

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
August 16, 2012



FINAL BOARD BOOK OUTLINE

IHL Board Meeting
August 16, 2012, 9 a.m.

Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee Alan Perry

INTRODUCTION OF GUESTS

MINUTES

June 21, 2012 Regular Board Meeting Minutes
August 7, 2012 Teleconference Board Meeting Minutes

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Trustee Ed Blakeslee

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MISSISSIPPI
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MINUTES FOR:

June 21, 2012 Regular Board Meeting Minutes
August 7, 2012 Teleconference Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 21, 2012**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 28, 2011, to each and every member of said Board, said date being at least five days prior to this June 21, 2012 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Dr. Douglas Rouse, and Mr. C.D. Smith. The meeting was called to order by Mr. Ed Blakeslee, President, and opened with prayer by Trustee C.D. Smith.

INTRODUCTION OF GUESTS

- President Blakeslee thanked Mr. and Mrs. Alan Perry for hosting the dinner the night prior.
- President Blakeslee welcomed the Student Government Association officers: Ms. Alanna Ferguson, President at Delta State University; Mr. Brian Wilks, President at Jackson State University.
- Dr. James Keeton, Vice Chancellor of the University of Mississippi Medical Center, recognized Dr. Helen Turner, Associate Vice Chancellor for Academic Affairs, Professor, School of Medicine.
- Dr. Aubrey Lucas, Interim President of the University of Southern Mississippi, welcomed back Mr. Tom Estes, Interim Vice President of Finance and Administration.
- Commissioner Bounds introduced Ms. Stephanie Ganacheau who is the new Special Assistant Attorney General on staff.

APPROVAL OF THE MINUTES

On motion by Trustee Robinson, seconded by Trustee Pickering, all Trustees legally present and participating voted unanimously to approve the Minutes of the special called Board meeting held on May 7, 2012 and the regular meeting held on May 17, 2012.

CONSENT AGENDA

On motion by Trustee Owens, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

ACADEMIC AFFAIRS

1. **System** - Approved the award of degrees at the following levels in August 2012 provided each candidate has met all requirements for the degree, as follows:

Institution	Degree to be Conferred	Number	Subtotal	Total	
Mississippi State University					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	2			
	Bachelor of Science	25			
	Master of Science	16			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Doctor of Philosophy	2			
			45		
	<i>College of Architecture, Art, and Design</i>				
	Bachelor of Fine Arts	3			
	Bachelor of Science	10			
			13		
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	41			
	Bachelor of Science	54			
	Master of Arts	9			
	Master of Public Policy and Administration	4			
	Master of Science	66			
	Doctor of Philosophy	3			
			177		
	<i>College of Business</i>				
	Bachelor of Business Administration	56			
	Master of Business Administration	45			
	Master of Science Information Systems	1			
	Doctor of Philosophy	2			
			104		
	<i>College of Education</i>				
	Bachelor of Science	51			
	Master of Arts in Teaching	1			
	Master of Arts in Teaching Secondary	1			
	Master of Science	34			
	Master of Science Instructional Technology	2			
	Educational Specialist	10			
	Doctor of Philosophy	6			
			105		
	<i>College of Engineering</i>				
	Bachelor of Science	16			
	Master of Science	18			
	Doctor of Philosophy	4			
			38		
	<i>College of Forest Resources</i>				
	Master of Science	5			
	Doctor of Philosophy	1			
			6		
	<i>College of Veterinary Medicine</i>				
	Master of Science	4			
	Doctor of Philosophy	1			
			5		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	14			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Professional Accountancy	6			
	Master of Taxation	1			
			21		
				514	
University of Mississippi					
	<i>Undergraduate</i>				
	<i>College of Liberal Arts</i>				
	Bachelor of Arts	206			
	Bachelor of Science	9			
	Bachelor of Fine Arts	2			
	Bachelor of Music	1			
			218		
	<i>School of Engineering</i>				
	Bachelor of Science in Chemical Engineering	1			
	Bachelor of Science in Civil Engineering	5			
	Bachelor of Science in Computer Science	1			
	Bachelor of Science in Electrical Engineering	3			
	Bachelor of Science in Mechanical Engineering	2			
	Bachelor of Science in Geological Engineering	2			
	Bachelor of Engineering	2			
	Bachelor of Science	1			
			17		
	<i>School of Education</i>				
	Bachelor of Arts in Education	18			
			18		
	<i>School of Pharmacy</i>				
	Bachelor of Science in Pharmaceutical Sciences	72			
			72		
	<i>School of Business</i>				
	Bachelor of Business Administration	163			
			163		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	54			
			54		
	<i>School of Applied Sciences</i>				
	Bachelor of Science in Criminal Justice	52			
	Bachelor of Science in Exercise Science	39			
	Bachelor of Science	61			
	Bachelor of Social Work	93			
	Bachelor of Arts in Parks and Recreation Management	14			
	Bachelor of Paralegal Studies	10			
			269		

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	<i>School of Journalism and New Media</i>				
	Bachelor of Arts in Journalism	33			
			33		
	<i>General Studies</i>				
	Bachelor of General Studies	32			
			32		
	<i>Graduate School</i>				
	Master of Accountancy	29			
	Master of Arts	44			
	Mast of Business Administration	3			
	Master of Criminal Justice	5			
	Master of Education	37			
	Master of Music	2			
	Master of Science	11			
	Master of Taxation	4			
	Specialist in Education	4			
	Doctor of Philosophy	24			
			163		
	<i>Law School</i>				
	Juris Doctor	3			
			3		
				1042	
University of Mississippi Medical Center					
	<i>Undergraduate</i>				
	Bachelor of Science in Nursing	26			
	Bachelor of Science in health Informatics and Information Management	5			
	Bachelor of Science in Health Sciences	16			
			47		
	<i>Graduate/Professional</i>				
	Master of Science in Nursing	2			
	Master of Science	3			
	Master of Health Sciences	8			
	Doctor of Nursing Practice	4			
	Doctor of Physical Therapy	13			
	Doctor of Philosophy	13			
			43		
				90	
Total					1646

FINANCE

2. **UM** - Approved the request to escalate the On-Campus Budget for FY 2012. The escalation is required due to additional tuition revenue of \$1.4 million and non-resident fees of \$2.1 million. The escalation will fund scholarships to accommodate increased enrollment.

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Category	Original FY 2012 Operating Budget	Revision/ Escalation (Number 2)	Revised FY 2012 Operating Budget
Salaries & Fringe Benefits	\$ 160,692,460		\$ 160,692,460
Travel & Subsistence	1,700,578		1,700,578
Contractual Services	49,029,577	\$3,500,000	52,529,577
Commodities	5,761,640		5,761,640
Capital Outlay:			
Other than Equipment	4,095,477		4,095,477
Equipment	2,892,449		2,892,449
Subsidies, Loans & Grants:	7,300,103		7,300,103
Total:	\$231,472,284	\$3,500,000	\$234,972,284

3. **USM** - Approved the request to enter into an aviation charter service agreement with Air Planning, LLC to arrange charter flights for the 2012 football season for the USM football team. The length of the contract coincides with the dates of the first and last flight. The first flight is scheduled for August 31, 2012, and the last flight is on November 10, 2012. The total cost of the contract is \$381,742 with payments due in three stipulated amounts. Costs associated with Federal Excise Tax, Segment fees, Passenger Facility Charges, and standard beverage services are included in the cost of the contract. Additional fees and costs may be assessed under the agreement which include unanticipated fees associated with passenger screening, tax charge increases, and optional skycap service. The agreement also allows for a fuel price surcharge if the cost of actual fuel prices incurred for a charter flight is greater than the base fuel charge allowed for this agreement which is \$3.50 per gallon. Funds are available from Auxiliary Funds. This agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.
4. **USM** - Approved the request to enter into an agreement with Business Communications, Inc. for the purchase of replacement production server hardware for use with the university’s ERP/SOAR system including the installation and maintenance/support services. The contract length is four years - July 1, 2012 to June 30, 2016. The total cost for the production server hardware, related equipment, and Premier System Support is \$267,444 – \$181,380 for Hardware/Equipment Purchase and \$86,064 for Manufacturer Support Services (\$5,379 per server or \$21,516 per year for four servers). In the event there is a national price decrease for the purchased hardware during the initial ninety (90) days of the contract, Business Communications will extend the lower pricing to USM. The agreement will be funded by Education and General Funds. This agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.
5. **UMMC** - Approved the request to enter into an agreement with Mobile Medic Ambulance Service, Inc. d/b/a American Medical Response (AMR) for non-emergent medical transportation services to patients who no longer require acute care hospitalization and/or treatment and for which no other payer source for transportation is available. The length of the contract is three years – July 1, 2012 to June 30, 2015. The annual cost will not exceed \$350,000 for an overall maximum contract price of \$1,050,000 for the three-year term. The maximum annual cost of \$350,000 is variable based on the following factors: (1) AMR’s fees schedule for different types of transportation, (2) a potential rate adjustment at any time during the term of this contract in an amount not to exceed the amount necessary to account for any cumulative percentage increase in the average of the Consumer Price Index for “Medical Care” and “Medical Care Services” Major Groups upon thirty (30) days written notice, and (3) a potential rate adjustment at any time during the term of this contract based on cost factors such as unexpected or unusual increases in the cost of fuel, supplies or labor, or, new

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- regulatory or patient care standards. The agreement will be funded by patient revenues. This agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
6. **UMMC** - Approved the request enter into an agreement with INO Therapeutics, LLC d/b/a Ikaria to provide unlimited use of INOMAX (nitric oxide) pharmaceutical medical-grade gas and related services. The initial term of the contract is for three years – July 1, 2012 to June 30, 2015. After the initial term, the agreement may be renewed for additional periods of one year each upon the written consent of the parties and approval of the IHL Board. The total cost for the contract term is \$6,369,984. UMMC will pay \$176,944 monthly for thirty-six months for the unlimited use of the INOtherapy Services. The agreement will be funded by patient revenues. This agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
 7. **UMMC** - Approved the request to enter into a supplemental agreement with Jackson Municipal Airport Authority (JMAA) to lease 12,845 square feet in additional space located within a building the university currently leases from JMAA. The additional space will be used for administrative office space, storage space for components of the State Medical Response System (SMRS), and training and emergency management administration. The Mississippi Department of Health (funding conduit source) will co-locate support staff and increase the logistical capabilities to support SMRS. The original lease agreement is effective February 1, 2012 to June 30, 2015. The term of the supplemental agreement is effective beginning July 1, 2012 and continues through June 30, 2015. The cost per square foot for the additional space is \$7, which is the same fee assessed in the original lease agreement. The cost for the original lease period of February 1, 2012 to June 30, 2015 was \$461,350 for the 19,285 square feet. The cost to increase the square footage by 12,845 square feet for the period July 1, 2012 to June 30, 2015 is \$269,745.12 bringing the overall contract cost to \$731,095.12. The cost includes funds to cover the cost of required identification badges at \$10 per badge and includes \$10,000 for improvements to the facilities. UMMC will be reimbursed by the Mississippi Department of Health and Human Services via grant funds received from the Centers for Disease Control's Public Health Emergency Preparedness cooperative agreement and the U.S. Department of Health and Human Services' Hospital Preparedness Program. This agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
 8. **UMMC** - Approved the request to amend the current software maintenance agreement with Lawson Software Americas, Inc. to upgrade maintenance and support for the Lawson ERP software suite that the university currently uses for the core business functions such as Human Resources, Payroll, Finance, Grants Management, and Supply Chain. The term of the upgrade amendment is for the remaining two years of the 2011 maintenance plan agreement - July 1, 2012 to June 30, 2014. The total cost of the amendment for the remaining two years of the contract period is \$125,000. This amendment will increase the total contract cost to \$1,773,021.63. A breakdown of costs for the original plan and upgrade is included in the bound *June 21, 2012 Board Working File*. The amendment will be funded by hospital patient revenues budgeted within the UMMC's Department of Information Services' Operating Account. This agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
 9. **UMMC** - Approved the request for the following related actions in conjunction with the agreement with Recombinant Data Corp: (1) to initiate a second Statement of Work (SOW) for software and services related to the launch of the Enterprise Data Warehouse, (2) to amend the Master Services Agreement with Recombinant Data Corp., and (3) to enter into a software license and

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maintenance/support agreement required to conduct the second SOW. For the second SOW, the term is estimated to last approximately seven months, July 1, 2012 to January 30, 2013; however, it will not extend beyond June 30, 2013. The amendment to the Master Services Agreement, under which all SOWs are incorporated, commenced on March 21, 2011. The initial term of this agreement is for a two-year term ending March 20, 2013. The agreement will automatically renew for up to three one-year terms or through March 20, 2016 unless written notice of non-renewal is provided by either party within the sixty days of the renewal date. The software licence and maintenance/support agreement is for a five-year period – July 1, 2012 to June 30, 2017. The initial term is for one year – July 1, 2012 to June 30, 2013. The agreement will automatically renew for up to four years or through June 30, 2017 unless written notice of non-renewal is provided by either party within sixty days of the renewal date. The maximum total cost for the entire agreement is \$1,060,512 which includes: (1) \$100,000 attached to the first SOW that did not require Board approval, (2) \$850,000 attached to the second SOW, which includes a fee of \$50,000 for the Data Trust License, a fee of \$50,000 for the Selectrus License, and a maximum cost of \$750,000 for Phase II - Enterprise Data Warehouse Launch, and (3) \$110,512 for the five-year license agreement that includes maintenance and support for the Recombinant Software. UMMC will be invoiced annually at a rate of 20% (or \$20,000) of the software license fees for the first year. The following four (4) years are subject to an annual rate adjustment which will not exceed the Consumer Price Index (CPI) for all Urban Consumers as published in the Wall Street Journal on the anniversary of the effective date of the agreement. UMMC has estimated the possible increase to be approximately 5% annually. A breakdown of the annual costs is included in the bound *June 21, 2012 Board Working File*. The agreements will be funded with both general funds (40%) and hospital patient revenue (60%). The agreements which have been reviewed and approved by the Attorney General's Office are on file in the Board Office.

10. **UMMC** - Approved the request to enter into an agreement with Rotolo Consultants, Inc. (RCI) for grounds maintenance and landscape management services weekly, Monday through Friday, to specified areas of the UMMC campus. The initial term of the contract is for two years and contains an option for renewal of the agreement for three additional one-year terms for a maximum total contract term of five years – July 1, 2012 to June 30, 2017. The total cost for the five year contract is \$2,214,144.96. The agreement will be funded by Education and General Funds. The University of Mississippi will reimburse UMMC \$38,843.04 annually for costs associated with grounds maintenance services for the areas around the School of Pharmacy. This agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
11. **UMMC** - Approved the request to amend the maintenance and support agreement with Siemens Medical Solutions USA, Inc. This is the second amendment and will extend the term of the expanded maintenance and support services schedule. As a result of continuing the expanded service schedule, it is expected that the current maintenance and support agreement between the parties will terminate approximately twenty-four months early, on or about March 31, 2013, in anticipation of the full implementation of the EPIC system. The term of the amendment is for nine months – July 1, 2012 to March 31, 2013. As a result of this amendment, there is no change to the total approved contract amount of \$5,993,760.34 as approved by the Board in March 2010. By extending the time period in which Siemens is to provide increased levels of service and application support to UMMC, it is expected that the current agreement will be terminated approximately twenty four months early resulting in an estimated savings to UMMC of at least \$443,793.52. The

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amendment will be funded by patient revenues. This agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.

12. **IHL - Student Financial Aid** - Approved the request to escalate the budget due to the deficit appropriation received during the 2012 Legislative session - Senate Bill 2332, as follows:

Category	Original FY 2012 Budget	Revision/ Escalation	Revised FY 2012 Budget
Salaries & Fringe Benefits	\$495,149	\$9,335	\$504,484
Travel & Subsistence	10,000		10,000
Contractual Services	452,429	(9,000)	443,429
Commodities	16,000		16,000
Capital Outlay:	10,000		10,000
Total Operating	488,429	(9,000)	479,429
Loans/Scholarships/Grants	30,845,559	604,665	31,450,224
Total	\$31,829,137	\$605,000	\$32,434,137

REAL ESTATE

13. **UM** - Approved the appointment of Cooke Douglass Farr Lemons as the design professional for **IHL 207-357, Interior Heating Modification - Thad Cochran National Center for Natural Products Research**. The project converts the building from steam to hot water and will run simultaneously with the early stages of another project which adds an additional 90,000 square feet. The two projects are contractually separate. While the modifications will not occur inside the Thad Cochran building itself, they will affect the south part of its site and systems will connect to it. Because of the complexity of this project and its direct connection to the Thad Cochran building, it is important to maintain consistency in design and project administration. Therefore, Cooke, Douglass, Farr, and Lemons was chosen as the design professional. The proposed project budget is \$2.5 million dollars. Funds are available from Internal R&R (\$2.5 million).
14. **MSU** - Approved the request to name an animal research building within the Wise Complex as the “J. Gregg Boring Biomedical Research Building.” The building is an 8,645 square foot building constructed in 1988 at the Wise Complex to accommodate animal research being conducted in the Biomedical Research Center headed by Dr. Gregg Boring of the College of Veterinary Medicine. Dr. Boring served the College of Veterinary Medicine from 1978 until his retirement in 2010.
15. **UM** - Approved the request to re-name the former Walmart building as “The Jackson Avenue Center at The University of Mississippi.” The building sits across Jackson Avenue from the main campus. The university is currently renovating the building into academic and research space. It is important that the building becomes identifiable with The University of Mississippi.
16. **UMMC** - Approved the request to sole source the Pneumatic Tube System for the **IHL 209-532, Cardiovascular Renovations**. The existing System in the adjacent and surrounding Hospital patient care areas is a Swisslog CTS Matrix system. As part of this project two new stations and two new transfer units are required. This project will include renovation of existing space and new building expansion (3 floors) to provide a new (69,361 square feet) modern Cardiovascular Clinic/Services area. An additional 16,000 square feet will be added as a basement floor level shell to be used for future Radiological services and will increase the total square footage to 85,361 square feet. The project budget is \$20,182,526.00 (\$94,800 for Pneumatic Tube System). Funds are available from UMMC EBC bond funds.

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17. **UMMC** - Approved the request to sole source the Card Access/Security System for **IHL 209-532, Cardiovascular Renovations**. The existing Card Access/Security System for UMMC Campus and the adjacent Hospital patient care areas is a Johnson Controls system. This project will include renovation of existing space and new building expansion (3 floors) to provide a new (69,361 square feet) modern Cardiovascular Clinic/Services area. An additional 16,000 square feet will be added as a basement floor level shell to be used for future Radiological services and will increase the total square footage to 85,361 square feet. The project budget is \$20,182,526.00 (\$187,000 for Card Access/Security System). Funds are available from UMMC EBC bond funds.
18. **USM** - Approved the request to purchase a residential property adjacent to the Hattiesburg campus that is roughly 1,903 square feet and that is located on approximately 0.61 acres of land in Forrest County, MS from Norman A. Bagby, Jr., Frances B. Stanley Alston, William G. Bagby, Sr., and Mary Katherine Justice in the amount of \$120,000. The average of two independent property appraisals is \$122,500. A tentative closing date has been set on or before August 1, 2012 or upon an earlier or later date as agreed upon by both parties. A Phase I Environmental Site Assessment has been conducted on the property. No recognized environmental conditions are evident at the subject property. The EDR report listed no regulatory findings for the subject property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities.

