach Hotel at 12th and Baltimore from 1931 to 1962 and also acquired and reopened the Folly Theater (originally the Standard Theatre) at 12th and Central in 1941. The plaza is surrounded by Bartle Hall, the Kansas City Convention Exhibit Center, to the west, the Kansas City Marriott Downtown to the north and east, the Aladdin Hotel to the east, and the Municipal Auditorium to the south. The combined plaza and garage are frequently used by a variety of constituents and, given the 60+ years that have passed since the garage and plaza first opened, are in serious need of significant renovation in order to provide ongoing parking options below and inviting recreation space above.

The Barney Allis Plaza is considered functionally deficient as an urban civic space. The 970-space Auditorium Plaza Garage, on the other hand, is frequently used and is often at capacity during conferences, conventions and public shows at Bartle Hall and theatrical or other entertainment performances at the surrounding venues.

In March 2018, the Urban Land Institute conducted a two-day Technical Assistance Panel (ULI TAP), sponsored by a partnership between the City Trust and the Downtown Council, to consider a wide variety of approaches to the parking and green space challenges at this site. A copy of the ULI TAP report can be found at <http://kcmo.gov/planning/bap>.

On October 18, 2018, the City Council unanimously passed Resolution 180768, "Recognizing the importance of reconstruction and revitalization of Barney Allis Plaza and Auditorium Plaza Garage and directing the City Manager to incorporate the project into the 2018 Update of the Citywide Business Plan by October 25, 2018 and the 2018-2019 City budget."

Subsequently, the City proceeded to initiate the necessary due diligence required to develop a formal plan to reconstruct that facility via a study ("Phase I Study"). The Phase I Study is being managed by a multi-departmental team under the coordination of the Office of the City Manager. The Phase I Study is scheduled to conclude all its major tasks on April 17, 2019 with a formal presentation of the Phase I Study results to the City Council at its Business Session on April 18, 2019. The Phase I Study involves an analysis of the following key items:

- A parking study of the Central Business District
- An alternatives analysis of parking for the area surrounding the facility
- Geotechnical investigations
- Site survey
- Benchmarking of other urban civic spaces
- Surveying of stakeholder opinion and interest
- Legal analysis
- Financial analysis
- Cost estimating
- Identification of operations and management options
- Recommended procurement strategy for the reconstruction

7. Request for Qualifications/Proposals. This RFQ/P contains the following:

- a. Exhibit A – Owner's Representative (OR) Scope of Services
- b. Exhibit B Employee Eligibility Verification Affidavit
- c. Exhibit C HRD Forms and Instructions

8 Proposal Requirements. Your proposal should include the following:

a. Experience and Responsibility Summary.

(1) List and Describe Key Team Member(s) Professional Experience. For project team responsibilities, list the approximate percentage of the project for each team member. The team shall have at least 10 years of management experience with direct supervisorial leadership/responsibilities for complex civil/structural/architectural design projects; Experience managing a major capital program, within the last 2 years, with a construction value of at least \$10,000,000.00

(2) Describe relevant history with projects, within the last 5 years, including:

- Any prior work that you have performed for the City;
- Specific local subcontractor relationships;

b. Detailed Description of Project Approach.

(1) Include a detailed description of any relevant OR roles previously undertaken;

(2) Include a detailed description of any relevant parking garage and/or active civic space projects previously undertaken; and,

(3) Describe the Proposer's level of commitment, accepting of the goals and objectives, and understanding of potential complications with a complex project, and

(4) include a description of anticipated utilization of WBE/MBE contractors for this Project.

d. Other Relevant Information. Provide any and all relevant additional information that Proposer deems important and necessary for the City to understand, evaluate and consider.

e. Proposal Format. Proposals should be limited to fifty (50) pages in 12-point Font on (8-1/2" x 11") paper using one side of the page and numbered. Covers, Tables of Contents, and divider tabs will not count as pages, provided no additional information is included on those pages. Proposers shall submit one (1) signed original, five (5) copies of their Proposal with one complete copy on a CD in Microsoft Word/Excel format or on a flash drive of your RFQ/P submittal. Any supplemental information or documents (i.e., not required by this RFQ/P) that are included in the proposal should be marked as an Attachment and clearly identified in the Table of Contents.

9. Prohibited activities by former City employees and officials. Section 2-2044 of the City's Code prohibits former elected City officials and former executive or administrative employees of the City from trying to influence a decision of the City on behalf of an employer or client for one year after that former employee or official leaves the City's employ. By submitting a proposal, Proposer affirms that Proposer and its team members and employees are in compliance with the requirements of Section 2-2044. Failure to comply with the requirements of Section 2-2044 may cause the Proposal to be rejected.

10. Change in RFQ/P, Contract and Additional Work. The City reserves the right to add to, delete, modify or enlarge this RFQ/P, including any specifications and/or statement of work, the proposed contract, the terms and conditions, and any subsequently executed contract. The City reserves the right to award additional contracts for related work or subsequent Project phases to the selected Proposer.

11. Late Proposals. Proposals and modifications of Proposals received after the exact hour and date specified for receipt will not be considered unless:

a. They are sent via the U.S. Postal Service, common carrier or contract carrier, by a delivery method that guarantees the Proposal will be delivered to the City prior to the submission deadline; or,

b. if submitted by mail, common carrier or contract carrier it is determined by the City that the late receipt was due solely to an error by the U.S Postal Service, common carrier or contract carrier; or,

c. the proposal is timely delivered to the City, but is at a different City location than that specified in this RFQ/P; or,

d. the City extends the time after the deadline for a force majeure event that could potentially affect any or all Proposers meeting the deadline.

12. Interviews, Discussions and Negotiations with Proposers. The Proposer's proposal, including any proposed personnel and any other required proposal documents may be subject to negotiation by the City at any time. The City may interview none, one, some or all of the Proposers that submit proposals. Proposals may be evaluated and award made with or without, discussions and/or negotiations with Proposers. The City reserves the right to request additional information from any or all Proposers. Negotiations by the City will not be deemed a counter offer or a rejection of any original Proposal.

