



# 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
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____



\_\_\_\_\_  
**TOTAL MBE \$ / TOTAL MBE %:**                                      \$ \_\_\_\_\_                                      11.00 %

**WBE FIRMS:**

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
<u>A+ Engineering Services, LLC</u>	_____	_____	_____	11.00
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
<b>TOTAL WBE \$ / TOTAL WBE %:</b>		\$ _____		<u>11.00 %</u>

\*"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



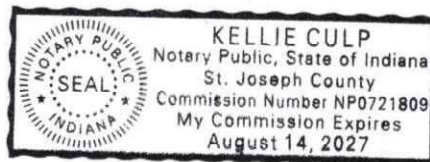
6. Bidder/Proposer acknowledges that it is responsible for considering the effect that any change orders and/or amendments changing the total contract amount may have on its ability to meet or exceed the Bidder/Proposer participation. Bidder/Proposer further acknowledges that it is responsible for submitting 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: Luis Montestruque  
 Address: 33301 Rankert Rd., Walkerton, IN 46574  
 \_\_\_\_\_  
 Phone Number: 574.360.1093  
 Facsimile number: \_\_\_\_\_  
 E-mail Address: luis.monestruque@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 )

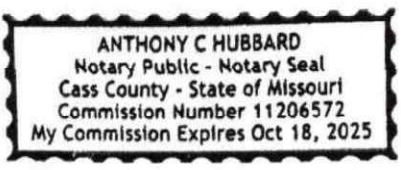
I, Anthony C Hubbard, state that the above and foregoing is based on my best knowledge and belief.

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)