LEGAL

19. **UMMC** - Approved the request to hire Richard Myers, Mandy Decker, Terry L. Wright, Stephen Weyer, Jennifer Kovalcik and Nicolo Davidson of Stites & Harbison, PLLC as outside counsel for intellectual property matters. The attorneys will, from time to time upon request of the university, perform services necessary for obtaining patents for design, processes, products and other patentable materials developed in connection with the UMMC. The term of this contract is July 1, 2012 through June 30, 2013. Either party may terminate on thirty days notice. The hourly rate to be charged by the attorneys would be from \$165 to \$310 per hour. The maximum amount payable under the contract would be \$95,000. The Attorney General has approved this request.
20. **USM** - Approved the request to hire Adams & Reese, LLP, as outside counsel to perform services as necessary and render legal advice in the practice areas of labor and employment law, public contracts, education and education related law; assist the university in the audit of various university policies; represent the university upon request with respect to various claims filed with the U.S. Equal Employment Opportunity Commission; and provide various training to university administrators, faculty and staff in the areas related to the practice areas referenced. The hourly rate to be charged will be \$235 per hour blended rate for time expended by attorneys and \$110 per hour for the time expended by paralegals. Disbursements will include any long distance telephone charges, delivery charges, photocopy and drawing costs, computer search charges, filing fees, travel expenses, and the like incurred in the connection of this engagement. The approval will be for a period of time beginning on March 13, 2012 and expiring on June 30, 2013. Either party may terminate on thirty days notice. The maximum amount budgeted for payment would be \$50,000. The Attorney General has approved this request.
21. **USM** - Approved the request to hire George E. Estes, III, and Estes & Estes, P.A., to represent USM in a real estate transaction by performing a title examination and handling a real estate closing and related transactions pertaining to the purchase by USM of a piece of property adjoining its Gulf Park Campus situated in Long Beach, Mississippi. Services to be rendered include the closing,

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performing a title examination, preparing closing documents, recording the deed of conveyance, and paying all associates recording fees. The total fees and expenses to be paid Estes & Estes, P.A. is \$778. This will be a one time service and not an ongoing contractual agreement. The Attorney General has approved this request.

22. **USM** - Approved the request to hire the law firm of Butler, Snow, O'Mara, Stevens and Cannada, LLC as outside counsel to perform legal services in the practice areas of taxation, intellectual property and commercial matters, including trademark and patent matters. In addition, representation will include providing specific advice related to and, if needed, undertaking the representation of the university in possible litigation with respect to a trademark legal issue between the university and the University of Iowa. This is a proposed renewal of an existing legal services contract. The hourly rate to be charged will be \$225 for intellectual property/patent work and taxation matters, \$215 for commercial matters, and \$85 for legal assistants. Disbursements to the firm for related expenses will include those for long distance telephone charges, delivery charges, photocopying and drawing costs, computer search charges, government filing fees, travel expenses, and the like, incurred in connection with this engagement. The contract period will be from July 1, 2012 through June 30, 2013. The total amount payable pursuant to the contract for legal services shall not exceed \$50,000. The Attorney General has approved this request.

23. **PERSONNEL REPORT**

EMPLOYMENT

Jackson State University

Deborah Faye Dent, Interim Vice President of Information Management, salary \$157,000 per annum, pro rata; E&G Funds; effective August 1, 2012

Mississippi University for Women

(This item is also reported in the Tenure section)

Daniel Joseph Heimmermann, Provost and Vice President for Academic Affairs and Professor of History; hired with tenure; salary of \$165,000 per annum, pro rata; E&G Funds; effective August 1, 2012

University of Southern Mississippi

(Rehired Retiree on Employment Contract for FY 2012)

Thomas G. Estes; *Interim* Vice President for Finance and Administration; salary of \$195,000 per annum pro rata; E&G Funds; effective June 18, 2012

CHANGE OF STATUS

Jackson State University

Johnnie Mills-Jones, *from* Associate Dean & Professor of School of Life Long Learning; *salary* of \$106,977 per annum, pro rata; E&G Funds; *to* Interim Assistant Provost for Extended Learning; no change in salary; effective July 1, 2012

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Mississippi University for Women

- Jim Borsig, *from* President, *to* President and Professor of Political Science in the Department of History, Political Science, and Geography in the College of Arts and Sciences; no change in salary; *effective* June 2012
- Jennifer Miles, *from* Vice President for Student Affairs, *to* Vice President for Student Affairs and Professor of Educational Leadership in the Department of Education in the College of Education and Human Sciences; no change in salary; *effective* June 2012
- Scott Tollison, *from* Chair of the Department of Business Administration and Associate Professor of Management Information Systems; salary of \$65,891 (ten-month contract); E&G Funds; *to* Dean of the College of Business and Professional Studies and Associate Professor in Management Information Systems; salary of \$114,700 per annum, pro rata (twelve-month contract); E&G Funds; *effective* July 1, 2012

Mississippi Valley State University

- Curressia Brown, *from* Dean of the Graduate College; *salary* of \$90,000 per annum, pro rata; E&G funds, *effective* June 30, 2012; *to* a nine (9) month faculty position as Assistant Professor in the Department of Business Administration, *salary* of \$40,596 per annum, pro rata; E&G funds; *effective* August 15, 2012
- Tazinski Lee, *from* Dean of the College of Arts & Sciences; *salary* of \$95,626 per annum, pro rata; E&G funds, *effective* June 30, 2012; *to* a nine (9) month faculty position as Associate Professor of Public Administration in the Department of Social Science, *salary* of \$59,776.13 per annum, pro rata; E&G funds; *effective* August 15, 2012
- Mary Minter, *from* Dean of the College of Professional Studies and Education; *salary* of \$95,000 per annum, pro rata; E&G Funds, *effective* June 30, 2012; *to* a temporary Assistant to the Provost for NCATE, no change in salary; *effective* July 1, 2012 through October 31, 2012

University of Southern Mississippi

Katherine Elizabeth Nugent, *from* Associate Dean, College of Health; Director, School of Nursing; and Professor of Nursing; *salary* of \$140,394 per annum, pro rata; E&G Funds; *to* Dean, College of Nursing, and Professor of Nursing; *salary* of \$170,000 per annum, pro rata; E&G Funds; *effective* July 1, 2012

SABBATICAL

Jackson State University

Jean M. Farish, Chair and Professor of School, Community and Rehabilitation Counseling, College of Education; *salary* of \$75,541 per annum, E&G Funds; for sabbatical leave; May 1, 2012 through October 31, 2012

Mississippi University for Women

Patricia Dennis, Associate Professor of Geography/Social Sciences Education; *from* *salary* of \$44,800 per nine-month contract period; E&G Funds; *to* *salary* of \$22,400 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 10, 2012 to August 9, 2013; professional development

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TENURE

All items listed below grant tenure while promotions are specifically noted - effective 2012-2013. All are nine-month contracts except where noted. All twelve-month contracts are effective July 1, 2012 and the nine-month contracts effective date is noted for the institution.

Alcorn State University

(Nine month contracts effective August 14, 2012)

- Robert Carr, Associate Professor, Department of Education and Psychology, School of Education and Psychology (*twelve-month contract*)
- LasShundia Carson, promotion to Associate Professor, Department of Education and Psychology, School of Education and Psychology
- Clyde Posey, Professor, Business Administration, School of Business
- Yufeng Zheng, promotion to Associate Professor, Department of Advanced Technologies, School of Agriculture, Research, Extension, and Applied Sciences

Mississippi State University

(Hired with Tenure)

- Jacqueline L. Garner, Associate Professor, Finance and Economics, salary of \$157,500 per annum, pro rata; E&G Funds; effective August 16, 2012
- Ratneshwar Jha, Associate Professor, Department of Aerospace Engineering and Director of the Raspet Flight Research Laboratory, Bagley College of Engineering, salary of \$160,000 per annum, pro rata; E&G Funds; effective July 1, 2012 (*twelve-month contract*)

Mississippi University for Women

(Hired with Tenure)

Daniel Joseph Heimmermann, Provost and Vice President for Academic Affairs and Professor of History; salary of \$165,000 per annum, pro rata; E&G Funds; effective August 1, 2012

University of Mississippi

Correction to the May 17, 2012 agenda. The titles that followed "promotion to" on the May agenda for UM faculty were the current titles, not the new titles. The listing below reflects the new titles of faculty who received promotions in conjunction with tenure.

- Susan Hannah Allen, promotion to Associate Professor, Department of Political Science, College of Liberal Arts
- RoSusan D. Bartee, promotion to Professor, Department of Leadership and Counselor Education and Program Coordinator, School of Education
- Sarah E. Blackwell, promotion to Associate Professor, Elementary Education, Department of Curriculum and Instruction, School of Education
- Elaine Baird Day, promotion to Associate Professor, Department of Biology, College of Liberal Arts
- Elizabeth Kaye Ervin, promotion to Associate Professor, Department of Civil Engineering, School of Engineering
- Christopher R. Green, promotion to Associate Professor, School of Law
- Mary Elizabeth Hayes, promotion to Associate Professor, Department of English, College of Liberal Arts

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- Seong Bong Jo, promotion to Associate Professor, Department of Pharmaceutics and Research Assistant Professor in the Research Institute of Pharmaceutical Sciences, School of Pharmacy (*twelve-month contract*)
- Kirk A. Johnson, promotion to Associate Professor, Departments of African-American Studies and Sociology, College of Liberal Arts
- Willa Elaine Mathis Johnson, promotion to Associate Professor, Department of Sociology, College of Liberal Arts
- Andre Peter Liebenberg, Gwennette P. and Jack W. Robertson Chair of Insurance and promotion to Associate Professor of Finance, School of Business Administration
- Sally L. McWhite, Political Papers Archivist and promotion to Associate Professor, General Library (*twelve-month contract*)
- Debra Riley-Huff, Web Services Librarian and promotion to Associate Professor, General Library (*twelve-month contract*)
- Tanya Maren Ruetzler, promotion to Associate Professor, Department of Nutrition and Hospitality Management, School of Applied Sciences
- Ziaeddin Shariat-Madar, promotion to Associate Professor, Department of Pharmacology, Research Assistant Professor in the Research Institute of Pharmaceutical Sciences and Director of the University of Mississippi Light Microscopy Core, School of Pharmacy (*twelve-month contract*)
- Mohammed Bashir Salau, promotion to Associate Professor, Department of History, College of Liberal Arts
- Christopher David Sapp, promotion to Associate Professor, Department of Modern Languages, College of Liberal Arts (*twelve-month contract*)
- Steven C. Skultety, promotion to Associate Professor, Department of Philosophy, College of Liberal Arts
- John Harwood Sonnett, promotion to Associate Professor, Department of Sociology and Anthropology, College of Liberal Arts
- James Joseph Taylor, promotion to Associate Professor, Department of Nutrition and Hospitality Management Program, School of Applied Sciences
- Dwight Ernest Waddell II, promotion to Associate Professor, Department of Health, Exercise Science and Recreation Management, School of Applied Sciences, and Research Assistant Professor of Computer and Information Science, School of Engineering
- Ahmet Yukleyen Croft, promotion to Associate Professor, Department of Sociology and Anthropology, College of Liberal Arts

University of Mississippi Medical Center

- Jeffrey D. Carron, promotion to Professor, Department of Otolaryngology, School of Medicine (*twelve-month contract*)
- Arthur L. Calimaran, Associate Professor, Department of Anesthesiology, School of Medicine (*twelve-month contract*)
- Maheshkumar P. Mahta, Professor, Department of Anesthesiology, School of Medicine (*twelve-month contract*)
- Connie K. Machado, Associate Professor, Academic Information Services, Academic Information Services (*twelve-month contract*)

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TERMINATION

Mississippi University for Women

Everett Caston, Interim Provost and Vice President for Academic Affairs, effective June 29, 2012

EMERITUS STATUS

Alcorn State University

- Robert Butler, *rom* Professor of English and Foreign Languages; *to* Professor Emeritus of English and Foreign Languages; *effective* July 1, 2012
- Troy Stewart, *from* Professor of Chemistry; *to* Professor Emeritus of Chemistry; *effective* July 1, 2012

University of Mississippi Medical Center

Neva Farbizo Greenwald, *from* Associate Professor, School of Health Related Professions; *to* Associate Professor Emeritus, School of Health Related Professions; *effective* July 1, 2012

ACADEMIC AFFAIRS

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Academic Affairs Agenda.

1. **East Mississippi Community College** - Approved Stage III in the process for establishing a registered nursing program at East Mississippi Community College (EMCC). Approval of Stage III allows the school of nursing to qualify for full accreditation for a new program. Stage III includes a site visit during the last semester of the first graduating class in conjunction with the national nursing accrediting body, submission of NCLEX-RN® examination results of the first class, information on graduate employment, and submission of application for Stage III Qualify for Full Accreditation. The state survey team consisting of a representative of the Accreditation Review and Evaluation Committee of the Mississippi Council of Deans and Directors of Schools of Nursing (MCDDSN) and the IHL Director of Nursing Education made a site visit on October 4 - 6, 2011 in conjunction with the National League for Nursing Accrediting Commission (NLNAC), to validate the application for full accreditation and all materials pertaining to the nursing program. EMCC submitted the final report from NLNAC granting Initial Accreditation, with the next evaluation visit in Fall 2016, a completed application for Stage III and supportive evidence to qualify the program for full accreditation for a new program.

FINANCE AGENDA

Presented by Trustee Aubrey Patterson, Chair

On motion by Trustee Patterson, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda. On motion by Trustee Patterson, seconded by Trustee Pickering, all Trustees legally present and participating

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voted unanimously to approve agenda item #2. On motion by Trustee Patterson, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve agenda item #3. On motion by Trustee Patterson, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #4. On motion by Trustee Patterson, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #5. On motion by Trustee Patterson, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #6. On motion by Trustee Patterson, seconded by Trustee Pickering, all Trustees legally present and participating voted unanimously to approve agenda item #7.

1. **JSU** - Approved the proposed Residency and Out-of-State Tuition Waiver Policy which authorizes and defines the criteria for granting waivers of out-of-state tuition to Jackson State University students. More specifically, this policy is implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. § 37-103-25 (3). This policy reflects, and shall be construed in conformity with, the *Policies and Bylaws* of the Board of Trustees of State Institutions of Higher Learning (IHL) and with Mississippi statutory law, including Miss. Code Ann. § 37-103-25, as amended. This policy shall be effective upon approval by IHL and JSU, with individual waivers becoming applicable as of the date approved by the JSU President, unless otherwise indicated in the categories as set forth in the bound *June 21, 2012 Board Working File*. The out-of-state waivers for urban scholars program and mission-specific are authorized, on a case-by-case basis, in addition to those in existence by virtue of prior statutory law and the IHL *Policies and Bylaws*. All waivers are contingent upon the student's submission to JSU of timely (before the start of the applicable semester) and adequate proof of having met the applicable criteria. The policy and supporting financial projections provided by JSU have been reviewed and approved by Board Staff and counsel.
2. **MSU** - Approved the amendment of the existing contracts with Aramark Educational Services, LLC. for 1) the food service management services contract, 2) the game day concessions contract, and 3) a revision to the multi-year food service (board) rates for fiscal years 2014 and 2015. The purpose of the amendments to each of the contracts is to obtain a commitment from Aramark to make additional investments at MSU which will increase the university's capacity to provide food services to MSU's growing student population in Starkville. At the same time, it will increase the diversity of offerings to students and employees. Specific details regarding the amended scope of work is shown in the bound *June 21, 2012 Board Working File*. The food services contract will be extended an additional five years from the current expiration date of June 30, 2017 to June 30, 2022. The term of the game day concessions contract will not change from the current agreement's stipulated expiration date of June 30, 2020. It is estimated that the amendment of the food services contract will generate an additional \$9.5 million to \$10 million in revenue. As a recap, the majority of the additional revenue will be realized as follows: 1) capital investments in dining service facilities-\$3,720,000, 2) unrestricted grants - \$3,250,000, and 3) contributions in the areas of Maintenance and Repair and Small Equipment funds in the combined amount of \$3.6 million, of which all but \$600,000 to \$700,000 will be new revenues generated by the amendment. In exchange for Aramark's investment to the food service contract, MSU will lower its sales commission for the existing game day concessions contract. This amendment will reduce commissions paid to MSU over the remaining years of contract by \$2,327,340. The amendments to both contracts will result in a net increase in revenue for MSU of approximately \$7,182,660 to \$7,672,660. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

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3. **MSU** - Approved the request to amend the existing bookstore contract with Barnes and Noble College Booksellers, LLC. (B&N) to generate an additional investment for renovation and equipment purchases. The purpose of this amendment (Amendment Number Four) is to allow B&N to invest up to \$200,000 to renovate, fixture, and equip the bookstore to enhance store sales particularly in the spirit merchandise and technology offerings. The existing contract will be extended five additional years and would end on October 15, 2020. This extension would enable B&N to amortize the additional capital investment and to enhance the potential commissions received by MSU. A detailed description of the scope of work is shown in the bound *June 21, 2012 Board Working File*. The university should receive approximately \$4.1 million in additional sales commissions as a result of the proposed changes to the sales commission structure and the extended contract period. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
4. **MUW** - Approved the request to amend the existing facilities management services contract with Sodexo Operations, LLC. to add five full-time positions including painter, carpenter, electrician, mechanic and groundskeeper. The only change in the contract is the addition of personnel which will increase the cost of the existing contract to \$190,323.38 on an annual basis. The remaining scope of work as defined under the original contract remains the same. The original term length of the contract for fifty-eight months remains unchanged. The amendment will be effective June 22, 2012 and will continue through the remainder of the contract period of June 30, 2016. Annualized costs under this agreement would increase from \$2,467,761 to \$2,658,084.38. This amendment represents a 7.7% contract increase. The contract will be funded by Education and General (E&G) funds with all applicable charges billed to the auxiliary and restricted fund units. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
5. **USM** - Approved the resolution for the USM Educational Building Corporation (EBC) to issue up to a maximum aggregate principal amount of \$55 million of long-term bonds for the purpose of 1) the construction of Dormitory Replacement Phase II (Century Park II) a 956-bed residential facility which will be predominantly replacement housing (\$49.6 million), 2) refunding of prior debt (\$1,485,000 for refunding Series 1997A), 3) the demolition of buildings (estimated between \$1.5 and \$2 million), and 4) the payment of issuance costs (estimated at \$1,915,000). The Board also approved the related bond documents including the lease, ground lease, preliminary offering statement, trust indenture, continuing disclosure agreement, the bond purchase agreement in substantially final form, and the execution of these documents. As recommended by the financial advisor, the bonds will be issued with a maturity schedule of 23 years. Funds are available from the EBC revenue from operation of the residential facility. The bond documents have been reviewed and approved by the Attorney General's Office.
6. **System** - Approved the Operating Budgets of \$3.8 billion for the System for the fiscal year ending 2013. Included as supplemental information as required by the *Ayers* Settlement Agreement, Board Policy 704.02 Athletic Budget Approval and Reporting, and Board Policy 703.04 Policy Guidelines Subsection (E) are the following: Fiscal Year 2012-2013 *Ayers* Budgets, Fiscal Year 2012-2013 Athletic Budgets, and Fiscal Year 2012-2013 E&G Scholarships, Fellowships & Tuition Waivers. These proposed budgets are included in the *June 21, 2012 Board Working File*.
7. **System** - Approved the FY2014 proposed funding priorities as required for the FY 2014 Legislative Budget Request. A copy of the priorities is included in the *June 21, 2012 Board Working File*.