13. Rejection of Proposals. The City reserves the right to reject any and all Proposals and to award one or more Contracts for all or any portion of the Project. The Proposer will be eligible to provide services for the OR, however it will not be eligible to perform any work with the Edgemoor Design Team or related design or construction services as a consultant or contractor for the new terminal project, during the term of this contract and any extension thereof.

14. Waivers. The City Manager or his delegate at any time may waive any requirements imposed in this RFQ/P or by any City regulation when the requirement waived would be waived for all Proposers for this RFQ/P and it is in the best interest of the City to grant the waiver. The City Council at any time may waive any requirements imposed in this RFQ/P by the City's code of ordinances when the waived requirement would be waived for all Proposers for this RFQ/P and it is in the best interest of the City to grant the waiver. The City reserves the right to waive any irregularities and/or formalities as deemed appropriate. The City Council may waive any and all BE requirements imposed by any Proposal document and award the Contract to the most qualified Proposer if the City Council determines a waiver is in the best interests of the City.

15. Closed Records. All Proposals and documents and meetings relating thereto may remain closed records or meetings under the Missouri Sunshine Act until a contract is executed or until all Proposals are rejected.

16. Disclosure of Proprietary Information. A Proposer may restrict the disclosure of scientific and technological innovations in which it has a proprietary interest, or other information that is protected from public disclosure by law, which is contained in the Proposal by:

a. marking each page of each such document prominently in at least 16 point font with the words "Proprietary Information";

b. printing each page of each such document on a different color paper than the paper on which the remainder of the proposal is printed; and

c. segregating each page of each such document in a sealed envelope, which shall prominently display, on the outside, the words "Proprietary Information" in at least 16-point font, along with the name and address of the Proposer.

d. After either a contract is executed pursuant to the RFQ/P, or all submittals are rejected, if access to documents marked "Proprietary Information", as provided above, is requested under the Missouri Sunshine Law, the City will notify the Proposer of the request, and it shall be the

burden of the Proposer to establish that such documents are exempt from disclosure under the law.

17. Evaluation Criteria/Rankings. Any evaluation criteria, weighing of criteria or ranking is used by the City only as a tool to assist the City in selecting the most qualified Proposer for this Project. The City may change criteria, criteria weights and rankings at any time. Evaluation scores or ranks do not create any right in or expectation to a contract regardless of any score or ranking given to any Proposer. At the date of writing this RFQ/P, each proposal will be evaluated on, but not limited to:

- a. Project Management Plan
- b. Project approach
- c. Relevant experience
- d. Team members

18. Affirmative Action. It is the policy of the City that any person or entity entering into a contract with the City, will employ applicants and treat employees equally without regard to their race, color, sex, religion, national origin or ancestry, disability, sexual orientation, gender identity or age. The City's Affirmative Action ordinance requires that any person or entity who employs fifty (50) or more persons and is awarded a contract from the City totaling more than \$300,000.00 must:

a. Execute and submit an affidavit, in a form prescribed by the City, 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 the contractor's current certificate of compliance to the City's Human Relations Department ("HRD") prior to receiving the first payment under the contract, unless a copy has already been submitted to HRD at any point within the previous two 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 HRD prior to receiving the first payment under the contract, unless a copy has already been submitted to HRD at any point within the previous two 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 electronic format, to HRD 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 HRD within thirty (30) days from the date the subcontract is executed.

e. If you have any questions regarding the City's Affirmative Action requirements, please contact HRD at (816) 513-1836 or visit the City's website at www.KCMO.gov.

19. Minority/Women Business Enterprise Program. The City of Kansas City, Missouri desires that Minority Business Enterprises (MBE) and Women's Business Enterprises (WBE) have a maximum opportunity to participate in the performance of City contracts. The goals for

this specific project are 15 % MBE participation and 10% WBE participation. You must complete HRD Form 13 Affidavit of Intended Utilization and return it with your Proposal. If you request it, the Human Relations Specialist will provide a D/M/WBE Directory and assistance. Please call the Human Relations Specialist at 816-513-1818.

20. Employee Eligibility Verification. CONTRACTOR shall execute and submit an affidavit, in a form prescribed by the CITY, affirming that CONTRACTOR does not knowingly employ any person in connection with the contracted services who does not have the legal right or authorization under federal law to work in the United States as defined in 8 U.S.C. §1324a(h)(3). CONTRACTOR shall attach to the affidavit documentation sufficient to establish CONTRACTOR's enrollment and participation in an electronic verification of work program operated by the United States Department of Homeland Security to verify information of newly hired employees, under the Immigration and Reform and Control Act of 1986. CONTRACTOR may obtain additional information about E-Verify and enroll at <https://e-verify.uscis.gov/enroll/StartPage.aspx?JS=YES>. For those CONTRACTORS enrolled in E-Verify, the first and last pages of the E-Verify Memorandum of Understanding that CONTRACTOR will obtain upon successfully enrolling in the program shall constitute sufficient documentation for purposes of complying with this section. CONTRACTOR shall submit the affidavit and attachments to the CITY prior to execution of the contract, or at any point during the term of the contract if requested by the CITY.

20. Questions. Forward all questions in writing to the following the Manager of Procurement Services. Questions shall be submitted by Tuesday, April 2, 2019. The City shall response to questions by Tuesday, April 9, 2019. Questions received less than ten (10) calendar days prior to the Submittal Date may not be answered. Interpretations or clarifications considered necessary by the Project Manager in response to such questions will be issued by Addenda to all Proposers. Oral or other interpretations or clarifications shall be without legal effect.

