

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 170663, AS AMENDED

Adopting the report and recommendations of the selection committee convened in connection with the “Request for Qualifications/Proposals for Design, Construct and Private Financing of KCI –Request Number 062017” (the “RFQ/P”) in relation to the design, build, and financing arrangements for the proposed terminal modernization project at the Kansas City International Airport; authorizing the City Manager, pursuant to Chapter 3 of the Code of Ordinances, to undertake negotiations toward a memorandum of understanding and other initial contractual arrangements with the firm selected as most qualified and, if necessary upon unsuccessful negotiation as determined by Council, a firm ranked thereafter in accordance with Chapter 3 of the Code of Ordinances; and recognizing this ordinance as having an accelerated effective date because it relates to the design and construction of a public improvement.

WHEREAS, a selection committee convened in connection with the “Request for Qualifications/Proposals for Design, Construct and Private Financing of KCI –Request Number 062017” (the “RFQ/P”) in relation to the design, build, and financing arrangements for the proposed terminal modernization project at KCI has completed its review work and reported to the City Council its recommendation of the most qualified firm for the terminal modernization project and firms ranked thereafter pursuant to Chapter 3 of the Code of Ordinances; and

WHEREAS, the Council endeavors to adopt the report and recommendations of the selection committee and to provide direction on the terminal modernization project to the City Manager and staff in accordance with the Code of Ordinances, the RFQ/P, and prior legislative direction passed in relation to the project; and

WHEREAS, by adopting ballot language contemplating a November 2017 election, Council recognizes the need for the City Manager and staff to undertake swift negotiations toward a memorandum of understanding and other preliminary contractual arrangements and to provide adequate information to Council and the voting public pertaining to the terminal modernization project and project partners;

WHEREAS, Section 503(a)(3) of the Charter provides that an ordinance may have an accelerated effective date if it “[R]elates . . . to any contract relating to the design . . . or construction of a public improvement” and the above-referenced RFQ/P does relate to the design and construction of a new KCI airport terminal; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council hereby adopts the report and recommendations of the selection committee convened in connection with the “Request for Qualifications/Proposals for Design, Construct and Private Financing of KCI –Request Number 062017” (the “RFQ/P”) in relation to the design, build, and financing arrangements for the proposed terminal modernization project at the Kansas City International Airport.

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Section 2. That the City Manager is authorized to undertake negotiations toward a memorandum of understanding and other initial contractual arrangements with the firm selected as most qualified and, if necessary upon unsuccessful negotiation as determined by Council, a firm ranked thereafter in accordance with Chapter 3 of the Code of Ordinances. In the negotiations for any memorandum of understanding to be later presented to the Council for its consideration, the City Manager is further directed to use best efforts to negotiate a memorandum of understanding that recognizes the transformative possibilities for disadvantaged businesses and workers that can result from a public infrastructure project of the magnitude of the proposed terminal modernization project through each of the following:

- a) a community benefits agreement to include, but not necessarily be limited to, providing:
 - (1) alternative public transportation for workers to KCI during the demolition and construction phases of the project,
 - (2) licensed child care for workers during the demolition and construction phases of the project,
 - (3) an on-site health clinic for workers to treat any on-the-job injuries during the demolition and construction phases of the project;
 - (4) loan or grant programs for small or disadvantaged businesses working on the project to cover their costs of performance or payment bonds;
 - (5) a program assuring that all sub-contractors are paid within fourteen business days of submitting a properly documented request for payment;
 - (6) a loan program through a local financial institutions to provide startup and working capital to small or disadvantaged businesses for work to be done on the project;
 - (7) 1st year investment of (\$_____) into the Love Thy Neighbor Fund with an annual investment of (\$_____) for 15 years thereafter, and in the event the Love Thy Neighbor Fund is discontinued, then to a successor fund of similar purpose determined by Council;
 - (8) 1st year investment of (\$_____) into the Shared Success Fund with an annual investment of (\$_____) for 15 years thereafter, and in the event the Shared Success Fund is discontinued, then to a successor fund of similar purpose determined by Council;
 - (9) 1st year investment of (\$_____) into a fund for the "preservation of historic properties with cultural significance" with an annual

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investment of (\$_____) for 15 years thereafter, and in the event the preservation of historic properties with cultural significance Fund is discontinued, then to a successor fund of similar purpose determined by Council;

- (10) Focused recruiting and financial investment in workforce training for workers in disadvantaged communities or severely distressed census tracts;
 - (11) Commitment to support small business incubator spaces for contractors
- b) goals for participation by minority and women’s business enterprise businesses and small local business enterprises pursuant to Chapter 3, Divisions 2 and 4 respectively, Code of Ordinances, which reflect the substantial amount and array of professional services, construction and construction-related work and materials needed for the proposed terminal modernization project, and
 - c) goals for construction workforce pursuant to Chapter 3, Division 3, Code of Ordinances, which reflect the substantial amount and array of construction and construction-related work needed for the proposed terminal modernization project.
 - d) The Developer will agree to institute a local hiring preference; and
 - e) To the extent not already addressed above, provisions that would incorporate each of the representations made by the Edgemoor Team in the attached Exhibit A.

Section 3. This ordinance, which relates to a contract for the design and construction of a public improvement, that public improvement being a new KCI airport terminal, is hereby recognized to have an accelerated effective date within the meaning of Section 503(a)(3)(D) of the Charter, and, as such shall take effect in accordance with Section 503.

Approved as to form and legality:

Galen P. Beaufort
Senior Associate City Attorney