

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

**Date:** 1/11/2023  
**Form Prepared By:** Itzel Vance

<b>Contract/Project Number:</b> 9718/80002377	<b>Project Name:</b> City Wide Automated Metering Infrastructure 2
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<b>Owning Department:</b> Water Services	<b>Project Manager:</b>
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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:

<b>Developer/Prime:</b> Haines & Associates	<b>Address:</b> 600 Haines Dr. Suite A Liberty MO 64068
<b>Contact:</b> Chad Haines	<b>Phone:</b> 816-792-2905
<b>Contact Email:</b> chad@hainesassoc.com	<b>Fax:</b>

**Contract Type:**  
 Construction  Design-Build  Design Professional  Professional Services  
 General Service  Concession  Other Goods & Services  Non-Municipal Agency  
 Co-Operative  Revenue Sharing  Facilities Maintenance/Repair/Renovation  
 Other:

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

**CONTRACT SUMMARY\***

Original Contract Maximum Obligation:	\$ 3,000,000.00
Amendment/Change Order No. 1:	\$
Amendment/Change Order No. 2:	\$
Amendment/Change Order No. 3:	\$
Amendment/Change Order No. 4:	\$
Amendment/Change Order No. 5:	\$
Current Maximum Obligation:	\$
Proposed Amendment/Change Order No.	\$
Proposed Revised Contract Maximum Obligation:	\$ 3,000,000.00


This document is submitted with all available facts. Intentionally falsifying this document or omitting pertinent facts is grounds for disciplinary action pursuant to KCMO Human Resources Rules & Policy Manual (eff. August 4, 2014).

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

**The Request for Modification/Substitution is:**  
 Approved  Disapproved  
 \_\_\_\_\_ 12 % MBE \_\_\_\_\_ 12 % WBE \_\_\_\_\_ % DBE

**The Request for Good Faith Efforts Waiver is:**  
 Approved  Disapproved  Not Applicable

**RFM/S Affidavit Attached?**  Yes  No

CREO Signature:  Date: 1/13/2023  
 33C4DAA9120C4F0...

\*The CONTRACT SUMMARY information should match information and calculations gathered and computed on the Contract Amendment or Change Order Preparation Checklist. The Checklist forms are found on Contract Central.





# CREO KC Request for Modification or Substitution Approval

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

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

cc: Project Manager

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

<b>FOR GRANTING AGENCY USE ONLY<sup>2</sup></b> <input type="checkbox"/> N/A
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<sup>1</sup> DBE Programs apply to specific federal or state grant requirements.  
<sup>2</sup> Federal and state grant agreements may require granting agency approval of D/M/WBE participation changes.  
 CREO KC Request for Mod/Sub Approval 10.5.2021    1 of 2    Contract Central

Approved by: \_\_\_\_\_

\_\_\_\_\_ Date

**CONTRACT SUMMARY<sup>3</sup>**

Approved CUP:

12 % MBE  
12 % WBE  
 \_\_\_\_\_ % DBE

Original Contract Maximum Obligation: \$ 3,000,000.00  
 Amendment/Change Order No. 1: n/a  
 Amendment/Change Order No. 2: \_\_\_\_\_  
 Amendment/Change Order No. 3: \_\_\_\_\_  
 Amendment/Change Order No. 4: \_\_\_\_\_  
 Amendment/Change Order No. 5: \_\_\_\_\_

**Current Maximum Obligation: \$ 3,000,000.00**

*Proposed Amendment/  
 Change Order No. \_\_\_\_\_ \$ 0*

*Proposed Revised  
 Contract Maximum Obligation \$ n/a*

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

<sup>3</sup> The CONTRACT SUMMARY information should match information and calculations gathered and computed on the Contract Amendment or Change Order Preparation Checklist. The Checklist forms are found on Contract Central.



