



## MISSOURI GENERAL ASSEMBLY



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### **BI- PARTISAN GROUP OF KC AREA LEGISLATORS EXPRESS CONCERNS WITH KCI PROCUREMENT PROCESS**

KANSAS CITY, MO - A bipartisan group of Kansas City legislators expressed serious concerns with how the city of Kansas City, Missouri is handling the procurement process for the KCI airport modernization effort.

"Section 3-31(c)(2) of KC Ordinance says that all submissions 'shall be ranked,'" said **Senator Ryan Silvey, 17<sup>th</sup> District**. "One of the first things you learn when dealing with the law is that 'shall' is absolute. Based on what I have read, it appears the process did not follow the procurement laws in place for the city or the State of Missouri, as neither has an option of 'disqualification,' or 'fail to advance.'"

Additionally, the group of legislators expressed concerned that the financing structure of the selection committee's recommended applicant does not comply with the Missouri State Constitution according to the top bond counsel firms in Missouri and nationally.

"After reading the opinions of the top Bond counsel in Missouri, and reviewing the Missouri Constitution, it is clear a "net revenue" pledge to do private financing is not specifically authorized in the Missouri Constitution," Sen Silvey stated. "This project is too important to the region for the City Council to rely on a plan that leaves questions as to whether it complies with the Constitution and laws of the State of Missouri."

As duly elected officials, and citizens of Kansas City, Missouri, it is incumbent upon members of the legislature to express their concerns publicly and urge the Kansas City City Council to uphold local and state laws and carry out a process that is in the best interest of their City, State, and shared constituents.

**Sen. Jason Holsman, 7<sup>th</sup> District:** "This shouldn't be that complicated." Holsman said, "There are a handful of engineering firms in all 50 states that are capable of tackling a build project of this size and we are fortunate that one of them calls Kansas City home. We should support a plan that locally circulates the economic development investment with engineers who live in our neighborhoods, send their kids to our

schools and spend their earnings in our local economy. Having represented the men and women who work for Burns and McDonnell in the Missouri legislature for over a decade, I've witnessed the strength of their corporate character, the quality of their finished work and encourage the city council to remove the artificial obstacles impeding their selection as the design team of choice for Kansas City."

**Rep. Mike Cierpiot, 30<sup>th</sup> District- House Majority Floor Leader:** "While I am not fully convinced we need a new airport, if one is to be put before voters it should be a plan that uses the world class local talent we have right in our own backyard. These are our friends and neighbors. We know they will be accountable to us because they live here. It is further troubling to read the opinions presented by the top legal minds in Missouri who say the process violates city and state laws, as well as the Constitution of Missouri. The city council has the authority to remedy this situation by reinstating and considering all four proposals or restarting this process."

**Rep. Gail McCann Beatty, 26<sup>th</sup> District- House Minority Floor Leader:** "Yesterday's legal opinions certainly beg the question about whether or not this process followed the laws of Kansas City and the State of Missouri. Burns & McDonnell is a 119 year-old Kansas City company with a proven record for quality work and a commitment to investing in our community. It is clear their team is absolutely committed to this city and doing the project the right way for everyone in Kansas City. I hope the council will use their ability to reconsider our Hometown team."

**Rep. DaRon McGee, 36<sup>th</sup> District:** "I have studied the city ordinances governing a qualifications based selection process, and it is clear to me that the city selection committee violated these ordinances and its own request for qualifications by not ranking the qualifications of all four groups of proposers as required. The only way for the citizens of Kansas City to be assured the city is getting the best deal possible for this massive project is to have the most competition possible. Tossing out two of the four proposals and not evaluation the qualifications of all four proposals is a clear violation of the city's own ordinances. It raises serious questions about the fairness of the selection process and whether the city is doing everything it can to get the best deal possible."

**State Representative Greg Razer, 25<sup>th</sup> District:** "With the evidence and legal opinions presented, it appears legal authority was lacking to disqualify or not advance KC's Hometown Team. On behalf of the thousands of employees and their families who are employed by the Hometown Team - including many who live right here in the 25th House district - it only seems fair that they receive full consideration before the City Council."

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For individual members, contact legislative offices.