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REAL ESTATE AGENDA

Presented by Trustee C. D. Smith, Chair

On motion by Trustee Smith, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Real Estate Agenda.

1. **UM** - Approved the initiation of **IHL 207-362, Indoor Practice Facility Food Service**, and the appointment of Tipton Associates as the design professional. The project involves renovating an existing footprint of approximately 5,300 square feet of meeting space and expanding the available conditioned area into an adjacent courtyard and parking area for a total composite area of 9,000 square feet seating 250 persons. This renovation will create a new campus dining facility providing buffet style meals from flexible points of service. Furthermore, the design should integrate elements that evoke thoughts of university athletics and technology, giving identity to the location and the campus it serves. The proposed project budget is \$2.9 million. Funds are available from Auxiliary R&R Reserves (\$2.9 million).

LEGAL AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to move agenda items #1 - #4 to the Executive Session Agenda. On motion by Trustee Robinson, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve agenda item #5 as submitted on the following Legal Agenda.

1. **UM** - Settlement of IHL Self-Insured Workers' Compensation Program Claim No. 55-32947. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
2. **UM** - Settlement of IHL Self-Insured Workers' Compensation Program Claim No. 55-29872. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
3. **UMMC** - Settlement of Tort Claim No. 1686. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
4. **UMMC** - Settlement of Tort Claim No. 1777. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
5. **System** - Approved the request to delegate to the Commissioner the authority to approve the new contract for legal services between the Office of the Attorney General (AG) and IHL for FY 2013, once same is prepared by the AG's Office to include the new total dollar amount resulting from personnel and salary changes for the AG's staff at IHL. The current contract expires at the end of June 2012. The current FY 2012 total contract amount is \$359,614.66. The new contract amount for FY 2013 will be approximately \$395,643.47. The Commissioner's approval and the final contract dollar amount would then be reported to the Board as an information item.

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ADMINISTRATION/POLICY AGENDA
Presented by Commissioner Hank M. Bounds

On motion by Trustee Dye, seconded by Trustee Patterson, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Administration/Policy Agenda. On motion by Trustee Patterson, seconded by Trustee Rouse, all Trustees legally present and participating voted unanimously to approve agenda item #2. Agenda item #3 was approved as shown below.

1. **System** - Approved the appointments of institutional executive officers to serve on various boards as required by their employment contract and Board Policy 301.0806 University Foundation/Affiliated Entity Activities as follows:

Institutional Executive Officer	Name of Entity
Alcorn State University Dr. M. Christopher Brown, II	-Association for the Study of Higher Education, Council on Ethnic Participation -American Commonwealth Project, Presidents Council -Natchez Literary and Cinema Celebration, Advisory Board
Delta State University Dr. John Hilpert	-Southern Association of Colleges and Schools -Mississippi Delta National Heritage Area -Cleveland Bolivar County Chamber of Commerce
Jackson State University Dr. Carolyn Meyers	-National Institute of Aerospace Foundation (Hampton, VA) -Downtown Jackson Partners, Inc. -Greater Jackson Chamber Partnership Mississippi -Nominated to Homeland Security Board -Mississippi Technology Alliance Board
Mississippi State University Dr. Mark Keenum	-MSU Bulldog Foundation Board -Mississippi Technology Alliance Board -Mississippi Delegation for the Board of Trustees of the Southern Association of Colleges and Schools Commission on Colleges
Mississippi University for Women Dr. Jim Borsig	-Columbus-Lowndes Development LINK -Board of Directors United Way of Lowndes County
Mississippi Valley State University Dr. Donna Oliver	-Mid-Delta Community Development Corporation -Elon University, School of Education Advisory Board
University of Mississippi Dr. Dan Jones	-Mississippi Technology Alliance Board -Global Resource Services
Commissioner of Higher Education Dr. Hank M. Bounds	-Mississippi Technology Alliance Board

2. **System** - Approved the appointment of the Board Search Committee Members as follows:
- | | |
|--|--|
| Delta State University
1. Alan Perry, Chair
2. Karen Cummins
3. Shane Hooper
4. Hal Parker
5. Aubrey Patterson
6. C.D. Smith | University of Southern Mississippi
1. Robin Robinson, Chair
2. Dr. Ford Dye
3. Bob Owens
4. Christy Pickering
5. Dr. Doug Rouse |
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3. **System** - Selection of a consulting firm to assist with the Delta State University presidential search and the University of Southern Mississippi presidential search.

A motion was made by Trustee Patterson to grant the Board Search Committee chairs and Board president the authority to make a formal recommendation to the Board at a future meeting via conference call. Trustee Perry amended the motion to grant the Board Search Committee chairs and Board president the authority to notify the Board of the recommendation and proceed with hiring the consulting unless a board member requests a telephonic meeting to further discuss the search firm options after being notified by the Commissioner of the recommended firm. The amended motion was seconded by Trustee Patterson. All Trustees legally present and participating voted unanimously to approve the amended motion.

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

REAL ESTATE

1. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the May 17, 2012 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 1.)

LEGAL

2. **System** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 2.)

ADMINISTRATION/POLICY

3. **System** - The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.
- a. **System** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve renewals of service expenditure contracts if the original contract was previously approved by the Board and if the contract amount does not exceed 110% of the current contract. Since this contract was originally approved by the Board and the renewal amount did not go up by more than 10%, the Commissioner had the delegated authority to approve the renewal contract." On May 14, 2012, the Commissioner approved the request to amend the current audit services with KPMG, LLP by extending the agreement two additional years. The original contract is slated to expire at the completion of the current audit. After the extension, the System will have contracted for its annual financial and federal OMB Circular A-133 audit services for the next two reporting periods, June 30, 2012 and June 30, 2013. The extension will begin immediately. The total cost to the System will equal \$1,357,575 over the two year period, with all costs shared by the universities and the Executive Office based upon each institution's proportionate share of the audit hours worked at their campus. The two year fee represents a 6.5% increase (\$82,575) over the past two years of obligation to KPMG. Under this extension, KPMG will continue to perform all duties previously outlined in the current agreement. The Executive Office legal staff have reviewed and approved the contract documents.

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- b. **System** - On May 14, 2012, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning January 1, 2012 and ending March 31, 2012. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.
- c. **System** - In accordance with Board Policy 613 (c) Athletics, each institution is required to submit a summary of their most recent annual Complimentary Athletic Ticket activity. On May 2, 2012, the Commissioner approved the 2012 Complimentary Athletic Tickets Report.
- d. **USM** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On June 4, 2012, the Commissioner approved the budget revisions for the Hattiesburg Campus, Gulf Coast Campus, Gulf Coast Research Lab, and Auxiliary budgets for Fiscal Year 2012. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in the total budgets but rather reallocations among individual expenses categories; however, the Hattiesburg campus budget reflects the allocation of appropriations for Geospatial Licenses and Space Efficiency funds distributed after initial approval of the Fiscal Year 2012 Operating Budget. A copy of the documents are included in the *June 21, 2012 Board Working File*.

ANNOUNCEMENTS

- President Blakeslee invited the Institutional Executive Officers to report on the activities on their campuses.
- As part of the *Ayers* Settlement Agreement, IHL agreed to create a private endowment and try to raise \$35 million for this endowment. One million has been donated to the endowment. In order to raise the additional \$34 million, President Blakeslee appointed the *Ayers* Private Endowment Committee as follows:
 - 1. Bob Owens, Chair
 - 2. Ed Blakeslee
 - 3. Robin Robinson
 - 4. C.D. Smith

EXECUTIVE SESSION

On motion by Trustee Perry, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of five litigation matters at the public universities,
Discussion of six personnel matters at the public universities, and
Discussion of the relocation of a business in connection with one of the public universities.

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During Executive Session, the following matters were discussed and/or voted upon:

On motion by Trustee Hooper, seconded by Trustee Cummins, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim case No. 1777 styled as *Gabriel Curtis vs. UMMC et al*, as recommended by counsel.

On motion by Trustee Pickering, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to approve the settlement of the Tort Claim case No. 1686 styled as *Veronica Thomas vs. UMMC et al*, as recommended by counsel.

The Board received an update on a university litigation matter and an update on the plans for the relocation of a business at one of the public universities.

On motion by Trustee Pickering, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve the settlement of IHL Self-Insured Workers' Compensation Program Claim No. 55-32947 and Claim No. 55-29872 styled as *Claudine Perry vs. UM et al.*, as recommended by counsel.

The Board received an update on six personnel matters at the public universities.

On motion by Trustee Perry, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to return to Open Session.

**FINANCE COMMITTEE
MEETING REPORT
May 17, 2012**

Following the adjournment of the Board meeting, the Finance Committee met to discuss budget priorities, issues and accomplishments of the university as presented by Mississippi State University staff members. The following Finance Committee members attended the meeting: Trustee Patterson (Chair), Trustee Hooper, Trustee Parker, Trustee Perry, and Trustee Pickering. Trustee Rouse was absent. (Note: He attended the Academic Affairs meeting which was held simultaneously.) Vice President Owens also attended.

**ACADEMIC AFFAIRS
COMMITTEE REPORT
May 17, 2012**

Following the adjournment of the Board meeting, the Academic Affairs Committee met to discuss the academic priorities, challenges, and accomplishments of the university as presented by the Mississippi State University staff members. The following Committee members attended the meeting: Trustee Rouse (Chair), Trustee Cummins, Trustee Dye, Trustee Robinson, and Trustee Smith. President Blakeslee also attended.

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STATE INSTITUTIONS OF HIGHER LEARNING
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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Patterson, seconded by Trustee Rouse, all Trustees legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 21, 2012**

EXHIBITS

- Exhibit 1 Real Estate items that were approved by the IHL Board staff subsequent to the May 17, 2012 Board meeting.
- Exhibit 2 Report of the payment of legal fees to outside counsel.

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SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE May 17, 2012 BOARD MEETING SUBMISSION DEADLINE

NOTE: THE FOLLOWING ITEMS WERE APPROVED BY THE BOARD'S REAL ESTATE AND FACILITIES STAFF ACCORDING TO BOARD POLICY §904 (A) BOARD APPROVAL.

Change Order Approval Note: No change orders approved by Board staff, as reflected within any of the following informational agenda items, increase the Board approved total project budget. The total project budget as approved by the Board provides for a contingency fund, which allows for an increase in the construction budget of between five and ten percent. Any increase in the total project budget caused by a change order, would require Board approval and could not be approved by Board staff.

1. ASU – GS 101-269 – Dumas Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$44,499.28 and thirty (30) additional days to the contract of Paul Jackson & Son, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 24, 2012

Change Order Justification: **Change Order #4** is necessary to include a dual basin fixture as specified, additional steel plates, fasteners and grout to fill holes uncovered during demolition, new shut-off valve to finish installation & testing of the new gas piping in the building and modifications to the duct above the stair lobby 200 and reception 201 are necessary in order to fit above the present ceiling that cannot be lowered any further.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$184,458.16.

Project Initiation Date: January 31, 2008

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Paul Jackson & Son, Inc.

Contract Award Date: December 7, 2010

Project Budget: \$7,000,000.00

Funding Source(s): HB 246, L'07 (\$2,057,735.00); HB 1641, L'08 (\$368,847.64); SB 2988, L'03 (\$300,000.00); SB 2010, L'04 (\$4,273,417.36)

2. MSU – GS 105-343 – Lee Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to West Brothers Construction, Inc., the lower of nine (9) bidders, for a total contract amount of \$15,057,079.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 26, 2012

Project Initiation Date: June 16, 2011

Design Professional: Dale and Associates, Architects P.A.

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General Contractor: West Brothers Construction, Inc.

Contract Award Date: April 26, 2012

Project Budget: \$20,700,000.00

Funding Source(s): HB 1641, L'08 (\$2,463,146.89); HB 1722, L'09 (\$4,660,866.80); HB 1701, L'10 (\$8,000,000.00); SB 3100, L'11 (\$5,575,986.31)

3. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$93,173.82 and five (5) additional days to the contract of T.L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 19, 2012

Change Order Justification: **Change Order #1** is necessary to provide overflow storm drain lines & all applicable hangers, downspout covers & insulation, remove existing temporary roof & replace with corrugated sheet metal roof, including a new thimble anchor, galvanized umbrella, and heat resistant caulking, demolish existing wall at door 105, remove & relocated existing utilities once the new wall is in place, demolish existing wall at door 101, install new wall, remove top courses of CMU to the bottom of the lowest pipe penetration, provide additional temporary fence due to the difference in scale on Go.1, remove & relocate existing 4" roof drain piping, relocate existing hot water heater, relocate existing 3" chilled water return piping, relocate VAV box, relocate 14" medium pressure supply duct from existing air handler unit and remove & reroute duct in corridor H1008.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$93,173.82.

Project Initiation Date: October 21, 2010

Design Professional: Pryor & Morrow Architects and Engineers, P.A.

General Contractor: T.L. Wallace Construction, Inc.

Contract Award Date: December 2, 2011

Project Budget: \$12,697,791.22

Funding Source(s): HB 1701, L'10 (\$12,697,791.22)

4. MSU – GS 113-134– Wise Center Classroom Addition

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Pryor & Morrow Architects and Engineers, P.A. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 15, 2012

Project Initiation Date: November 17, 2011

Design Professional: Pryor & Morrow Architects and Engineers, P.A.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,900,000.00

Funding Source(s): SB 3100, L'11 (\$1,000,000.00); HB 1701, L'10 (\$700,000.00); Tuition Funds (\$200,000.00)

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5. MSU – IHL 205-231 – South Entrance Road – PH 1

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Falcon Contracting Company, the lower of three (3) bidders, for a total contract amount of \$980,805.90

Staff Approval Date: May 9 2012

Project Initiation Date: August 15, 2007

Design Professional: Neel-Schaffer

General Contractor: Falcon Contracting Company

Contract Award Date: May 9, 2012

Project Budget: \$5,000,000.00

Funding Source(s): Self-Generated Funds (\$120,000.00); Federal Highway Administration (\$4,880,000.00)

6. MSU – IHL 205-260– Expansion and Renovation to Davis Wade Stadium

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by LPK Architects, P.A., design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved request to advertise for receipt of bids.

Staff Approval Date: May 14, 2012

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$80,000,000.00

Funding Source(s): EBC Bonds (\$80,000,000.00) / Commercial Paper

7. UM– IHL 207-345 – University Housing – Package A

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$4,406.96 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$614.39 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$6,728.00 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: #1 (May 2, 2012); #2 (April 26, 2012); #3 (April 30, 2012)

Change Order Justification: **Change Order #3** is necessary for construction & drip line fence repair including installation of gate to allow access to the west side of the west building from Guess Hall and installation of a new inlet to help with storm water run-off.

Change Order #4 is necessary to repair the fence damaged by the window installer on the south side of the site. **Change Order #5** is necessary to furnish & install the site drainage lines that connect the 2” condensation drain lines that are installed to the site

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drainage basins as the connection point for the condensate drains is beyond the 5'-0" distance of the building.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$20,579.42.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: D. Carroll Construction

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

8. UM– IHL 207-345 – University Housing – Package C

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$13,546.10 and zero (0) additional days to the contract of SMSA.

Staff Approval Date: April 26, 2012

Change Order Justification: **Change Order #3** is necessary to modify the original contract requirements for future construction i.e. to build out the basement area for food service, classrooms and housing office area.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$3,731.10.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: SMSA.

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

9. UM– IHL 207-345 – University Housing – Package E

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$2,706.90 and zero (0) additional days to the contract of Atlas Group Enterprises, Inc.

Staff Approval Date: April 26, 2012

Change Order Justification: **Change Order #2** is necessary to deduct for cleaning charges to prime contractor who did not clean the project per the contract requirements.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$3,919.40.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Atlas Group Enterprises, Inc.

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Contract Award Date: August 9, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

10. UM– IHL 207-345 – University Housing – Package G

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$614.39 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval Date: April 26, 2012

Change Order Justification: **Change Order #3** is necessary to deduct for cost to repair fence damaged by window installer on the south side of the site.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$38,234.31.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Clinton Interiors, Inc.

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

11. UM– IHL 207-345 – University Housing – Package K

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$2,434.00 and zero (0) additional days to the contract of Fireline, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$1,206.80 and zero (0) additional days to the contract of Fireline, Inc.

Staff Approval Date: April 26, 2012

Change Order Justification: **Change Order #1** is necessary for raising the lounge fire sprinkler piping which was required as a result of raising the ceiling height to allow sufficient room for the sidewall grilles installed in the soffit. **Change Order #2** is necessary to deduct for cleaning charges to prime contractor who did not clean the project per the contract requirements.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$1,227.20.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Fireline, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

12. UM– IHL 207-345 – University Housing – Package L

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$27,461.00 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$3,217.00 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the **credit amount** of \$429.75 and zero (0) additional days to the contract of Ivey Mechanical company, LLC.

Staff Approval Date: April 26, 2012

Change Order Justification: **Change Order #5** is necessary to support the contract that will be awarded to build out the basement area for food service, classrooms and housing office areas and plumbing underground work to save the project from paying for re-work and re-mobilization fees that would result if the work was not started now.

Change Order #6 is necessary to relocate the HVAC vent from a sidewall above the door to the center of the ceiling at the stairwell landing due to the lack of clearance between the top of the doorframe & the ceiling at the center stairwell landing of the north and south buildings. **Change Order #7** is necessary to deduct for cleaning charges to the prime contractor who did not clean the project per the contract requirements and the cost for gas & domestic service to be installed at the proper location indicated in the contract as they were previously installed in the incorrect location.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$112,012.75.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Ivey Mechanical Company, Inc.