Cedric Rowan, C.P.M. Manager of Procurement Services
414 East 12th Street
Kansas City, MO 64106
(816) 513-0814 Phone
(816) 513-1066 Fax
Email: cedric.rowan@kcmo.org



Any person with a disability desiring reasonable accommodation to participate in proposal meetings may contact the 311 Action Center at 311, 816-513-1313, TTY 513-1889 or by email at actioncenter@kcmo.org.

Exhibit A
Owner's Representative (OR)
Kansas City Convention Center Parking and Event Facility

Scope of Services

This scope describes the technical and management coordination services needed to support the Owner. The Owner is the City of Kansas City, Missouri's project-specific multi-departmental management team under the coordination of the Office of the City Manager ("Owner"). The Owner intends to retain a consultant, and/or team, to act as an OR to supplement and augment Owner's capabilities in the reconstruction of the parking and plaza facility at Barney Allis Plaza/Auditorium Plaza Garage. The tasks anticipated to be executed by the OR are outlined below.

The OR role is help Owner procure contractor(s) to perform the reconstruction of the facility and act as a bridge between Owner and contractors, other technical advisors, and various stakeholders to provide technical support and oversight during the procurement, design, construction and initial operation of the reconstructed facility.

The OR will also be responsible for the development and professional staffing necessary to complete scope of services requirements, under the direct supervision and approval by Owner. The OR will include the responsibility to provide effective leadership and management to ensure the successful completion and commissioning of the reconstructed facility.

The OR will be responsible for maintaining schedule and budget throughout the entire program for the procurement, design, construction, inspection, and occupation of the reconstructed facility. Qualifications include construction management; architectural design; landscape design; parking structure design; engineering design for mechanical, electrical, plumbing, structural, fire protection, fire alarm, and civil; inspection and testing services; community engagement, and public space operation/governance.

Task 1: Project Management Plan

The selected OR will develop, and recommend for approval by Owner, a Project Management Plan that will include an approach for how the work should be organized in order to be most effectively and efficiently completed. The OR will also develop, for approval by Owner, the set of services, systems and required personnel, necessary to successfully manage and execute the project requirements

Task 2: Community Engagement Plan

The OR will develop, and recommend for approval by Owner, a Community Engagement Plan that will focus on branding and messaging for the overall project, on-going stakeholder engagement, periodic updates to the City Council, and oversight of communication strategies and efforts performed by construction contractors as part of their contracts.

Task 3: Develop Standards

The OR will recommend to Owner a set of project-specific design, construction, quality, performance, and operational standards that must be achieved. These project-specific standards will build upon the body of work already completed and will include at a minimum the following:

- A. Assist Owner for project-specific minimum specifications standards for site design, architecture, engineering, construction, and operations that must be followed in developing the final scope, budget, and schedule.
- B. Collaborate with Owner for detailed basis for design. The OR consultant will build upon the previous work to develop a set of detailed operational performance standards, including at a minimum:
 - 1) Site Design standards
 - 2) Public Art Selection Process
 - 3) Maintenance standards – life cycle requirements
 - 4) Operational standards
 - 5) Energy consumption standards
 - 6) Sustainability, Universal Design, and ADA standards
 - 7) LEED Gold standards or Alternative sustainability methods

Task 4: Procurement

The OR, in collaboration with Owner, will develop and complete all necessary RFQ/Ps for the project, to allow Owner to acquire the necessary contractor(s) to provide services that will be needed throughout the project. The OR will assist the Owner in the evaluation of RFQ/P responses. At a minimum, this task will include:

- 1. Develop RFP Bridging Documents
 - a. This work will identify and document the design and construction criteria including standards and performance metrics for the project. The Bridging Documents will include written and graphic content as needed to establish and communicate these criteria to contractor(s).
 - b. Arch/Landscape/Engineering/Parking Proof of Concept Drawings.
 - c. Refinement of Proof of Concept to Bridging Documents for clear comparison of design solutions presented by proposers.
- 2. Assist in RFQ/P Processes
 - a. Develop any necessary criteria, prepare the RFQ/P, assist in the issuance of the RFQ, and assist in the evaluation and review of proposals and/or responses.
 - b. Facilitate any preproposal conferences.
 - c. Facilitate any charrettes.
 - d. Provide clarifications and issue addenda to the bridging documents as required.
 - e. Review proposals for consistency with the Bridging Documents and other Owner requirements
 - f. Review proposals for responsiveness
 - g. Facilitate interviews and final selection.
 - h. Attend the pre-award conferences.

Task 5: Design Review

During this task, the OR will assist Owner by providing expert review at critical stages of the design process to assure achievement of Owner's goals, and Standards, and performance metrics. This task will include at a minimum:

- A. Design Management including:
 - 1) Compliance with basis of design
 - 2) Compliance with the design schedule
 - 3) Compliance with the project budget
 - 4) Provide stakeholder oversight
 - 5) Monitor status and quality of design submittals
 - 6) Management of 3rd party design review as required
 - 7) Ensure compliance of Public Art, M/WBE, ADA and LEED Gold programs
 - 8) Integration of the Bridging Document requirements
- B. The OR's review will focus on critical functional elements of the design including issues such as site design, vehicular and pedestrian flows, operational efficiency, safety and security, maintenance feasibility, and construction/operations plans.
- C. The design reviews will be closely integrated and validated to ensure a comprehensive set of design comments for each phase of design based on the most up-to-date plans and layouts for that phase.
- D. The deliverable from this task will be on-going assessments and evaluation of stakeholder requirements and a comprehensive and consolidated set of design comments at each stage of design.

