

Department of Engineering
Dan Gaillet, P.E., County Engineer

3137 South Liberty Street, Canton, MS 39046
Office (601) 790-2525 FAX (601) 859-3430

MEMORANDUM

January 11, 2018

To: Sheila Jones, Supervisor, District I
Trey Baxter, Supervisor, District II
Gerald Steen, Supervisor, District III
David Bishop, Supervisor, District IV
Paul Griffin, Supervisor, District V

From: Dan Gaillet, P.E. *DG*
County Engineer

Re: Tisdale Road Improvements Project

Hemphill Construction Company has requested to provide the certificate of deposit as security in lieu of having retainage withheld from progress payments.

The Engineering Department requests that the Board recognize the alternate form of retainage on Tisdale Road Improvements Project and approve payment for Pay Estimate No. 1 in the amount of \$102,746.20.

December 21, 2017

N-S Project No. 14170.000.001

Mr. Dan Gaillet, P.E.
Road Manager
Madison County
P.O. Box 608
Canton, MS 39110

REF: TISDALE ROAD IMPROVEMENTS – CONTRACTOR’S PAY ESTIMATE NO. 1

Dear Dan,

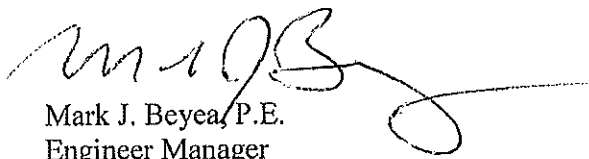
Enclosed are three counterparts of the Contractor’s first pay estimate for the referenced project. We have reviewed the estimate and concur with the contractor’s assessment of progress. We recommend payment of the amount shown on the estimate.

Also, enclosed is a letter, copy of a certificate of deposit, and a power of attorney. Hemphill Construction Company has requested to provide the certificate of deposit as security in lieu of having retainage withheld from progress payments. This is a usual and customary request, and is in keeping with current state law, as referenced in their letter. Before making payment for this estimate, please advise us if the County is agreeable to this.

Please call me if you have questions at 601-898-8118.

Sincerely,

NEEL-SCHAFFER, INC.


Mark J. Beyea, P.E.
Engineer Manager

MJB: jm

pc: Brandon Brown, Hemphill Construction Co., Inc.

APPLICATION FOR PAYMENT

TO: Madison County Board of Supervisors
 (OWNER) 125 West North Street
 Canton, MS 39046

Representative: Neel Schaffer Engineers
 (Engineer) 1230 HWY 51 North
 Madison, MS 39110

FROM: Hemphill Construction Co.
 (CONTRACTOR) 1858 Highway 49 South
 Florence, MS 39073

PROJECT NAME: Tisdale Road Improvements
 PROJECT NUMBER: NA
 HCC NUMBER: H17124
 AGREEMENT DATE: 10/16/17

APPLICATION NUMBER: 1
 Distribution to: Forms Reqd.
 PERIOD: 11/01/17 TO 11/30/17
 CALENDAR DAYS THIS PERIOD: 30
 NOTICE TO PROCEED: 11/01/17
 EXPECTED COMPLETION: 03/02/18

() OWNER
 () GC
 (X) HCC
 () SUBS

() LIEN WAVER
 () DOT
 () LPA
 () Other Forms

CONTRACTOR'S APPLICATION FOR PAYMENT

SUPPLEMENTAL AGREEMENT / CHANGE ORDER SUMMARY / SEPARATE INVOICES

Supplemental Agreements / Change Orders approved by Owner

Number	Days	Date Approved	Amount	Revised Contract Amount
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
			\$ -	\$ -
TOTALS			\$ -	\$ -

Application is made for Payment, as shown below, in connection with the Contract.

Continuation Sheet is attached.

