CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER



CITY OF FOUNTAINS

	Project Number 60810123
- ()	Project Title Sensor network and Watershed Digital Twin
ANSAS	
	as City Water: Contract No 1705/ Project No 60810123 Water Services
	(Department Project) Department
	D3 Water, LLC
	(Bidder/Proposer)
STAT	E OF Indiana
COUN	NTY OF St Joseph
	I, Luis Montestruque , of lawful age and upon my oath state as
follow	
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
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
	1.11.0. 110.

l		WBE Firm A+						
	Address 1493	35 NVV 6 IST St., Parkv	/IIIE, IVIO 64152					
		No. 816-916-9483						
	I.R.S. No.	23-6347210						
1	Name of M/	WBE Firm						
	Telephone N	No.						
	I.R.S. No.							
	Name of M/	WBE Firm						
,								
	IRS No	10.						
	1.10.5.110.							
ţ	Name of M/	WBE Firm						
	Address							
	Telephone N	No						
	I.R.S. No.							
1	Name of M/	WBE Firm						
	Address	1/WBE Firm						
		No.						
	I.R.S. No.							
(List addition	nal M/WBEs, į	f any, on additio	onal page and a	attach to this for	m)			
4. The follo	owing is a brea	kdown of the ne	ercentage of the	e total contract a	mount that			
	_	to pay to each	_					
		MDE/X/DE	BREAKDOW	N CHEET				
		IVIDE/ VV DE	<u>DKEAKDU W</u>	NSHEET				
MBE FIRM	<u>[S</u> :							
_				Subcontract	Weighted	% of Total		
Name of MI		Supplier/Bro	ker/Contractor	Amount*	Value**	Contract		
NEER Technolo	gies inc.					11.00		
		_						

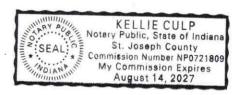
ΓΟΤΑL MBE \$ / TOTAL MBE %:		\$	11.00%	
WBE FIRMS: Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
A+ Engineering Services, LLC				11.00
TOTAL WBE \$ / TOTAL	WBE %:	\$		11.00 %

- **"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

^{*&}quot;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.

- 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 Montes Address: 33301 Rankert Rd., Walkerton, IN 46574	truque
Phone Number: 574.360.1093	
Facsimile number:	
E-mail Address: luis.montestruque@d3waterllc.com	
8	By: Title: Manager Date: 01/02/2024 (Attach corporate seal if applicable)
Subscribed and sworn to before me to My Commission Expires: 8.14.27	



LETTER OF INTENT TO SUBCONTRACT

Project Name/Title Sensor Network and Watershed Digital Twin

Project Location/Number 60810123

Check one:	
Original LOI:	
Updated LOI:	

M I S	SOURI			
PAR	T I: Pri	me Contractor [D3 Water, LLC	agrees to enter into a contractual
agreen	nent with	M/W/DBE Sul	bcontractor_NEER Technologies, Inc	who will provide the following
provid Subco	ed. Broad ntractor is	d Categorization certified are in		a brief narrative describing goods/services to be the listing of NAICS Codes in which M/W/DBE is Letter of Intent to Subcontract.]
for an	estimated	amount of \$_	(or 11 % of	the total estimated contract value.)
M/WE	BE Vendo	r type:	Supplier (counts as 60% of the total do contractor for supplies or goods toward	lar amount paid or to be paid by a prime
City's agrees work o	Civil Rig to utilize	hts & Equal Op M/W/DBE Su ove-referenced	oportunity Department to perform in the abcontractor in the capacities indicated he	ge, currently certified with the City of Kansas capacities indicated herein. Prime Contractor erein, and M/W/DBE Subcontractor agrees to n, contingent upon award of the contract to
as nee	ded for m	ore than one in		ractor listed above. Please attach additional sheets: Falsification of this document will result in
Select	one:		DBE Subcontractor listed above <u>IS NOT</u> ork(s). (Continue to Part 3.)	subcontracting any portions of the above-stated
		The M/W/D of work(s) t		ontracting certain portions of the above stated scope
(1)	Compan	y name:		
	Full add	ress:		
	Drimary		number and name	City, State and Zip Code
		Name		Phone
	a) Inis		s (select one): MBE WBE	
		of Intent must	be attached to this document.	he City of Kansas City, Missouri, a separate Letter
		ii. If this subco	ontractor is NOT a certified M/W/DBE of be listed for reporting purposes but a Le	ertified with the City of Kansas City, Missouri, the etter of Intent is not required.
	b)	-	to be performed:	
	c)	The dollar value	ue of this agreement is:	

PART 3:

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

PRIME CO	NTRACTOR BUSINESS NAME: D3	Water, LLC
1	Ele	Luis Montestruque
Signature: P	rime Contractor	Print Name
Manager	r	01/02/2024
Title		Date
State of	Indiana)	
County of	St Joseph)	
	Kellie Culp , state the	at the above and foregoing is based on my best knowledge
	Subscribed and sworn to before me, a n day of NN 2, 20 24 My Commission Expires: 8.14.8	otary public, on this Notary Public
STAMP:	Notary Public, State of Indiana St. Joseph County Commission Number NP0721809 My Commission Expires August 14, 2027	EED Technologies Inc
MWDBE S	SUBCONTRACTOR BUSINESS NAME: N	EEN recimologies, inc
	my_	Elango Thevar
	ubcontractor	Print Name
Founder	r & CEO	12-28-2023
Title		Date
State of	Missouri)	
County of	Jacks -)	
Ι,		nat the above and foregoing is based on my best knowledge
	Subscribed and sworn to before me, a n day of 29, 2023 My Commission Expires:	otary public, on this December 12025 Notary Public
STAMP:	ANTHONY C HUBBARD Notary Public - Notary Seal Cass County - State of Missouri Commission Number 11206572 My Commission Expires Oct 18, 2025	