Contract Award Date: June 2, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

13. UM– IHL 207-346 – Stockard Hall & Martin Hall Brick Veneer Replacement

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Pryor & Morrow Architects and Engineers, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: April 18, 2012

Project Initiation Date: February 17, 2011

Design Professional: Pryor & Morrow Architects and Engineers

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General Contractor: TBA
Contract Award Date: TBA
Project Budget: \$8,000,000.00
Funding Source(s): Auxiliary R&R funds (\$8,000,000.00)

14. UM– IHL 207-359 – Housing – Classroom Build-Out

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.**

Staff Approval Date: April 26, 2012

Project Initiation Date: March 15, 2012

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,256,314.41

Funding Source(s): Internal R&R (\$1,256,314.41)

15. UMMC– IHL 209-526 – Cafeteria/Kitchen Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$32,585.00 and zero (0) additional days to the contract of Fountain Construction Company.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the **credit amount** of \$16,806.00 and zero (0) additional days to the contract of Fountain Construction Company.

Staff Approval Date: April 18, 2012

Change Order Justification: **Change Order #5** is necessary to purchase the correct switches & UPS systems as the new ones are not compatible with the existing computer network system and to relocate an existing telephone panel located in an existing corridor that was not noted on the plans and was not discovered until the walls were torn down in the demolition phase of the project. **Change Order #6** is necessary to replace the Aladdin Tray Carts (24 ea.) to Lockwood Tray Carts (24 ea.) as a cost savings measure.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$103,005.00

Project Initiation Date: August 20, 2009

Design Professional: The McCarty Company Design Group, P.A.

General Contractor: Fountain Construction Company

Contract Award Date: January 17, 2012

Project Budget: \$7,750,000.00

Funding Source(s): Hospital Patient Revenue (\$7,750,000.00)

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16. UMMC– IHL 209-527 – Ophthalmology Renovations-764 Lakeland

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$202,259.20 and one hundred seven (107) additional days to the contract of Fountain Construction Company.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$125,266.01 and zero (0) additional days to the contract of Fountain Construction Company.

Staff Approval Date: April 18, 2012

Change Order Justification: **Change Order #3** is necessary for additional window film on grade level windows & repair ground floor leaks at existing windows & walls, additional exterior plaster finish for the exterior side of the wall between the new egress corridor & the parking area to provide walk-up counters at four check-in/check-out windows instead of wall openings, omit the projection screen for conference room 104, change the window shade fabric, add 3-way switching and dimming for exam room lights, add the power connections for the owner supplied UPS to serve the third floor server room 303, install reinforcing steel plates to certain existing steel beams supporting the fourth floor above the third floor ceilings, install dimmable lights with owner supplied foot controls for certain treatment rooms, a new aluminum door and frame in the existing cased opening with opaque glass to block light & all hardware for latching the door, supply asphaltic sealer and re-stripe the asphalt parking areas of the lower level, provide and install signs, both Hegis room identifications, directional & identification signs and provide black-out glass film to make the conference room 104 dark during presentations. **Change Order #4** is necessary to provide additional structural steel support under the existing concrete floor beneath the sound booths, reconciliation of the HVAC controls allowance package, additional door access controls on doors LP106 & LP399-01, revised ceiling tile & insulation for sound control, additional lighting & dimmer controls in exam rooms 100-01, 106-01, 331, 348 & 349, additional parking lot lighting & additional exit signs.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$379,207.19.

Project Initiation Date: August 20, 2009

Design Professional: Dale Partners Architects, P.A.

General Contractor: Fountain Construction Company

Contract Award Date: September 1, 2010

Project Budget: \$5,279,000.00

Funding Source(s): Interest Income & Restricted Funds (\$5,279,000.00)

17. UMMC – IHL 209-530 – Classroom Renovations 2009

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$54,314.42 and ninety-one (91) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: April 23, 2012

Change Order Justification: **Change Order #5** is necessary to deduct for unused allowance amounts and the additional days as an adjustment for impacts to critical path

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elements from Owner's required rescheduling of "noisy" activities that disrupted classes & operations in adjacent areas during the course of the contract.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$113,658.94.

Project Initiation Date: November 19, 2009

Design Professional: Dale Partners Architects, P.A.

General Contractor: Harris Constructors, Inc.

Contract Award Date: March 7, 2011

Project Budget: \$1,210,000.00

Funding Source(s): Student Tuition (\$720,000.00); Indirect Cost Income (\$490,000.00)

18. UMMC – IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$23,169.00 and zero (0) additional days to the contract of Fountain Construction Company.

Staff Approval Date: May 15, 2012

Change Order Justification: **Change Order #1** is necessary to provide an ADA temporary ramp allowing for an existing sidewalk to be used for exit from the north wing & classroom wing and School of Nursing wings & provides a path for wheel chairs to safe areas beyond potential building emergency threats as well as provides a temporary detour of visitors and/or employees that require wheel chair assistance.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$23,169.00.

Project Initiation Date: February 18, 2010

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A.

General Contractor: Fountain Construction Company

Contract Award Date: January 19, 2012

Project Budget: \$20,182,526.00

Funding Source(s): EBC Bonds (\$20,182,526.00)

19. UMMC – IHL 209-534B – Parking, Roadways, and Infrastructure Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Hemphill Construction Company, Inc., the lower of four (4) bidders, for a total contract amount of \$3,350,583.69.

Staff Approval Date: April 30, 2012

Project Initiation Date: April 15, 2010

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A.

General Contractor: Hemphill Construction Company, Inc.

Contract Award Date: April 30, 2012

Project Budget: \$11,150,000.00

Funding Source(s): Interest Income (\$625,000.00); EBC Bonds 2010 (\$5,500,000.00), 2011 (\$3,000.00); pending MDA (\$2,025,000.00)

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20. UMMC – IHL 209-535 – Learning Resources Renovation - 2010

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$9,539.00 and zero (0) additional days to the contract of Harrell Contracting Group, LLC.

Staff Approval Date: May 8, 2012

Change Order Justification: **Change Order #7** is necessary to replace a broken window on the south side of the third floor and before the new hardware/cylinders arrived for installation, the old hardware had to be temporarily installed and then removed when the new hardware arrived.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$244,799.00.

Project Initiation Date: April 15, 2010

Design Professional: Cooke, Douglass Farr Lemons Architects & Engineers, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: February 3, 2011

Project Budget: \$3,150,000.00

Funding Source(s): Interest Income (\$1,150,000.00); MCEBC (\$2,000,000.00)

21. USM – GS 108-217 and GS 114-015 – Science Building & Recreation Bldg. Repair & Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$6,686.31 and zero (0) additional days to the contract of J.F. Pate and Associates Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 4, 2012

Change Order Justification: **Change Order #4** is necessary to provide wall and roof modifications that are required to coordinate with existing framing that was discovered during demolition and to add solid sod instead of sidewalks as originally specified.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$1,571,806.84.

Project Initiation Date: January 21, 2010

Design Professional: Studio South/Allred Architectural Group

General Contractor: J.F. Pate and Associates Contractors, Inc.

Contract Award Date: July 25, 2011

Project Budget: \$12,292,109.24

Funding Source(s): HB 1641, L'08 (\$249,488.02); SB 2010, L'04 (\$6,031,955.11); SB 2988, L'03 (\$1,279,656.30); SB 3197, L'03 (\$231,009.81); SB 3100, L'11 (\$1,500,000.00); HB 1701, L'10 (\$3,000,000.00)

22. USM – GS 108-260 Phase II – Bolton Hall – Residence Halls Sprinkler Systems

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Hanco Corporation, the lower of three (3) bidders, for a total contract amount of \$322,900.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

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Staff Approval Date: May 15, 2012
Project Initiation Date: June 18, 2009
Design Professional: Atherton consulting Engineers, Inc.
General Contractor: Hanco Corporation
Contract Award Date: May 15, 2012
Project Budget: \$2,000,000.00
Funding Source(s): HB 1722, L'09 (\$2,000,000.00)

23. USM – GS 108-267– 2005 Preplanning Business Facility

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Hanco Corporation, the lower of thirteen (13) bidders, for a total contract amount of \$22,391,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 8, 2012
Project Initiation Date: March 2, 2005
Design Professional: Eley Guild Hardy Architects, P.A./Studio South
General Contractor: Hanco Corporation
Contract Award Date: May 15, 2012
Project Budget: \$34,000,000.00
Funding Source(s): SB 3100, L'04 (\$340,247.95); HB 1701, L'10 (\$11,259,752.05); SB 3100, L'11 (\$15,200,000.00); USM Foundation/Donations (\$7,200,000.00)

24. USM– Gulf Park - IHL 214-014 – Hardy Hall Storm Damage Repair

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$21,073.83 and seven (7) additional days to the contract of C. Perry Builders, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$26,423.92 and fifteen (15) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: #3 (April 19, 2012); #4 (May 4, 2012)

Change Order Justification: **Change Order #3** is necessary to add data & conduit to kitchen's point of sale system, relocate existing downspout to coordinate roof drainage with the elevator override requirement, to provide wing walls at corridors 202 & 302 at the public waiting areas as these are load bearing walls, changes to be made to the attachment condition for the elevator rails due to a 7" offset condition at the wall of the elevator pit and replacement of cut floor joists discovered after demolition. **Change Order #4** is necessary to delete parking lot lights per owner, to make changes to the RCP in conference rooms 230, 281, 330 & 380 and add electrical outlets, to delete buffet equipment, sink & low height stud wall and replace it with a full height butt glass wall & 6" pilasters for plumbing, to delete all marker boards, to add headers at existing openings & blocking to existing walls, and to make changes to electrical at first floor & planter.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$95,523.65.

Project Initiation Date: August 21, 2008

Design Professional: Dale and Associates Architects, P.A.

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General Contractor: C. Perry Builders, Inc.

Contract Award Date: August 22, 2011

Project Budget: \$10,095,459.54

Funding Source(s): Insurance & FEMA reimbursables (\$10,095,459.54)

25. ERC – GS 111-049 – Road Improvements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by W. L. Burle Engineers. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 17, 2012

Project Initiation Date: October 20, 2011

Design Professional: W. L. Burle Engineers

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,400,000.00

Funding Source(s): BOB Discretionary Funds- HB 1701, L'10 (\$1,150,000.00); IHL Discretionary Funds- SB 3100, L'11 (\$750,000.00); HB 1701, L'10 (\$250,000.00); JSU-SB 3100, L'11 (\$250,000.00)

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

Legal fees approved for payment to outside counsel in relation to litigation and other matters:

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 5/4/12) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$2,438.25, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 2,438.25

Payment of legal fees for professional services rendered by Julie Brown (statement dated 5/20/12) from the funds of the Mississippi State University. (This statement, in the amount of \$165.00, represents services and expenses in connection with General Advice.)

TOTAL DUE.....\$ 165.00

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 4/9/12 and 5/18/12) from the funds of Mississippi State University. (These statements, in the amounts of \$2,000.00 and \$2,000.00, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 4,000.00

Payment of legal fees for professional services rendered by Lawrence Bernstein (statements dated 2/1/12 and 3/2/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with WUMS - University of Mississippi Campus Radio Station - \$1,137.50 and WUMS - University of Mississippi Campus Radio Station - \$162.50, respectively.)

TOTAL DUE.....\$ 1,300.00

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statements dated 4/10/12 and 5/15/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,513.89 and \$3,345.05, respectively, represent services and expenses in connection with Environmental Audits.)

TOTAL DUE.....\$ 9,858.94

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 7/18/11, 10/24/11, 10/24/11, 10/24/11, 1/11/12, 1/23/12, 1/23/12, 1/23/12, 2/14/12, 2/14/12, 2/14/12, 3/14/12, 3/14/12, 3/14/12, 3/30/12, 3/30/12 and 4/27/12) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with UMMC - North Clinic - General Advice - HMA-Public Records Request - \$473.00; UMMC - North Clinic - General Representation of the Medical

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School and Facility Practice Plans - \$365.50; UMMC - 2009 Medicaid Audit - \$43.00; UMMC - *Jackson HMA, LLC vs. UMMC, et al.* - \$23,267.94; General Advice - Reduction in Force - \$440.00; UMMC - *Jackson HMA, LLC vs. UMMC, et al.* - \$14,543.24; UMMC - Property Tax Assessment - \$1,204.00; UMMC - 2009 Medicaid Audit - \$430.00; UMMC - *Jackson HMA, LLC vs. UMMC, et al.* - \$1,290.00; UMMC - North Clinic - General Advice - \$83.71; UMMC - General Advice - Reduction in Force - \$1,140.00; UMMC - Faculty Practice Plan - \$64.50; UMMC - HMA-Transaction and Antitrust Analysis - \$14,039.50; UMMC - *Jackson HMA, LLC vs. UMMC, et al.* - \$645.00; UMMC - *Jackson HMA, LLC vs. UMMC, et al.* - \$623.50; UMMC - General Advice - Deferred Compensation - \$365.50 and UMMC - *Jackson HMA, LLC vs. UMMC, et al.* - \$553.50, respectively.)

TOTAL DUE.....\$ 59,571.89

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 1/18/12, 1/18/12, 1/18/12, 1/18/12, 1/18/12, 1/18/12, 1/23/12, 1/23/12, 1/23/12, 1/23/12, 1/23/12, 3/19/12, 3/19/12, 4/11/12, 4/11/12 and 4/11/12) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the cases styled *King* - \$313.50; *Zeigler/Varnado* - \$5,928.55; *Kermode* (Federal Case) - \$8,514.00; *Kermode v. Park* - \$4,356.00; *Kermode* (State Case) - \$2,326.50; UMMC - General Advice - \$1,732.50; *Mawson* - \$1,518.00; *Zeigler/Varnado* - \$13,386.90; *Kermode* (Federal Case) - \$2,902.30; *Kermode vs. Park* - \$482.75; *Kermode* (State Case) - \$241.50; *Britton* - \$396.00; *Sellers* - \$396.00; *Zeigler/Varnado* - \$3,069.00; *Williams* - \$5,915.00; *Zeigler/Varnado* - \$5,247.00 and *Emtel* - \$9,636.00.)

TOTAL DUE.....\$ 65,965.50

Payment of legal fees for professional services rendered by Bryan Nelson, P.A. (statement dated 11/10/11) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$371.10, represents services and expenses in connection with a personnel issue.)

TOTAL DUE.....\$ 371.10

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 4/5/12) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the case styled *The University of Iowa, et al. v. The University of Southern Mississippi* - \$225.00.)

TOTAL DUE.....\$ 225.00

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Legal fees approved for payment to outside counsel in relation to patent and other matters:

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/2/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Registration - Bulldog Head" - \$106.25; "Registration - Bulldog Head in Miss. State Circle" - \$106.25; "Registration - Bulldog with Mstate" - \$106.25; "Registration - Cowbell in Circle" - \$191.25; "Registration - Miss. State Banner" - \$106.25; "Registration - Mississippi State University (words)" - \$170.00; "Registration - Mississippi State University (crest)" - \$42.50; "Registration - Mstate" - \$191.25; "Registration - Paw Print" - \$170.00; "Engine Speed Controller" - \$1,297.50; "MSU-Change Analyst" - \$1,083.75; "Giant Myscanthis Provisional Plant Patent Application" - \$446.25; "Utility Application - System for Stabilizing Gas Hydrates at Low Pressures" - \$1,297.50; "MSU - Patent Functional Enhancement of Antimicrobials" - \$1,690.00; "Triglyceride-Secreting Strain of Rhodococcus Opacus" - \$295.00; "Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins-CIP Application" - \$1,678.75; "Buckscore Logo" - \$701.25; "XOS Production by Autohydrolysis of Corn Fiber Separated from DDGS" - \$2,677.50; "Production of Densified and Water Repellant Solids by Binding Particles" - \$892.50; "Oral Vaccination of Fish with Live Attenuated Edwardsiella ictaluri Vaccines" - \$127.50; "Generation of Imazapic Resistance Switchgrass Population" - \$297.50; "Buckscore Pre-litigation Infringement" - \$786.25; "Process and Catalyst for Converting Biomass Derived Nitrogen Rich Syngas to Liquid Hydrocarbon Mixture by a Single Stage" - \$125.00 and "Method of Epitaxial Growth of Silicon Carbide" - \$565.00.)

TOTAL DUE.....\$ 15,151.25

Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 3/13/12, 4/26/12 and 4/26/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Preparation of Draft Form License" - \$1,500.00; "Provisional Wood Preservation System" - \$600.00 and "Provisional Wood Preservation System" - \$250.00, respectively.)

TOTAL DUE.....\$ 2,350.00

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 3/14/12, 3/14/12, 3/14/12, 3/14/12, 3/14/12 and 3/29/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "8-Aminoquinolines" - \$1,066.75; "8-Aminoquinolines" - \$1,063.50; "8-Aminoquinolines" - \$1,563.25; "8-Aminoquinolines" - \$726.50; "8-Aminoquinolines" - \$848.50 and "A Novel Selective Inhibitor of Prolycarboxypeptidase" - \$127.50, respectively.)

TOTAL DUE.....\$ 5,396.00

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Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/24/11, 1/23/12, 2/14/12 and 3/14/12) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents: "Gut Prosthetic Patent" - \$1,222.50; "Gut Prosthetic Patent" - \$265.00; "Gut Prosthetic Patent" - \$127.50 and "Gut Prosthetic Patent" - \$536.50, respectively.)

TOTAL DUE.....\$ 2,151.50

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/9/12 and 4/24/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: "Urban - Covalent Attachment of Bacteriophages to Polymeric Surfaces" - \$450.00 and "Lockheed Oil Dispersant Patent" - \$85.00.)

TOTAL DUE.....\$ 535.00

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/2/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: "Method for Front Matching Stereo Vision" - \$935.00; "Soy Protein Adhesives and Uses Thereof" - \$1,151.25 and "Application for Registration of D.E.E.P. Comprehension Service Mark" - \$446.25.)

TOTAL DUE.....\$ 2,532.50

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
August 7, 2012**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi held a teleconference meeting at the Board Office in Jackson, Mississippi, at 10:30 a.m., with public attendance available at the Board Office in Jackson, Mississippi. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey Patterson, Mr. Alan Perry, Ms. Robin J. Robinson, Dr. Douglas Rouse, and Mr. C.D. Smith. Ms. Christine Pickering was absent. The meeting was called to order by Mr. Ed Blakeslee, President.

In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call fashion. The teleconference committee meeting was held to discuss university personnel matters and the selection of a firm or firms to lead the Delta State University and University of Southern Mississippi presidential searches.

EXECUTIVE SESSION

On motion by Trustee Patterson, with Trustees Dye, Perry and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Rouse, seconded by Trustee Robinson, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of university personnel matters.

During Executive Session, the following matters were discussed:

The Board discussed university personnel matters.