1. ORIGINAL CONTRACT SUM \$ 940,951.00

2. Net Change by Change Orders \$ -

3. CONTRACT SUM TO DATE \$ 940,951.00

4. TOTAL COMPLETED AND STORED TO DATE \$ 102,746.20
 (Column G on continuation sheet)

5. RETAINAGE:

a. 0.0 % of Completed Work \$ - **CD in lieu of Retainage
 (Col. D+E on continuation sheet)

b. 0.0 % of Stored Material \$ -
 (Col. F on continuation sheet)

TOTAL RETAINAGE..... \$ -
 (Line 5a+5b or total in column I of continuation sheet)

6. TOTAL EARNED LESS RETAINAGE..... \$ 102,746.20
 (Line 4 less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT..... \$ -
 (Line 6 from prior Certificate - Line 7a from prior Certificate)

7a. LESS LIQUIDATED DAMAGES TO DATE..... \$ -

8. CURRENT PAYMENT DUE \$ 102,746.20

9. BALANCE TO FINISH, PLUS RETAINAGE \$ 838,204.80
 (Line 3 less Line 6)

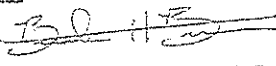
APPLICATION OF PAYMENT BREAKDOWN

APPLICATION FOR PAYMENT (AP)		CONTRACT TIME		
APPLICATION	AMOUNT	ORIGINAL	USED	WEATHER
AP #1	\$ 102,746.20	30	30	1
AP #2	\$ -	31		
AP #3	\$ -	31		
AP #4	\$ -	28		
AP #5	\$ -			
AP #6	\$ -			
AP #7	\$ -			
AP #8	\$ -			
AP #9	\$ -			
AP #10	\$ -			
AP #11	\$ -			
AP #12	\$ -			
TOTALS:	\$ 102,746.20	120	30	1
ORIGINAL CONTRACT TIME:		120		
TIME ADJUSTED TO WEATHER:		1		
TIME ADJUSTED BY SA/CO:		0		
TOTAL CONTRACT TIME:		121		
COMPLETION DATE:		03/02/18		
% COMPLETE COST:		11.0%		
% COMPLETE TIME:		25.0%		

Pay this amount

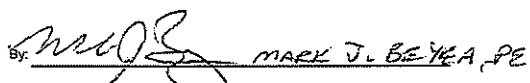
CERTIFICATION OF CONTRACTOR

According to the best of my knowledge and belief, I certify that all items and amounts shown in this Periodic Estimate for Partial Payment are correct; that all work has been performed and/or material supplied in full accordance with the requirements of the Contract, and/or duly authorized deviations, substitutions, alterations and/or additions; that the foregoing is a true and correct statement of the Contract account up to and including the last day of the period covered by the Periodic Estimate; and that no part of the "Amount Due This Estimate" has been received.

By: 
 Brandon H. Brown
 Title: Project Manager
 Date: Friday, December 15, 2017

RECOMMENDATION OF ^{ENGINEER} ~~GC~~ AMOUNT CERTIFIED \$ 102,746.20

This Periodic Estimate for Partial Payment covers all pay item work performed by the Contractor through the estimate period stated hereon. The undersigned recommends payment of the amount on line (i) above subject to the provisions of the Contract Documents covering the repair or replacement of all defective work, if any, that may be discovered prior to final payment or expiration of the general guaranty period.

By: 
 MARK J. BEYLEA, PE
 Title: PROJECT ENGINEER
 Date: 12/26/17

RECOMMENDATION OF OWNER:

This Periodic Estimate for Partial Payment covers all pay item work performed by the Contractor through the estimate period stated hereon. The undersigned recommends payment of the amount on line (i) above subject to the provisions of the Contract Documents covering the repair or replacement of all defective work, if any, that may be discovered prior to final payment or expiration of the general guaranty period.

