

**BID BOND  
FOR  
STATE OF LOUISIANA MILITARY DEPARTMENT**

Date: September 11, 2014

KNOW ALL MEN BY THESE PRESENTS:

That Mac's Construction Co., Inc. of Mississippi of Hattiesburg, Mississippi, as Principal, and Travelers Casualty and Surety Company of America, as Surety, are held and firmly bound unto the State of Louisiana, Louisiana Military Department (Obligee), in the full and just sum of five (5%) percent of the total amount of this proposal, including all alternates, lawful money of the United States, for payment of which sum, well and truly be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally firmly by these presents.

Surety represents that it is listed on the current U. S. Department of the Treasury Financial Management Service list of approved bonding companies as approved for an amount equal to or greater than the amount for which it obligates itself in this instrument or that it is a Louisiana domiciled insurance company with at least an A - rating in the latest printing of the A. M. Best's Key Rating Guide. If surety qualifies by virtue of its Best's listing, the Bond amount may not exceed ten percent of policyholders' surplus as shown in the latest A. M. Best's Key Rating Guide.

Surety further represents that it is licensed to do business in the State of Louisiana and that this Bond is signed by surety's agent or attorney-in-fact. This Bid Bond is accompanied by appropriate power of attorney.

THE CONDITION OF THIS OBLIGATION IS SUCH that, whereas said Principal is herewith submitting its proposal to the Obligee on a Contract for:

Franklinton Readiness Center, Franklinton, LA, State Project No. LA14-A-004, H/S Project No. 13058

NOW, THEREFORE, if the said Contract be awarded to the Principal and the Principal shall, within such time as may be specified, enter into the Contract in writing and give a good and sufficient bond to secure the performance of the terms and conditions of the Contract with surety acceptable to the Obligee, then this obligation shall be void; otherwise this obligation shall become due and payable.

Mac's Construction Co., Inc. of Mississippi  
PRINCIPAL (BIDDER)

BY: James H. McMahon, Jr.  
AUTHORIZED OFFICER-OWNER-PARTNER  
James H. McMahon, Jr.  
Vice President

Travelers Casualty and Surety Company of America  
SURETY

BY: Linda D. Whittington  
AGENT OR ATTORNEY-IN-FACT (SEAL)  
Linda D. Whittington  
Fisher Brown Bottrell Insurance, Inc.

Countersigned By: Stephen L. Cory  
Stephen L. Cory #114547  
Cory Tucker, Larowe, Inc.  
Louisiana Resident Agent



## POWER OF ATTORNEY

Farmington Casualty Company  
 Fidelity and Guaranty Insurance Company  
 Fidelity and Guaranty Insurance Underwriters, Inc.  
 St. Paul Fire and Marine Insurance Company  
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
 Travelers Casualty and Surety Company  
 Travelers Casualty and Surety Company of America  
 United States Fidelity and Guaranty Company

Attorney-In Fact No. 227549

Certificate No. 005782029

**KNOW ALL MEN BY THESE PRESENTS:** That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

S. Lyle Bates, Jr., Jerry Eugene Horner, Jr., Jim A. Armstrong, Jerry G. Veazey, Jr., Jason J. Young, Trina Cobb, Linda D. Whittington, Peggy L. Jackson, William E. Howard Jr., Brody Eric Buckley, Angela Bullie, and Katie Aldridge

of the City of Jackson, State of Mississippi, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 30th day of January, 2014.

Farmington Casualty Company  
 Fidelity and Guaranty Insurance Company  
 Fidelity and Guaranty Insurance Underwriters, Inc.  
 St. Paul Fire and Marine Insurance Company  
 St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company  
 Travelers Casualty and Surety Company  
 Travelers Casualty and Surety Company of America  
 United States Fidelity and Guaranty Company



State of Connecticut  
 City of Hartford ss.

By: Robert L. Raney  
 Robert L. Raney, Senior Vice President

On this the 30th day of January, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.  
 My Commission expires the 30th day of June, 2016.



Marie C. Tetreault  
 Marie C. Tetreault, Notary Public



## POWER OF ATTORNEY

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Fidelity and Guaranty Insurance Underwriters, Inc.  
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of the City of Jackson, State of Mississippi, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

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My Commission expires the 30th day of June, 2016.



Marie C. Tetreault  
Marie C. Tetreault, Notary Public



## State Licensing Board for Contractors

This is to Certify that:

MAC'S CONSTRUCTION CO., INC. OF MISSISSIPPI  
P. O. Box 17017  
Hattiesburg, MS 394047017

is duly licensed and entitled to practice the following classifications

BUILDING CONSTRUCTION



Witness our hand and seal of the Board dated,  
Baton Rouge, LA 27th day of August 2012

Will B. McQuinn  
Director

Ben E. Sellers  
Chairman

Andy Denny  
Secretary-Treasurer

Expiration Date: August 26, 2015

License No: 10541

This License Is Not Transferrable

COPELAND  
COOK  
TAYLOR &  
BUSH

September 3, 2014

Construction Facilities Management Office  
ATTN: 1st LT Futrell  
420 F Street, Camp Beauregard  
Pineville, LA 71360-0613

Re: **Project # 220241 Contract # LA14-A-004**  
**Louisiana National Guard, Military Department, State of Louisiana**  
Franklinton Readiness Center, Franklinton, LA  
Bid Submitted by Mac's Construction Company, Inc.

