

E. The Executive Director of MDOT may withhold federal funds for the PROJECT for any of the following reasons:

- a. Failure to proceed with the work when so instructed by the MDOT or to adhere to the requirements of the contract.
- b. Failure to perform the work with sufficient workmen, equipment and materials to assure completion within contract time.
- c. Performing unacceptable work, or neglecting or refusing to remove materials or to perform any such work as may be rejected as unacceptable.
- d. Discontinuing the prosecution of the work.
- e. Failure to comply with all federal, state and local laws, ordinances, regulations, permits, and all orders and decrees of bodies or tribunals having jurisdiction or authority which affect those engaged or employed on the work or affect the conduct of the work.
- f. Becoming insolvent, being declared bankrupt or committing any act of bankruptcy or insolvency.
- g. Allowing a final judgment to stand unsatisfied.
- h. Making an assignment for the benefit of creditors.
- i. Failure for any other cause whatsoever to carry on the work in an acceptable manner.

Before federal Funds are terminated, the LPA will be notified in writing by the Executive Director of the conditions which make termination of funds imminent. If no effective effort has been made by the LPA, its agents, employees, contractors or subcontractors, to correct the conditions of which complaint is made, within fifteen (15) calendar days after notice is given, the Executive Director may declare the Federal Funds suspended for the PROJECT and notify the LPA accordingly. The LPA will then have forty-five (45) days in which to correct all conditions of which complaint is made. If all conditions are not corrected within forty-five (45) days, the Executive Director may declare the federal funds for the PROJECT terminated and notify the LPA accordingly. If all conditions are corrected, within the forty-five (45) day period, the LPA will be reimbursed under the terms of this agreement, for all work satisfactorily completed during the forty-five days period.

ARTICLE III. NOTICE & DESIGNATED AGENTS

A. For purposes of implementing this section and all other sections of this Agreement with regard to notice, the following individuals are herewith designated as agents for the respective parties unless otherwise indentured in the addenda hereto:

For Contractual Administrative Matters:
COMMISSION:
Melinda L. McGrath, Executive Director
MDOT
P.O. Box 1850
Jackson, MS 39215-1850
Phone: (601) 359-7002
Fax: (601) 359-7110

LPA:
Samantha Abell, City Manager
City of Gautier
3330 Highway 90
Gautier, MS 39553
Phone: 228-497-8000
Fax: 228-497-8028

For Technical Matters:
COMMISSION:
David Seyfarth, PE
District LPA Coordinator – District Six
MDOT
16499-B Hwy 49
Saucier, MS 39574
Phone: 228-832-0682
Fax: 228-832-0681

LPA:
Dennis Reeves, PE
Director of Public Works
City of Gautier
3330 Highway 90
Gautier, MS 39553
Phone: 228-497-4283
Fax: 228-497-8028

B. All notices given hereunder shall be by U.S. Certified Mail, return receipt requested, or by facsimile and shall be effective only upon receipt by the addressee at the above addresses or telephone numbers.

ARTICLE IV. RELATIONSHIP OF THE PARTIES

A. The relationship of the LPA to the COMMISSION is that of an independent contractor, and said LPA, in accordance with its status as an independent contractor, covenants and agrees that it will conduct itself consistent with such status, that it will neither hold itself out as, nor claim to be, an officer or employee of the COMMISSION by reason hereof. The LPA will not by reason hereof, make any claim, demand or application or for any right or privilege applicable to an officer or employee of the COMMISSION, including but not limited to workers' compensation coverage, unemployment insurance benefits, social security coverage, retirement membership or credit, or any form of tax withholding whatsoever.

B. The COMMISSION executes all directives and orders through the MDOT. The LPA executes all directives and orders pursuant to applicable law, policies, procedures and regulations. All notices, communications, and correspondence between the COMMISSION and the LPA shall be directed to the designated agent shown above in Article III.

ARTICLE V. RESPONSIBILITIES FOR CLAIMS AND LIABILITY

To the extent permitted by law, the Commission and the LPA agree that neither party nor their agents, employees, contractors or subcontractors, will be held liable for any claim, loss, damage, cost, charge or expenditure arising out of any negligent act, actions, neglect or omission caused solely by the other party, its agents, employees, contractors or subcontractors.

ARTICLE VI. MISCELLANEOUS

No modification of this Memorandum of Understanding shall be binding unless such modification shall be in writing and signed by all parties. If any provision of this Memorandum of Understanding shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Memorandum of Understanding is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

ARTICLE VII. AUTHORITY TO CONTRACT

Both parties hereto represent that they have authority to enter into this Memorandum of Understanding.

