



## CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 80002280/9610

Project Title WMR in the area of W. 46th St. to W. 50th St,Liberty St to Main st.

KANSAS CITY  
MISSOURI

KCMO Water Service Department

WSD

(Department Project)

Department

**Abay Construction Inc.**

(Bidder/Proposer)

STATE OF Missouri \_\_\_\_\_)

COUNTY OF Jackson \_\_\_\_\_) ss

I, Henok Tesse, 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:** \$ 3,702,158.00

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  
**Address** 400 E Red Bridge Rd, KCMO, 64131  
**Telephone No.** 816-934-1628  
**I.R.S. No.** 87-1914503



| Name of **M/WBE** Firm Tanner and Son Trucking Co, LLC  
 | Address 8100 Prospect Ave, KCMO, 64134  
 | Telephone No. 816-728-3637  
 | I.R.S. No. 61-1537704  
  
 | 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
Tanner and Son Trucking	Contractor	\$ 407,240.00		11.00



**TOTAL MBE \$ / TOTAL MBE %:** \$ 407,240.00 11.00 %

## **WBE FIRMS:**

\*“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 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:** Abay construction inc./Henok Tekeste

**Address:** 400 E Red Bridge Rd ,ste # 215,KCMO,64131

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**Phone Number:** 816-934-1628

Facsimile number: \_\_\_\_\_

**E-mail Address:** [henok@abayconstruction.com](mailto:henok@abayconstruction.com)

By: John Doe  
Title: V. President  
Date: 1/29/2025  
(Attach corporate seal if applicable)

Subscribed and sworn to before me this 29 day of January, 2025.

My Commission Expires: May 6, 2028

Marybeth Sharpe

## Notary Public





# LETTER OF INTENT TO SUBCONTRACT

**Project Name/Title** WMR in the area of W. 46th St. to W. 50th St, Liberty St to Main st.

**Project Location/Number** 80002280/9610

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

**PART 1:** Prime Contractor Abay Construction Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Tanner and Son Trucking 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.]  
Trucking (Haul off of job excavated spoils to a dump site and bring gravel to a job site.)

for an estimated amount of \$ 407,240 (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: Tanner and son trucking LLC

Full address: 8100 Prospect ave ,KCMO,64134

Street number and name

City, State and Zip Code

Primary contact: Jabbar Tanner 816-728-3637

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: Haul off of job excavated spoils to a dump site and bring gravel to a job site.

c) The dollar value of this agreement is: 407,240

### 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: Abay Construction INC.



Signature: Prime Contractor

V. President

Title

Henok Tekeste

Print Name

1/29/2025

Date

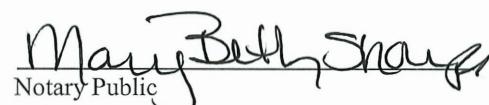
State of Missouri )

County of Jackson )

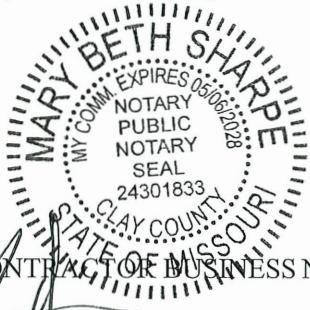
I, Marubeth Sharpe, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 29<sup>th</sup> day of January 25

My Commission Expires: May 6, 2028

  
Mary Beth Sharpe  
Notary Public

STAMP:



MWDBE SUBCONTRACTOR BUSINESS NAME: Tanner and Son Trucking Co,LLC



Signature: Subcontractor

Member

Title

Jabbar Tanner

Print Name

1/29/2025

Date

State of Missouri )

County of Jackson )

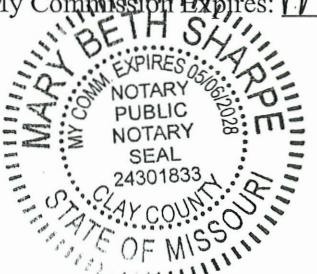
I, Marubeth Sharpe, state that the above and foregoing is based on my best knowledge and belief.