On motion by Trustee Cummins, seconded by Trustee Robinson, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

CONSENT AGENDAS

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1. USM – REQUEST FOR APPROVAL OF CONTRACTUAL AGREEMENT

Agenda Item Request: The University of Southern Mississippi (USM) requests approval to enter into an agreement with the **University of Rhode Island** for the use of the vessel, *R/V Endeavor*.

Contractor's Legal Name: University of Rhode Island (URI)

History of Contract: While this is a new agreement, USM has previously worked with URI in securing the use of the *R/V Endeavor* for marine research.

Specific Type of Contract: New Cooperative Agreement

Purpose: The purpose of this agreement is for USM's use of the vessel, *R/V Endeavor*, which is owned by the National Science Foundation and is operated and managed by URI. The vessel will be used by USM for a marine research.

Scope of Work: Under this agreement, URI will provide the use of the vessel *R/V Endeavor* and its crew.

Term of Contract: The term of the agreement is for twenty (20) days, August 29, 2012 through September 17, 2012.

Termination Options: The agreement may be terminated for the following:

- for any reason by either party upon thirty (30) days written notice,
- for a material breach or for failure to perform by either party its obligations under the agreement,
- for failure by either party to maintain required insurance coverage as specified in the agreement,
- for reduction of funds, or
- for failure by URI to comply with the federal E-Verify Program.

Contract Amount: The estimated total contract cost is \$433,020. Costs are based on a daily rate of \$18,941 for vessel time and a daily rate of \$2,710 for marine technology support. The cost for vessel time may be adjusted for actual fuel costs and overall vessel utilization.

Funding Source of Contract: The agreement will be funded by an externally funded grant entitled Gulf Coast Research Initiative from BP Oil.

Contractor Selection Process: N/A

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Staff Recommendation: *Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

2. UMMC – REQUEST FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to amend its existing agreement with **M*Modal Services, Ltd.**, formerly MedQuist Transcriptions, Ltd. (MedQuist), for medical transcription services.

Contractor's Legal Name: **M*Modal Services, Ltd. (MModal)**

History of Contract: UMMC and MedQuist executed a five-year Master Services Agreement (MSA) in April 2008 for the provision of medical transcription services for UMMC's Health Information Services department. The *Transcription Services Attachment* of the MSA was approved by the Board at the May 2008 meeting for a five-year term beginning on July 1, 2008. The agreement was subsequently amended on five occasions which included adding and deleting various service locations and confirming the billing commencement date. The current agreement expires on June 30, 2013. The proposed sixth amendment will allow for the addition of service locations to the Master Agreement and for implementation services at three (3) of the locations with no increase in cost.

Specific Type of Contract: Sixth Amendment to Master Agreement

Purpose: The purpose of the amendment is to add to the Master Agreement three (3) UMMC Holmes County locations and all University Physicians clinics that are not currently included on the Services Locations schedule. In addition, the amendment and accompanying Statement of Work provide for the implementation of the upgraded DocQment Enterprise Platform (DEP) technology at the following three (3) UMMC Holmes County locations: 1) Holmes County Hospital and Clinics, Lexington, MS; 2) Holmes County Family Medical Clinic, Lexington, MS; and 3) Holmes County Medical Clinic-West, West, MS.

Scope of Work: Through the implementation of the DEP, MModal will create new client facilities at each of the specified Holmes County locations. They will add the locations to the DEP test environment that is being implemented with EPIC and will provide online training for Document Readers and Health Information Management.

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Term of Contract: The end date of the contract remains June 30, 2013 with the terms of the amendment applicable for ten (10) months – September 1, 2012 through June 30, 2013 allowing the two different end dates within the agreement to coincide.

Termination Options: The agreement may be terminated for the following:

- at any time upon thirty (30) days written notice,
- a reduction in funds,
- in the event either party breaches any obligation under the Master Agreement and /or accompanying Attachment and fails to cure within thirty (30) days written notice,
- in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership,
- a breach by MModal of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum, and
- a material violation by MModal of the Business Associate Addendum (HIPAA Addendum).

Contract Amount: There is no additional cost to the contract as a result of the amendment. The total approved contract cost remains at \$4.2 million as approved by the Board in May 2008.

Funding Source of Contract: The current agreement is funded by patient revenues.

Contractor Selection Process: N/A – amendment to current agreement

Staff Recommendation: **Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.**

- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Ram & Sons Corporation d/b/a Best Western Executive Inn** for local hotel and lodging services for use by patients not requiring hospitalization.

Contractor's Legal Name: **Ram & Sons Corporation d/b/a Best Western Executive Inn (Best Western)**

History of Contract: New agreement

Specific Type of Contract: Services agreement

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Purpose: This agreement will enable UMMC to provide local lodging to patients who otherwise do not require inpatient hospitalization but are in need of medical treatment and/or care that is not available within their home area. Typically, the patients who use this service must live at least two hours away from the hospital.

Scope of Work: Best Western will provide the following:

- fifteen (15) handicapped accessible, non-smoking hotel rooms each equipped with a microwave and refrigerator,
- an ADA compliant hotel facility,
- provision of all facility amenities at no charge to guest, and
- complimentary transportation service for guests between the hotel and UMMC properties.

Term of Contract: The term of the agreement is for five (5) years – September 1, 2012 through August 31, 2017.

Termination Options: The agreement may be terminated for the following:

- default by either party under the agreement upon thirty (30) days written notice of opportunity to cure by the non-defaulting party,
- at any time upon thirty (30) days written notice,
- reduction of funds,
- failure by Best Western to maintain required insurance coverage as specified in the agreement,
- failure by Best Western to comply with the federal E-Verify Program,
- a breach by Best Western of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum, and
- a material violation by Best Western of the Business Associate Addendum (HIPAA Addendum).

Contract Amount: The total contract cost for the five (5) year contract term is \$1,286,625. UMMC will pay \$21,443.75 monthly for sixty (60) months, or \$257,325 per year.

Hospital care for these patients is estimated to cost \$1,013,727 annually for those who may or may not be able to pay for these services. The leasing arrangement will cost \$257,325 annually, generating a patient savings of \$756,402. Typically, these rooms are filled to capacity 90% of the time. Caution is used in filling the beds to 100% capacity in order to ensure availability for transplant cases.

Funding Source of Contract: The current agreement will be funded by patient revenues.

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Contractor Selection Process: UMMC issued a Request for Proposals (RFP) in April 2012. Four vendors submitted price proposals as show below.

1. Cabot Lodge - \$323,025 per year/ \$1,615,125 for five-years
2. Candlewood Suites - \$290,175 per year/\$1,450,875 for five years
3. Country Inn and Suites - \$378,810 per year/\$1,894,050 for five years
4. Ram & Sons Corp. d/b/a Best Western Executive Inn - \$257,325 per year/\$1,286,625 for five years

The contractor with the lowest bid, Best Western, was selected.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, *Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with the **Mississippi Organ Recovery Agency, Inc. (MORA)** for the provision of organs suitable for use in UMMC transplant programs.

Contractor's Legal Name: Mississippi Organ Recovery Agency, Inc. (MORA)

History of Contract: While this is a new agreement, the Board previously approved a contract between UMMC and MORA in August 2009 for the period August 24, 2009 through August 23, 2012 for a maximum total cost of \$9.4 million. This agreement provided for the supply of 264 kidneys and 33 hearts to UMMC over the course of the three (3) year contract term. A Standard Acquisition Charge schedule incorporated within the agreement set the cost for the organs at \$30,000 per kidney and \$35,000 per heart.

Specific Type of Contract: New Transplant Agreement

Purpose: The purpose of this agreement is for MORA to provide UMMC with human organs for use in UMMC's existing kidney and heart transplant programs, and it will also provide liver transplant program for this new program. A transplant agreement with a designated organ procurement organization is required by The Centers for Medicare and Medicaid Services (CMS) for institutions participating in transplant programs.

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Scope of Work: MORA will provide the following:

- pre-tested organs appropriate for transplantation at UMMC,
- delivery of requested organs to UMMC,
- a qualified Organ Recovery Coordinator responsible for the proper care of the organ(s) while in the custody of MORA,
- personnel to evaluate donated organs during living related renal transplants,
- personnel to evaluate cadaveric organs during surgical transplantation, and
- reimbursement support services.

UMMC will obtain for the benefit of MORA an appropriate Release of Liability from each prospective transplant recipient.

Term of Contract: The agreement term is for five (5) years – August 24, 2012 through August 23, 2017.

Termination Options: The agreement may be terminated by either party for any reason upon ninety (90) days written notice.

Contract Amount: The total estimated contract cost for the five (5) year agreement is \$34,033,600.

The estimated cost amount is based on a total of the following factors:

- the cost per organ as identified in the most recent MORA Standard Acquisition Charges schedule incorporated within the Agreement,
- a potential annual price increase to be effective on February 1 of each year for the term of the agreement and based on percentage increases from prior years, for purposes of the table below an increase of 4% for kidneys, 5% for local liver, 3% for imported liver, 3% for local hearts, and 5% for imported hearts was used, and
- projected transplant volume based on the anticipated growth of the kidney and heart programs, the new liver program, and the number of organs used in excess of the number required by the CMS.

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See the tables below for a breakdown of estimated costs and volume projections based on the fee schedule included in the agreement.

UNIT COST (with estimated cost increase included)						
Period	Kidney	Living Related-Donor Perfusion	Liver (local)	Liver (import)	Heart (local)	Heart (import)
8/24/12-1/31/13	\$33,000	\$600	\$35,000	\$50,000	\$36,000	\$50,000
2/1/13-1/31/14	34,000	600	37,000	52,000	37,000	53,000
UNIT COST (with estimated cost increase included)						
Period	Kidney	Living Related-Donor Perfusion	Liver (local)	Liver (import)	Heart (local)	Heart (import)
2/1/14-1/31/15	35,000	600	39,000	54,000	38,000	56,000
2/1/15-1/31/16	36,000	600	41,000	56,000	39,000	59,000
2/1/16-1/31/17	37,000	600	43,000	58,000	40,000	62,000
2/1/17-8/23/17	38,000	600	45,000	60,000	41,000	65,000
PROJECTED VOLUME (with estimated cost increase included)						
Period	Kidney	Living Related-Donor Perfusion	Liver (local)	Liver (import)	Heart (local)	Heart (import)
8/24/12-1/31/13	63	8	3	0	5	4
2/1/13-1/31/14	130	15	7	0	11	8
2/1/14-1/31/15	140	15	10	0	11	8
2/1/15-1/31/16	150	15	20	0	11	8
2/1/16-1/31/17	150	15	30	5	11	8
2/1/17-8/23/17	75	8	19	6	6	4

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PROJECTED COST (with estimated cost increase included)							
Period	Kidney	Living Related-Donor Perfusion	Liver (local)	Liver (import)	Heart (local)	Heart (import)	Total
8/24/12-1/31/13	\$2,079,000	\$ 4,800	\$105,000	\$0	\$180,000	\$200,000	\$2,568,800
2/1/13-1/31/14	4,420,000	9,000	259,000	0	407,000	424,000	5,519,000
2/1/14-1/31/15	4,900,000	9,000	390,000	0	418,000	448,000	6,165,000
2/1/15-1/31/16	5,400,000	9,000	820,000	0	429,000	472,000	7,130,000
2/1/16-1/31/17	5,550,000	9,000	1,290,000	290,000	440,000	496,000	8,075,000
2/1/17-8/23/17	2,850,000	4,800	855,000	360,000	246,000	260,000	4,575,800
Total	\$25,199,000	\$45,600	\$3,719,000	\$650,000	\$2,120,000	\$2,300,000	\$34,033,600

A breakdown of estimated total costs per time period of the agreement follows.

Time Period	Period Cost
8/24/12 – 1/31/13	\$ 2,568,800
2/1/13 – 1/31/14	5,519,000
2/1/14 – 1/31/15	6,165,000
2/1/15 – 1/31/16	7,130,000
2/1/16 – 1/31/17	8,075,000
2/1/17 – 8/23/17	4,575,800
Total Estimated 5 Year Cost	\$34,033,600

Funding Source of Contract: The agreement will be funded by patient revenues.

Contractor Selection Process: MORA, a non- profit organization, is the designated organ procurement organization for this region as selected by United Network for Organ Sharing (UNOS).

Staff Recommendation: *Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total*

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expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- d. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a membership subscription agreement with **National Research Corporation** for patient experience measurement services (see Scope of Work) as set forth by the Joint Commission.

Contractor's Legal Name: National Research Corporation (NRC)

History of Contract: While this is a new agreement, UMMC currently contracts with NRC for patient experience measurement services. The current twelve (12) month contract term, effective August 5, 2011, is for a maximum total cost of \$152,000.

Specific Type of Contract: Membership subscription agreement

Purpose: Under this agreement, NRC will survey hospital patients as set forth by the Joint Commission and will provide the resulting patient satisfaction data to the Centers for Medicare and Medicaid Services (CMS). The Joint Commission is a third party that, pursuant to its contract with CMS, evaluates and certifies hospitals to provide care to patients who have federal healthcare coverage such as Medicare or Medicaid.

Scope of Work: NRC will provide the following:

- Patient and Experience Improvement Services, which measure patient satisfaction,
- resulting patient data to CMS,
- reports through NRC's website, Catalyst, and
- the creation of Improvement Plans for patient services.

Term of Contract: The term of the agreement is for two (2) years and ten (10) months – September 1, 2012 through June 30, 2015.

Termination Options: The agreement may be terminated for the following:

- by either party for a material breach under the agreement upon thirty (30) days written notice of opportunity to cure by the non-defaulting party,
- at any time upon ninety (90) days written notice,
- in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership,
- failure by UMMC to timely pay any invoice,
- reduction of funds,
- by NRC for UMMC's unauthorized reproduction of Deliverables,

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- a breach by NRC of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum, and
- a material violation by NRC of the Business Associate Addendum (HIPAA Addendum).

Contract Amount: The total contract cost for the entire agreement period is \$402,900.

Funding Source of Contract: The current agreement will be funded by patient revenues.

Contractor Selection Process: UMMC issued a Request for Proposals (RFP) in March 2012. See below for respondent information.

1. Avatar - \$204,322
2. NRC - \$402,900

NRC's price proposal was higher than that submitted by Avatar; however, the Medical Center deemed NRC was the better choice and submitted the following reasons in defense of their selection.

NRC's price proposal was higher than that submitted by Avatar; however, NRC was deemed the better choice for the following reasons:

- Avatar was unable to provide an accurate total cost estimate because it waived some charges and fees due to UMMC's current membership with the University Health Consortium. UMMC would become responsible for these changes/fees should Avatar's membership with the Consortium terminate.
- Avatar was unable to provide a four point scale for surveys.
- Avatar would only provide uploads of patient information weekly and at an additional cost, and
- Avatar had no experience and was therefore unable to assist UMMC in achieving Magnet Hospital status.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, *Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000.* The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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Note: Project numbers beginning with the prefix "GS" designate projects that the Bureau of Building provides management oversight for and are funded partially or wholly with state Bureau of Building bond revenues. Project numbers beginning with the prefix "IHL" designate projects that are funded from university self-generated sources including but not limited to donations, fees, and grants.

Board Policy §902, Initiation of Construction Projects

The Board must approve the initiation of a project for the construction of new facilities, repairs and renovations to existing facilities and requests for a capital outlay with a total project budget exceeding \$1,000,000 regardless of how the projects are financed. It is the intent of the Board that its appropriate staff under the direction of the Commissioner shall be involved in all phases of building projects requiring approval by the Board. All construction, repairs, and renovation projects with a total budget of \$1,000,000 or less may be approved by the Institutional Executive Officer. However, all projects utilizing any state bond funds, including Ayers funds, must be initiated with STAFF approval from the Office of Real Estate and Facilities. No further approvals are required by IHL staff for projects of \$1,000,000 or less unless the budget changes. All budget changes for these projects must be reported to the Office of Real Estate and Facilities.

Board Policy §904(A), Board Approval

When funding has been secured from whatever source, each institution shall bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects. This request shall include a detailed description of the work to be accomplished, the total budget, the funding source and the design professional recommended to the Board for approval.

After the Board has granted approval of both the initiation of a project and the appointment of a design professional, no further Board action or approval is required for the completion of the project if the following conditions are met:

- 1. The detailed description of the work to be accomplished, as specifically approved by the Board within the project initiation, has not changed.*
- 2. The total project budget has not increased beyond the amount specifically approved by the Board as part of the project initiation;*
- 3. The funding source has not changed from that specifically approved by the Board as part of the project initiation; and*
- 4. The design professional previously approved by the Board has not changed.*

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If the above four conditions have been met, the Board's Real Estate and Facilities staff, through the Commissioner, shall have the authority to approve any and all necessary documents related to the completion of the subject construction project, including the approval of construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders.

Prior to the commencement of construction, the Board must approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project. This requirement applies to all buildings and facilities on an institution's property even if the land is leased to an institution's affiliated entity or a private developer.

Board Policy §905(A), Real Estate Management

Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price. Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Request for approval of land contracts shall include property descriptions, terms of purchase, lease, or sale and intended use of the property. An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.

Board Policy §905(B), Real Estate Management

Prior to Board consideration of the purchase or acceptance of real estate from any source, a Phase I or more detail Environmental Report shall be completed by qualified personnel and submitted to the Board's Real Estate and Facilities Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a "no further action" letter from the State's Department of Environmental Quality.

Board Policy §917, Naming Buildings and Facilities

Board approval must be obtained prior to naming or re-naming any institutional building or facility. Board approval must also be obtained prior to naming or renaming any building or facility built on university property leased to a university affiliated entity, a private developer or any other individual or entity.

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APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE/FUNDING SOURCE(S)

BUREAU OF BUILDING PROJECTS

1. JSU – GS 103-256 – Mechanical Upgrades Phase I

Project Request: Jackson State University requests approval to increase the project budget for the Mechanical Upgrades Phase I project. The budget will increase from \$2,200,000 to \$2,217,296.88 for an increase in the amount of \$17,296.88. The university also request to add a funding source to the project (HB 1701, Laws of 2010) to allow for the budget increase.

Project Phase: Construction Phase

Design Professional: CGM Group, Inc

General Contractor: Buford Plumbing Company, Inc.

Purpose/Justification: The project is currently in the construction phase. This is the second budget escalation request made for this project by the university. The first budget request was approved by the Board on June 16, 2010 from \$1,200,000 to \$2,200,000 an increase in the amount of \$1,000,000. The university added HB 246, Laws of 2007 as a funding source to allow for the first budget increase.

Jackson State University is committed to energy conservation and trying to operate as efficiently as possible. The university would like to continue its efforts in energy conversation by replacing or upgrading mechanical system in selected buildings throughout campus. The current budget was an estimate of the project costs and since been updated to reflect more accurate market costs to include change order #2 in the amount of \$17,296.88. The change order will allow for the installation of four (4) new duct mounted smoke detectors at F.D. Hall as required by fire code. This project will replace/upgrade the old deteriorated mechanical systems in selected buildings on campus such as: pumps, coils, air handlers and starters, compression valves, cooling towers, storage tanks, exhaust fans and exterior doors. Jackson State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of scope or funding source and all budget increases to the Board for approval.