Task 6: On-going Project Management Support

During this task, the OR will assist with project support through various stages of the design and construction process. This support would include at a minimum the following:

- A. The OR will provide support to the Owner including meetings, briefs, studies, reports, valuations, estimates, schedules, change order determinations, as required
- B. The OR will assist Owner to advise, review and monitor the project which could include:
 - 1) Manage and review project milestones
 - 2) Manage and review total project budget
 - 3) Manage weekly OAC meetings
 - 4) Perform periodic site visits to observe adherence to the design criteria.
 - 5) Prepare monthly project progress reports.
 - 6) Review progress and final pay applications
 - 7) Cursory review shop drawings and submissions for compliance with design criteria.
 - 8) Evaluate construction as to the adherence of the design criteria.
 - 9) Design assurance
 - 10) Material review
 - 11) Sustainability review

- 12) Reporting compliance and verification
- 13) Document control compliance
- 14) Provide Quality Assurance
- 15) Provide ADA review and compliance
- 16) Insure LEED compliance/sustainability practices
- 17) Review and/or provide Construction Management services
- 18) Coordinate implementation of operating plan during first 6 months of operations
- 19) Provide a safety officer and Safety reporting.
- 20) HRD- (MBE-WBE) Monitoring and reporting
- 21) All other tasks as assigned

Task 7: Inspections

- 1. Perform on-site inspections, testing, and reporting throughout construction
- 2. Provide quality control reviews
- 3. Review and/or provide independent testing as outlined in the Special Inspections Manual from the City Planning & Development Services.

EXHIBIT B

AFFIDAVIT

EMPLOYEE ELIGIBILITY VERIFICATION AFFIDAVIT

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

STATE OF _____)
COUNTY OF _____) ss

On this _____ day of _____, 20____, before me appeared _____, personally known by me or otherwise proven to be the person whose name is subscribed on this affidavit and who, being duly sworn, stated as follows:

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

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

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

I have attached hereto documentation sufficient to establish the business entity's enrollment and participation in the required electronic verification of work program. The documentation will consist of the first and last pages of the E-Verify Memorandum of Understanding that the Contractor obtained upon successfully enrolling in the program.

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

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

Affiant's signature

Subscribed and sworn to before me this _____ day of _____,
20____.

Notary Public

My Commission expires:

HRD FORMS AND INSTRUCTIONS

The following HRD Forms and Instructions are included in this Attachment:

FORM	TITLE
HRD 06	RFQ/P Instructions
HRD 13	Affidavit of Intended Utilization
HRD 08	Contractor Utilization Plan/Request for Waiver
00450.01	Letter of Intent to Subcontract
HRD 10	Timetable for MBE/WBE Utilization
HRD 11	Request for Modification or Substitution
01290.14	Contractor Affidavit for Final Payment
01290.15	Subcontractor Affidavit for Final Payment

**HRD INSTRUCTIONS
FOR REQUESTS FOR QUALIFICATIONS/PROPOSALS**

PART A. MINORITY/WOMEN BUSINESS ENTERPRISE REQUIREMENTS

I. City's MBE/WBE Program.

- A. The City has adopted a Minority/Women Business Enterprise ("MBE/WBE") Program (Sections 4-421 through 3-469, Code of Ordinances) (the "Program") to implement the City's policy of supporting the fullest possible participation in City contracts and change orders of firms owned and controlled by minorities and women. Each construction project may have an MBE and/or WBE goal for participation. An MBE or WBE goal is a numerical objective the City has set for the contract. Goals are stated as a percentage of contract dollars. For example, if an MBE goal for a contract is 10% and a Proposer submits a proposal of \$100,000, the goal for MBE participation would equal \$10,000. The specific MBE/WBE goals on this project are set forth elsewhere in the proposal specifications.
- B. By submitting a proposal, the Proposer agrees, as a material term of the contract, to carry out the City's MBE/WBE Program by making good faith efforts to include certified MBE/WBEs in the project work to the extent of the goals listed for the project and to the fullest extent consistent with submitting the best proposal to the City. Proposer agrees that the Program is incorporated into this document and agrees to follow the Program. Although it is not a requirement that a Proposer in fact meet or exceed both the MBE and WBE Goals, it is a requirement for approval of the proposal that a Proposer objectively demonstrate to the City that good faith efforts have been made to meet the Goals.
- C. The following HRD Forms are attached and must be used for MBE/WBE submittals:
 - 1. Affidavit of Intended Utilization (HRD Form 13); and
 - 2. Contractor Utilization Plan/Request for Waiver (HRD Form 8A); and
 - 3. Letter of Intent to Subcontract (HRD Form 00450.01); and
 - 4. Timetable for MBE/WBE Utilization (HRD Form 10); and
 - 5. Request for Modification or Substitution (HRD Form 11); and
 - 6. Contractor Affidavit for Final Payment (Form 01290.14); and
 - 7. Subcontractor Affidavit for Final Payment (Form 01290.15).

Warning: The City only gives MBE/WBE credit for a Proposer's use of City certified MBE/WBEs. A certified MBE/WBE firm is a firm that has been certified by the City's Human Relations Department as such. Certified MBEs and WBEs are listed in the M/W/DBE Kansas City Mo. Online Directory, which is available on the City's website at www.kcmo.org. Before a Proposer submits a proposal, Proposer should contact HRD and consult the directory to make sure any firm proposed for use for MBE/WBE participation has been certified.

II. Required Submissions with Proposal.

A. Proposer must submit the following document with its proposal:

1. **Affidavit of Intended Utilization (HRD Form 13).** This form states a Proposer's intent to use certified MBE/WBEs in the performance of the contract.

III. Required Submissions Prior to Contract Award.

A. Proposer must submit the following documents prior to contract award.

1. **Contractor Utilization Plan/Request for Waiver (HRD Form 8).** This form states a Proposer's plan to use specific certified MBE/WBEs in the performance of the contract and includes the following:
 - a. The work to be performed by each MBE/WBE and the amounts each is to be paid for the work; and
 - b. The name, address, race or ethnic origin, gender and employer identification number or social security number of each MBE/WBE that will perform the work.
 - c. An automatic request for waiver in the event Proposer has not met or exceeded the MBE and/or WBE goals for the contract but believes that it has made good faith efforts to meet or exceed the goals and desires a waiver of the goals. If a waiver is requested, HRD will examine the Proposer's documentation of good faith efforts and make a recommendation to grant or deny the waiver. HRD will recommend a waiver be granted only if the Proposer has made good faith efforts to obtain MBE/WBE participation.
2. **Letter(s) of Intent to Subcontract (HRD Form 00450.01).** A letter must be provided from each MBE/WBE listed on the Contractor Utilization Plan. These letters verify that the MBE/WBE has agreed to execute a formal agreement for the work and indicate the scope of work to be performed and the price agreed upon for the work.

