

**ORDER: ACCEPT MEMORANDUM OF UNDERSTANDING WITH MISSISSIPPI  
DEPARTMENT OF FINANCE FOR \$1,000,000.00 FOR WEST OXFORD LOOP  
PHASE II**

Motion was made by David Rikard, duly seconded by Brent Larson, to accept Memorandum of Understanding with MS Department of Finance for \$1,000,000.00 for West Oxford Loop Phase II.

The vote on the motion was as follows:

Supervisor Brent Larson, voted yes  
Supervisor Larry Gillespie, voted yes  
Supervisor David Rikard, voted yes  
Supervisor Chad McLarty, voted yes  
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 7<sup>th</sup> day of August, 2023.



Mike Roberts, President  
Board of Supervisors



Sherry Wall, Chancery Clerk

Government

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter the "MOU") is entered into between the Mississippi Department of Finance and Administration (hereinafter the "DFA") and Lafayette County (extension of West Oxford Loop) for the purpose of establishing the agreed upon conditions under which the DFA may disburse funds to assist Lafayette County in paying costs associated with the local project (hereinafter the "Project") specified in Section 28(bd) of House Bill 603 2023 Regular Legislative Session, Laws of 2023, (hereinafter the "Act"). This MOU is entered into in accordance with Miss. Code Ann. Section 27-104-351, also known as the Line-Item Appropriation Transparency Act, and pursuant to, and subject to the terms of the Act, which authorizes an amount not to exceed (\$1,000,000.00) (hereinafter the "Project Funds"), for the Project. **(PLEASE NOTE THAT IT IS YOUR RESPONSIBILITY TO SPEND THE FUNDS RECEIVED FROM THE STATE IN ACCORDANCE WITH THE ACT AS WELL AS ALL STATE AND FEDERAL LAWS AND REGULATIONS.)**

### RECITALS

**WHEREAS**, Section 28 of House Bill 603, 2023 Regular Legislative Session, authorized expenditures from the 2023 Local Improvements Projects Fund for certain projects; and

**WHEREAS**, pursuant to Section 28(bd) of House Bill 603, 2023 Regular Legislative Session, Laws of 2023, the Legislature has appropriated funds to Lafayette County to pay the costs of the Project; and

**WHEREAS**, the Act authorizes the DFA to disburse monies in the 2023 Local Improvements Projects Fund to pay the costs of the Project; and

**WHEREAS**, Lafayette County shall maintain the Project Funds in a separate bank account; and

**WHEREAS**, the DFA has requested Lafayette County to maintain on file the documentation listed in "Exhibit A" attached hereto and incorporated herein by reference, to the extent Lafayette County is subject to the State's procurement laws; and

**WHEREAS**, Lafayette County agrees to expend the funds within thirty-six (36) months from the date of receipt from the DFA; and

**WHEREAS**, Lafayette County agrees that if any proceeds from the Project Funds are remaining at the completion of the Project, Lafayette County will immediately notify and consult with the DFA regarding the disposition of the funds, and said funds shall be directed in accordance with the Act; and

**WHEREAS, Lafayette County** agrees to provide quarterly notarized reports to the DFA which describe and itemize the expenditure of the Project Funds and also provide an update on the status of the Project including future expenditure of the funds. The quarterly reports must be provided on a form designated by the DFA and must include all invoices and bank statements associated with the reported expenditures. The quarterly reports shall be provided within thirty (30) days of each calendar quarter end. Lafayette County 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 Project Funds upon completion of the Project. All invoices that have not previously been submitted, shall be submitted upon completion of the Project; and

**WHEREAS, the DFA** finds that it is in the best interest of the DFA and Lafayette County that the funds on deposit in the 2023 Local Improvements Projects Fund for Lafayette County (extension of West Oxford Loop) should be disbursed to Lafayette County and that Lafayette County shall directly administer the expenditure of such funds for the Project.

