

Proposal To:  
City of Tupelo, Lee County, Mississippi  
Purchasing Office, City Hall 1<sup>st</sup> Floor  
71 East Troy Street  
Tupelo, MS 38804

Bid For: WARD 7 LAWNSDALE ELEMENTARY SIDEWALKS

Project No.: STP-0430-00(046)LPA/109150-701000

Bid No. 2024-009PW

Proposal From: J.M. Duncan INC.

PO Box 1355

Ripley, MS 38663

C.O.R. #: 16029-MC

Proposal Date: March 27th, 2024 @ 10:00 AM

X	Office Review
X	PSE
X	Final PSE
X	Street Ready
	Executed

# CITY OF TUPELO

## PROPOSAL AND CONTRACT DOCUMENTS FOR

FEDERAL AID PROJECT NO.  
STP-0430-00(046)LPA/109150  
(Lee County)

Construction of Sidewalk along South Green Street parallel to  
Mitchell Road and crossing Lawndale Drive to connect to  
Lawndale Elementary

November 2023

By:

Dabbs Corporation

I certify that this a true and correct copy of the original  
proposal and contract documents on file, located in the  
City of Tupelo, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
LPA Official

\_\_\_\_\_  
Project Engineer



\_\_\_\_\_  
Dustin Dabbs, P.E.

\_\_\_\_\_  
02/15/2024  
Date



AIA Document A310

# Bid Bond

KNOW ALL MEN BY THESE PRESENTS, that **J. M. Duncan, Inc.**

as Principal, hereinafter called the Principal and **Western Surety Company**

a corporation duly organized under the laws of the State of **South Dakota**

as Surety, hereinafter called the Surety, are held and firmly bound unto **City of Tupelo**  
**71 East Troy Street, Tupelo, MS 38804**

as Obligee, hereinafter called the Obligee, in the sum of **Five percent of amount bid**

Dollars(\$ 5% ),

for the payment of which sum well and truly to be made, the said Principal and the said Surety, bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

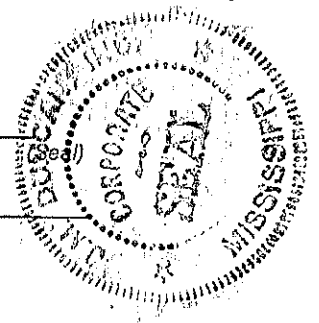
WHEREAS, the Principal has submitted a bid for **Ward 7 Lawndale Elementary Sidewalks, Tupelo, Lee County, MS -- Project No. STP-0430-00(046)LPA/109150-701000, Bid No. 2024-009PW**

NOW, THEREFORE, if the Obligee shall accept the bid of the Principal and the Principal shall enter into a Contract with the Obligee in accordance with the terms of such bid, and give such bond or bonds as may be specified in the bidding or Contract Documents with good and sufficient surety for the faithful performance of such Contract and for the prompt payment of labor and material furnished in the prosecution thereof, or in the event of the failure of the Principal to enter such Contract and give such bond or bonds, if the Principal shall pay to the Obligee the difference not to exceed the penalty hereof between the amount specified in said bid and such larger amount for which the Obligee may in good faith contract with another party to perform the Work covered by said bid, then this obligation shall be null and void, otherwise to remain in full force and effect.

Signed and sealed this **27th** day of **March**, 2024

*Raella Boyd*  
(Witness)

**J. M. Duncan, Inc.**  
*[Signature]*  
(Principal)  
**President**  
(Title)



*Janice McCoy*  
(Witness)  
**Janice McCoy**

**Western Surety Company**  
*[Signature]*  
(Surety) (Seal)  
**Cooper W. Permenter**  
(Title)

**Cooper W. Permenter, Attorney-in-fact**  
**MISSISSIPPI RESIDENT AGENT**



# Western Surety Company

## POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

**Keith W Brown, Mark E Harris, W W Jones II, Tona J Hunter, Joseph Madden III, Richard L Powell, Ric Stallings, Cooper W Permenter, Individually**

of Memphis, TN, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

**- In Unlimited Amounts -**

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the Authorizing By-Laws and Resolutions printed at the bottom of this page, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Vice President and its corporate seal to be hereto affixed on this 1st day of November, 2023.



WESTERN SURETY COMPANY

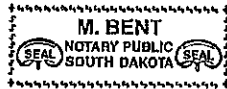
Larry Kasten, Vice President

State of South Dakota }  
County of Minnehaha } ss

On this 1st day of November, 2023, before me personally came Larry Kasten, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is a Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

March 2, 2026



M. Bent, Notary Public

### CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law and Resolutions of the corporation printed below this certificate are still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 27th day of March, 2024.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary

### Authorizing By-Laws and Resolutions

#### ADOPTED BY THE SHAREHOLDERS OF WESTERN SURETY COMPANY

This Power of Attorney is made and executed pursuant to and by authority of the following By-Law duly adopted by the shareholders of the Company.