Dear 1st LT Futrell:

Our firm represents Mac's Construction Company, Inc., a Mississippi corporation domiciled in the State of Mississippi, which possesses a Louisiana Building Construction License. It is our understanding that Mac's is submitting a bid for the above-referenced public contract in Franklinton, Louisiana.

Our firm has been requested to provide an opinion as to the preferences, if any or none, granted by the laws of Mississippi to its own business entities in the letting of public contracts. Based on the applicable statutes of both Mississippi and Louisiana, that the State of Mississippi would not grant a preference in the letting of a public contract to a Mississippi resident contractor over a Louisiana contractor bidding for the same job.

Mississippi Code Section 31-3-21 governs preferences for domestic contractors in Mississippi. It provides, in pertinent part, that:

(3) In the letting of public contracts preference shall be given to resident contractors, and a nonresident bidder domiciled in a state having laws granting preference to local contractors shall be awarded Mississippi public contracts only on the same basis as the nonresident bidder's state awards contracts to Mississippi contractors bidding under similar circumstances; and resident contractors actually domiciled in Mississippi, be they corporate, individuals, or partnerships, are to be granted preference over nonresidents in awarding of contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident.

Miss. Code Ann. § 31-3-21(3) (emphasis added). Notably, the Mississippi preference statute does not provide a preference in the form of any specific bid-percentage for Mississippi contractors.

HATTIESBURG  
110 Sheffield Loop  
Hattiesburg, MS 39402  
P.O. Box 17619  
Hattiesburg, MS 39404  
Tel (601) 264-6670  
Fax (601) 264-5660

GULF COAST | JACKSON | RIDGELAND

www.CCTB.com



Conversely, Louisiana Revised Statutes Section 38:2225 governs the preference for domestic contractors in Louisiana. It provides, in pertinent part, that:

If a nonresident contractor bidding on public work in the state of Louisiana is domiciled in a state that provides a percentage preference in favor of contractors domiciled in that state over Louisiana resident contractors for the same type of work, then every Louisiana resident contractor shall be granted the same preference over contractors domiciled in the other state favoring contractors domiciled therein whenever the nonresident contractor bids on public work in Louisiana.

La. Rev. Stat. § 38:2225(B) (emphasis added).

As can be seen, Mississippi law provides a “reciprocal” preference. Mississippi law states that the granting of a preference to a Mississippi contractor is contingent upon the foreign contractor’s state granting a preference to its own contractor. But Louisiana law only provides a preference to Louisiana contractors if the foreign contractor’s state law provides a specific preference percentage to its contractors. Mississippi law does not provide any specific bid-percentage preference to Mississippi contractors. Therefore, Louisiana law would not provide any specific bid-percentage preference to Louisiana contractors, either. And thus, Mississippi law would not provide any such “reciprocal” preference to Mississippi contractors.

In other words, since the State of Mississippi does not grant a specific bid-percentage preference to its own contractor over a Louisiana contractor, the State of Louisiana does not provide a bid-percentage preference to a Louisiana contractor over a Mississippi contractor, and the State of Mississippi does not provide any “reciprocal” bid-percentage preference to a Mississippi contractor over a Louisiana contractor. Therefore, in a bidding competition between a Mississippi contractor and a Louisiana contractor, neither State would give a preference to its own resident contractor over the other.

Except as set forth above, we express no other opinion as to the nature or effect of statutes governing public contracts with respect to any other matter, contractor, or project. We are furnishing this opinion to you solely in connection with these matters, and this opinion is not to be relied upon by any person or entity other than Mac’s Construction Company, Inc., or the State of Louisiana and City of Franklinton, Louisiana, for the limited purposes of the above-described bid and public construction project. If all of the representations, warranties, statements, and assumptions upon which we have relied are not true and accurate at all relevant times, our opinion might be adversely affected and may not be relied upon. Our opinion is not binding on the State of Louisiana, the City of Franklinton, or the Courts, and there is no assurance that the Attorney General or the Courts of the States of Mississippi or Louisiana will not assert a contrary position. Furthermore, no assurance can be given that future legislative, judicial, or administrative changes, on either a prospective or retroactive basis, would not adversely affect the accuracy of the conclusion herein.

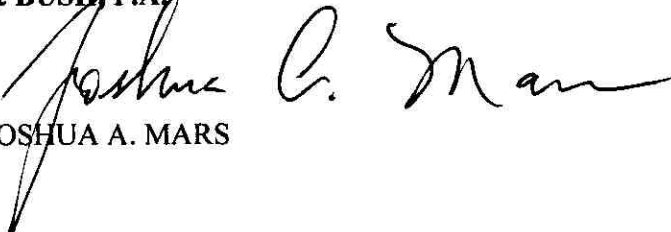
If you should have any further questions or need further information, please do not hesitate to contact us at the number provided herein.

