

## CONTRACT

This contract made and entered into by and between

APAC-Mississippi, Inc.  
101 RIVERVIEW DR.  
RICHLAND, MS 39218

hereinafter called Contractor, and The Mayor and Aldermen of The City of Vicksburg, Mississippi, a municipal corporation, hereinafter called the City.

WITNESSETH:

That for and in consideration of the mutual benefits and advantages each to the other, as hereinafter set forth, the parties hereto agree as follows:

1. That the City's Advertisement for Bids, the Contractor's bid, the specifications, including any and all special provisions, changes and addenda covering the work to be done, the contract plans, working drawings and the bonds hereto attached are hereby made a part of this contract as fully and completely as if set forth in words and figures herein.
2. That the work to be done, more specifically disclosed by said plans and specifications, and other contract documents, the immediate construction of which is covered by this contract, is the construction of

### 2017 STREET RESURFACING PROJECT SOUTH WARD

3. The Contractor agrees to furnish all materials in place and to faithfully complete all of said work contemplated by this contract in good and workmanlike manner, strictly in accordance with said plans and specifications, special provisions, and other contract documents and requirements of the City, to the complete satisfaction of the City, or authorized representatives, and in accordance with the laws of the United States, the State of Mississippi and the ordinances of the City of Vicksburg, for which the City hereby agrees to pay and the Contractor agrees to accept a sum of money in current funds equal to the total value of the work complete in place, computed by multiplying the final quantities of each item of work by the contract unit prices thereof as stated in the proposal, attached hereto and made a part hereof, plus the amount of any supplemental agreements and force accounts for extra work authorized and performed, which is estimated as being in the sum of ONE Million, FIVE HUNDRED, TWENTY-FIVE THOUSAND, FIVE HUNDRED, TWENTY-SIX + <sup>55</sup>/<sub>100</sub> Dollars (\$ 1,525,526.<sup>55</sup>);

in full compensation for furnishing all materials, the doing of all work contemplated under the contract, as well as all loss or damage, if any, arising out of the nature of the work, or the action of the weather, and any and all other unforeseen obstructions or difficulties that may be encountered in the prosecution of the same, the Contractor assuming all risks of every kind and description in the performance of this contract.

4. The Contractor agrees and binds himself (itself) to indemnify and save harmless the City of Vicksburg, of and from any and all claims for damages growing out of the performance of this contract as a result of negligence on the part of the Contractor, or from any reason whatsoever, and particularly from the public use of the streets being constructed or improved under this contract.

5. Attached hereto and made a part of this contract is a payment and performance bond, executed by a surety company doing business in the State of Mississippi in the penal sum of One Million, Five Hundred, Twenty-Five Thousand, Five Hundred Dollars Twenty Six +  $\frac{55}{100}$  (\$ 1,525,526.55 ).

IN WITNESS WHEREOF the parties hereto have affixed their  
signatures this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APAC-Mississippi, Inc.  
Contractor

By [Signature] - AREA MANAGER  
Title

CITY OF VICKSBURG, MISSISSIPPI

By \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk





**Tina Davis, CIC, AFSB**

Vice President

Marsh USA Risk & Insurance Services  
15 West South Temple, Suite 700  
Salt Lake City, UT 84101  
801 533 3624 Fax 801 533 3610  
Tina.Davis@marsh.com  
www.marsh.com

March 27, 2017

The Mayor and Aldermen of the City of Vicksburg  
1401 Walnut Street  
Vicksburg, MS 39181

Subject:

**APAC - MISSISSIPPI, INC. – BOND NO. 8245-04-47**

**TO WHOM IT MAY CONCERN:**

We hereby give our authorization to date the above referenced Performance and Payment bond for the City of Vicksburg – 2017 Street Resurfacing Project South Ward, and attached Power of Attorney to correspond with the date of the contract.

Sincerely,

Tina Davis, CIC, AFSB

Attorney-In-Fact for Federal Insurance Company

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CHUBB®

## Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Attn: Surety Department | 15 Mountain View Road | Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint **Tina Davis, Lisa Hall, Linda Lee Nipper and Lindsey Plattner of Salt Lake City, Utah** -----

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 18<sup>th</sup> day of October, 2016.

  
Dawn M. Chloros, Assistant Secretary



  
David B. Norris, Jr., Vice President



STATE OF NEW JERSEY

County of Somerset

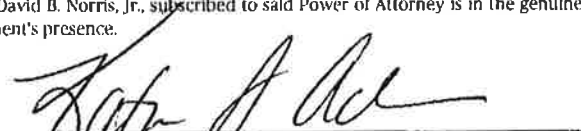
SS.

On this 18<sup>th</sup> day of October, 2016 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By-Laws and in deponent's presence.

Notarial Seal



KATHERINE J. ADELAAR  
NOTARY PUBLIC OF NEW JERSEY  
No. 2316685  
Commission Expires July 16, 2019

  
Notary Public

### CERTIFICATION

Extract from the By-Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

"Except as otherwise provided in these By-Laws or by law or as otherwise directed by the Board of Directors, the President or any Vice President shall be authorized to execute and deliver, in the name and on behalf of the Corporation, all agreements, bonds, contracts, deeds, mortgages, and other instruments, either for the Corporation's own account or in a fiduciary or other capacity, and the seal of the Corporation, if appropriate, shall be affixed thereto by any of such officers or the Secretary or an Assistant Secretary. The Board of Directors, the President or any Vice President designated by the Board of Directors may authorize any other officer, employee or agent to execute and deliver, in the name and on behalf of the Corporation, agreements, bonds, contracts, deeds, mortgages, and other instruments, either for the Corporation's own account or in a fiduciary or other capacity, and, if appropriate, to affix the seal of the Corporation thereto. The grant of such authority by the Board or any such officer may be general or confined to specific instances."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