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, and Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

This Power of Attorney is signed by Larry Kasten, Vice President, who has been authorized pursuant to the above Bylaw to execute power of attorneys on behalf of Western Surety Company.

This Power of Attorney may be signed by digital signature and sealed by a digital or otherwise electronic-formatted corporate seal under and by the authority of the following Resolution adopted by the Board of Directors of the Company by unanimous written consent dated the 27<sup>th</sup> day of April, 2022:

"RESOLVED: That it is in the best interest of the Company to periodically ratify and confirm any corporate documents signed by digital signatures and to ratify and confirm the use of a digital or otherwise electronic-formatted corporate seal, each to be considered the act and deed of the Company."

Go to [www.cnasurety.com](http://www.cnasurety.com) > Owner / Oblige Services > Validate Bond Coverage, if you want to verify bond authenticity.

## SECTION 905 - PROPOSAL

Last Edited 6/12/2018

Date 3/27/24TO: City of Tupelo, Lee County, MS  
71 East Troy Street  
TUPELO, MS 38804Sirs: The following proposal is made on behalf of MATT DUNCAN  
of J. M. Duncan, Inc.

for constructing the following designated project(s) within the time(s) hereinafter specified.

The plans are composed of drawings and blue prints on file in the offices of City Clerk  
Tupelo City Hall, 71 East Troy St, Tupelo, Mississippi. 38804

The Specifications are the current Standard Specifications of the Mississippi Department of Transportation approved by the Federal Highway Administration, except where superseded or amended by the plans, Special Provisions and Notice(s) to Bidders attached hereto and made a part thereof.

I (We) certify that I (we) possess a copy of said Standard and any Supplemental Specifications.

Evidence of my (our) authority to submit the Proposal is hereby furnished. The proposal is made without collusion on the part of any person, firm or corporation. I (We) certify that I (we) have carefully examined the Plans, the Specifications, including the Special Provisions and Notice(s) to Bidders, herein, and have personally examined the site of the work. On the basis of the Specifications, Special Provisions, Notice(s) to Bidders, and Plans, I (we) propose to furnish all necessary machinery, tools, apparatus and other means of construction and do all the work and furnish all the materials in the manner specified. I (We) understand that the quantities mentioned herein are approximate only and are subject to either increase or decrease, and hereby propose to perform any increased or decreased quantities of work at the unit prices bid, in accordance with the above.

I (We) acknowledge that this proposal will be found irregular and/or non-responsive unless a certified check, cashier's check, or Proposal Guaranty Bond in the amount as required in the Advertisement (or, by law) is submitted electronically with the proposal or is delivered to the office of City Clerk located at 71 East Troy St prior to the bid opening time specified in the advertisement.  
TUPELO, MS 38804

INSTRUCTION TO BIDDERS: Alternate and Optional Items on Bid Schedule.

1. Two or more items entered opposite a single unit quantity WITHOUT DEFINITE DESIGNATION AS "ALTERNATE ITEMS" are considered as "OPTIONAL ITEMS". Bidders may or may not indicate on bids the Optional Item proposed to be furnished or performed WITHOUT PREJUDICE IN REGARD TO IRREGULARITY OF BIDS.
2. Items classified on the bid schedule as "ALTERNATE ITEMS" and/or "ALTERNATE TYPES OF CONSTRUCTION" must be preselected and indicated on bids. However, "Alternate Types of Construction" may include Optional Items to be treated as set out in Paragraph 1, above.
3. Optional items not preselected and indicated on the bid schedule MUST be designated in accordance with Subsection 102.06 prior to or at the time of execution of the contract.
4. Optional and Alternate items designated must be used throughout the project.

I (We) further propose to perform all "force account or extra work" that may be required of me (us) on the basis provided in the Specifications and to give such work my (our) personal attention in order to see that it is economically performed.

I (We) further propose to execute the attached contract agreement (Section 902) as soon as the work is awarded to me (us), and to begin and complete the work within the time limit(s) provided for in the Specifications and Advertisement. I (We) also propose to execute the attached contract bond (Section 903) in an amount not less than one hundred (100) percent of the total of my (our) part, but also to guarantee the excellence of both workmanship and materials until the work is finally accepted.

SECTION 905 - PROPOSAL (CONTINUED)

Last Edited 6/12/2016

I (We) shall submit electronically with our proposal or deliver prior to the bid opening time a certified check, cashier's check or bid bond for **five percent (5%) of total bid** and hereby agree that in case of my (our) failure to execute the contract and furnish bond within Ten (10) days after notice of award, the amount of this check (bid bond) will be forfeited to the State of Mississippi as liquidated damages arising out of my (our) failure to execute the contract as proposed. It is understood that in case I am (we are) not awarded the work, the check will be returned as provided in the Specifications.

