

Memo

To: Board of Supervisors
From: Shelton Vance
County Administrator
CC:
Date: September 17, 2018
Re: SB 2002 Funding

Please review the attached documents. These documents are required by Department of Finance & Administration (DFA) to obtain funding for the Reunion Bridge project that was authorized in the recent special legislative session.

The agreement requires quarterly status reports to be submitted to DFA.

I request that you take the following actions related to these documents:

1. Approve the documents,
2. Authorize the Board President to execute the documents, and
3. Designate County Comptroller Greg Higginbotham with the responsibility to:
 - a. Construct required quarterly reports,
 - b. Present such quarterly reports to the Board for acknowledgement, and
 - c. File such quarterly reports with DFA.



MADISON COUNTY BOARD OF SUPERVISORS

125 West North Street • Post Office Box 608
Canton, Mississippi 39046
601-855-5500 • Facsimile 601-855-5759
www.madison-co.com

September 17, 2018

Mr. Steven McDevitt, Director
Department of Finance and Administration
Bond Advisory Division
501 North State Street, Suite 1301 B
Jackson, Mississippi 39201

RE: Request for Project Funding
Madison County, MS

Dear Mr. McDevitt:

We are requesting that you transfer to Madison County, MS
\$ 8,000,000.00 of State Funds authorized by Section 13 Senate Bill 2002, 2018 First
Extraordinary Legislative Session, for the Madison County, MS.

Our electronic payment information is as follows:

Bank Name: Renasant
Account #: 3009214
Routing #: 84201294

We appreciate your assistance.

Sheila Jones

Digitally signed by Sheila Jones
DN: cn=Sheila Jones, o=Madison County,
ou=Board Presidents,
email=sheila.jones@madison-co.com,
c=US
Date: 2018.09.12 13:09:33 -0500

Sheila Jones, Board President

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter the "MOU") is entered into between the Department of Finance and Administration (hereinafter the "DFA") and the Madison County, Mississippi for the purpose of establishing the agreed upon conditions under which the DFA may disburse funds to assist the Madison County, Mississippi in paying costs associated with the local project (hereinafter the "Project") specified in Section 13 (2) (b) of Senate Bill 2002, 2018 First Extraordinary Session, Laws of 2018 (hereinafter the "Act"). This MOU is entered into pursuant to, and subject to the terms of the Act, which authorizes an amount not to exceed Eight Million (amount, i.e. One Hundred) Dollars and No/100 \$ 8,000,000.00 (amount, i.e., \$100), for the Project. **(PLEASE NOTE THAT IT IS YOUR RESPONSIBILITY TO SPEND THE FUNDS RECEIVED FROM THE STATE IN ACCORDANCE WITH THE LEGISLATION.)**

RECITALS

WHEREAS, the Act establishes the 2018 Transportation and Infrastructure Improvements Fund for the purpose of providing funds to the Madison County, Mississippi to pay the costs of the Project; and

WHEREAS, pursuant to the Act, funds are being transferred in accordance with House Bill 1, 2018 First Extraordinary Session, Laws of 2018 and Section 12 of Senate Bill 2002, 2018 First Extraordinary Session, Laws of 2018 (the "State Funds") to fund the Project; and

WHEREAS, the Madison County, Mississippi shall maintain the State Funds in a separate account; and

WHEREAS, the Act authorizes the DFA within its discretion, to disburse monies in the 2018 Transportation and Infrastructure Improvements Fund to pay the costs of the Project; and

WHEREAS, the DFA has requested the Madison County, Mississippi to maintain on file the documentation listed in "Exhibit A" attached hereto and incorporated herein by reference, to the extent required by State of Mississippi state bidding laws; and

WHEREAS, the Madison County, Mississippi agrees to make every effort to expend the funds within thirty-six (36) months from the date of receipt; and

WHEREAS, for all State Funds used to reimburse the Madison County, Mississippi for costs of the Project that occurred prior to the effective date of this MOU, such prior Project costs shall have been in accordance with the Act; and

WHEREAS, the Madison County, Mississippi agrees that if any proceeds from the State funds are remaining at the completion of the Project, said funds shall be expended pursuant to the Act; and

WHEREAS, the Madison County, Mississippi agrees to provide quarterly reports to the DFA that summarize the expenditures of the Act proceeds and provides an update on the status of the Project. The quarterly reports must be provided on a form prescribed by the DFA and must include all invoices associated with the reported expenditures. The first quarterly report shall be provided within ninety (90) days of the effective date of this MOU, and thereafter within thirty (30) days of each calendar quarter end. The Madison County, Mississippi shall also provide to the DFA a final report no more than thirty (30) days after final expenditure of funds, summarizing the expenditures and use of the proceeds upon completion of the Project and include all invoices that have not previously been submitted; and

WHEREAS, the DFA finds, consistent with the Act, that it is in the best interest of the DFA and the Madison County, Mississippi that the funds on deposit in the 2018 Transportation and Infrastructure Improvements Fund for the Madison County, Mississippi should be disbursed to the Madison County, Mississippi and that the Madison County, Mississippi shall directly administer the expenditure of such funds for the Project.