IV. Additional Required Submissions when Requested by City.

A. Proposer must submit the following documents when requested by City:

1. **Timetable for MBE/WBE Utilization (HRD Form 10).**
2. **Documentation of good faith efforts.**

V. Required Monthly Submissions during term of Contract.

A. Proposers must submit the following document on a monthly basis if awarded the contract:

1. **M/WBE Monthly Utilization Report (HRD Form 00485.01).** This report must be submitted to the Director by the 15th of each month. Failure to submit timely reports may result in delays in processing of current and future contract approvals and payment applications.

VI. Required Submittals for Final Contract Payment.

- A. Proposer must submit the following documents with its request for final payment under the contract:
1. **Contractor Affidavit for Final Payment (Form 01290.14)**
 2. **Subcontractor Affidavit(s) for Final Payment (Form 01290.15)**

VII. Additional Submittals.

- A. Proposer may be required to make additional submittals during the term of the Contract, including **Request for Modification or Substitution (HRD Form 11)**. Refer to Section X, Modification of the Contractor Utilization Plan or Substitution of an MBE/WBE, for additional instructions on when this form must be submitted.

VIII. MBE/WBE Participation Credit.

- A. The following shall be credited towards achieving the goals:
1. The total contract dollar amount that a prime contractor has paid or is obligated to pay to a subcontractor that is a qualified MBE or WBE, except as otherwise expressly provided for herein.
 2. Twenty-five percent (25%) of the total dollar amount paid or to be paid by a prime contractor to obtain supplies or goods from a supplier who is a qualified MBE or WBE.
 3. Ten percent (10%) of the total dollar amount paid or to be paid by a prime contractor to obtain supplies or goods from a supply broker who is a qualified MBE or WBE.
 4. One hundred percent (100%) of the total dollar amount paid or to be paid by a prime contractor to a manufacturer of construction supplies who is a qualified MBE or WBE.
 5. Subcontractor participation with a lower tier MBE/WBE subcontractor using one of the above methods of participation.
- B. **NO CREDIT**, however, will be given for the following:
1. Participation in a contract by a MBE or WBE that does not perform a commercially useful function as defined by the Program; and
 2. Any portion of the value of the contract that an MBE or WBE subcontractor subcontracts back to the prime contractor or any other contractor who is not a qualified MBE/WBE; and
 3. An MBE or WBE prime contractor's own participation in its contract with City; and
 4. Materials and supplies used on the contract unless the MBE/WBE is responsible for negotiating the price, determining quality and quantity, ordering the materials and installing (where applicable) and paying for material itself; and
 5. Work performed by an MBE or WBE in a scope of work other than that in which the MBE or WBE is currently certified.

IX. Methods for Securing Participation of MBE/WBEs and Good Faith Efforts.

- A. A Proposer is required to make good faith efforts to achieve the MBE/WBE goals. Good faith efforts are efforts that, given all relevant circumstances, a Proposer actively and aggressively seeking to meet the goals can reasonably be expected to make. Good faith efforts must be made before the Proposer submits a Contractor Utilization Plan/Request for Waiver (HRD Form 8)

Warning: Efforts to obtain MBE and/or WBE participation made after a Contractor Utilization Plan is submitted cannot be used to show the Proposer made good faith efforts.

- B. In evaluating good faith efforts, the Director of HRD will consider whether the Proposer has performed the following, along with any other relevant factors:

1. Advertised opportunities to participate in the contract in general circulation media, trade and professional association publications, small and minority business media, and publications of minority and women's business organizations in sufficient time to allow MBE and WBE firms to participate effectively.
2. Provided notice to a reasonable number of minority and women's business organizations of specific opportunities to participate in the contract in sufficient time to allow MBE and WBE firms to participate effectively.
3. Sent written notices, by certified mail or facsimile, to qualified MBEs and WBEs soliciting their participation in the contract in sufficient time to allow them to participate effectively.
4. Attempted to identify portions of the work for qualified MBE and/or WBE participation in order to increase the likelihood of meeting the goals, including breaking down contracts into economically feasible units. A Proposer should send letters by certified mail or facsimile to those MBE/WBE contractors identified by HRD listed in those categories which are in those subcontractors' scope of work. The portion of work for which a proposal from an MBE/WBE is being solicited shall be as specific as possible. Letters which are general are not acceptable.
5. Requested assistance in achieving the goals from the Director and acted on the Director's recommendations.
6. Conferred with qualified MBEs and WBEs and explained the scope and requirements of the work for which their bids or proposals were solicited.
7. Attempted to negotiate in good faith with qualified MBEs and WBEs to perform specific subcontracts; not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Documentation of good faith negotiations with MBE/WBEs from whom proposals were received in an effort to reach a mutually acceptable price should include:
 - a. Names, addresses and telephone numbers of MBE/WBEs that were contacted and date of contact;
 - b. The information provided to MBE/WBEs regarding the plans and

specifications for portions of the work to be performed by them;

- c. The reasons no agreement was reached with any MBE/WBE, including the basis for any bid rejection (i.e., availability, price, qualifications or other);
 - d. Descriptions of attempts to provide technical assistance to MBE/WBEs to obtain necessary insurance and/or to obtain necessary supplies at the best prices available.
- C. A Proposer will be required to give the City documentation to prove that it made good faith efforts. The Proposer will be contacted by the City with further instructions about when this documentation must be submitted.

