

**RESOLUTION OF DISAPPROVAL REGARDING PAYMENT TO VENDOR DICKERSON AND BOWEN, INC., FOR SUPPLEMENTAL ROAD CONSTRUCTION WORK PERFORMED PRIOR TO APPROVAL OF SAME**

**WHEREAS**, on September 8, 2015, the Madison County Board of Supervisors approved payment in the amount of \$1.3mm to contracting vendor, Dickerson & Bowen, Inc. for road construction work completed on Highland Colony Parkway, pursuant to contract #MC-6400 North Highland Colony Parkway Reconstruction; and

**WHEREAS**, after the vote of approval on September 8, 2015, the board learned that the contractor had already commenced certain supplemental road construction work due to the discovery of "Yazoo clay" and other destructive soil compounds, necessary to be removed in order to protect the integrity of the reconstruction project, and to promote the safety of the traveling public; and

**WHEREAS**, the original reconstruction contract having not provided authority for the supplemental work, and the board having not previously approved any specific "change order" authorizing the supplemental work to commence has been determined as inappropriate; and

**WHEREAS**, in accordance with state purchasing statutes and county regulatory guidelines, the board acknowledges that payment for said supplemental work can only be conducted upon prior approval of same by a duly authorized "change order"; and

**WHEREAS**, upon confirmation of the vendor, in association with review by the county engineer, the board understands that the supplemental road construction work performed without prior contract approval pursuant to "change order" has been estimated to be in the approximate value of \$117,257.78; and

**WHEREAS**, upon learning of the error, the board immediately instructed its Administrator to withhold payment to the vendor in the amount of \$117,257.78, deducting the amount from that invoice approved on September 8, 2015, in the total amount of \$1.3mm; and

**WHEREAS**, the Board of Supervisors in acknowledging its inadvertent error regarding the supplemental road work which it believed had been previously approved as within the scope of work of the original numbered contract, further instructs the County Attorney to seek an Order of the Madison County Circuit Court directing it to pay the vendor, Dickerson & Bowen, in the amount of \$117,257.78, to correct the error and to satisfy the matter.

**NOW, THEREFORE**, the Madison County Board of Supervisors does hereby ratify its instruction to the Administrator to withhold the amount of \$117,257.78 from that invoice previously presented by vendor Dickerson & Bowen as approved on September 8, 2015, in the total amount of \$1.3mm pursuant to contract #MC-6400 North Highland Colony Parkway Reconstruction, and to instruct the County Attorney to seek an Order of the Madison County Circuit Court directing the Board of Supervisors to remit the remaining amount of \$117,257.78 to vendor Dickerson & Bowen in payment for said supplemental work, having already been performed.

**RESOLVED** this the \_\_\_\_\_ day of September, 2015 pursuant to Motion made by

Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_ with vote  
being as follows:

Supervisor Karl Banks \_\_\_\_\_

Supervisor John Bell Crosby \_\_\_\_\_

Supervisor John Holland \_\_\_\_\_

Supervisor Paul Griffin \_\_\_\_\_

Supervisor Gerald Steen \_\_\_\_\_

The Motion having received the affirmative vote of a majority of the members present,  
the President declared the motion carried and this Resolution adopted this the  
\_\_\_\_\_ day of September, 2015.

MADISON COUNTY

By: \_\_\_\_\_  
Karl M. Banks, President, Board of Supervisors

Attest:

\_\_\_\_\_  
Chancery Clerk, Madison County, MS

SEAL