CITY OF FOUNTAINS
HEART OF THE NATION

KANSAS CITY
MISSOURI

CONTRACTOR UTILIZATION PLAN/REQUEST FOR WAIVER

Project Number 80002345/9681

Project Title Water Main Replacement in the Area of Askew Ave to Oakley Ave, E 14th Terr to E 29th Street

General Services	KC Water
(Department Project)	Department

Leath & Sons, Inc.
(Bidder/Proposer)

STATE OF Missouri)
) ss
COUNTY OF Jackson)

I, Jeffery B Leath, 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: $** 2,883,748.63

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 Diggs Construction, LLC
     Address 2033 Vine St Kansas City, MO 64108
     Telephone No. 816-994-6950
     I.R.S. No. 48-1210627

Name of M/WBE Firm Streetwise, Inc.
Address 13501 Arrington Road Grandview, MO 64030
Telephone No. 816-331-2355
I.R.S. No. 77-0676750

Name of M/WBE Firm EJ & Sons Construction, LLC
Address 3910 Norton Kansas City, MO 64130
Telephone No. 816-564-3599
I.R.S. No. 47-4117083

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
Diggs Construction, LLC	Contractor	$ 318,000.00	$ 318,000.00	11.00

TOTAL MBE $ / TOTAL MBE %: $ 318,000.00 11.00 %

WBE FIRMS:

Name of WBE Firm	Supplier/Broker/Contractor	Subcontract Amount*	Weighted Value**	% of Total Contract
Streetwise, Inc.	Contractor	$ 44,000.00	$ 44,000.00	1.50
EJ & Sons Construction, LLC	Contractor	$ 274,000.00	$ 274,000.00	9.50

TOTAL WBE $ / TOTAL WBE %: $ 318,000.00 11.00 %

*"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: Leath & Sons, Inc./Dave Oshel
Address: 9301 E 63rd St
Raytown, MO 64133
Phone Number: 816-353-8623
Facsimile number: n/a
E-mail Address: clerical@leathandsons.com

By: _____
Title: President
Date: 06/04/2025
(Attach corporate seal if applicable)

Subscribed and sworn to before me this 4 day of June, 2025.

My Commission Expires: 11/26/2026

_____
Notary Public

JENNIFER RIORDAN
My Commission Expires
11-26-2026
NOTARY SEAL
Jackson
County
Commission # 18075671
NOTARY PUBLIC - STATE OF MISSOURI

CITY OF FOUNTAINS
HEART OF THE NATION

KANSAS CITY
MISSOURI

AFFIDAVIT OF TRAINING PROGRAM

This form must be submitted with 48 hours of Bid Opening

Bidder Leath & Sons, Inc.

Project Title and Number WMR Askew Ave to Oakley Ave/80002345

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:

   OSHA 10 hour training for all employees

   Weekly toolbox talk training on jobsite

   Midwest Builders Casualty Quarterly Jobsite

   Union Trained Employees

   United Rentals Trench Safety Training

   (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:

President (Title) of Leath & Sons, Inc. (Name of Bidder)

Dated: 06/04/2025 By: _____ (Affiant)

Subscribed and sworn to before me this 4 day of June, 2025.

My Commission Expires: 11/26/2026

_____ Notary Public

JENNIFER RIORDAN
My Commission Expires
11-26-2026
NOTARY SEAL
Jackson
County
Commission # 18075617
NOTARY PUBLIC - STATE OF MISSOURI

TIMETABLE FOR MBE/WBE UTILIZATION

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

I, Jeffery B Leath, acting in my capacity as President
(Name) *(Position with Firm)*
of Leath & Sons, 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	___	75 days	___	135 days	___
30 days	___	90 days	___	150 days	___
45 days	___	105 days	___	165 days	___
60 days	☐	120 days	☐	180 days	☐

Other 360 (Specify)

Throughout $636,000.00 Beginning 1/3 $212,000.00
Middle 1/3 $212,000.00 Final 1/3 $212,000.00
Beginning 1/3 33.33 % Middle 1/3 33.33 % Final 1/3 33.33 %

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)

President
(Position with Firm)

06/04/2025
(Date)

LETTER OF INTENT TO SUBCONTRACT

Check one:
Original LOI: ☐
Updated LOI: ☐

Project Name/Title Water Main Replacement in the Area of Askew Ave to Oakley Ave, E 14th Terr to E 29th Street

Project Location/Number 80002345/9681

PART I: Prime Contractor Leath & Sons, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Streetwise, 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.]