Project Initiation Date: August 20, 2009

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Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 1,949,794.00	\$ 1,949,794.00	\$ 0.00
Architectural and Engineering Fees	\$ 151,341.18	\$ 151,341.18	\$ 0.00
Miscellaneous Project Costs	\$ 46,505.57	\$ 46,505.57	\$ 0.00
Contingency	\$ 52,359.25	\$ 69,656.13	\$ 17,296.00
Total Project Budget	\$ 2,200,000.00	\$ 2,217,296.88	\$ 17,296.88

Funding Source(s): HB 246, Laws of 2007 (\$1,000,000); HB 1722, Laws of 2009 (\$1,200,000); HB 1701, Laws of 2010 (\$17,296.88)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

2. DSU- Granting of Right-Of-Way/Access Easement to Delta Telephone Company, Inc.

Project Request: Delta State University requests approval to grant a right-of-way easement to Delta Telephone Company Inc.

Purpose: Delta State University requests approval to grant a right-of-way easement to Delta Telephone Company, Inc in order to run a buried communication line on a parcel of Delta State University property north of Cleveland, MS located on Hwy. 61. Delta State University currently leases this property to Bayou Pipeline, Inc. The lessee does not object to this easement nor does it impede the lessee's use of the property. Approval of this easement will grant Delta Telephone Company, Inc. a continuing easement and right-of-way to place, repair, operate, maintain, improve, and replace from time to time, a buried system of communication cables on, under and across the Delta State University property.

The access easement is situated in Section 21, Township 23 North, Range 5 West, Parcel 5, Bolivar County, Mississippi. Delta State University is acting in accordance

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with Board Policy §905(A), Real Estate Management, which requires prior Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales. A copy of the legal description of the access easement is on file with the Office of Real Estate and Facilities.

Staff Recommendation: The Attorney General's Office has reviewed and approved this item. Board staff recommends approval of this item.

3. USM – IHL 208-304 – Approval of Purchase of Property-Baker Property Purchase

Project Request: The University of Southern Mississippi requests approval to purchase five properties adjacent to the Hattiesburg campus located in Forrest County, Mississippi from Dr. Martin H. Baker Sr. in the amount of \$820,000.

Purpose: The University of Southern Mississippi is seeking to purchase five properties all located in Hattiesburg, Forrest County, Mississippi. The properties are as follows:

Property A: 110 North 34th Avenue & 3402 Pearl Street is located on 1.65 acres and has a fourteen (14) unit apartment complex operating as Westwood Court Apartments;

Property B: Montague & 35th Avenue is located on a 0.20 acre vacant lot;

Property C: 207 North 35th Avenue is located on 0.37 acres and has a single family dwelling/home;

Property D: 3407 Pearl Street is located on 0.32 acres and has an eight (8) unit apartment complex operating as Sherwood Apartments; and

Property E: 203 North 35th Avenue is located on 0.37 acres and has a single family dwelling/home.

The purchase of properties (A,B,C,D,&E) is desired due to its location to the Hattiesburg campus. The five properties are located at the edge of the university campus and are intended to be held until it is needed for the future expansion of the Hattiesburg campus.

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The University of Southern Mississippi received two independent property appraisals for each property group. The average of the two appraisals for each property is as follows:

<u>Appraisal Average:</u>	<u>USM Purchase Offer:</u>
Property A: \$505,000	Property A: \$464,754
Property B: \$ 42,950	Property B: \$ 42,949
Property C: \$ 67,400	Property C: \$ 67,399
Property D: \$177,500	Property D: \$177,499
<u>Property E: \$ 67,400</u>	<u>Property E: \$ 67,399</u>
Total: \$860,250	Total: \$820,000

The average of the two appraisals is \$860,250 for all five properties. The university is purchasing these properties for \$820,000 which is less than the property's appraised value of \$860,250. The university also has a tentative closing date of on or before September 15, 2012 or upon an earlier or later date as agreed upon by both parties. A Phase I Environmental Site Assessment (ESA) has been conducted on the property. No recognized environmental conditions are evident at the subject property. State and Federal database review listed no regulatory findings for the subject property. Additionally, the site inspection found no recognized environmental conditions and the land records revealed no environmental liens.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The University of Southern Mississippi is acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The university is also acting in accordance with Board Policy §905(B), Real Estate Management, that requires a Phase I or more detailed environmental report be completed by a qualified personnel and submitted to the Board's Real Estate and Facilities Office.

Funding Source(s): Unexpended Plant Funds (\$820,000)

Staff Recommendation: The Attorney General's Office has reviewed and approved this item. Board staff recommends approval of this item.

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4. USM – IHL 208-305 – Approval of Sale of 102 North 34th Avenue Hattiesburg, Mississippi

Project Request: The University of Southern Mississippi requests approval to sell a 0.59 acre undeveloped lot located at 102 North 34th Avenue Hattiesburg, Forrest County, Mississippi to Baker-Eagle Properties in accordance with S.B. 2535, Laws of 2012 Regular Session.

Purpose: The legal description of the property proposed to be sold is Lot 22 less the North 13.11 feet of Lot 22, and Lots 23 and 24 and the East ½ of a vacated alley West of and adjacent to and parallel with the above and said Lots, all in Block 27 of the Pine Crest Second Survey of and Addition to the City of Hattiesburg, Mississippi, according to the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi.

S.B. 2535 Laws of 2012 states “The Department of Finance and Administration, acting on behalf of the Board of Trustees of State Institutions of Higher Learning, is authorized to sell and convey certain state-owned real property under the possession and control of the University of Southern Mississippi, being in Block 27 of the City of Hattiesburg, Forrest County, Mississippi and more particularly described as follows:

Lot 22 less the North 13.11 feet of Lot 22, and Lots 23 and 24 and the East ½ of a vacated alley West of and adjacent to and parallel with the above and said Lots, all in Block 27 of the Pine Crest Second Survey of and Addition to the City of Hattiesburg, Mississippi, according to the map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi.

The University of Southern Mississippi received two independent property appraisals for the property. The average of the two appraisals is \$88,500 for the property listed above. The university is selling the property to Baker-Eagle Properties for \$154,000 which is above the property’s appraised value of \$88,500. The university also has a tentative closing date of on or before September 15, 2012 or upon an earlier or later date as agreed upon by both parties. A Phase I Environmental Site Assessment (ESA) is not required for the sale of property.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The University of Southern Mississippi is acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent

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appraisals. The sale price of property shall not be below the average of the two appraisals.

Staff Recommendation: The Attorney General’s Office has reviewed and approved this item. Board staff recommends approval of this item.

5. USM – Naming of the USM Athletic Center the “Jim and Thomas Duff Athletic Center”

Project Request: The University of Southern Mississippi requests approval to name the USM Athletic Center the “Jim and Thomas Duff Athletic Center.”

Purpose: The University of Southern Mississippi requests approval to name the USM Athletic Center the “Jim and Thomas Duff Athletic Center” to honor the Duffs’ \$2 million charitable gift to the USM Athletic Department. Thomas Duff is a 1979 graduate of Southern Miss with a degree in banking and finance. Thomas and Jim are very successful entrepreneurs and own several local businesses.

The University of Southern Mississippi is acting in accordance with Board Policy §917, Naming Buildings and Facilities, that requires Board approval be obtained prior to naming or re-naming any institutional building or facility.

Staff Recommendation: Board staff recommends approval of this item.

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1. UM - APPROVAL TO RENEW CONTRACT WITH ARMSTRONG TEASDALE LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi requests approval to renew its contract for professional services with the law firm of Armstrong Teasdale LLP so that it may continue to assist the University with engineering and physical sciences patent applications and related intellectual property issues. Armstrong Teasdale is based in St. Louis, Missouri, with offices in four other states. Its intellectual property practice group includes fifty attorneys. Erin Florek, a graduate of the University of Mississippi and a member of the firm's intellectual property practice group, will be the primary attorney performing work for the University. Ms. Florek is an associate of the firm with a relatively low hourly rate (\$175 per hour). The Board approved this relationship in June, 2011, and the University would like to extend its contract for another fiscal year so that the firm may continue its representation on matters it is currently handling and to be available should new, similar matters arise. Hourly rates range from \$250-\$375 for principals, from \$175-\$195 for Associates, and \$150 for paralegals. These rates are unchanged from last year. The term of the proposed contract is from July 1, 2012 to June 30, 2013, and total expenditures will not exceed \$100,000. The University has also sent this request to the Office of Attorney General for its consideration and approval. The Chancellor recommends that the Board grant approval to the University of Mississippi to execute the contract extension employing Butler, Snow.

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

2. UM - APPROVAL TO RENEW CONTRACT WITH BUTLER, SNOW, O'MARA, STEVENS & CANNADA LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi requests approval to renew its contract for professional services with the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC ("Butler, Snow") so that it may continue to assist the University with pharmaceutical patent applications, intellectual property issues, commercialization of intellectual property, and other commercial transactions. Butler, Snow, with offices located in Jackson, Mississippi, Gulfport, Mississippi, and Memphis, Tennessee, has a practice group that specializes in intellectual property and patent prosecutions, as well as intellectual property management through licensing and commercialization. The Board approved this relationship with Butler, Snow in November, 2007, and the University would like to extend its contract for another fiscal year so that the firm may continue its representation on matters it is currently handling and to be available should new, similar matters arise. The firm's blended hourly rate under the contract for all attorneys within designated practice areas are as follows: intellectual property/patent work: \$235.00 per hour; commercial: \$215.00 per hour; and \$85.00 for all legal assistants. These rates have remained the same for

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several years, but Butler, Snow has requested a modest increase from \$225.00 per hour to \$235.00 per hour for intellectual property/patent work. These rates are competitive with or less than those charged by similarly qualified attorneys. The term of the proposed contract is from July 1, 2012 to June 30, 2013, and total expenditures will not exceed \$100,000. The University has also sent this request to the Office of Attorney General for its consideration and approval. The Chancellor recommends that the Board grant approval to the University of Mississippi to execute the contract extension employing Butler, Snow.

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

3. **UM - APPROVAL TO RENEW CONTRACT WITH HERSHKOVITZ & ASSOCIATES LAW FIRM AS OUTSIDE COUNSEL**

The University of Mississippi requests approval to renew its contract for professional services with the New York law firm of Hershkovitz & Associates, LLC (“Hershkovitz”) so that Eugene Rzucidlo an attorney practicing with Hershkovitz may continue to assist the University with pharmaceutical and natural products patent applications and related intellectual property and commercialization issues. Mr. Rzucidlo is one of a few patent lawyers in the world who is also a natural products chemist, and the University has worked with Mr. Rzucidlo on the most challenging natural products patents for many years. Mr. Rzucidlo’s hourly rate is \$595 per hour, which is the same as the University paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is from July 1, 2012 to June 30, 2013, and total expenditures will not exceed \$150,000. The University has also sent this request to the Office of Attorney General for its consideration and approval. The Chancellor recommends that the Board grant approval to the University of Mississippi to execute the contract extension employing Mr. Rzucidlo and the Hershkovitz firm.

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

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4. UM - APPROVAL TO RENEW CONTRACT WITH STITES & HARBISON LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi requests approval to renew its contract with Stites & Harbison so that it may continue to assist the University with pharmaceutical patent applications and intellectual property issues. Stites & Harbison, PLLC, with offices located in Nashville, Tennessee, has an Intellectual Property and Technology Group (“IPT Group”) which specializes in all major scientific subject areas in the intellectual property field. Richard Myers, an alumnus of the University and a member of the IPT Group, will be the primary attorney performing work for the University. The University has worked with Stites & Harbison since this Board first approved the University’s relationship with Stites & Harbison in September, 2002. Mr. Myers’ hourly rate is \$310, with other professionals who may work on University matters billing between \$195 (paralegal) and \$305 per hour. These rates are less than the rates of similarly qualified patent attorneys. Mr. Myers’ hourly rate is unchanged from last year, and the remaining rates are lower than reflected in previous contracts with Stites & Harbison. The term of the proposed contract is from July 1, 2012 to June 30, 2013, and total expenditures will not exceed \$250,000. The University has also sent this request to the Office of Attorney General for its consideration and approval. The Chancellor recommends that the Board grant approval to the University of Mississippi to execute the contract extension employing Stites & Harbison.

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

5. UMMC - APPROVAL TO RENEW CONTRACT WITH BUTLER, SNOW, O’MARA, STEVENS & CANNADA LAW FIRM AS OUTSIDE COUNSEL

University of Mississippi Medical Center (UMMC) requests permission to hire Butler, Snow, O’Mara , Stevens, and Cannada, PLLC as outside counsel for healthcare regulatory and compliance matters, administrative hearings, intellectual property, human resources, commercial and general matters. This is a contract renewal. UMMC has used this firm as outside counsel for several years and has been pleased with their work. The term of the proposed contract will be from November 1, 2012 through October 31, 2013. The attorney hourly rates to be charged will be as follows: for intellectual property matters, \$215 per hour; for healthcare regulatory and compliance matters, \$205 per hour; and for commercial, human resources and general matters, \$200 per hour. The rate for legal assistants in these areas will be \$85 per hour. The total contract amount will not exceed \$200,000.

STAFF RECOMMENDATION: The Attorney General has approved this request. Board staff recommends approval of this item.

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**6. USM - APPROVAL TO HIRE MARY ANN CONNELL AND MAYO MALLETTE
LAW FIRM AS OUTSIDE COUNSEL**

The University of Southern Mississippi requests Board approval to hire Mary Ann Connell and the firm of Mayo Mallette, as outside counsel to perform services as necessary and render legal advice in the practice areas of higher education law, employment law, First Amendment matters, academic tenure, student affairs, OFCCP, Title IX, NCAA compliance, disability law, and athletics. The request includes the use of any and all attorneys employed by the firm, at the discretion of Mary Ann Connell, whose experience and expertise is required to assist in the representation of the University pursuant to the agreement. The hourly rate to be charged will be \$165 per hour for attorneys and \$65 per hour for the time expended by paralegals. The approval will be for a period of time beginning on September 1, 2012, and expiring on August 31, 2013. The maximum amount budgeted for payment would be \$25,000.

STAFF RECOMMENDATION: The Attorney General has approved this request. Board staff recommends approval of this item.

7. USM - APPROVAL TO HIRE STEPHEN K. THOMAS AS OUTSIDE COUNSEL

The University of Southern Mississippi requests Board approval to hire Stephen K. Thomas, Hattiesburg, MS, as outside counsel to perform real estate services for three real estate closings. The three closings will be for purchases of property near the Hattiesburg campus and one sale of property by the University. It is expected that each closing will cost the University approximately \$500 to \$600. The maximum amount budgeted for payment under the contract is \$3,000.00. The attorney's average hourly rate, depending on services rendered, is \$150.

STAFF RECOMMENDATION: Board staff recommends approval pending approval by the Attorney General.

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8. USM - APPROVAL TO HIRE WATKINS & EAGER LAW FIRM AS OUTSIDE COUNSEL

The University of Southern Mississippi requests Board approval to hire Watkins & Eager, PLLC, as outside counsel to perform real estate closing services for the University of Southern Mississippi's Institute of Disability Studies (IDS). The University, through IDS, has purchased and rehabbed 47 properties in Jackson, MS, with a federal grant through the Mississippi Development Authority. The University has received legislative approval to sell these homes in accordance with the terms and conditions of the grant. Watkins & Eager would be performing real estate closings including attorney fees, title binders and recording fees. It is estimated that the cost of each closing will be approximately \$750 with an hourly rate of \$165. All outside counsel fees herein would be paid by a federal grant through the MDA. The approval will be for a period of time beginning on August 21, 2012, and expiring on August 31, 2013. The maximum amount budgeted for payment would be \$37,000.

STAFF RECOMMENDATION: The Attorney General has approved this request. Board staff recommends approval of this item.