By: _____
 Title: _____
 Date: _____



P.O. Drawer 879
Florence, MS 39073-0879

Phone: 601-932-2060
Fax: 601-932-2550

Municipal & Public Works Construction

Heavy & Highway Construction

December 15, 2017

Madison County Board of Supervisors
C/O
Neel-Schaffer, Inc.
1230 HWY 51 North
Madison, MS 39110

Attn: Mark Beyea

Re: Tisdale Road Improvements
Madison County, Mississippi

Dear Sir:

Hemphill Construction Co., Inc. respectfully requests that a Certificate of Deposit in the amount of \$24,000.00 be placed with the Owner in compliance with Section 31-5-15 of Mississippi Code of 1972 in lieu of retainage or any part thereof to be withheld.

Your consideration in this matter will be appreciated.

Please, file this letter, power of attorney, and certificate of deposit until the end of the project. Upon completion of the project, we will request the return of the packet. Thank you.

Sincerely,

HEMPHILL CONSTRUCTION CO., INC.

Richard A. Rula
President

RAR: rg

The difficult we do immediately, the impossible takes a little longer!

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that the undersigned Hemphill Construction Company, Inc., does hereby irrevocably appoint and authorize, David Bishop as President of the Madison County Board of Supervisors, as the Attorney-in-fact for the undersigned, to endorse for and in the name and stead of the undersigned securities described as Certificate of Deposit issued by Priority One Bank, for \$24,000.00 and cash and collect said securities in the event of default by the undersigned in the performance of public contract: Tisdale Road Improvements, Madison County, Mississippi.

It being expressly understood that the above appointment and authorization is for the sole purpose of effecting compliance with the requirements of Section 31-5-25, Mississippi Code of 1972, re-complied and amended, as related to deposit of securities by public contracts in lieu of public contract retainage.
Signed, sealed and given at Florence, Mississippi this 15th day of December, 2017.

HEMPHILL CONSTRUCTION CO., INC.

Attest:
Mary Beth Harrison
Secretary

By: Richard A. Rula
President

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF SIMPSON

Personally appeared before me the within named Richard A. Rula, who stated that he is President of Hemphill Construction Co., Inc. and that for and in behalf of said company that he executed, signed and delivered the foregoing instrument as the act and deed of said company and that he was at the time of the execution thereof authorized so to do.
15th day of December, A.D. 2017.

Rebecca Joy Morrison Graham
My Commission expires: February 21, 2020



Receipt and Acceptance of the Power of Attorney

STATE OF MISSISSIPPI
COUNTY OF Lauderdale

I, Nicole Gosnell, do hereby certify that I am OSK, for the within named institution which issued the securities described herein, and further certify that receipt of the forgoing instrument is hereby acknowledged and has been duly noted in the records of this institution, further, that no payment of said securities will be made by this institution except upon receipt of said securities endorsed by the within named and designated Attorney, or until said Attorney does by written notice revoke this instrument.

Witness my hand and seal this 15th day of December, 2017 in the City of Richland, State of Mississippi.

Priority One Bank
Name of Insuring Institution

WITNESS: [Signature]
By: Nicole Gosnell

Date
Opened: 12/15/2017

Certificate Number: 1303225
Account Number: 1303225
SSN/TIN Number: 64-0474538

Certificate of Deposit

Amount of
Deposit: TWENTY-FOUR THOUSAND DOLLARS AND NO CENTS \$ 24,000.00

This Certificate is Issued to:
 HEMPHILL CONSTRUCTION CO
JOB H 17124
PO BOX 879
FLORENCE MS 39073-0879

Issuer:



By Nicole Hosnell

Not Negotiable - Not Transferable.

This account is subject to all the terms and conditions stated in the Certificate of Deposit Disclosures, as they may be amended from time to time, and incorporates the Certificate of Deposit Disclosures by reference into this agreement.

This certificate may be redeemed on 12/15/2018 only upon presentation of the certificate to the Financial Institution.
The initial term of this certificate of deposit is 12 Months.

The interest rate of this certificate of deposit is .400 % with an annual percentage yield of .40 %.
The rate on this certificate is fixed variable. The interest will be:

- added to principal
- paid to _____ account (No. _____)
- mailed to the owner(s)
- _____

Endorsements - Sign only when you request withdrawal.

X _____

X _____