Subscribed and sworn to before me, a notary public, on this 29 day of January 20 25

My Commission Expires: May 6, 2028

  
Mary Beth Sharpe  
Notary Public

STAMP:



**City of Kansas City, Missouri  
Human Relations Department**

Prime's Name: Abay Construction Inc  
KCMO Project Name: Water Main replacements in the area of  
W. 46th St. to W. 50th St, Liberty st to Main st  
KCMO Project Number: 80002280/9610  
Today's Date: 1/29/2025  
City Department: Water Services Dept.

### Instructions:

- 1) Each applicable Prime Contractors **must complete this form for its company within 48 hours of bid opening**
- 2) The Human Relations Department strongly recommends usage of the electronic version of this form. This form may be obtained by visiting [www.kcmo.gov](http://www.kcmo.gov) website. The website is enabled with a "search" function on the Home page in the center titled "What are you looking for?". Type in the "What are you looking for?" field Contract Central. Click on the link to Standard City Contract Forms. Scroll down to Construction Contractor Employee Identification Report and click the link to open this document. Complete the fields in the Employee section; the Official Use Only section will automatically populate. NOTE: This form can be printed and attached to other required Bid document:
- 3) All subcontractors shall be required to complete this form and submit to the Prime Contractor. For each subcontractor, the Prime must submit this form to City at least at least (10) days prior to the date the subcontractor shall commence work under a city construction contract.
- 4) Complete this form if you are the Prime contractor on a City construction project estimated over \$300,000 & over 800 man hours.
- 5) Complete this form with data from your **current construction workforce** (no office personnel).
- 6) Prime contractor is responsible to ensure subcontractor completes this form as required in #3 above.

*zial Use Only*

KCMO Resident		KCMO Resident		Journeyman		Journeyman	
emales	Males	African American	1	5	--	Operating Engineer	7
African American			0	0	0	Painter	0
Asian/Pacific Islander American		Asian/Pacific Islander American	0	0	0	Pipe Fitter/Plumber	0
ucasian American		Caucasian American	16	2	0	Boilermaker	0
Hispanic/Latino American		Hispanic/Latino American	3	1	0	Bricklayer	0
Native American		Native American	2	0	0	Carpenter	0
Other		Other	0	0	0	Cement Mason	0
			22	3	0	Electrician	0
					0	Elevator Constructor	0
					0	Glazier	0
					0	Iron Worker	0
					0	Laborer	7
					1		1
Number of KCMO Residents		3		12		Journeyman	10
Number of Journeyman		22				Apprentice	0
Number of Apprentice		1					