NOW THEREFORE, IT IS MUTUALLY AGREED BY THE DEPARTMENT OF FINANCE AND ADMINISTRATION AND THE Madison County, Mississippi AS FOLLOWS:

SECTION 1. Each and all of the facts and findings set forth in the preamble clauses of this memorandum are hereby found and determined to be true and accurate and are incorporated herein by this reference thereto as though set forth again in words and figures.

SECTION 2. The DFA, pursuant to the Act, shall disburse the State Funds from the 2018 Transportation and Infrastructure Improvements Fund upon the written request of the Madison County, Mississippi to pay the costs associated the Project.

SECTION 3. The Madison County, Mississippi certifies and agrees to use all funds received from the 2018 Transportation and Infrastructure Improvements Fund within the recommended thirty-six (36) month time period and **solely** for the costs of the Project as set forth in the Act and upon the terms and provisions of this MOU. Failure on the part of the Madison County, Mississippi to adhere to any provision within this MOU may result in immediate action by the State to recover any unexpended funds.

SECTION 4. The Madison County, Mississippi agrees to properly and competitively execute such procurements in accordance with state law. Failure to adhere may cause the DFA to withhold all sums for the project or seek recovery of same. Further, the Madison County, Mississippi agrees to maintain on file the documentation listed in Exhibit A attached hereto and incorporated herein, in accordance with the law and the recitals of this MOU.

SECTION 5. The Madison County, Mississippi agrees to provide the DFA quarterly notarized reports as set forth hereinabove, in a format prescribed by the DFA. The first quarterly report shall be provided within ninety (90) days of the effective date of this MOU, and thereafter within thirty (30) days of each calendar quarter end. The Madison County, Mississippi shall also provide the DFA with a final report summarizing the expenditures and use of the State

Funds proceeds no more than thirty (30) days after final expenditure of the State Funds.

SECTION 6. The Madison County, Mississippi certifies that for all State Funds used to reimburse the Madison County, Mississippi for costs of the Project that occurred prior to the effective date of this MOU, such prior Project costs are in accordance with the Act.

SECTION 7. The Madison County, Mississippi agrees to maintain copies of all invoices and similar documentation for each expenditure of all funds received from the 2018 Transportation and Infrastructure Improvements Fund sufficient to satisfy and confirm, to DFA's satisfaction, that such funds have been expended **solely** for the costs of the Project as authorized and provided by the Act.

SECTION 8. The Madison County, Mississippi agrees to administer the project with respect to construction to be completed in accordance with the state procurement laws.

SECTION 9. The Madison County, Mississippi agrees that if any proceeds from the State Funds are remaining at the completion of the Project, said funds shall be expended in accordance with the Act.

(The remainder of this page left blank intentionally)

SECTION 10. All notices or information pursuant to this MOU shall be provided as follows:

Sheila Jones, Board President
PO Box 608
Canton, MS 39046
Phone: 601-855-5502

Department of Finance and Administration
Attention: Gilda Reyes
(For submission of reports and questions regarding funding)
501 North West Street, Suite 1301A
Jackson, Mississippi 39201
Phone: (601) 359-3402
Fax: (601) 359-2405
Email: Gilda.Reyes@dfa.ms.gov
SB2002@dfa.ms.gov

SECTION 11. This MOU shall be effective from and after signature date.

IN WITNESS WHEREOF, the parties have affixed their signatures on the dates indicated below.

MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION

By: _____ Date: _____
Laura D. Jackson, Executive Director

Madison County, Mississippi

By: _____ Date: _____
Sheila Jones, Board President

EXHIBIT A

The Madison County, Mississippi shall maintain on file, the following items in relation to Project:

1. Proof of Advertisement (i.e. copy of the advertisement, MPTAP and/or procurement portal posting, etc.) for any RFQ, RFP or IFB.
2. A copy of the Program of Work for project.
3. A copy of the Construction Documents and Invitation for Bid Documents and any other Invitations for Bid, Request for Qualifications, Request for Proposals Documents including resultant Contracts for which funds will be expended.
4. A list of bidders/respondents, including the Bid Tabulation Form/Register of Proposals. For construction awards, include recommendation of the Professional for the award of contract. For items procured by RFQ or RFP, include evaluation committee tally sheets/overall scoring in support of award decision.
5. A copy of Contract award for construction of project.
6. A copy of all contractor pay requests and professional pay requests and approval of payments for said services.

(The remainder of this page left blank intentionally)

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Madison County Board of Supervisors

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
 Individual/sole proprietor or single-member LLC
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions) ▶ **Local Government**

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):
 Exempt payee code (if any) 3
 Exemption from FATCA reporting code (if any) C
(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
PO Box 608

6 City, state, and ZIP code
Canton, MS 39046

7 List account number(s) here (optional)

Print or type
See Specific Instructions on page 2.

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number										
or										
Employer identification number										
6	4		-	6	0	0	0	6	5	8

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *Justin Dance* Date ▶ *7/29/2016*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.



STATE OF MISSISSIPPI
GOVERNOR PHIL BRYANT

DEPARTMENT OF FINANCE AND ADMINISTRATION
LAURA D. JACKSON
EXECUTIVE DIRECTOR

Please provide the following information in the space provided and return this form along with the requested information to the Bond Advisory Division of the Department of Finance and Administration

Contact Information:

Legal Name of Organization: Madison County, MS

DBA Name of Organization (if applicable): _____

Form of Organization (ex. 501(c)(3), governmental, etc.): County Government

Governing Authority (ex. board of supervisors): Board of Supervisors

Primary Contact:

Name: Shelton Vance

Job Title: County Administrator

Mailing Address: PO Box 608
Canton, MS 39046

Phone Number: 6018555502

Email: shelton.vance@madison-co.com

Secondary Contact:

Name: Greg Higginbotham

Job Title: County Comptroller

Mailing Address: PO Box 608
Canton, MS 39046

Phone Number: 6018555580

Email: greg.higginbotham@madison-co.com

Start Date of Project (actual or projected): 10/01/2017

Completion Date of Project (actual or projected): 09/30/2022

Mississippi Department of Finance and Administration

Instructions for Requesting Funds from Senate Bill 2002

Introduction

With the passage of Senate Bill 2002 of the 2018 First Extraordinary Session, the Mississippi Department of Finance and Administration (DFA) became the agency responsible for distribution of the funds outlined in Section 13 of the bill. When state funds are distributed to entities outside of state government, it is DFA's practice to implement measures to ensure the funds are distributed efficiently and spent for the intended purpose. For the distribution of funds related to Senate Bill 2002, DFA has established the following procedure.

Funding Request Instructions:

Step #1

Access the home page of DFA's website at www.dfa.ms.gov

Step #2

On the home page of DFA's website, locate and click on the link titled "Mississippi Senate Bill 2002 Info". (The link is located towards the bottom of DFA's home page.)

Step #3⁽¹⁾

Complete **all** of the following forms:

- Memorandum of Understanding⁽²⁾
- Letter requesting transfer of funds⁽³⁾
- IRS Form W-9
- Contact Information

Step #4⁽⁴⁾⁽⁵⁾

Scan and submit all of the required forms listed in Step #3 to the following email address:
SB2002@dfa.ms.gov

(1): Each entity requesting funds related to Senate Bill 2002 must complete **all** of the forms listed under Step #3 and **submit them all to DFA at the same time**. If your organization, government, etc., has a governing authority such as a board, council, etc., it is your responsibility to ensure that the proper approvals are received from your governing authority before submitting the completed forms.

(2): There are two Memorandums of Understanding posted on DFA's Senate Bill 2002 webpage. All entities that are political subdivisions of the State of Mississippi should use the form titled "Memorandum of Understanding – Government". All other entities (ex. non-profit organizations, corporations, etc.) should use the form titled "Memorandum of Understanding – Non-government".

(3): The letter requesting the transfer of funds should be printed and submitted on your organization's letterhead.

(4): All funds will be disbursed electronically. If your organization is not already registered with the State of Mississippi as a vendor and registered to use Paymode, then your organization will be required to register with the State and Paymode before DFA will transfer the funds allocated to your organization.

(5): If your organization needs to register as a vendor, indicate that in your submission email. In addition, **after** submitting all of the required forms contact CJ King at 601-359-3402 for assistance with registering as a vendor.