



City of Kansas City, Missouri

Docket Memo

Ordinance/Resolution #: TMP-4759

Submitted Department/Preparer: Water

Revised 6/10/24

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 an \$842,600.00 design professional services contract Amendment No. 4 to Contract No. 1171 with CDM Smith, Inc., for the Birmingham Headworks and Electrical Improvements project for a total contract amount of \$5,641,003.81; and authorizing an extension of the term of the design professional services contract with CDM Smith, Inc., for an additional 450 days for a total term of 9 years 11 months.

Discussion

Project Justification

Flows received at Birmingham WWTP are expected to increase over the next 25-50 years. KCMO's wet weather consent decree requires the construction of a wet weather facility for flows in this area. For wet weather flows currently received at Birmingham WWTP, alternatives were identified for treating at Birmingham WWTP, Birmingham Pump Station, and at Blue River Secondary Treatment Plant. The selected alternative needs to be developed for permitting with MDNR and for negotiations with the EPA.

Work under this project will be performed at the Birmingham Wastewater Treatment Plant, located at 10801 N.E. 28th Street, in Clay County, Kansas City, Missouri.

Design Professional Services Project Description/Executed Contract Summary

The consultant will develop conceptual design documents for facility modifications for handling 5-year 24-hour flows from Buckeye Creek and Shoal Creek wastewater treatment plants.

City Council approved Ordinance No. 150123 on February 26, 2015, approving a \$1,100,000.00 design professional services contract with CDM Smith, Inc. for the Birmingham and Westside Wastewater Treatment Plants Grit Removal, Aeration, and Digester Improvements Project. The ordinance also authorized maximum expenditures of \$2,000,000.00 on this project without additional City Council approval.

City Council passed Ordinance No. 190557 on July 18, 2019, authorizing a \$1,063,000.00 Amendment No. 1, which was executed by the City on September 27,

2019, for additional project scope of services for replacement of electrical equipment, motor control centers, switchgear, and transformers, at the Birmingham Wastewater Treatment Plant. Also, under this amendment, the project was renamed Birmingham Headworks and Electrical Improvements project.

City Council passed Ordinance No. 220193 on March 3, 2022, authorizing a \$2,263,344.81 Amendment No. 2, which was executed by the City on April 11, 2022, for an extension of the design professional services of the project, including creation of a Building Information Model (BIM) using LiDAR scans for both records keeping of as-built conditions and as user interface to asset information. In addition, this amendment also extended the term for an additional 2 years 9 months for a total term of 8 years 9 months.

The City executed a \$372,059.00 Amendment No. 3 on September 15, 2023, for continuation of ongoing work and improvements at the Birmingham Wastewater Treatment Plant and for the consultant to prepare a feasibility study to evaluate future alternatives to handle dry weather and wet weather flows that impact the future of the wastewater treatment plant.

The proposed \$842,600.00 Amendment 4 is for the consultant to perform the conceptual plan of the selected Birmingham alternative that will handle dry weather and wet weather flows currently received at Birmingham Wastewater Treatment Plant. This proposed amendment also adds 450 days to the contract's term.

Term

The term of this amendment will be 450 days. The contract's overall term with this addition will be 9 years 11 months.

Design Professional Services Contract Cost Summary

- Original Contract: \$1,100,000.00
- Amendment No. 1: \$1,063,000.00
- Amendment No. 2: \$2,263,344.81
- Amendment No. 3: \$372,059.00
- Proposed Amendment No. 4: \$842,600.00
- Total: \$5,641,003.81

MBE/WBE Goals

The Human Relations Department (now known as CREO KC) established goals of 15% MBE and 10% WBE on this design professional services project on January 29, 2015, which pre-dated the Annual Goal Program.

Solicitation

This Project was originally advertised in accordance with the City's requirements. Two proposals were received on 5/21/2014.

Awardee/Subcontracting Participation

A citywide selection committee met and consisted of the following individuals:

- Cindy Circo, 5th District At-Large City Councilmember/Mayor Pro Tem
- Troy Schulte, City Manager
- Terry Leeds, Director Water Services

CDM Smith, Inc. was recommended for this project on 01/2015 with a contract amount of \$1,100,000.00, with subcontracting participation of 14% MBE and 9% WBE.

Other Proposals Received

- Black and Veatch

Estimated Project Cost

The City's estimated cost for wet weather treatment for this area is \$415 Million with a completion date of 2035.

Fiscal Impact

1. Is this legislation included in the adopted budget? Yes No
2. What is the funding source?
Sewer Fund, 25-8110-807778-611040-81000500 = \$842,600.00
Sewer Treatment Facilities
3. How does the legislation affect the current fiscal year?
This project is within the current year approved capital improvement plan for the water services department.
4. Does the legislation have a fiscal impact in future fiscal years? Please notate the difference between one-time and recurring costs.
This ordinance is to develop project cost for future work required under proposed and current regulations.
5. Does the legislation generate revenue, leverage outside funding, or deliver a return on investment?
N/A

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 [Adopted 2025-2029 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

City Council passed Ordinance No. 150123 on February 26, 2015, 2020 authorizing a \$1,100,000.00 design professional services contract with CDM Smith, Inc. for the Birmingham and Westside Wastewater Treatment Plants Grit Removal, Aeration, and Digester Improvements project with a maximum expenditure of \$2,000,000.00.

City Council passed Ordinance No. 190557 on July 18, 2019, authorizing a \$1,063,000.00 Amendment No. 1 for additional project scope of services for replacement of electrical equipment, motor control centers, switchgear, and transformers, at the Birmingham Wastewater Treatment Plant. Also, under this amendment, the project was renamed Birmingham Headworks and Electrical Improvements project.

City Council passed Ordinance No. 220193 on March 3, 2022, authorizing a \$2,263,344.81 Amendment No. 2 for an extension of the design professional services of the project, including creation of a Building Information Model (BIM) using LiDAR scans

for both record keeping of as-built conditions and as user interface to asset information. In addition, this amendment also extended the term for an additional 2 years 9 months for a total term of 8 years 9 months.

Service Level Impacts

This project is necessary to price improvements to meet our consent decree and regulatory requirements that will be utilized in the integrated planning process to allow for a fiscally responsible implementation the necessary stormwater, water, and wastewater improvements to meet our current service level commitments and meet regulatory standards.

Other Impacts

1. What will be the potential health impacts to any affected groups?
This project will allow for continued treatment of wastewater that is protective of public health.
2. How have those groups been engaged and involved in the development of this ordinance?
The majority of this work takes place at existing facilities and City Right of Way.
3. How does this legislation contribute to a sustainable Kansas City?
This project will facilitate a cost-effective implementation of our regulatory requirements.
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:

The original Contractor Utilization Plan was submitted to the Human Relations Department (now known as CREO KC) for review on February 11, 2015, and was approved on February 20, 2015, with 14% MBE and 9% WBE participation.

A Request for Modification was approved by CREO on July 16, 2019, revising participation to 16% MBE and 8% WBE.

Subcontracting goals will remain to be met with this proposed Amendment No. 4.

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)

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)