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

MSU (*Hire with Tenure*)

David R. Smith; Professor, Department of Pathobiology and Population Medicine, College of Veterinary Medicine; twelve-month contract; salary of \$150,000 per annum, pro rata; E&G Funds; effective September 1, 2012

MVSU (*Hire with Tenure*)

David Stoesz, Professor, Department of Social Work, salary of \$65,000 per annum, pro rata; E&G Funds; effective August 15, 2012

UM

Velmer S. Burton; Dean of the School of Applied Sciences and Professor of Social Work and Legal Studies; salary of \$190,000 per annum, pro rata; E&G Funds; effective August 1, 2012 to June 30, 2013; *hire with tenure*

Brandi Hephner LaBanc; Vice Chancellor for Student Affairs and Associate Professor of Leadership and Counselor Education; salary of \$200,000 per annum, pro rata; E&G Funds; effective July 16, 2012 to June 30, 2013

John Kiss; Dean of the Graduate School and Professor of Biology; salary of \$185,000 per annum, pro rata; E&G Funds; effective September 1, 2012 to June 30, 2013; *hire with tenure*

USM (*Hire with Tenure*)

Eric Powell; Director, Gulf Coast Research Laboratory and Professor, Department of Coastal Sciences; twelve-month contract, salary of \$152,000 per annum, pro rata; E&G Funds; effective September 1, 2012

Rehired retirees making more than \$20,000 who ARE on contract during FY2013

DSU

Kent Wyatt; *former position*: President; *re-employment position*: President Emeritus; *re-employment period*: July 1, 2012 to June 30, 2013; annual salary of \$59,000

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Linda Ross; *former position:* Director of the H.L. Nowell Union; *re-employment position:* Director of the H.L. Nowell Union; *re-employment period:* July 1, 2012 to June 30, 2013; annual salary of \$24,693

Gloria Brister; *former position:* Chair of Speech and Hearing Sciences and Assistant Professor; *re-employment position:* Assistant Professor, Emeritus, *re-employment period:* July 1, 2012 to June 30, 2013; annual salary of \$30,000

James Robinson; *former position:* Professor of History; *re-employment position:* Adjunct Instructor in History, *re-employment period:* July 1, 2012 to June 30, 2013; annual salary of \$30,000

Jean Grantham; *former position:* Adjunct Faculty, Chief Nurse for Delta Hills Public Health District III, MS State Department of Health; *re-employment position:* Instructor in Nursing (Part-time), *re-employment period:* August 15, 2012 to June 30, 2013; annual salary of \$33,800

MUW

Peggy Campbell; *former position:* Superintendent, Cleveland School District; *re-employment position:* Professor and Coordinator of Educational Leadership; *re-employment period:* August 13, 2012-June 13, 2013; annual salary of \$35,000

Joyce Hunt; *former position:* Professor of Management; *re-employment position:* Professor of Management; *re-employment period:* August 10, 2012 to May 18, 2013; salary of \$30,000

Dora Faye Jordan; *former position:* Instructor of Nursing; *re-employment position:* Instructor of Nursing; *re-employment period:* August 15, 2012-June 30, 2013; annual salary of \$33,140

2. Change of Status

ASU

Marcus Ward; *from* Vice President for Institutional Affairs; salary of \$117,500 per annum, pro rata; E&G Funds; *to* Vice President for Institutional Advancement; no change in salary; effective August 1, 2012

Clara Ross Stamps; *from* Associate Vice President for Marketing and University Relations; salary of \$80,050, per annum, pro rata; E&G Funds; *to* Vice President for

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Media Relations; salary of \$100,000 per annum, pro rata; E&G Funds; effective August 1, 2012

Ruth Nichols; *from* Senior Director of Community Outreach and Partnership Development; salary of \$90,000, per annum, pro rata; E&G Funds; *to* Assistant Vice President for Educational and Community Partnerships; no change in salary; effective August 1, 2012

MSU

R. Gregory Dunaway; *from* Associate Dean and Professor, College of Arts and Sciences, salary of \$137,000 per annum, pro rata; E&G Funds; *to* Interim Dean and Professor, College of Arts and Sciences; salary of \$150,000 per annum, pro rata; E&G Funds; effective July 1, 2012

David C. Lewis; *from* Associate Dean and Professor, College of Architecture, Art and Design, salary of \$102,839 per annum, pro rata; E&G Funds; *to* Associate Dean and Professor, College of Architecture, Art and Design and Interim Director, Building Construction Science Program; salary of \$132,047 per annum, pro rata; E&G Funds; effective July 1, 2012

Julia Young Porter, *from* Associate Professor, Meridian Campus, Division of Education, salary of \$62,378 per annum, pro rata; E&G Funds; *to* Associate Dean and Professor, Meridian Campus, Division of Education; salary of \$102,000 per annum, pro rata; E&G Funds; effective July 1, 2012

Rickey L. Travis, *from* Associate Professor, College of Arts and Sciences, salary of \$71,075 per annum, pro rata; E&G Funds; *to* Interim Associate Dean and Associate Professor, College of Arts and Sciences; salary of \$115,000 per annum, pro rata; E&G Funds; effective July 1, 2012

Julia Hodges, *from* Associate Vice President for Administrative Services, salary of \$180,685 per annum, pro rata; E&G Funds; *to* Associate Vice President for Academic Affairs; no change in salary; effective July 1, 2012

MUW

Nora Miller; *from* Vice President for Finance and Administration; salary of \$127,500 per annum, pro rata, E&G funds, *to* Senior Vice President for Administration and Chief

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Financial Officer; salary of \$140,000 per annum, pro rata; E&G Funds; effective July 1, 2012

USM

Joe Peyrefitte; *from* Senior Associate Dean, College of Business; salary of \$125,000 per annum, pro rata; E&G Funds; *to* Interim Dean, College of Business; salary of \$175,000 per annum, pro rata; E&G Funds; effective August 15, 2012

3. Terminations

MUW

Allegra Brigham, Interim Vice President for University Relations and Advancement, effective June 29, 2012

William Stewart, Interim Dean of the College of Business and Professional Studies, effective June 30, 2012

USM

Lance Nail; Dean, College of Business; resignation/other employment; effective August 15, 2012

4. Emeritus Status

USM

Gail S. Russell; Professor Emeritus of Geology, effective August 1, 2012

UMMC

John Current, Professor Department of Anesthesiology

J. David Duncan; Professor Department of Care Planning and Restorative Sciences

Robert Shaye; Professor and Chair of the Department of Orthodontics in the School of Dentistry

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1. ASU - REQUEST FOR APPROVAL OF THE RESIDENCY AND OUT-OF-STATE TUITION WAIVER POLICY

Purpose The purpose of this Policy is to authorize and define the criteria for granting waivers of out-of-state tuition to Alcorn State University students. More specifically, this policy is implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. § 37-103-25 (3).

Authority and Effective Date This Policy reflects, and shall be construed in conformity with, the Policies and Bylaws of the Board of Trustees of State Institutions of Higher Learning and with Mississippi statutory law, including Miss. Code Ann. § 37-103-25, as amended. This Policy shall be effective upon approval by IHL and ASU, with individual waivers becoming applicable as of the date approved by the ASU President, unless a later time is indicated below.

New Categories of Out-of-State Waivers The following out-of-state waiver categories are authorized, in addition to those in existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission to ASU of timely and adequate proof of having met the applicable criteria.

All potential out-of-state waiver candidates must be enrolled full-time and satisfy at least one of the criteria listed below. Students who maintain a 2.50 GPA will be able to automatically renew their waivers each year, pending available funds.

For Consideration of Out-of-State Waivers

- Incoming first-year students must have earned a minimum high school grade point average (GPA) of 3.0 and a score of 18 or higher on the ACT (or 870 or higher on the SAT).
- Currently enrolled students, transfer students, or graduate students must have earned a minimum postsecondary GPA of 2.5.

(Exceptions to the GPA and test score requirements may be granted based on significant and documented extenuating circumstances presented to the Out-of-State Waiver Committee.)

- Additionally, applicants must satisfy at least one of the criteria listed below.

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Criteria and Rationale

Applicant from counties/parishes in contiguous states

Many students from surrounding states express interest in Alcorn State University every year but cannot afford the out-of-state tuition. The waiver would open up a dynamic recruiting and enrollment opportunity for the university. For example, considering the relative proximity of ASU's Natchez campus to cities across the state line in Louisiana, the waiver would provide access to higher education for a significant population of potential students.

Applicant supports the institution's diversity goals (based on stated institutional priorities)

In the spirit of the university's commitment to enhancing the diversity of its student population, the waiver delivers a viable mechanism for enrolling a greater number of students from a broad spectrum of categories (i.e. based on race/ethnicity, national origin, gender, geography, etc.) that are under-represented on campus. The list could vary each year based on emerging demographic trends and institutional foci.

Applicant enhances academic profile of the university (ACT scores of 24 or higher/SAT scores of 1110 or higher)

As the university works diligently to advance its academic profile, the waiver can serve a vital role in recruiting top-achieving students as evidenced by their high scores on the ACT/SAT exam.

Applicant with personal military service

As evidence of being a military-friendly institution, the waiver will allow for support of individuals who have demonstrated service to the nation through current or past personal military involvement of any type and can benefit the institution through their life experience and leadership skills. Spouses and dependent children of military members may be eligible for the waiver as well.

Applicant declaring interest in majoring in under-enrolled academic programs deemed to be critical for the university to maintain

Despite the strength of the overall institutional enrollment, some academic programs are considerably under-enrolled and in potential danger of being discontinued (e.g. Math). Through the use of the waiver, Alcorn would be able to attract students who can ensure the viability of programs deemed to be of particular value and importance.

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Applicant from federally designated rural area

With its rural location, the university might be attractive to students from other rural communities seeking a similar environment for higher education. The waiver can be a strong recruiting mechanism to encourage students to leave their home states and matriculate at Alcorn.

Applicant designated as a graduate assistant

The university is committed to recruiting academically talented graduate students to strengthen the quality of its programs and to serve as graduate assistants who can offer support for various units on campus.

Applicant with significant financial need

One of the founding and continuing pillars of the university is access, especially for individuals who might otherwise not have opportunities for higher education. By supporting students with particular financial need with this waiver – many of whom represent first-generation college attendees – Alcorn can further manifest its commitment to access and increase enrollment.

The actual number of available waivers will be based on the quality of student applicants as well as financial considerations, as it is possible that not all eligible students will be granted the waivers. In addition, the university reserves the right to issue *full and partial* waivers based on available funds.

The university's Out-of-State Waiver Committee composed of faculty and staff will review applications. The committee will be made up of the following:

- Vice Provost, *ex officio*
- Vice President for Fiscal Affairs, *ex officio*
- School of Agriculture faculty representative
- School of Arts and Sciences faculty representative
- School of Business faculty representative
- School of Education faculty representative
- School of Nursing faculty representative
- Admissions and Recruiting staff representative
- Financial Aid staff representative
- Athletics staff representative
- Diversity and Equity Engagement staff representative

Designated university officials will also be able to recommend new students for the out-of-state waiver.

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The Out-of-State Waiver Committee will also assess the waiver policy each year in terms of its impact on the university and propose possible modifications if necessary. In particular, as identified in the criteria, institutional priorities may necessitate some shifts to accommodate emerging trends and needs.

STAFF RECOMMENDATION: In accordance with House Bill 1095 amending Miss. Code Ann. Section 37-103-25, *the Board of Trustees is authorized to allow institutions to waive out-of-state tuition when a waiver policy is requested by the President or Chancellor and determined to be fiscally responsible by the Board.* The Attorney General's Office reviewed the proposed policy and recommends no changes. Board staff also reviewed the proposed policy and financial projections provided by ASU. Board staff recommends approval of this item.

2. **MUW - REQUEST FOR APPROVAL OF THE RESIDENCY AND OUT-OF-STATE TUITION WAIVER POLICY**

Purpose The purpose of this Policy is to authorize and define the criteria for granting waivers of out-of-state tuition to Mississippi University for Women students. More specifically, this policy is implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. § 37-103-25 (3).

Authority and Effective Date This Policy reflects, and shall be construed in conformity with, the Policies and Bylaws of the Board of Trustees of State Institutions of Higher Learning and with Mississippi statutory law, including Miss. Code Ann. § 37-103-25, as amended. This Policy shall be effective upon approval by IHL and MUW, with individual waivers becoming applicable as of the date approved by the MUW President, unless a later time is indicated below.

New Categories of Out-of-State Waivers The following out-of-state waiver categories are authorized, in addition to those in existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission to MUW of timely and adequate proof of having met the applicable criteria.

- a. **Regional** - First time entering out-of-state freshman students or transfer students meeting requirements for initial award of regional scholarship and maintaining satisfactory academic progress for continued eligibility.
- b. **West Alabama** - Residents of Fayette, Lamar, Pickens, and Tuscaloosa counties meeting admissions requirements for initial award and maintaining satisfactory academic progress for continued eligibility.

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- c. Strategic Markets - Residents of specific markets targeted for enrollment growth meeting admissions requirements for initial award and maintaining satisfactory academic progress for continued eligibility. Areas for initial application include the following counties: (Alabama) Baldwin, Jefferson, Mobile, Shelby, Walker; (Tennessee) Fayette, Shelby, Tipton.
- d. Children of Alumni - Undergraduate students who are children of non-resident graduates of MUW. Students must meet admissions requirements for initial award and maintain satisfactory academic progress for continued eligibility.

STAFF RECOMMENDATION: In accordance with House Bill 1095 amending Miss. Code Ann. Section 37-103-25, *the Board of Trustees is authorized to allow institutions to waive out-of-state tuition when a waiver policy is requested by the President or Chancellor and determined to be fiscally responsible by the Board.* The Attorney General's Office reviewed the proposed policy and recommends no changes. Board staff also reviewed the proposed policy and financial projections provided by MUW. Board staff recommends approval of this item.

3. UM – REQUEST FOR APPROVAL OF AN AMENDMENT TO A PROFESSIONAL SERVICES AGREEMENT

Agenda Item Request: The University of Mississippi (UM) requests approval to amend its professional services agreement with **Aramark Educational Services, LLC (ARAMARK)** in order to provide uninterrupted food service operations during the renovation of the current dining facility to allow for the growing student enrollment.

Contractor's Legal Name: **Aramark Educational Services, LLC (ARAMARK)**

History of Contract: The original ARAMARK agreement was approved by the Board in July 2007. Subsequent amendments changed the scope of the contract by providing additional financial investments for UM's dining operations. In June 2011, the Board approved amendment number five to extend the contract through June 30, 2021. The most recent amendment contained a \$1 million guarantee in annual revenue, \$1,485,000 in dining facility investments, and \$5 million in enhanced revenue to be applied towards the renovations being requested in this current amendment. This proposed sixth amendment is for ARAMARK to provide temporary kitchen equipment in the Johnson Commons ballroom. The temporary kitchens are modular, portable kitchens that will be set-up just outside Johnson Commons. The temporary relocation of the dining facility is to allow uninterrupted food service during renovation of the current dining facilities in order to accommodate UM's growing enrollment.

Specific type of contract: Food Services Management Outsourcing Agreement

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Purpose: The purpose of this amendment is for ARAMARK to provide necessary kitchen equipment for a temporary dining facility while the current dining facility is being renovated. The current dining facility will be under renovations during the 2012-2013 academic year. The renovation will allow for UM's significant enrollment growth.

Scope of Work: The current contract with ARAMARK requires the University to provide kitchen equipment and facilities for ARAMARK's use. The University will be renovating the current dining facility and will not be able to provide the equipment as stated in the current contract. The proposed amendment will require ARAMARK to provide its own temporary kitchen equipment for the 2012-2013 academic year. In exchange, the University will reduce its guaranteed commissions by an amount equal to the cost of the temporary kitchen facilities (not to exceed the fair market lease value) and the related expenses to set up the new site.

Term of contract: The temporary amendment will remain in effect from August 17, 2012 through September 2013. The existing contract including all amendments will not be altered. The contract in general will continue to remain in effect through June 30, 2021.

Termination Options: Either party may terminate the contract at any time by giving the other party notice of at least 90 days.

Contract Amount: This is a revenue contract expected to generate \$27,138,000 during the life of the contract. This amendment will reduce expected sales commissions by the actual cost of the temporary kitchens, not to exceed fair market lease value of \$42,500 per month for approximately thirteen months, plus associated installation and related costs (\$140,000 estimate). The reduction equates to approximately \$692,500 in sales commissions over the 13-months. No other financial terms existing under the present contract will be altered.

Funding Source for Contract: This contract is a revenue-generating contract. This amendment temporarily reduces the revenues.

Contractor Selection Process: This is not a selection of a new vendor. This agenda item is an amendment to a current contract allowing a temporary reduction in sales commission to allow the university to do renovations to its existing dining facility in order to accommodate student growth. This item did not require a request for proposals or a selection process.

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Staff Recommendation: Based on Board Policy 707.01, Land, Property, and Service Contracts, *Board approval prior to execution of all food service contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required.* The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

4. SYSTEM – MISSISSIPPI OFFICE OF STUDENT FINANCIAL AID —
ADDITION OF SECTION 713 AND RULES/REGULATIONS CHANGES

- a. Approval of Changes to Loan/Scholarship Rules and Regulations
- b. Approval of Changes to Loan/Scholarship Contracts

Due to the size of the documentation supporting this agenda item, the materials will be sent to the Board under separate cover.

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Note: Project numbers beginning with the prefix "GS" designate projects that the Bureau of Building provides management oversight for and are funded partially or wholly with state Bureau of Building bond revenues. Project numbers beginning with the prefix "IHL" designate projects that are funded from university self-generated sources including but not limited to donations, fees, and grants.

Board Policy §903(B), Legislative Funding Requests

The Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit an annual request for capital improvements and repair and renovation for approval by the Board prior to its submission to the Legislature. These requests shall be submitted for Board approval in May of each year. In developing the list of requests, the Commissioner shall consider institutional priorities, missions, enrollment, campus square footage, building conditions, comparative funding and other appropriate criteria. The Board shall then approve and furnish to the Legislature each year a priority list of the capital improvements and repair and renovation projects for all institutions under its control. Projects which are not approved by the Board shall not be submitted to the Legislature by any institution. In addition, priorities and requests of the individual institutions may not be presented or communicated to any individual legislators without the prior approval of the Board.

The Board approved priority lists of capital improvement and repair and renovation projects will be submitted to the Governor's Office of General Services and the Bureau of Building, Grounds and Real Property Management through the Board's Real Estate and Facilities Office.

Board Policy §904(A), Board Approval

When funding has been secured from whatever source, each institution shall bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects. This request shall include a detailed description of the work to be accomplished, the total budget, the funding source and the design professional recommended to the Board for approval.

After the Board has granted approval of both the initiation of a project and the appointment of a design professional, no further Board action or approval is required for the completion of the project if the following conditions are met:

- 1. The detailed description of the work to be accomplished, as specifically approved by the Board within the project initiation, has not changed.*
- 2. The total project budget has not increased beyond the amount specifically approved by the Board as part of the project initiation;*

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3. *The funding source has not changed from that specifically approved by the Board as part of the project initiation; and*
4. *The design professional previously approved by the Board has not changed.*

If the above four conditions have been met, the Board's Real Estate and Facilities staff, through the Commissioner, shall have the authority to approve any and all necessary documents related to the completion of the subject construction project, including the approval of construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders.

Prior to the commencement of construction, the Board must approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project. This requirement applies to all buildings and facilities on an institution's property even if the land is leased to an institution's affiliated entity or a private developer.

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

IHL PROJECTS

1. UM – IHL 207-361 – Lamar Hall Phase II-B

Project Request: The University of Mississippi requests approval to initiate a project, Lamar Hall Phase II-B and to appoint Barlow Eddy Jenkins Architects as the design professional.

Proposed Design Professional: Barlow Eddy Jenkins Architects

Purpose: The building was originally constructed in 1975 and building has received only minor renovations (\$1.5 million) in 2003. Phase I of this two phased project is under construction at this time and addresses the 1st and 2nd floors of the building including new elevators, classrooms, offices, a food service outlet, ADA and MEP upgrades. Phase I of the project has an anticipated completion date of January 2013.

Phase II-A includes the exterior building envelope restoration. Phase II-B of the project includes the renovation of the top floor of the building and the mezzanine classrooms, toilets and offices including ADA and MEP upgrades and roof repairs.

The University of Mississippi is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project

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initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: August 16, 2012

Date of Original Construction: 1975

Date of Last Renovation: 2003 (\$1.5 million minor renovation)

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 5,410,809.20
Architectural and Engineering Fees:	456,811.12
Miscellaneous Project Costs:	950,100.00
Contingency:	<u>682,279.88</u>
Total Project Budget	\$ 7,500,000.00

Proposed Funding Source(s): Internal R&R funds (\$7,500,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

2. SYSTEM – Approval of Facility Needs Request for the 2013 Legislative Session

Request: Board approval is requested for the prioritized lists of proposed funding needs for the 2013 Legislative Session as prepared by each individual institution. These lists of campus priorities were developed in the same manner as last year's lists, with each university determining the top ten ranking priorities of their respective campus. A copy of the prioritized funding needs is located on page(s) 4-9. IHL is seeking approval in accordance with Board Policy §903(B), Legislative Funding Requests, which requires the preparation and submittal of an annual request for capital improvements and repair and renovation for approval by the Board prior to its submission to the Legislature.

Staff Recommendation: Board staff recommends approval of this item.