So agreed this the 17 day of July, 2012

City of Gautier

Samantha D. Abell
Samantha Abell, City Manager

So Agreed this the 26th day of Sept., 2012

MISSISSIPPI TRANSPORTATION COMMISSION
By and through the duly authorized
Executive Director

Melinda L. McGrath
Melinda L. McGrath, Executive Director
Mississippi Department of Transportation

Book 16, Page 2189

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 178-2012

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that the City Manager is authorized to enter into a Memorandum of Understanding with the Mississippi Department of Transportation concerning the TE Project Streetscape Improvement.

IT IS FURTHER ORDERED that the City Manager of City Clerk is authorized to execute any and all documents necessary.

Motion was made by Mayor Fortenberry, seconded by Councilwoman Martin and the following vote was recorded:

AYES: Tommy Fortenberry
Johnny Jones
Hurley Ray Guillotte
Gordon Gollott
Mary Martin
Scott Macfarland
Adam Colledge

NAYS: None


MAYOR

ATTEST:

INTERIM CITY CLERK

PASSED AND ADOPTED by Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of July 17, 2012.

Mark C. McConnell
Deputy Executive Director/
Chief Engineer

Charles R. Carr
Director
Office of Intermodal Planning



Jackie Duckworth
Deputy Executive Director/
Administration

Willie Huff
Director
Office of Enforcement

Melinda L. McGrath
Executive Director

P. O. Box 1850 / Jackson, Mississippi 39215-1850 / Telephone (601) 359-7001 / FAX (601) 359-7110 / www.GoMDOT.com

16499-B Highway 49, Saucier, MS 39574-9740
June 29, 2012

Ms. Samantha Abell
City Manager, City of Gautier
3330 Highway 90
Gautier, MS 39553

RE: Project number and Memorandum of Understanding, MOU, for TE Project
Streetscape Improvements

Dear Ms. Abell,

The above referenced federal aid project has been activated and assigned a project number-STP-0494-00(008)LPA/ 106378-701000. This number should be used in its entirety on all correspondence for this project.

Attached are the duplicate copies of the MOU for the above referenced project for your review and processing. The MOU outlines responsibilities and funding as required by the MDOT project development manual, PDM, for federal funding. Please execute the MOU in duplicate and return with governing council or board minutes signifying approval. Please mail to:

Mississippi Department of Transportation
Attn: David Seyfarth
16499-B Highway 49
Saucier, MS 39574-9740

In accordance with the MOU, please remember to include the MDOT in any public relations activities or press release for this project. The MDOT public relations liaison for District VI is Layla Essary, telephone number 601-466-1881.

Should you need additional information, contact my office at 228-832-0682.

Sincerely,

David H. Seyfarth, PE, PS
Special Projects Engineer

cc: Project File 16-10 w/ attachments

Councilman Colledge recused himself at 7:42 pm from the discussion and vote of Business Item #6- Approval of a firm for Professional Design Services for the Public Works Back Building Repair Project (Hurricane Katrina Project #4214).

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

ORDER NUMBER 026-2014

IT IS HEREBY ORDERED by the Mayor and Members of the Council of the City of Gautier, Mississippi, that Machado and Patano is hereby selected as the Professional Design Services Firm for Public Works Back Building Repair Project (Hurricane Katrina Project #4214).

IT IS FURTHER ORDERED that the City Manager and City Clerk are authorized to execute any and all documents necessary.

Motion was made by **Councilwoman Martin**, seconded by **Councilman Jones** and the following vote was recorded:

AYES: Gordon Gollott
 Mary Martin
 Johnny Jones
 Hurley Ray Guillotte
 Casey Vaughan
 Rusty Anderson

NAYS: None

RECUSED: Adam Colledge

MAYOR

ATTEST:

CITY CLERK

Passed and Adopted by the Mayor and Members of the Council of the City of Gautier, Mississippi, at the meeting of February 4, 2014.

**CITY OF GAUTIER
MEMORANDUM**

To: Samantha D. Abell, City Manager
From: Patty Huffman, Grants and Projects Manager
Thru: Chandra Nicholson, Planning and Economic Development Director
Date: January 28, 2014
Subject: City Council Selection of a Firm for Professional Design Services for Public Works Back Building Repairs (Hurricane Katrina Project #4214)

REQUEST:

City Council action is requested to approve a firm for Professional Design Services for the Public Works Back Building Repair Project (Hurricane Katrina Project #4214).

BACKGROUND:

The Public Works Back Building Project #4214 is the final project to be completed for the City of Gautier's Hurricane Katrina related damage. This project has been under appeal with FEMA for over two years. Ultimately FEMA disapproved the City's request to demolish and rebuild the building. The City therefore plans to complete the repairs originally authorized by FEMA and MEMA which include roof repairs, awnings, fencing, and other minor repairs to the back building.