I (We) hereby certify by conventional signature below of a paper bid submission, or by digital signature of an electronic submission via any authorized electronic submittal software, of the Section 905 proposal below, that all certifications, disclosures and affidavits incorporated herein are deemed to be duly executed in the aggregate, fully enforceable and binding upon delivery of the bid proposal. I (We) further acknowledge that this certification shall not extend to the bid bond or alternate security which must be separately executed for the benefit of the owner. This signature does not cure deficiencies in any required certifications, disclosures and/or affidavits. I (We) also acknowledge the right of the owner to require full and final execution on any certification, disclosure or affidavit contained in the proposal at the owner election upon award. Failure to so execute at the request within the time allowed in the Standard Specifications for execution of all contract documents will result in forfeiture of the bid bond or alternate security.

Bidder acknowledges receipt of and has added to and made a part of the proposal and contract documents the following addendum (addenda):

ADDENDUM NO. \_\_\_\_\_ DATED \_\_\_\_\_ ADDENDUM NO. \_\_\_\_\_ DATED \_\_\_\_\_  
ADDENDUM NO. \_\_\_\_\_ DATED \_\_\_\_\_ ADDENDUM NO. \_\_\_\_\_ DATED \_\_\_\_\_

TOTAL ADDENDA: 0  
(Must agree with total addenda issued prior to opening of bids)

Respectfully submitted,

DATE: 3/27/24

J. M. Duncan, Inc.  
Contractor

BY: MATT DUNCAN 

TITLE: PRESIDENT

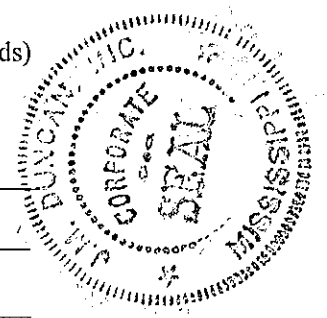
ADDRESS: P.O. Box 1355

CITY: Ripley, MS 38663

PHONE: 662-882-3231

FAX: 662-993-8579

EMAIL: jmduncaninc@yahoo.com



SECTION 905 PROPOSAL (Bid Sheet No. 2-1)  
 PROJECT NO. STP-0430-00(046)LPA/109150-701000  
 CITY OF TUPELO  
 LEE COUNTY, MISSISSIPPI  
 PROJECT DESCRIPTION: WARD 7 LAWDALE ELEMENTARY SIDEWALKS

I (We) agree to complete the entire project within the specified contract time.

**\*\*\*SPECIAL NOTICE TO BIDDERS\*\*\***

**BIDS WILL NOT BE CONSIDERED UNLESS BOTH UNIT PRICES AND ITEM TOTALS ARE ENTERED  
 BIDS WILL NOT BE CONSIDERED UNLESS THE BID CERTIFICATE LOCATED AT THE END OF THE BID SHEETS IS SIGNED**

ITEM NO.	PAY ITEM NO.	DESCRIPTION	PLAN QTY	UNIT	UNIT PRICE	ITEM	TOTAL
10	201-A001	Clearing and Grubbing	1	LS	.....	8,000.00	
20	202-B004	Removal of Asphalt Driveways, All Depths	20	SY	25.00	500.00	
30	202-B080	Removal of Concrete Sidewalk	10	SY	40.00	400.00	
40	202-B088	Removal of Curb & Gutter, All Types	68	LF	20.00	1,360.00	
50	202-B191	Removal of Pipe, 8" And Above	1	LF	500.00	500.00	
60	203-A002	Unclassified Excavation, LVM, All	50	CY	20.00	1,000.00	
70	203-EX041	Borrow Excavation, All, LVM, Class B9-6	523	CY	24.00	12,552.00	
80	203-G002	Excess Excavation, LVM, All	115	CY	20.00	2,300.00	
90	216-A001	Solid Sodding	2,255	SY	6.40	14,432.00	
100	219-A001	Watering	10	KGAL	\$ 20.00	\$ 200.00	
110	907-234-A001	Temporary Silt Fence	1,200	LF	4.00	4,800.00	
120	235-A001	Temporary Erosion Checks	20	EA	100.00	2,000.00	
130	237-A001	Wattles, 12"	100	LF	10.00	1,000.00	
140	503-C010	Saw Cut, Full Depth	70	LF	10.00	700.00	
150	601-B001	Class "B" Structural Concrete, Minor Structures	5	CY	2,500.00	12,500.00	
160	602-A001	Reinforcing Steel	42	LBS	6.00	252.00	
170	603-C-A003	15" Reinforced Concrete Pipe, Class III	96	LF	87.00	8,352.00	
180	603-CA011	18" Reinforced Concrete Pipe, Class III	8	LF	125.00	1,000.00	
190	603-CB002	15" Reinforced Concrete End Section	2	EA	2,100.00	4,200.00	
200	603-CB003	18" Reinforced Concrete End Section	1	EA	2,100.00	2,100.00	
210	604-B001	Gratings	150	LBS	5.00	750.00	
220	608-B001	Concrete Sidewalk, With Reinforcement	672	SY	84.00	56,448.00	
230	907-608-C001	Detectable Warning Panels	120	SF	75.00	9,000.00	
240	609-B002	Concrete Curb, Header	45	LF	40.00	1,800.00	
250	613-D009	Adjustment of Utility Appurtenance	4	EA	750.00	3,000.00	
260	614-B001	Concrete Driveway, With Reinforcement	35	SY	150.00	5,250.00	
270	618-A001	Maintenance of Traffic	1	LS	.....	11,500.00	
280	619-D1001	Standard Roadside Construction Signs, Less than 10 Square Feet	160	SF	35.00	5,600.00	
290	619-D3001	Remove and Reset Signs, All Sizes	6	EA	580.00	3,480.00	
300	620-A001	Mobilization	1	LS	.....	27,000.00	
310	626-H004	Thermoplastic Legend, White	344	SF	17.50	6,020.00	
320	630-C002	Steel U-Section Posts, 2.0 lb/r	200	LF	11.60	2,320.00	
330	699-A001	Roadway Construction Stakes	1	LS	.....	6,000.00	
340	L00061 - 202-B501	Removal of Headwall	3	EA	1,000.00	3,000.00	
Total Cost						219,316.00	