Traffic Control

for an estimated amount of $ 44000 (or 1.5 % 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: Leath & Sons, Inc.

Signature: Prime Contractor

Jeffery B Leath
Print Name

President
Title

06/04/2025
Date

State of Missouri)

County of Jackson)

I, Jeffery B Leath, 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 4 day of June, 2025

My Commission Expires: 11/26/2026

Notary Public

STAMP:

JENNIFER RIORDAN Commission Expires 11-26-2026 NOTARY SEAL Jackson County Commission # 18075677 NOTARY PUBLIC - STATE OF MISSOURI

MWDBE SUBCONTRACTOR BUSINESS NAME: Streetwise, Inc.

Signature: Subcontractor

Shawna Hettinger
Print Name

President
Title

06/04/2025
Date

State of Missouri)

County of Jackson)

I, Courtney Bratkiv, 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 4 day of June, 2025

My Commission Expires: 2/19/2028

Notary Public

STAMP:

COURTNEY LYNNE BRATKIV
Notary Public, Notary Seal
State of Missouri
Jackson County
Commission # 20570073
My Commission Expires 02-19-2028

LETTER OF INTENT TO SUBCONTRACT

Check one:
Original LOI: ☐
Updated LOI: ☐

Project Name/Title Water Main Replacement in the Area of Askew Ave to Oakley Ave, E 14th Terr to E 29th Street

Project Location/Number 80002345/9681

PART I: Prime Contractor Leath & Sons, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor Diggs Construction, 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.]

Waterline installation

for an estimated amount of $ 318,000.00 (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: Diggs Construction, LLC

Full address: 2033 Vine Street (Street number and name) Kansas City, MO 64108 (City, State and Zip Code)

Primary contact: Dale G Diggs (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: Waterline Installation

c) The dollar value of this agreement is: $318,000

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 CONTRACTOR BUSINESS NAME: Leath & Sons, Inc.

Signature: Prime Contractor

Jeffery B Leath
Print Name

President
Title

06/04/2025
Date

State of Missouri)

County of Jackson)

I, Jeffery B Leath, 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 4 day of June, 2025

My Commission Expires: 11/26/2026

Notary Public

STAMP

JENNIFER RIORDAN My Commission Expires 11-26-2026 NOTARY SEAL Jackson County Commission # 18075677 NOTARY PUBLIC - STATE OF MISSOURI

MWDBE SUBCONTRACTOR BUSINESS NAME: Diggs Construction, LLC

Signature: Subcontractor

Dale G Diggs
Print Name

President
Title

6/5/2025
Date

State of Missouri)

County of Jackson)

I, Dale G Diggs, 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 4 day of June, 2025

My Commission Expires: 11/26/2026

Notary Public

STAMP

JENNIFER RIORDAN My Commission Expires 11-26-2026 NOTARY SEAL Jackson County Commission # 18075677 NOTARY PUBLIC - STATE OF MISSOURI

LETTER OF INTENT TO SUBCONTRACT

Check one:	
Original LOI:	☐
Updated LOI:	☐

Project Name/Title Water Main Replacement in the Area of Askew Ave to Oakley Ave, E 14th Terr to E 29th Street

Project Location/Number 80002345/9681

PART 1: Prime Contractor Leath & Sons, Inc. agrees to enter into a contractual agreement with M/W/DBE Subcontractor EJ & Sons Construction, 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.]

Trucking & Concrete street, curb, sidewalk restoration

for an estimated amount of $ 274000 (or 9.5 % 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: Leath & Sons, Inc.

Signature: Prime Contractor — Print Name: Jeffery B Leath

Title: President — Date: 06/04/2025

State of Missouri)

County of Jackson)

I, Jeffery B Leath, 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 4 day of June, 2025

My Commission Expires: 11/26/2026 — Notary Public

STAMP: JENNIFER RIORDAN My Commission Expires 11-26-2026 NOTARY SEAL Jackson County Commission # 18075677 NOTARY PUBLIC - STATE OF MISSOURI

MWDBE SUBCONTRACTOR BUSINESS NAME: EJ & Sons Construction, LLC

Signature: Subcontractor — Print Name: Mark Jones

Title: Vice President — Date: 6-4-2025

State of Missouri)

County of Jackson)

I, Mark Jones, 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 June, 2025

My Commission Expires: 11/26/2026 — Notary Public

STAMP: JENNIFER RIORDAN My Commission Expires 11-26-2026 NOTARY SEAL Jackson County Commission # 18075677 NOTARY PUBLIC - STATE OF MISSOURI