# REQUEST FOR MODIFICATION OR SUBSTITUTION

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

**BIDDER/PROPOSER/CONTRACTOR:** Haines & Associates Const. Co. Inc  
**ADDRESS:** 600 Blank Dr. Suite A Liberty MO 64019  
**PROJECT NUMBER OR TITLE:** 6002377/0718  
**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 Amy Const.  
(Name of new firm)  
to perform Label Address Meter Post Club Sport  
(Scope of work to be performed by new firm)  
for the ~~MBE~~/WBE firm Tenoch Const. 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: Label Address of Meter Post  
(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:

Misunderstanding Attached is a letter from Tenoch

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

Dated: 11/18/27

James Assoc. Const. Center  
(Bidder/Proposer/Contractor)

By: [Signature]  
(Authorized Representative)



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

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

[sonya@tenochconstruction.com](mailto:sonya@tenochconstruction.com)

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

10/26/2022

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

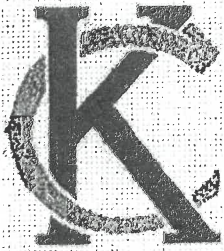
Mr. Chad Haines,

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

Thank you for the opportunity,

*Sonya SeguraUlrich*

Sonya SeguraUlrich/President



# LETTER OF INTENT TO SUBCONTRACT

Project Name/Title Citywide Automated Metering Infrastructure 2

Project Location/Number 80002377/9718

Select one:

Original LOI:

Updated LOI:

**PART 1:** Prime Contractor Haines & Associates Const. Co. Inc. agrees to enter into a contractual agreement with M/W/DBE/Section 3 Subcontractor Abay Construction who will provide the following goods/services in connection with the above-reference contract: [Insert a brief narrative describing goods/services to be provided. Broad Categorizations (e.g., "electrical," "plumbing," etc.) or the listing of NAICS Codes in which M/W/DBE Subcontractor is certified are insufficient and may result in denial of this Letter of Intent to Subcontract.]  
Labor, adjusting meter pit installing curb stops

for an estimated amount of \$ 360,000.00 (or 12 % of the total estimated contract value.)

- M/WBE Vendor type:
- Subcontractor/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/Section 3 Subcontractor is, to the best of Prime Contractor's knowledge, currently certified with the City of Kansas City's Human Relations Department to perform in the capacities indicated herein. Prime Contractor agrees to utilize M/W/DBE Subcontractor in the capacities indicated herein, and M/W/DBE Subcontractor agrees to work on the above-referenced contract in the capacities indicated herein, contingent upon award of the contract to Prime Contractor.

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

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

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

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

Primary contact: \_\_\_\_\_  
Name Phone

a) This subcontractor is (select one): MBE  WBE  DBE  N/A

- i. If this subcontractor is an M/W/DBE certified with the City of Kansas City, Missouri, a separate Letter of Intent must be attached to this document.
- ii. If this subcontractor is NOT a certified M/W/DBE certified with the City of Kansas City, Missouri, the firm must still be listed for reporting purposes but a Letter of Intent is not required.

b) Scope of work to be performed: \_\_\_\_\_

c) The dollar value of this agreement is: \_\_\_\_\_

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

**NOTE: SIGNATURES AND NOTARIZATIONS REQUIRED FOR NEW LETTERS OF INTENT (LOI);  
SIGNATURES ONLY FOR UPDATED LOI (ADDING VALUE TO EXISTING CONTRACT).**

PRIME CONTRACTOR BUSINESS NAME: Haines & Associates Const. Co. Inc.

[Signature]  
Signature: Prime Contractor  
President

Chad Haines

Print Name

11/18/2022

Date

State of Missouri )

County of Clay )

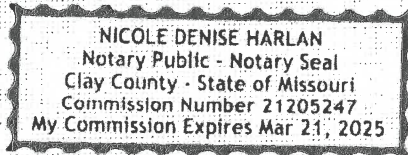
I, Nicole Denise Harlan state that the above and foregoing is based on my best knowledge and belief.

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

My Commission Expires: 3/21/25

Nicole Denise Harlan  
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: Abay Construction

[Signature]  
Signature: Subcontractor

Vice president  
Title

Henok Tekeste

Print Name

11/18/22

Date

State of Missouri )

County of Jackson )

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

Subscribed and sworn to before me, a notary public, on this 18<sup>th</sup>  
day of Nov, 2022

My Commission Expires: March 10, 2023

Robbie Tubbs  
Notary Public

STAMP:



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