SECTION 905 PROPOSAL (Bid Sheet No. 2-2)  
PROJECT NO. STP-0430-00(046)LPA/109150-701000  
CITY OF TUPELO  
LEE COUNTY, MISSISSIPPI  
PROJECT DESCRIPTION: WARD 7 LAWNSDALE ELEMENTARY SIDEWALKS

I (We) agree to complete the entire project within the specified contract time.

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COMPLETE ITEM NOS. 1, 2 AND/OR 3 AS APPROPRIATE. SEE NOTICE TO BIDDERS NO. 5266 AND SUPPLEMENT

1. I/We agree that no less than 1 percent shall be expended with small business concerns owned and controlled by socially and economically disadvantaged individuals (DBE and WBE).
2. Classification of Bidder: Small Business (DBE) \_\_\_\_\_ Small Business (WBE) \_\_\_\_\_
3. A joint venture with a Small Business (DBE/WBE): YES \_\_\_\_\_

**\*\*\*SIGNATURE STATEMENT\*\*\***

BIDDER ACKNOWLEDGES THAT HE/SHE HAS CHECKED ALL ITEMS IN THIS PROPOSAL FOR ACCURACY AND CERTIFY THAT THE FIGURES SHOWN HEREIN CONSTITUTE THEIR OFFICIAL BID.

  
\_\_\_\_\_  
BIDDER'S SIGNATURE



**Certification with regard to the Performance of Previous  
Contracts or Subcontracts subject to the Equal Opportunity  
Clause and the filing of Required Reports**

The Bidder X, proposed Subcontractor     , hereby certifies that he has X, has not     , participated in a previous contract or subcontract subject to the Equal Opportunity Clause, as required by Executive Orders 10925, 11114, or 11246, and that he has X, has not     , filed with the Joint Reporting Committee, the Director of the Office of Federal Contract Compliance, a Federal Government contracting or administering agency, or the former President's Committee on Equal Employment Opportunity, all reports due under the applicable filing requirements.

J.M. Duncan Inc.  
\_\_\_\_\_  
(COMPANY)  
BY [Signature]  
\_\_\_\_\_  
PRESIDENT  
\_\_\_\_\_  
(TITLE)

DATE: 3/27/24

NOTE: The above certification is required by the Equal Employment Opportunity Regulations of the Secretary of Labor (41 CFR 60-1.7 (b) (1)), and must be submitted by bidders and proposed subcontractors only in connection with contracts and subcontracts which are subject to the Equal Opportunity Clause. Contracts and Subcontracts which are exempt from the Equal Opportunity Clause are set forth in 41 CFR 60-1.5. (Generally only contracts or subcontracts of \$10,000 or under are exempt.)

Currently, Standard Form 100 (EEO-1) is the only report required by the Executive Orders or their implementing regulations.

Proposed prime Contractors and Subcontractors who have participated in a previous contract or subcontract subject to the Executive orders and have not filed the required reports should note that 41 CFR 60-1.7 (b) (1) prevents the award of contracts and subcontracts unless such Contractors submit a report covering the delinquent period or such other period specified by the Federal Highway Administration or by the Director, Office of Federal Contract Compliance, U. S. Department of Labor.