DISCUSSION:

The City advertised a Request for Qualifications (RFQ) with a deadline of December 5, 2013 for Professional Design Services for this project. The City received seven (7) proposals. A Selection Committee comprised of City staff members reviewed the proposals individually and then met to evaluate and score the proposals based on the advertised RFQ criteria.

<u>Firms</u>	<u>Committee Score (max. 100 points)</u>
Machado and Patano	90
Allred Architectural Group	75
Goodwyn, Mills & Cawood	75
Michael Reeves Architect	65
William Lack, Architect	60
Pryor and Morrор, Architects & Engineers	60
Hardy & Associates Architect	60

RECOMMENDATION:

Based on the scores above, the Selection Committee recommends the firm of Machado and Patano for the Professional Design Services needed for the Public Works Back Building Repair Project (Hurricane Katrina #4214). The City Council may:

1. authorize selection of the recommended firm for the Public Works Building Repair Project;
or
2. decline to authorize selection of the recommended firm for the Public Works Building Repair Project.

ATTACHMENT(S):

Recommendation of Consultant Selection Committee

**RECOMMENDATION OF
CONSULTANT SELECTION
COMMITTEE**

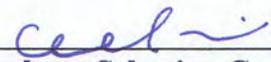
RE: Public Works Back Building Repair Project #4214 (Professional Design Services)

The following proposals were received in the Purchasing Agent's Office no later than **2:00 p.m. on Thursday, December 5, 2013**. The Consultant Selection Committee met on **January 9, 2014** to review the proposals received from the following firms and/or individuals:

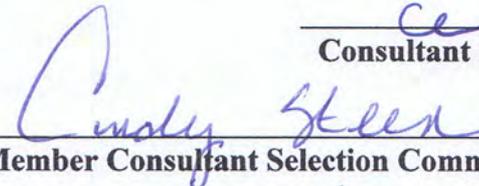
1. Allred Architectural Group, PA
2. Goodwyn, Mills & Cawood, PLLC
3. Hardy & Associates Architect, PLLC
4. Machado and Patano
5. Michael Reeves Architect, PLLC
6. Pryor and Morrow, Architects and Engineers, PA
7. William Lack, Architect, PLLC

The Selection Committee used a point system to evaluate the proposals submitted. After careful review of the content of the submissions, the Committee awarded the highest number of points to Machado and Patano. We therefore recommend the awarding of a contract with **Machado and Patano** for this project based on the points assigned below.

FIRM NAME	Total (100 pts)
Machado and Patano	90
Allred Architectural Group, PA	75
Goodwyn, Mills & Cawood, PLLC	75
Michael Reeves Architect, PLLC	65
William Lack, Architect, PLLC	60
Pryor and Morrow, PA	60
Hardy & Associates Architect, PLLC	60



Consultant Selection Committee, Chair

Member Consultant Selection Committee **Member Consultant Selection Committee**



Member Consultant Selection Committee

Councilman Colledge rejoined the meeting at 7:45 pm.

There came for consideration of the Mayor and Members of the Council of the City of Gautier, Mississippi, the following:

RESOLUTION NUMBER 005-2014

A RESOLUTION APPROVING THE SCHEDULE OF AUTHORIZED POSITIONS AND ORGANIZATION CHART

WHEREAS, it is the desire of the Mayor and Council to approve the FY 2014 Schedule of Authorized Positions and Organizational Chart on February 4, 2014 as presented by the City Manager in accordance with Mississippi Code of 1972 Section 21-9-45.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GAUTIER, MISSISSIPPI, THAT:

SECTION 1. The schedule of authorized funded full-time, part-time, and reserve positions listed below is hereby adopted, as amended.

**CITY OF GAUTIER
FY 2014
SCHEDULE OF AUTHORIZED POSITIONS
(Underline New/Strike-Thru ~~Old~~)**

	Pay Scale	Pay Grade	Number of Full-Time Authorized Positions	Number of Part-Time Authorized Positions	Number of Reserve Authorized Positions (Not Paid)
<u>JUDICIAL</u>					
City Judge	N/A	N/A		1	
Total Funded				1	
Total Non-Funded					
<u>EXECUTIVE DEPT</u>					
City Manager	N/A	N/A	1		
Executive Assistant	2080	10	1		
Total Funded			2		
Total Non-Funded					
<u>FINANCE DEPT</u>					
Comptroller	2080	21	1		
Finance Support Specialist	2080	11	1		
Accounting Generalist	2080	10	1		
Total Funded			3		
Total Non-Funded					
<u>HUMAN RESOURCES DEPT</u>					
Director	2080	21	1		
HR Generalist	2080	10	1		
Custodian	2080	6	1		
Multi-Craft Maintenance Worker	2080	10	1		