CITY OF FOUNTAINS
HEART OF THE NATION

KANSAS CITY
MISSOURI

CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 8100955

Project Title Green Infrastructure Project 1-1: Mill Creek Park Project 1 – North Plaza

Green Infrastructure Project 1-1: Mill Creek Park Project 1 – North Plaza (Department Project)

Water Services Department

MegaKC Corporation (Bidder/Proposer)

STATE OF Missouri)
) ss
COUNTY OF Clay)

I, Brian Gordon, 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 6 **% MBE** and 6 **% 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:** 6.36 **% MBE** 6.06 **% WBE**

   - **POST-BID/POST-RFP ESTIMATED BUDGET: $** 2,161,500.00

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 Abay Construction, Inc.
   Address 400 E. Red Bridge Road, Suite 215, Kansas City, MO 64131
   Telephone No. 816-934-1628
   I.R.S. No. _____

Name of M/WBE Firm Carpio Masonry, LLC
Address 2521 S. Holloway Rd., Oak Grove, MO 64075
Telephone No. 816-625-3020
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. _____

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
Carpio Masonry, LLC	Contractor	$ 137,566.80	$ 137,566.80	6.36

TOTAL MBE $ / TOTAL MBE %: $ 137,566.80 6.36 %

WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
Abay Construction, Inc.	Contractor	$ 131,075.74	$ 131,075.74	6.06

TOTAL WBE $ / TOTAL WBE %: $ 131,075.74 6.06 %

*"Subcontract Amount" refers to the dollar amount that Bidder/Proposer has agreed to pay each M/WBE subcontractor as of the date of contracting and is indicated here solely for the purpose of calculating the percentage that this sum represents in proportion to the total contract amount. Any contract amendments and/or change orders changing the total contract amount may alter the amount due an M/WBE under their subcontract for purposes of meeting or exceeding the Bidder/Proposer participation.

**"Weighted Value" means the portion of the subcontract amount that will be credited towards meeting the Bidder/Proposer participation. See CREO KC Forms and Instructions for allowable credit and special instructions for suppliers.

5. 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 bythe 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: MegaKC Corporation / MegaKC Corporation
Address: 1491 Iron
North Kansas City, MO 64116
Phone Number: 816-472-8722
Facsimile number:
E-mail Address: megabids@megakc.com

By: Brian Gordon
Title: CEO
Date: 3/27/2025
(Attach corporate seal if applicable)

Subscribed and sworn to before me this 27th day of March, 20 25.

My Commission Expires: 6/9/2028

Notary Public

CITY OF FOUNTAINS
HEART OF THE NATION
KANSAS CITY
MISSOURI

LETTER OF INTENT TO SUBCONTRACT

Check one:
Original LOI: ☑
Updated LOI: ☐

Project Name/Title Green Infrastructure Project 1-1: Mill Creek Park Project 1 – North Plaza

Project Location/Number 81000955

PART I: Prime Contractor MegaKC Corporation agrees to enter into a contractual agreement with M/W/DBE 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.]

storm water lines and structures

for an estimated amount of $ 131,075.74 (or 6.06 % 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: MegaKC Corporation

Signature: Prime Contractor

Brian Gordon
Print Name

CEO
Title

3/27/2025
Date

State of Missouri)

County of Clay)

I, Bradley Boyles, 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 27th day of March, 20 25

My Commission Expires: 6/9/2028

Bradley Boyles
Notary Public

STAMP:

BRADLEY STEPHEN BOYLES
MY COMMISSION EXPIRES
6-9-2028
NOTARY SEAL
#20471610
CLAY COUNTY
NOTARY PUBLIC, STATE OF MISSOURI

M/W/DBE SUBCONTRACTOR BUSINESS NAME: Abay Construction, Inc

Signature: Subcontractor

Henok Tekeste
Print Name

Vice President
Title

03/26/2025
Date

State of Missouri)

County of Jackson)

I, Mary Beth Sharpe, 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 26 day of March, 20 25

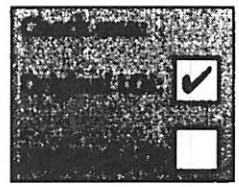
My Commission Expires: May 6, 2028

Mary Beth Sharpe
Notary Public

STAMP:

MARY BETH SHARPE
MY COMM. EXPIRES 05/06/2028
NOTARY PUBLIC NOTARY SEAL 24301833
CLAY COUNTY
STATE OF MISSOURI

LETTER OF INTENT TO SUBCONTRACT



Project Name/Title Green Infrastructure Project 1-1: Mill Creek Park Project 1 – North Plaza

Project Location/Number 81000955

PART 1: Prime Contractor MegaKC Corporation agrees to enter into a contractual agreement with (M)/W/DBE Subcontractor Carpio Masonry, 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.]

retaining wall masonry

for an estimated amount of $ 137,566.80 (or 6.36 % of the total estimated contract value.)

(M)/WBE Vendor type:

- [x] 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:

- [x] 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: MegaKC Corporation

Signature: Prime Contractor

Brian Gordon
Print Name

CEO
Title

3/27/2025
Date

State of Missouri)

County of Clay)

I, Bradley Boyles, 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 27th day of March, 2025

My Commission Expires: 6/9/2025

Notary Public

BRADLEY STEPHEN BOYLES MY COMMISSION EXPIRES 6-9-2028 NOTARY STAMP #20471610 CLAY COUNTY NOTARY PUBLIC, STATE OF MISSOURI

(M)WDBE SUBCONTRACTOR BUSINESS NAME: Carpio Masonry, LLC

Signature: Subcontractor

Daniel Jenkins
Print Name

PM
Title

03/26/2025
Date

State of AK)

County of Mat-Su Borough)

I, Greg Lugers, 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 26 day of March, 2025

My Commission Expires: 4/6/2025

Notary Public

STAMP:

State of Alaska
NOTARY PUBLIC
Greg Lugers
My Commission Expires Apr 6, 2025

TIMETABLE FOR MBE/WBE UTILIZATION

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

I, Brian Gordon, acting in my capacity as CEO
(Name) *(Position with Firm)*
of MegaKC Corporation, 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	X
45 days	___	105 days	___	165 days	___
60 days	☐	120 days	☐	180 days	☐

Other _____ (Specify)

Throughout throughout Beginning 1/3 1/3
Middle 1/3 1/3 Final 1/3 1/3
Beginning 1/3 33 % Middle 1/3 33 % Final 1/3 34 %

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) Brian Gordon

CEO
(Position with Firm)

3/27/2025
(Date)