**NOW THEREFORE, IT IS MUTALLY AGREED BY THE MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION AND LAFAYETTE COUNTY AS FOLLOWS:**

**Section 1.** The DFA, pursuant to the Act, shall disburse the Project Funds from the 2023 Local Improvements Projects Fund upon written request of Lafayette County to pay the costs associated with the Project.

**Section 2.** Lafayette County certifies and agrees to make every effort to expend all funds received from the 2023 Local Improvements Projects Fund within thirty-six (36) months from the date of receipt and **solely** for the costs of the Project as set forth in the Act and upon the terms and provisions of this MOU. Failure of Lafayette County to adhere to any provision within this MOU may result in immediate action by the State to recover project funds.

**Section 3.** Lafayette County agrees to procure any necessary construction, goods, and services for the Project in accordance with State procurement laws to the extent Lafayette County is subject to same. Failure to adhere may cause the DFA to withhold all sums for the Project and seek recovery of same. Further, Lafayette County agrees to maintain on file the documentation listed in "Exhibit A" attached hereto and incorporated herein, in accordance with State law and the recitals of this MOU.

**Section 4.** Lafayette County agrees to provide the DFA quarterly notarized reports as set forth hereinabove, in a format designated by the DFA. The quarterly reports shall be provided within thirty (30) days of each calendar quarter end. Lafayette County shall also provide the DFA with a final report summarizing the expenditures and use of the Project Funds no more than thirty (30) days after final expenditure of the Project Funds.

**Section 5.** Lafayette County agrees to maintain copies of all invoices, bank statements, and similar documentation for each expenditure of all funds received from the 2023 Local Improvements Projects Fund sufficient to satisfy and confirm, to the DFA's satisfaction, that such funds have been expended **solely** for the costs of the project as authorized and provided by the Act.

**Section 6.** Lafayette County agrees that if any proceeds from the Project Funds are remaining at the completion of the Project, Lafayette County will immediately notify and consult with the DFA regarding the disposition of the funds and said funds shall be directed in accordance with the Act.

**Section 7.** Lafayette County agrees that Project Funds shall be expended in accordance with all State and Federal laws and regulations, and that failure to do so may cause the DFA to withhold funds for the Project or seek recovery of same.

**Section 8.** All notices or information pursuant to this MOU shall be provided as follows:

Lafayette County  
Attn: Mike Roberts, President  
Post Office Box 1240  
Oxford, Mississippi 38655  
Phone: 662-236-2717  
Email: [lcarrwyle@lafayettecoms.com](mailto:lcarrwyle@lafayettecoms.com)

Mississippi Department of Finance and Administration  
Attention: Gilda Reyes, Bond Advisory Director  
501 North West Street, Suite 1301  
Jackson, Mississippi 39201  
Telephone: 601-359-5516  
Email: [Gilda.Reyes@dfa.ms.gov](mailto:Gilda.Reyes@dfa.ms.gov)

**Section 9.** This MOU shall be effective from and after the final signature date.


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

**MISSISSIPPI DEPARTMENT OF FINANCE AND ADMINISTRATION**

By: \_\_\_\_\_  
Liz Welch, Executive Director

Date: \_\_\_\_\_

**LAFAYETTE COUNTY**

By: \_\_\_\_\_  
Mike Roberts, President

Date: 8/7/23

## EXHIBIT A

Lafayette County (extension of West Oxford Loop) shall maintain on file, the following items in relation to the Project:

1. Proof of Advertisement (i.e. copy of the advertisement, MPTAP and/or procurement portal posting, etc.) for any Request for Qualification (RFQ), Request for Proposals (RFP), or Invitation for Bid (IFB).
2. The Program of Work for the Project.
3. All solicitation documents (RFQ, RFP, IFB, etc.).
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 all payment requests or invoices for said construction, goods, and services. In the case of construction contractor payment applications, include Professional's approval of payment.
6. All contracts awarded for the Project.
7. All bank statements.
8. Any and all other documentation which may be required to document, to the DFA's satisfaction, that the Project funds are expended **solely** for the costs of the Project as set forth in the Act and upon the terms and provisions of this MOU.