1st LT Lutrell – Louisiana National Guard  
9/3/2014  
Page 3 of 3

With kindest regards, I remain

Sincerely,

**COPELAND, COOK, TAYLOR  
& BUSH, P.A.**

A handwritten signature in black ink, appearing to read "Joshua C. Mars". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

JOSHUA A. MARS

JAM/nkt

cc: Mr. Hal McMahon  
Mr. James C. Barron, III

# LOUISIANA UNIFORM PUBLIC WORK BID FORM

TO: Military Department State of Louisiana  
ATTN: State Contracting Officer  
718 E Street, Camp Beauregard  
Pineville, Louisiana 71360-0613  
*(Owner to provide name and address of owner)*

BID FOR: Franklinton Readiness Center  
Franklinton, LA  
Project No. 220241  
Contract No. LA14-A-004  
*(Owner to provide name of project and other identifying information)*

The undersigned bidder hereby declares and represents that she/he; a) has carefully examined and understands the Bidding Documents, b) has not received, relied on, or based his bid on any verbal instructions contrary to the Bidding Documents or any addenda, c) has personally inspected and is familiar with the project site, and hereby proposes to provide all labor, materials, tools, appliances and facilities as required to perform, in a workmanlike manner, all work and services for the construction and completion of the referenced project, all in strict accordance with the Bidding Documents prepared by: Holly & Smith

Architects, APAC and dated: 07/15/14  
*(Owner to provide name of entity preparing bidding documents.)*

Bidders must acknowledge all addenda. The Bidder acknowledges receipt of the following **ADDENDA:** (Enter the number the Designer has assigned to each of the addenda that the Bidder is acknowledging) 1, 2, 3, 4, 5

**TOTAL BASE BID:** For all work required by the Bidding Documents (including any and all unit prices designated "Base Bid" \* but not alternates) the sum of:

Ten Million Seven Hundred Thirty-Seven Thousand Three Hundred & No/100 Dollars (\$ 10,737,300.00 )

**ALTERNATES:** For any and all work required by the Bidding Documents for Alternates including any and all unit prices designated as alternates in the unit price description.

**Alternate No. 1:** Provide all labor, materials and incidentals as required to provide a concrete parking area at west portion of MOV parking as detailed on Civil Drawings for the lump sum of:

Six Hundred Thirty-Nine Thousand One Hundred & No/100 Dollars (\$ 639,100.00 )

**Alternate No. 2:** Provide all labor materials and incidentals as required to:

1. Provide the Display Case shown on Architectural floor plan.
2. Provide all Locker Room Lockers and Locker Room Benches and associated locker equipment.
3. Provide two (2) flagpoles at building entrance as shown on 25A0.10.
4. Provide all Terrazzo Flooring as shown in areas outlined in finish schedule on A6.00.

for the lump sum of:

One Hundred Twenty-Three Thousand Nine Hundred & No/100 Dollars (\$ 123,900.00 )

**Alternate No. 3:** Provide all labor, materials and incidentals as required to:

1. Provide an additional 17 KW of solar panel array with 6" layer of #5 washed stone over landscape fabric.
2. Provide 6'-0" chain link fence with barbed wire top at northwest portion of property as outlined on civil site plan.
3. Provide pre-finished decorative aluminum fence located at northeast portion of property as outlined on 25A0.10.

for the lump sum of:

One Hundred Twenty-Three Thousand One Hundred Fifty & No/100 Dollars (\$ 123,150.00 )

**NAME OF BIDDER:** Mac's Construction Co., Inc. of Mississippi

**ADDRESS OF BIDDER:** P O Box 17017

Hattiesburg, MS 394047017

**LOUISIANA CONTRACTOR'S LICENSE NUMBER:** 10541

**NAME OF AUTHORIZED SIGNATORY OF BIDDER:** James H. McMahon, Jr.

**TITLE OF AUTHORIZED SIGNATORY OF BIDDER:** Vice President

**SIGNATURE OF AUTHORIZED SIGNATORY OF BIDDER \*\*:** 

**DATE:** September 11, 2014



\* The Unit Price Form shall be used if the contract includes unit prices. Otherwise it is not required and need not be included with the form. The number of unit prices that may be included is not limited and additional sheets may be included if needed.

\*\* If someone other than a corporate officer signs for the Bidder/Contractor, a copy of a corporate resolution or other signature authorization shall be required for submission of bid. Failure to include a copy of the appropriate signature authorization, if required, may result in the rejection of the bid unless bidder has complied with La. R.S. 38:2212(A)(1)(c) or RS 38:2212(O).

**BID SECURITY** in the form of a bid bond, certified check or cashier's check as prescribed by LA RS 38:2218.A is attached to and made a part of this bid.