LETTER OF INTENT TO SUBCONTRACT

Project Name/Title Sensor Network and Watershed Digital Twin

Project Location/Number 60810123

Check one:	
Original LOI:	
Updated LOI:	

6 1 4	1 11 11 11							
PAR	Т І : Р	rime Contra	actor [03 Water, LLC			agrees to enter into a contractual	
				contractor A Plus Eng	ineering Sen	rice LLC	who will provide the following	
provid Subco	led. Bro ntractor	ad Categori is certified	ization are in	s (e.g., "electrical," "	plumbing,"	etc.) or the list	narrative describing goods/services to be ting of NAICS Codes in which M/W/DBE r of Intent to Subcontract.]	,
								-
for an	estimat	ed amount of	of \$		(or <u>11</u>	_% of the tota	l estimated contract value.)	
M/WE	BE Vend	lor type:	✓	Supplier (counts as contractor for suppli	60% of the ies or goods 0% of the to	total dollar am s towards goals otal dollar amo	unt paid or to be paid by a prime	
City's agrees work of	Civil Ri to utiliz	ights & Equ ze M/W/DB bove-refere	ıal Op _l BE Sub	portunity Department contractor in the capa	to perform acities indic	in the capaciti cated herein, ar	ently certified with the City of Kansas ies indicated herein. Prime Contractor and M/W/DBE Subcontractor agrees to ngent upon award of the contract to	
as need	ded for	more than o	ne int		ct. IMPOR		sted above. Please attach additional sheets ication of this document will result in	ì
Select	one:			BE Subcontractor listerk(s). (Continue to Par		NOT subcon	tracting any portions of the above-stated	
		The Moof wor			ed above <u>IS</u>	subcontractin	g certain portions of the above stated scop	e
(1)	Compa	nny name:						
	Full ad	dress:						
	Primar	y contact: _	Street n	umber and name		City, S	State and Zip Code	
	a) Thi		lame ctor is	(select one): MB	E 🗸 WBI	Phone E DBE	N/A	
				tractor is an M/W/DE e attached to this doc		with the City	of Kansas City, Missouri, a separate Lette	r
				ntractor is NOT a cert be listed for reporting			with the City of Kansas City, Missouri, the not required.	е
	b)	Scope of	work 1	to be performed:				
	c)	The dolla	r valu	e of this agreement is:				

PART 3:

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

	INTRACTOR BUSINESS NAME:	
20	ee	Luis Montestruque
Signature: Pr	rime Contractor	Print Name
Manager		01/02/2024
Title		Date
State of	Indiana)	
County of	St. Joseph	
r k	Ke Nie CIIIO	state that the above and foregoing is based on my best knowle
and	belief.	state that the above and foregoing is based on my best knowle
STAMP:	I=>:CENI OE St	Notate Public SELLIE CULP Public, State of Indiana L. Joseph County Ision Number NP0721809 Commission Expires
AWDBE ST	UBCONTRACTOR BUSINESS NA	AME: A Plus Engineering Services LLC Angela McIntire
ignature: Su	bcontractor	Print Name
Presiden	t	12/29/2023
itle		Date
	Massouri	
County of	Clay,	
	tung Nymen, belief.	state that the above and foregoing is based on my best knowled
	Subscribed and sworn to before day of Dec 29, 20 23	me, a notary public, on this
	My Commission Expires:	25/2025
		Notary Public
TANG		
STAMP:	HUNG NGUYEN	

TIMETABLE FOR MBE/WBE UTILIZATION

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

I, Luis Montestruque		, ac	ting in my	capacit	ty as Manager		
(Name)			0 ,	•	(Position with	h Firm)	
of D3 Water, LLC		, ,	with the su	bmittal	of this Timetable	, certify	that
(Name of Firm)		*				•	
the following timetable	for MBE/WI	BE utilizati	on in the fu	lfillme	nt of this contract i	is correct	t and
true to the best of my ki	nowledge.						
ALLOTTED	TIME FOR		MPLETIC one only)	ON OF	THIS CONTRAC	CT	
15 days		75 days			135 days		
30 days	7	90 days			150 days	7	
45 days	7	105 days			165 days	7	
60 days	Ħ	120 days			180 days	Ī	
Other 1 year	- 	(Spec	cify)			_	
Throughout	\$563,522.00		Beginning	1/3	\$187,840.67	,	
Middle 1/3							
Beginning 1/3 33.33						33.33	
PLEASE NOTE: Any Opportunity Department	-		-	approv	val of the Civil Riş	ghts & E	Equal
If you have any questio & Equal Opportunity D				s form,	please contact the	Civil R	ights
				Z	Ell		
				((Signature)		
					Manager		
				(Posit	tion with Firm)		
					01/02/2024		
					(Date)		