- (i) the foregoing extract of the By-Laws of the Companies is true and correct,
- (ii) the signature of any authorized officer executing this Power of Attorney or any certificate relating thereto on behalf of the Companies, and the seal of the Companies, may be affixed to such Power of Attorney or certificate by facsimile and such Power of Attorney or certificate shall be valid and binding upon the Companies, and any such Power of Attorney so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Companies with respect to any bond or undertaking to which it is attached.
- (iii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in the U.S. Virgin Islands, and Federal is licensed in Guam, Puerto Rico, and each of the Provinces of Canada except Prince Edward Island; and
- (iv) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this **March 27, 2017**



  
Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT THE ADDRESS LISTED ABOVE, OR BY: Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com

PERFORMANCE AND PAYMENT BOND

STATE OF MISSISSIPPI) FOR:  
2017 STREET RESURFACING PROJECT SOUTH WARD

COUNTY OF WARREN)

located in Vicksburg, Mississippi

KNOW ALL MEN BY THESE PRESENTS, That we, \_\_\_\_\_

APAC - Mississippi, Inc., Principal, residing at \_\_\_\_\_

101 Riverview Drive, Richland in the State of Mississippi

\_\_\_\_\_ and Federal Insurance Company

residing at 202B Hall's Mill Road, Whitehouse Station in the State of New Jersey

authorized to do business in the State of Mississippi, under the  
laws thereof, as surety, are held and firmly bound unto The Mayor  
and Aldermen of The City of Vicksburg, Mississippi in the penal  
sum of \_\_\_\_\_

One Million Five Hundred Twenty Five Thousand Five Hundred Twenty Six and 55/100

(\$ 1,525,526.55 ) Dollars, lawful money of the United States of  
America, to be paid to it, for which payment well and truly to be made, we bind ourselves, our  
heirs, administrators, successors, or assigns jointly and severally by these presents.

Signed and sealed this the \_\_\_\_\_ day of \_\_\_\_\_ A.D.,  
2017.

The conditions of this bond are such, that whereas the said \_\_\_\_\_,  
Principal, has (have) entered into a contract (including drawings, plans, specifications and other  
contract documents on file with the City Clerk) with The Mayor and Aldermen of The City of  
Vicksburg, Mississippi bearing the date of \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2017, hereto  
annexed,

2017 STREET RESURFACING PROJECT SOUTH WARD

Now, therefore, the above bounden principal and surety, jointly and severally bind themselves to fully and completely perform all of the terms, covenants and conditions as in said contract contained on his (their) part to be done and performed; and furnish all of the labor, material and equipment specified in said contract in strict accordance with the terms of said contract, including said plans, specifications and special provisions, and shall maintain the said work and improvements contemplated until its final completion and acceptance; and save harmless said City of Vicksburg, Mississippi from any loss or damage arising out of or occasioned by the negligence, wrongful or criminal act, overcharge, fraud, or any other loss or damage whatsoever, on the part of said principal(s) his (their) agents, servants or employees in the performance of said contract; or in any manner connected therewith; and shall be liable for the repayment in a civil action instituted by said City for any amount of money or property the City of Vicksburg, Mississippi may lose or be overcharged or otherwise defrauded of, by reason of any wrongful or criminal act, if any, of the Contractor(s), his (their) agents or employees; and shall promptly pay the said agents, servants and employees and all persons furnishing labor, material equipment or supplies therefor, including premiums incurred, for Surety Bonds and Liability Insurance, in the course of the performance of said work, and shall promptly make payment of all taxes, licenses, assessments, contributions, damages, penalties, and interest thereon, when, and as the same may be lawfully due this state, or any county, municipality, board, department, commission or political sub-division thereof by reason of and directly connected with the performance of said contract or any part thereof, and shall fully and completely perform said contract and to the satisfaction of the City of Vicksburg, Mississippi and each and every obligation, condition, covenant and term thereof; and pay all of the expense and cost and Attorneys' fees that may be incurred in the enforcement of the performance of said contract, or in the enforcement of the conditions and obligations of this bond.

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WITNESS OUR SIGNATURES, this the \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_ A.D., 2017.

APAC - Mississippi, Inc.

Principal

Federal Insurance Company

Surety

by Jerry Donnell

By

Tina Davis, Attorney-in-Fact

Sec / Asst Mayor  
(Title)



15 W. South Temple, Ste. 700, Salt Lake City, UT 84101  
(Name and Address of Authorized Representative)

APPROVED:

CITY OF VICKSBURG, MISSISSIPPI

(Surety Seal)

BY \_\_\_\_\_  
MAYOR

\_\_\_\_\_ day of \_\_\_\_\_ 2017.

CHUBB®

## Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company

Attn: Surety Department | 15 Mountain View Road | Warren, NJ 07059

Know All by These Presents, That FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, and PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, do each hereby constitute and appoint **Tina Davis, Lisa Hall, Linda Lee Nipper and Lindsey Plattner of Salt Lake City, Utah** -----

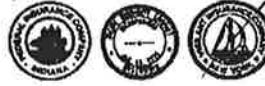
each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY have each executed and attested these presents and affixed their corporate seals on this 18<sup>th</sup> day of October, 2016.

  
Dawn M. Chloros, Assistant Secretary



  
David B. Norris, Jr., Vice President



STATE OF NEW JERSEY

County of Somerset

SS.

On this 18<sup>th</sup> day of October, 2016 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that she is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By-Laws of said Companies; and that she signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that she is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By Laws and in deponent's presence.

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