X. Modification of the Contractor Utilization Plan or Substitution of an MBE/WBE.

A. A Proposer may need to substitute an MBE and/or WBE or request that the amount of MBE/WBE participation listed in its Contractor Utilization Plan be modified. Proposer must file a **Request for Modification or Substitution (HRD Form 11)** prior to actual substitution and within a reasonable time after learning that a modification or substitution is necessary. The Director may approve substitutions or modifications and upon approval, the modifications and substitutions will become an amendment to the Contractor Utilization Plan. Modifications or substitutions may be approved when:

- 1. The Director finds that the Proposer made and provided evidence of good faith efforts to substitute the MBE/WBE listed on the Contractor Utilization Plan with other certified MBE/WBEs for the scope of work or any other scope of work in the contract; AND
- 2. The Director also finds one of the following:
 - a. The listed MBE/WBE is non-responsive or cannot perform; or
 - b. The listed MBE/WBE has increased its previously quoted price to the bidder, proposer or contractor without a corresponding change in the scope of the work; or
 - c. The listed MBE/WBE has committed a material default or breach of its contract with the contractor; or
 - d. Requirements of the scope of work of the contract have changed and render subcontracting not feasible or not feasible at the levels required by the goals established for the contract; or
 - e. The listed MBE/WBE is unacceptable to the contracting department; or
 - f. The listed MBE/WBE thereafter had its certification revoked; or
 - g. The Proposer or Contractor has not attempted intentionally to evade the requirements of the Program and it is in the best interests of the City to allow a modification or substitution.

B. A modification shall not be made unless the modification or substitution has first been requested and approved by the Director.

XI. Appeals. (Applicable only if the RFQ/P is for a construction project)

- A. In conformance with the Act, appeals may be made to the City Fairness in Construction Board on the following:
 - 1. The grant or denial of a Request for Waiver;
 - 2. Substitution for an MBE/WBE listed on a Contractor Utilization Plan;
 - 3. Modification of the percentage of MBE/WBE participation on a Contractor Utilization Plan;
 - 4. Liquidated Damages;
 - 5. The amount of MBE/WBE credit the Contractor may receive for MBE/WBE participation identified in the contractor utilization plan.
- B. Any appeal must be filed in writing with the Director within ten (10) working days of notice of the determination. Mailing, faxing, personal delivery or posting at HRD of determinations shall constitute notice. The appeal shall state with specificity why the Proposer or Contractor believes the determination is incorrect
- C. Failure to file a timely appeal shall constitute a waiver of a Proposer's or Contractor's right to appeal such determination and such person shall be estopped to deny the validity of any determination which could have been timely appealed.

XII. Access to Documents and Records.

- A. By submitting a proposal, each Proposer agrees to permit the City, its duly authorized agents or employees, access at all reasonable times to all books and business records of Proposer as may be necessary to ascertain compliance with the requirements of this document and the Act, within ten (10) days of the date of the written request.
- B. All Proposers agree to cooperate with the contracting department and HRD in studies and surveys regarding the MBE/WBE program.

XIII. Miscellaneous.

- A. A Proposer or Contractor shall bear the burden of proof with regard to all issues on appeal.
- B. In the event of any conflict between this document and the Program, the provisions of the Program shall control. The terms used in this document are defined in the Program.
- C. Oral representations are not binding on the City.
- D. The City Council may waive the requirements of this document and the Program and award the contract to the best proposer if the City Council determines a waiver is in the best interests of the City.

XIV. Liquidated Damages – MBE/WBE Program.

- A. If Contractor fails to achieve the MBE/WBE goals stated in its Contractor Utilization Plan, as amended, the City will sustain damages, the exact extent of which would be difficult or impossible to ascertain. Therefore, in order to liquidate those damages, the

monetary difference between the amount of the MBE/WBE goals set forth in the Contractor Utilization Plan, as amended, and the amount actually paid to qualified MBEs and WBEs for performing a commercially useful function will be deducted from the Contractor's payments as liquidated damages. In determining the amount actually paid to qualified MBEs and WBEs, no credit will be given for the portion of participation that was not approved by the Director, unless the Director determines that the Contractor acted in good faith. No deduction for liquidated damages will be made when, for reasons beyond the control of the Contractor, the MBE/WBE participation stated in the Contractor Utilization Plan, as amended and approved by the Director is not met.

AFFIDAVIT OF INTENDED UTILIZATION

(This Form must be submitted with your Bid/Proposal)

(Department Project)

(Bidder/Proposer)

STATE OF _____)
COUNTY OF _____) ss

I, _____, 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 in the bid/proposal specifications on the above project and is given on behalf of the Bidder/Proposer listed below.
2. Bidder/Proposer assures that it presently intends to utilize the following MBE/WBE participation in the above project if awarded the Contract:

PROJECT GOALS: _____% MBE _____% WBE
BIDDER/PROPOSER PARTICIPATION: _____% MBE _____% WBE

3. To the best of Bidder's/Proposer's knowledge, the following are the names of certified MBEs or WBEs with whom Bidder/Proposer, or Bidder's/Proposer's subcontractors, presently intend to contract if awarded the Contract on the above project: *(All firms must currently be certified by Kansas City, Missouri Dept. Of Human Relations)*

- a. Name of M/WBE Firm _____
Address _____
Telephone No. _____
I.R.S. No. _____
Area/Scope of work _____
Subcontract amount _____
- b. Name of M/WBE Firm _____
Address _____
Telephone No. _____
I.R.S. No. _____
Area/Scope of work _____
Subcontract amount _____
- c. Name of M/WBE Firm _____
Address _____
Telephone No. _____
I.R.S. No. _____
Area/Scope of work _____
Subcontract amount _____

(List additional MBE/WBEs, if any, on additional pages and attach to this form)

