



# CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 60810123

Project Title Sensor network and Watershed Digital Twin

Kansas City Water: Contract No 1705/ Project No 60810123  
(Department Project)

Water Services  
Department

D3 Water, LLC

(Bidder/Proposer)

STATE OF Indiana )

COUNTY OF St Joseph ) ss

I, Luis Montestruque, of lawful age and upon my oath state as follows:

1. This Affidavit is made for the purpose of complying with the provisions of the MBE/WBE submittal requirements on the above project and the MBE/WBE Program and is given on behalf of the Bidder/Proposer listed below. It sets out the Bidder/Proposer's plan to utilize MBE and/or WBE contractors on the project.
2. The project target goals are 11 % MBE and 11 % WBE.
3. Bidder/Proposer assures that it will utilize a minimum of the following percentages of MBE/WBE participation in the above project:

| **BIDDER/PROPOSER PARTICIPATION:** 11 % MBE 11 %  
WBE

| **POST-BID/POST-RFP ESTIMATED BUDGET:** \$ \$2,561,500.00

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 NEER Technologies, Inc

| Address 3541 Jefferson St., Kansas City, MO 64111

| Telephone No. 913-669-6408

| I.R.S. No. 84-1733924



Name of M/WBE Firm A+ Engineering Services, LLC  
 Address 14935 NW 61st St., Parkville, MO 64152  
 Telephone No. 816-916-9483  
 I.R.S. No. 23-6347210

Name of M/WBE Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 I.R.S. No. \_\_\_\_\_

Name of M/WBE Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 I.R.S. No. \_\_\_\_\_

Name of M/WBE Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 I.R.S. No. \_\_\_\_\_

Name of M/WBE Firm \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone No. \_\_\_\_\_  
 I.R.S. No. \_\_\_\_\_

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

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

**MBE/WBE BREAKDOWN SHEET**

**MBE FIRMS:**

Name of MBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
NEER Technologies Inc.				11.00
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____





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: Luis Montestruque  
 Address: 33301 Rankert Rd., Walkerton, IN 46574  
 Phone Number: 574.360.1093  
 Facsimile number: \_\_\_\_\_  
 E-mail Address: luis.montestruque@d3waterllc.com

By: *Lee*  
 Title: Manager  
 Date: 01/02/2024  
 (Attach corporate seal if applicable)

Subscribed and sworn to before me this 2 day of January, 2024.

My Commission Expires: 8.14.27 *Kellie Culp*  
 Notary Public







# LETTER OF INTENT TO SUBCONTRACT

Project Name/Title Sensor Network and Watershed Digital Twin

Project Location/Number 60810123

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

**PART I:** Prime Contractor D3 Water, LLC agrees to enter into a contractual agreement with M/W/DBE Subcontractor NEER Technologies, 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.]  
Sensor Network and Watershed Digital Twin Project

for an estimated amount of \$ \_\_\_\_\_ (or 11 % of the total estimated contract value.)

- M/WBE Vendor type:
- Subcontractor/manufacturer (counts as 100% of contract value towards goals)
  - Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
  - Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

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

**PART 2:** This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

- Select one:
- The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
  - The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: \_\_\_\_\_

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: D3 Water, LLC

[Signature]  
Signature: Prime Contractor

Luis Montestruque  
Print Name

Manager  
Title

01/02/2024  
Date

State of Indiana )  
County of St Joseph )

I, Kellie Culp, 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 day of Aug 2, 2024

My Commission Expires: 8.14.27

[Signature]  
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: NEER Technologies, Inc

[Signature]  
Signature: Subcontractor

Elango Thevar  
Print Name

Founder & CEO  
Title

12-28-2023  
Date

State of Missouri )  
County of Jackson )

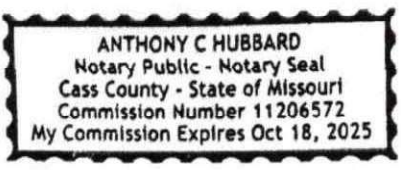
I, Anthony C Hubbard, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this December day of 29, 2023

My Commission Expires: 10/18/2025

[Signature]  
Notary Public

STAMP:





# LETTER OF INTENT TO SUBCONTRACT

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

**Project Name/Title** Sensor Network and Watershed Digital Twin

**Project Location/Number** 60810123

**PART 1:** Prime Contractor D3 Water, LLC agrees to enter into a contractual agreement with M/W/DBE Subcontractor A Plus Engineering Service 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.]

Supply, Install and Maintain Level and Flow Monitors

for an estimated amount of \$ \_\_\_\_\_ (or 11 % of the total estimated contract value.)

- M/WBE Vendor type:
- Subcontractor/manufacturer (counts as 100% of contract value towards goals)
  - Supplier (counts as 60% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)
  - Broker (counts as 10% of the total dollar amount paid or to be paid by a prime contractor for supplies or goods towards goals)

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

**PART 2:** This section is to be completed by the M/W/DBE subcontractor listed above. Please attach additional sheets as needed for more than one intended sub-tier contract. **IMPORTANT: Falsification of this document will result in denial and other remedies available under City Code.**

- Select one:
- The M/W/DBE Subcontractor listed above **IS NOT** subcontracting any portions of the above-stated scope of work(s). (Continue to Part 3.)
  - The M/W/DBE Subcontractor listed above **IS** subcontracting certain portions of the above stated scope of work(s) to:

(1) Company name: \_\_\_\_\_

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: D3 Water, LLC

[Signature] Luis Montestruque  
Signature: Prime Contractor Print Name  
Manager Title 01/02/2024 Date

State of Indiana )  
County of St. Joseph )

I, Kellie Culp, 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 day of Jan 2, 2024  
My Commission Expires: 8.14.27 [Signature]  
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: A Plus Engineering Services LLC

[Signature] Angela McIntire  
Signature: Subcontractor Print Name  
President Title 12/29/2023 Date

State of Missouri )  
County of Clay )

I, Hung Nguyen, 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 day of Dec 29, 2023  
My Commission Expires: 11.22.2025 [Signature]  
Notary Public

STAMP:





# TIMETABLE FOR MBE/WBE UTILIZATION

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

I, Luis Montestruque, acting in my capacity as Manager  
*(Name) (Position with Firm)*  
of D3 Water, LLC, 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	<input type="checkbox"/>	75 days	<input type="checkbox"/>	135 days	<input type="checkbox"/>
30 days	<input type="checkbox"/>	90 days	<input type="checkbox"/>	150 days	<input type="checkbox"/>
45 days	<input type="checkbox"/>	105 days	<input type="checkbox"/>	165 days	<input type="checkbox"/>
60 days	<input type="checkbox"/>	120 days	<input type="checkbox"/>	180 days	<input type="checkbox"/>
Other	<u>1 year</u>	<i>(Specify)</i>			

Throughout	<u>\$563,522.00</u>	Beginning 1/3	<u>\$187,840.67</u>		
Middle 1/3	<u>\$187,840.67</u>	Final 1/3	<u>\$187,841.67</u>		
Beginning 1/3	<u>33.33 %</u>	Middle 1/3	<u>33.33 %</u>	Final 1/3	<u>33.33 %</u>

**PLEASE NOTE:** Any changes in this timetable require approval of the Civil Rights & Equal Opportunity Department in advance of the change.

If you have any questions regarding the completion of this form, please contact the Civil Rights & Equal Opportunity Department at: (816) 513-1836.



\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
Manager

\_\_\_\_\_  
(Position with Firm)

\_\_\_\_\_  
01/02/2024

\_\_\_\_\_  
(Date)