Company Name: Abay Construction, Inc

KCMO Project Name: Water Main replacements in the

KCMO Project Number: 80002280/9610

Name		Job Title (use drop down menu)	Address	City	State	Zip Code	KCMO Resident	Gender	Ethnicity
Last	First								
Applegate	Frank	Other	11700 N Stark	Kansas City	MO	64157	YES	Male	Caucasian_American
Barker	Chris	Laborer_(Journeyman)	12605 E Bowen St	Independence	MO	64055	NO	Male	Native_American
Bales	Tyrel	Foreman/Supervisor	1014 S Main St	Holden	MO	64040	NO	Male	Caucasian_American
Berg	Connor	Laborer_(Apprentice)	6205 NE 48th Terr	Kansas City	MO	64119	YES	Male	Caucasian_American
Delana	Kenton	Laborer_(Journeyman)	1053 S Camden	Richmond	MO	64085	NO	Male	Caucasian_American
Espinosa	Luciano	Laborer_(Journeyman)	9342 W 48th Terr	Merriam	KS	66203	NO	Male	Hispanic/Latino_American
Gerdes	Shawn	Laborer_(Journeyman)	518 Southeast Blvd	Tipton	MO	65081	NO	Male	Caucasian_American
Ryals	Brody	Laborer_(Journeyman)	110 L St	Lake Lotawana	MO	64086	NO	Male	Caucasian_American
Jones	Chase	Operating_Engineer_(Journeyma n)	213 Wedgewood Dr	Edgerton	KS	66021	No	Male	Caucasian_American
Shoemaker	Christian	Operating_Engineer_(Journeyma n)	540 E Arthur St	Liberty	MO	64068	NO	Male	Caucasian_American
Kauffman	Adam	Foreman/Supervisor	600 Wright St.	Pleasant Hill	MO	64080	NO	Male	Caucasian_American
Lopez	Angel	Foreman/Supervisor	404 S Broadmoor St	Louisburg	KS	66053	NO	Male	Hispanic/Latino_American
Martinez	Alfredo	Laborer_(Journeyman)	6205 N Topping Ave	Kansas City	MO	64119	Yes	Male	Hispanic/Latino_American
Wilson	Glenn	Operating_Engineer_(Journeyma n)	1103 Tudor Dr	Raymore	MO	64083	NO	Male	Caucasian_American
Pope	Kevin	Operating_Engineer_(Journeyma n)	18728 118th St	McLouth	KS	66054	NO	Male	Native_American
Porter	Bobby	Operating_Engineer_(Journeyma n)	7730 Hwy 131	Odessa	MO	64076	NO	Male	Caucasian_American

Company Name: Abay Construction, Inc

KCMO Project Name: Water Main replacements in the

KCMO Project Number: 80002280/9610

Company Name: Abay Construction, Inc

KCMO Project Name: Water Main replacements in the

KCMO Project Number: 80002280/9610

Name		Job Title <i>(use drop down menu)</i>	Address	City	State	Zip Code	KCMO Resident	Gender	Ethnicity
Last	First								

## **TIMETABLE FOR MBE/WBE UTILIZATION**

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

I, Henok Tekeste, acting in my capacity as V. President  
(*Name*) *(Position with Firm)*  
of Abay Construction Inc., 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 checked="" type="checkbox"/>	120 days	<input type="checkbox"/>	180 days	<input checked="" type="checkbox"/>
Other	<u>(Specify)</u>				

Throughout	<input type="checkbox"/>	Beginning 1/3	<input type="checkbox"/>	33.3%
Middle 1/3	<input type="checkbox"/>	Final 1/3	<input type="checkbox"/>	33.3%
Beginning 1/3	<u>33.3%</u>	<u>33.3%</u>	<u>33.3%</u>	<u>33.3%</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)*

V. President  
*(Position with Firm)*

1/29/2025  
*(Date)*



# AFFIDAVIT OF TRAINING PROGRAM

*This form must be submitted with 48 hours of Bid Opening*

Bidder Abay Construction Inc.

Project Title and Number WMR W. 46th St to W. 50th St,Liberty st. to Main st.

STATE OF MISSOURI )  
 ) ss:

COUNTY OF Jackson )

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 above ("Bidder") and I make this affidavit on behalf of Bidder.
2. Bidder certifies that it presently participates in a training program that facilitates entry into the construction industry and which may include an on-the-job or in-house training program, further described as follows:

Abay is a union shop. They train at the union hall and in the field by Journeyman and Foreman.

(attach additional pages, if necessary)

3. If requested by the City, Bidder agrees to provide City further documentation of, or other information about, this training program within 48 hours of the request.
4. Bidder acknowledges that failure to submit this form to the City within 48 hours of the Bid Opening will automatically render its bid non-responsive.

I am authorized to make this Affidavit on behalf of the Bidder named below as:

V. President of Abay Construction Inc.  
(Title) (Name of Bidder)

Dated: 1/29/2025

By: John Doe  
(Affiant)

Subscribed and sworn to before me this 29 day of January, 2025.

My Commission Expires: May 6, 2028 Marybeth Sharpe  
Notary Public in the State of California