4. Bidder/Proposer will identify before contract award, those MBE/WBE subcontractors with dollar amounts and scopes of work which apply to or exceed the MBE/WBE goals for the Project on the ***Contractor Utilization Plan/Request for Waiver (HRD 08)***.
5. Bidder/Proposer agrees that failure to meet or exceed the MBE/WBE Goals for the above project will automatically render this bid/proposal non-responsive if Bidder/Proposer fails to establish good faith efforts towards meeting the goals as set forth in the HRD Forms and Instructions.
6. If applicable, Bidder/Proposer assures that it will meet or exceed the minimum employment goals of 10% minority and 2% women during the term of its contract with City, or request a waiver of the goals. **NOTE: This paragraph is applicable ONLY if you are submitting a bid/proposal on a construction contract that was estimated by the City, prior to solicitation, as requiring more than 800 construction labor hours and costing in excess of \$324,000.00.**
7. I am authorized to make this Affidavit on behalf of the Bidder/Proposer named below as:

_____ of _____
(Title) (Name of Bidder/Proposer)

Dated: _____ By: _____
(Affiant)

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____
Notary Public

CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number _____

Project Title _____

(Department Project)

Department

(Bidder/Proposer)

STATE OF _____)
) ss

COUNTY OF _____)

I, _____, 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 goals are _____ % MBE and _____ % WBE. Bidder/Proposer assures that it will utilize a minimum of the following percentages of MBE/WBE participation in the above project:

BIDDER/PROPOSER PARTICIPATION: _____ % MBE _____ % WBE

3. 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*)

- a. Name of M/WBE Firm _____
Address _____
Telephone No. _____
I.R.S. No. _____

- b. Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____
- c. Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____
- d. Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____
- e. Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____
- f. Name of M/WBE Firm _____
 Address _____
 Telephone No. _____
 I.R.S. No. _____

(List additional M/WBEs, if any, on additional page and attach to this form)

4. The following is a breakdown of the percentage of the total contract amount that Bidder/Proposer agrees to pay to each listed M/WBE:

MBE/WBE BREAKDOWN SHEET

MBE FIRMS:

Name of MBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL MBE \$ / TOTAL MBE %: \$ _____ %

WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract

TOTAL WBE \$ / TOTAL WBE %: \$ _____ %

*"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 HRD 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: _____

Address: _____

Phone Number: _____

Facsimile number: _____

E-mail Address: _____

By: _____

Title: _____

Date: _____

(Attach corporate seal if applicable)

Subscribed and sworn to before me this _____ day of _____, 20__.

My Commission Expires: _____

Notary Public



LETTER OF INTENT TO SUBCONTRACT

Project Number _____

Project Title _____

_____ ("Prime Contractor") agrees to enter into a contractual agreement with _____ ("M/W/DBE Subcontractor"), who will provide the following goods/services in connection with the above-referenced contract:

(Insert a brief narrative describing the goods/services to be provided. Broad categorizations (e.g., "electrical," "plumbing," etc.) or the listing of the NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in this Letter of Intent to Subcontract not being accepted.)

for an estimated amount of \$ _____ or _____ % of the total estimated contract value.

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Human Relations Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, **contingent upon award of the contract to Prime Contractor.**

Signature: Prime Contractor

Signature: M/W/DBE Subcontractor

Print Name

Print Name

Title

Date

Title

Date



LETTER OF INTENT TO SUBCONTRACT

Project Number _____

Project Title _____

_____ ("Prime Contractor") agrees to enter into a contractual agreement with _____ ("M/W/DBE Subcontractor"), who will provide the following goods/services in connection with the above-referenced contract:

(Insert a brief narrative describing the goods/services to be provided. Broad categorizations (e.g., "electrical," "plumbing," etc.) or the listing of the NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in this Letter of Intent to Subcontract not being accepted.)

for an estimated amount of \$ _____ or _____ % of the total estimated contract value.

M/W/DBE Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Human Relations Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, **contingent upon award of the contract to Prime Contractor.**

Signature: Prime Contractor

Signature: M/W/DBE Subcontractor

Print Name

Print Name

Title

Date

Title

Date

TIMETABLE FOR MBE/WBE UTILIZATION

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

I, _____, acting in my capacity as _____
(Name) (Position with Firm)
of _____, with the submittal of this Timetable, certify that
(Name of Firm)
the following timetable for MBE/WBE utilization in the fulfillment of this contract is correct and true to the best of my knowledge.

ALLOTTED TIME FOR THE COMPLETION OF THIS CONTRACT

(Check one only)

15 days	_____	75 days	_____	135 days	_____
30 days	_____	90 days	_____	150 days	_____
45 days	_____	105 days	_____	165 days	_____
60 days	_____	120 days	_____	180 days	_____
Other	_____ (Specify)				

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

PLEASE NOTE: Any changes in this timetable require approval of the Human Relations Department in advance of the change.

If you have any questions regarding the completion of this form, please contact the Department of Human Relations at: (816) 513-1818.

(Signature)

(Position with Firm)

(Date)



REQUEST FOR MODIFICATION OR SUBSTITUTION

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

BIDDER/PROPOSER/CONTRACTOR: _____

ADDRESS: _____

PROJECT NUMBER OR TITLE: _____

AMENDMENT/CHANGE ORDER NO: (if applicable) _____

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

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

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

a. _____ A substitution of the certified MBE/WBE firm _____,
(Name of new firm)
to perform _____,
(Scope of work to be performed by new firm)

for the MBE/WBE firm _____ which is currently
(Name of old firm)
listed on the Bidder's/Contractor's/Proposer's Contractor Utilization Plan to
perform the following scope of work: _____.
(Scope of work of old firm)

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

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

TO

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

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

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

- ☐ The MBE/WBE listed on the Contractor Utilization Plan is non-responsive or cannot perform.
- ☐ The MBE/WBE listed on the Contractor Utilization Plan has increased its previously quoted price without a corresponding change in the scope of work.
- ☐ The MBE/WBE listed on the Contractor Utilization Plan has committed a material default or breach of its contract.
- ☐ Requirements of the scope of work of the contract have changed and make subcontracting not feasible or not feasible at the levels required by the goals established for the contract.
- ☐ The MBE/WBE listed on the Contractor Utilization Plan is unacceptable to the City contracting department.
- ☐ Bidder/Contractor/Proposer has not attempted intentionally to evade the requirements of the Act and it is in the best interests of the City to allow a modification or substitution.

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

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

Dated: _____

(Bidder/Proposer/Contractor)

By: _____
(Authorized Representative)



KANSAS CITY
MISSOURI

CONTRACTOR AFFIDAVIT FOR FINAL PAYMENT

Project Number _____

Project Title _____

STATE OF _____)
COUNTY OF _____)SS

The Undersigned, _____ of lawful
(Name)

age, being first duly sworn, states under oath as follows:

1. I am the _____ of _____ who is the general
(Title) (CONTRACTOR)
CONTRACTOR for the CITY on Project No. _____ and Project Title _____.
2. All payrolls, material bills, use of equipment and other indebtedness connected with the Work for this Project have been paid and all Claims of whatever nature have been satisfied, as required by the Contract.
- 3 (✓) _____ Prevailing wage does not apply; or
(✓) _____ All provisions and requirements set forth in Chapter 290, Section 290.210 through and including 290.340, Missouri Revised Statutes, pertaining to the payment of wages to workmen employed on public works projects have been fully satisfied and there has been no exception to the full and complete compliance with these provisions and requirements and the Annual Wage Order contained in the Contract in carrying out the Contract and Work. CONTRACTOR has fully complied with the requirements of the prevailing wage law as required in the Contract and has attached affidavits from all Subcontractors on this Project, regardless of tier, affirming compliance with the prevailing wage law as stipulated in the Contract.
4. I hereby certify that (a) at project completion and pursuant to contractor's final request for payment, contractor achieved (____%) Minority Business Enterprise (MBE) participation and (____%) Women Business Enterprise (WBE) participation on this contract, and (b) listed herein are the names of all certified M/WBE subcontractors, regardless of tier, with whom I, or my subcontractors contracted.

1. Name of MBE/WBE Firm _____
Address _____
Telephone Number (____) _____
IRS Number _____
Area/Scope*of Work _____
Subcontract Final Amount _____

2. Name of MBE/WBE Firm _____
Address _____
Telephone Number (____) _____
IRS Number _____
Area/Scope*of Work _____
Subcontract Final Amount _____

List additional subcontractors, if any, on a similar form and attach to the bid.

Supplier** Final Amount: _____

*Reference to specification sections or bid item number.

- (✓) _____ Met or exceeded the Contract utilization goals; or
(✓) _____ Failed to meet the Contract utilization goals (attach waiver, substitution or modification); or
(✓) _____ No goals applied to this Project.

5. CONTRACTOR certifies that each Subcontractor has received full payment for its respective work in connection with the Contract.

6. If applicable, I hereby certify that (a) at project completion and pursuant to contractor's final request for payment, contractor achieved, company-wide, at least ten percent (10%) minority workforce participation and two percent (2%) women workforce participation and (2) a true and accurate copy of my final project workforce monthly report (HRD Form 00485.02 and final company-wide workforce monthly report (HRD Form 00485.03) are attached. **NOTE: This paragraph is only applicable if you completed a construction contract that was estimated by the City, prior to solicitation, as requiring more than 800 construction labor hours and costing in excess of \$324,000.01. If applicable you MUST attach copies of your final monthly workforce reports.**

7. This affidavit is made in behalf of the CONTRACTOR for the purpose of securing from Kansas City, Missouri, the certification of completion of the Project and receiving payment therefore.

8. If the Contract amount exceeded \$150,000, CONTRACTOR has submitted proof of compliance with the City tax ordinances administered by the City's Commissioner of Revenue and has on file proof of tax compliance from all Subcontractors. If the Contract term exceeded one (1) year, CONTRACTOR has provided proof of compliance with the City tax ordinances administered by the City's Commissioner of Revenue prior to receiving final payment and has on file proof of tax compliance from all Subcontractors prior to the Subcontractor receiving final payment from CONTRACTOR.

CONTRACTOR _____

By _____
(Authorized Signature)

Title _____

On this _____ day of _____, _____, before me

appeared _____, to me personally known to be the

_____ of the _____

and who executed the foregoing instrument and acknowledged that (s)he executed the same on behalf of

_____ as its free act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the day and year first above written.

My commission expires:

Notary Public



KANSAS CITY
MISSOURI

SUBCONTRACTOR AFFIDAVIT FOR FINAL PAYMENT

Project Number _____

Project Title _____

STATE OF MISSOURI)

) ss:

COUNTY OF _____)

After being duly sworn the person whose name and signature appears below hereby states under penalty of perjury that:

1. I am the duly authorized officer of the business indicated below (hereinafter Subcontractor) and I make this affidavit on behalf of Subcontractor in accordance with the requirements set forth in Section 290.290, RSMo. Subcontractor has completed all of the Work required under the terms and conditions of a subcontract as follows:

Subcontract with: _____, Contractor

Work Performed: _____

Total Dollar Amount of Subcontract and all Change Orders: \$ _____

City Certified ☐ MBE ☐ WBE ☐ DBE ☐ NA

List certifications: _____

2. Subcontractor fully complied with the provisions and requirements of the Missouri Prevailing Wage Law set forth in Sections 290.210, RSMo through 290.340, RSMo.

Business Entity Type:

- ☐ Missouri Corporation
☐ Foreign Corporation
☐ Fictitious Name Corporation
☐ Sole Proprietor
☐ Limited Liability Company
☐ Partnership
☐ Joint Venture
☐ Other (Specify) _____

Subcontractor's Legal Name and Address

Phone No. _____

Fax: _____

E:mail: _____

Federal ID No. _____

I hereby certify that I have the authority to execute this affidavit on behalf of Subcontractor.

By: _____
(Signature)

(Print Name)

(Title)

(Date)

NOTARY

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____ By _____

Print Name

Title