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**Facilities Needs Requests for FY 2014
2013 Legislative Session**

University	University Priority	Project Description	Request Per Project	Total By University
ASU	1	Fire Sprinkler Project	\$650,000	
	2	Technology Classroom Building	\$16,975,000	
	3	ADA Modifications	\$10,850,000	
	4	Campus Security Project	\$8,137,500	
	5	General Repair and Renovations	\$7,260,000	
	6	Infrastructure Upgrades	\$3,255,000	
	7	Campus Improvements	\$8,680,000	
	8	ASU Academic Convocation Center (Pre-Plan)	\$250,000	
	9	James Bolden Campus Union Renovations (Pre-Plan)	\$250,000	
	10	Walter Washington Administration Hall Renovations (Pre-Plan)	\$250,000	
				\$56,557,500
DSU	1	Court of Governors Fire Suppression	\$750,000	
	2	Student Union Renovation	\$12,500,000	
	3	Ward Hall Renovation	\$4,588,176	
	4	Campus Roof Repairs Projects	\$4,307,000	
	5	Central Mechanical Plant Phase II	\$1,531,250	
	6	Campus Demolitions	\$1,465,650	
	7	Ziegal Hall (Pre-Plan)	\$300,000	
	8	Ziegal Hall Renovation	\$5,052,000	
	9	Compliance	\$7,703,500	
	10	Infrastructure Improvements	\$4,882,000	
				\$43,079,576

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University	University Priority	Project Description	Request Per Project	Total By University
JSU	1	Alexander Center Renovation – Phase II	\$8,500,000	
	2	Administration Tower Exterior Waterproofing	\$2,000,000	
	3	General Repair and Renovation	\$7,000,000	
	4	Old Industrial Arts Building Renovation	\$2,000,000	
	5	Land Acquisition Phase V	\$5,000,000	
	6	School of Engineering Phase II	\$5,000,000	
	7	Dansby Hall Replacement Phase I	\$9,000,000	
	8	College of Education & Human Development Renov. & Construction	\$12,000,000	
	9	Campus Parking Structure Phase I (Pre-Planning)	\$5,000,000	
	10	Charles F. Moore Building Renovation Phase I	\$10,000,000	
				\$65,500,000
MSU	1	Renovation of YMCA	\$9,658,775	
	2	Addition to Mitchell Memorial Library	\$6,788,128	
	3	Civil and Environmental Engineering Complex	\$14,000,000	
	4	Fire Suppression Systems (Classroom Sprinklers)	\$2,736,500	
	5	ADA Accessibility	\$2,396,000	
	6	Roof Repairs	\$2,223,725	
	7	Water Infiltration Repairs	\$1,714,500	
	8	Fire Alarm Systems Replacement	\$1,828,000	
	9	HVAC Systems Replacements	\$2,569,750	
	10	Addition to Sanderson Center	\$14,284,498	
				\$58,199,876

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University	University Priority	Project Description	Request Per Project	Total By University
MSU/DAFVM	1	Animal Life Science Initiative	\$7,500,000	
	2	ADS/Food Science, Nutrition & Health Promotion Complex	\$18,625,000	
	3	Blackjack Forest and Wildlife Research Facility	\$3,333,750	
	4	Exterior & Interior R&R- Forest Products Complex	\$2,587,000	
	5	Dorman Hall Lab & Common Space Renovation	\$3,983,500	
	6	Bost Extension Center/Technology Addition	\$8,560,000	
	7	Mississippi Horse Park Expansion	\$8,462,000	
	8	Crosby Arboretum Education Center	\$1,961,500	
	9	Delta Research & Extension Center Repair and Renovation	\$1,500,000	
	10	Floral Shop: 1 st Floor and Basement Renovation	\$756,000	
				\$57,268,750
MUW	1	ADA Code Compliance and Campus Safety	\$3,500,000	
	2	Fant Memorial Library	\$16,414,000	
	3	Campus R&R Projects	\$1,215,200	
	4	Shattuck Hall Renovation	\$4,206,500	
	5	Fant Hall	\$3,700,000	
	6	Old Pohl Gym Renovation	\$2,992,430	
	7	Keirn & Taylor Halls Demolition	\$1,342,000	
	8	Demonstration Renovation	\$3,263,000	
	9	Recreation Service Facility	\$332,063	
	10	Campus Streetscape	\$1,666,556	
				\$41,815,132

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University	University Priority	Project Description	Request Per Project	Total By University
MVSU	1	Fire Suppression System Upgrades	\$2,000,000	
	2	Harrison Complex Renovations and Expansions	\$5,000,000	
	3	Student Union Complex Renovation and Expansion	\$7,626,000	
	4	College Hall I Renovation	\$5,200,000	
	5	Fine Arts Center Renovation and Expansion	\$7,626,000	
	6	Chilled Water Loop Expansion	\$7,000,000	
	7	Academic Skills Redesign	\$4,500,000	
	8	Edna Horton Hall Renovations	\$3,500,000	
	9	Leflore Hall Replacement	\$5,500,000	
	10	Campus Gas System Upgrades Phase I	\$3,500,000	
				\$51,452,000
UM	1	Music Hall	\$4,000,000	
	2	Garland Hedleston Mayes Renovation	\$14,000,000	
	3	Coulter Expansion	\$16,000,000	
	4	South Campus Recreation Facility and Transportation Hub	\$20,000,000	
	5	Electrical Hazards	\$3,500,000	
	6	Meek Hall Ventilation	\$1,500,000	
	7	Data Center Renovation	\$15,000,000	
	8	Peabody Hall Renovation	\$5,500,000	
	9	Anderson Hall Renovations	\$8,000,000	
	10	New Science Building	\$8,000,000	
				\$95,500,000

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University	University Priority	Project Description	Request Per Project	Total By University
UMMC	1	Medical School Renovation/New Building	\$62,584,341	
	2	Central Core Support Office	\$8,786,718	
	3	SHRP Expansion	\$13,836,258	
	4	East Central Mechanical Plant	\$8,436,277	
	5	Pedestrian Bridge & Utility Loop Expansion	\$6,529,310	
	6	Hospital Area Renovation	\$23,176,286	
	7	Women's Dorm Renovation	\$4,609,107	
	8	Campus Mechanical Phase I	\$1,728,100	
	9	2013 Roof Repair	\$320,923	
	10	Campus Mechanical Phase II	\$1,274,307	
				\$131,281,627
USM	1	Sprinkling of Pinehaven and Cedarbrook Apartments	\$4,000,000	
	2	School of Nursing – Phase I	\$10,000,000	
	3	Southern Hall Restoration and Renovation	\$9,000,000	
	4	General Repair and Renovation – Hattiesburg Campus	\$5,000,000	
	5	Joseph Greene Hall Renovation	\$9,000,000	
	6	Harkins Hall Renovation	\$7,000,000	
	7	General R&R Gulf Coast Campus	\$3,000,000	
	8	Science Building Phase II Gulf Park Campus	\$6,000,000	
	9	Manonni Performing Arts Center Renovation	\$12,000,000	
	10	Fritzsche-Gibbs Hall Renovation	\$10,000,000	
				\$75,000,000

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University	University Priority	Project Description	Request Per Project	Total By University
ERC	1	Repair Hot/Chilled Mechanical Water Lines	\$560,000	
	2	Structural Repairs/Water Infiltration	\$2,400,000	
	3	ADA/Code Compliance	\$2,000,000	
	4	Exterior Handicap Ramps	\$145,000	
	5	First Floor Renovations	\$550,000	
	6	Replace Stairs at Parking Garage	\$280,000	
	7	Window Replacement	\$900,000	
	8	Renovation of Paul B. Johnson Building (Pre-Plan)	\$350,000	
	9	Re-roof Paul B. Johnson Building	\$550,000	
	10	Parking Lot Re-Paving	\$500,000	
				\$8,235,000
				<u>\$683,889,461</u>

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1. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking board approval for settlement of Tort Claim No. 1776.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking board approval for settlement of Tort Claim No. 1795.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. UM - APPROVAL OF INTER-LOCAL AGREEMENT WITH THE CITY OF OXFORD

The University of Mississippi requests that the University be authorized to enter an inter-local agreement with the City of Oxford enabling the University and the City of Oxford to share the costs of planning, bidding, contracting, developing, and constructing tennis courts that will be used by the University and City. The University's share will be \$550,000, paid over a period of seven years. A draft of the agreement is attached. Funds will also be provided by Lafayette County which has a proposed separate inter-local agreement with the City of Oxford.

**INTER-LOCAL AGREEMENT
BETWEEN THE CITY OF OXFORD, MISSISSIPPI,
AND THE UNIVERSITY OF MISSISSIPPI**

This Agreement made on the ____ day of _____, 2012, by and between the City of Oxford, Mississippi, a municipality duly existing under the laws of the State of Mississippi ("City"), and the University of Mississippi, a state institution of higher learning duly existing under the laws of the State of Mississippi ("University"), which agreement is set forth as follows:

WHEREAS, the Mayor and Board of Aldermen of the City, as the duly elected governing authorities of the City, have the duty to adequately promote the health, safety and welfare of the citizens of the City, pursuant to Section 17-1-3, Section 21-17-1 and Section 55-9-1 of the Mississippi Code of 1972, Annotated, as amended; and

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WHEREAS, the Oxford Park Commission operates and manages parks and recreational facilities owned by the City of Oxford in accordance with Section 21-37-33 and 21-37-35 of the Mississippi Code of 1972, Annotated, as amended; and

WHEREAS, the University wishes to ensure tennis facilities are available for the offer of instruction of tennis to its students through its Health, Exercise Science and Recreation Management Department; and

WHEREAS, the parties have determined that it is in the best interest of the citizens of the City and of the University and its student body to provide, expand and improve the outdoor tennis facilities of the City, including at John Leslie Park, and

WHEREAS, the City and Lafayette County, Mississippi each plan to make a financial contributions in the amount of \$475,000 for said expansion and improvement, for a combined, aggregate contribution in the amount of \$950,000; and

WHEREAS, the City has requested financial assistance from the University in the amount of \$550,000 for said expansion and improvement; and

WHEREAS, the governing body of the City has authorized its undersigned representatives to enter into and execute this Agreement and the University has received approval from the Board of Trustees of State Institutions of Higher Learning to enter into this Agreement;

NOW, THEREFORE, for and in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the parties do hereby agree as follows:

1. This agreement (□Agreement□) is entered in accordance with the provisions of Miss. Code Ann. §§ 17-13-1, et. seq., the □Interlocal Cooperation Act of 1974” (□Act□), as it now appears. All provisions set forth in the Act are incorporated herein and made a part hereof.

2. The University agrees to pay the City the sum of \$550,000 in the manner shown in attached Schedule “A,” and the City agrees to use these funds for the planning, bidding, contracting, development, and construction and expansion of current City tennis facilities (“Tennis Facilities”). The City agrees to contribute a total of \$475,000 for the expansion and construction of the Tennis Facility. Additionally, Lafayette County, Mississippi, by way of a separate interlocal agreement, has agreed to contribute \$475,000 for the expansion and construction of the Tennis Facility, for a combined, aggregate contribution from the City and Lafayette County in the amount of \$950,000.

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3. The University will be allowed access to the Tennis Facilities for tennis instruction to its students enrolled in classes offered by the University Health, Exercise Science and Recreation Management department at appropriately designated times and with reasonable terms. By way of example only, the University may schedule with the Oxford Park Commission and be allowed access to six (6) tennis courts for two (2) hours per court, Monday through Friday, in order to accommodate University Health, Exercise Science and Recreation Management department tennis classes.
4. Participants of University intramural tennis programs operated through the Department of Campus Recreation shall have reasonable access to tennis courts within the Tennis Facilities on a first come first serve basis, exclusive of those courts already scheduled and reserved through and/or by the Oxford Park Commission.
5. The City agrees to use its best efforts to finance and construct the Tennis Facilities as soon as reasonably practicable. The City shall retain all rights and duties related to the design, building, and oversight of the subject facilities. The City shall receive, disburse and account for funds involved. The City shall provide to the University full access to records related to the project upon reasonable notice from the University.
6. The parties also agree that the City may need or desire additional financial assistance from the University for the Tennis Facilities. In the event the City or the Oxford Park Commission make a request to the University for additional funds to further develop, improve, expand, or maintain the Tennis Facilities, the University agrees to seriously consider all such requests in good faith within budgetary constraints. If at any time after five (5) years after the original construction and surfacing of the tennis courts, the City and/or the Oxford Park Commission shall determine that the tennis courts require resurfacing, the University agrees to pay one-third of such costs.
7. Each party to this Agreement shall assume responsibility for any acts of negligence which may be attributed to it or its employees or agents, to the extent authorized by Miss. Code Ann. §§11-46-1, et. seq. (the Mississippi Tort Claims Act), and any other applicable federal, state, or local laws or regulations. Nothing in this Agreement shall be construed as an obligation by either party to indemnify the other that would not be authorized under applicable law, or an acceptance of liability by either party beyond that prescribed by law. This provision shall not be construed to abrogate, abridge or waive any immunities or privileges held or maintained by any of the parties to this Agreement.

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8. Pursuant to Miss. Code Ann. §17-13-11, the parties understand that as a condition precedent to the Agreement being enforceable, the Agreement shall be submitted to the Attorney General of the State of Mississippi for approval. On approval by the Attorney General, or the passing of sixty days after submission without disapproval, copies of this Agreement shall be filed with the Chancery Clerk of Lafayette County, the Secretary of State of Mississippi, and the State Department of Audit, pursuant to Miss. Code Ann. §§17-13-11(3) and (4).
9. The term of this Agreement shall be through the City fiscal year 2027. The Agreement shall be terminable at will by either party, and the parties may renew, amend, modify or alter the terms of this Agreement if the same is in writing, dated subsequent to the date of this Agreement, and duly authorized and executed by the parties. While the terms of this Agreement may be renewed, modified, amended, or altered in writing and by the mutual agreement of the parties, any modification of this agreement must be approved by the Attorney General prior to the implementing of any such modifications.
10. This Agreement (together with attached Schedule “A”) constitutes the entire agreement between the parties and supersedes all prior agreements and understandings, oral and written, between the Parties with respect to the subject matter hereof.
11. If any provision of this Agreement is held invalid or unenforceable by any court of competent jurisdiction, the other provisions of this Agreement will remain in full force and effect. Any provision of this Agreement held invalid or unenforceable only in part or degree will remain in full force and effect to the extent not held invalid or unenforceable.
12. This Agreement shall not unlawfully bind successors in office.
13. This Agreement is governed by Mississippi law. This Agreement may be executed in several counterparts that, when combined, will constitute the original instrument.
14. This Agreement creates no joint property not existing before its execution. The Tennis Facility will be owned by the City and operated and managed by the Oxford Park Commission.

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APPROVED AND EXECUTED BY THE RESPECTIVE PARTIES pursuant to lawful actions of each party.

CITY OF OXFORD, MISSISSIPPI

George G. "Pat" Paterson, Mayor

Attest:

Lisa Carlyle, Clerk

THE UNIVERSITY OF MISSISSIPPI

Daniel W. Jones, Chancellor

Schedule "A"

Contributions from the University for the Tennis Facility shall be made payable to the City of Oxford on the following dates:

September 1, 2012	\$235,000
October 1, 2013	\$45,000
October 1, 2014	\$45,000
October 1, 2015	\$45,000
October 1, 2016	\$45,000
October 1, 2017	\$45,000
October 1, 2018	\$45,000
October 1, 2019	\$45,000

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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4. UM - APPROVAL OF UNIVERSITY OF MISSISSIPPI EMPLOYEES TO SERVE ON THE UNIVERSITY OF MISSISSIPPI RESEARCH FOUNDATION BOARD OF DIRECTORS

The University of Mississippi requests approval to allow Alice Clark, Vice Chancellor for Research and Sponsored Programs, and Walt Chambliss, Director of Technology Management to serve as voting members on the University of Mississippi Research Foundation Board of Directors. These two university employees have been previously approved by the IHL to serve on the University of Mississippi Research Foundation Board of Directors and will replace two other university employees who are rotating off the Board. This would continue to provide the University four (4) voting members on the Board. The primary function of this Board is to provide leadership for the development of university owned land for Insight Park. Because it is university land, it is important that the university maintain a high degree of control, particularly during the early stages of development. The University of Mississippi Research Foundation is organized and operates for scientific, literary, charitable, and educational purposes exclusively for the benefit of the University of Mississippi. The Chancellor recommends that the Board grant approval to allow Alice Clark and Walt Chambliss to serve as voting members of the University of Mississippi Research Foundation Board of Directors. The IHL Board's approval for such a request is required by Board Policy 301.0806 University Foundation/Affiliated Entity Activities.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. **SYSTEM – APPOINTMENT TO THE MISSISSIPPI COMMISSION FOR VOLUNTEER SERVICE**

The Commission includes as a voting member one member of the IHL Board of Trustees who will serve a three-year term beginning October 2012. Ms. Robin Robinson currently serves on behalf of the IHL Board. Her term expires September 2012. Commission members are allowed to serve two consecutive terms before having to step down for a year. Ms. Robinson is serving her second consecutive term.

The Board Staff respectfully requests the IHL Board to appoint its next representative for the term October 2012 – September 2014.

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1. SYSTEM – ANNUAL REPORT ON FACULTY TENURE

In 2005–2006, IHL institutions hired 216 tenure track faculty members. During the 2011–2012 academic year, 136 (63%) were awarded tenure from the 2005–2006 cohort.

Institution	IHL System Tenure-Track Faculty		
	Number of Tenure Track Faculty Hired in 2005-06 Cohort	Received Tenure 2011-2012	
		Percent from the Cohort	Percent based on number that applied
Alcorn State University	2	50%	33%
Delta State University	13	0	0
Jackson State University	13	38%	50%
Mississippi State University	50	58%	97%
Mississippi University for Women	4	100%	100%
Mississippi Valley State University	8	100%	100%
University of Mississippi	36	64%	96%
University of Mississippi Medical Center	21	91%	98%
University of Southern Mississippi	69	64%	96%
IHL System Totals	216	63%	74%

2. SYSTEM – ANNUAL REPORT ON POST-TENURE REVIEW

Board Policy 403.0103: Post-Tenure Review: “Each institution shall prepare an annual report of post-tenure reviews. The report shall be in a format specified by the Commissioner, and shall be submitted to the Board by August 1 for the preceding academic year.”

In accordance with Board policy, the 2011 post-tenure review report below is presented to the Board for information.

In 2010–2011, 99% of full-time faculty received an annual evaluation. Eleven (11) faculty members were triggered for a post tenure review. Three (3) faculty members are participating in a faculty development plan and one (1) faculty member separated from employment as a result of the post-tenure review process.

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Number of Full-time Faculty	Number of Full-time Faculty Evaluated	Number of Tenured Faculty	Number of Tenured Faculty Triggering Post Tenure Review Process	Maximum Length of Faculty Development Plan	Number of Tenured Faculty in Faculty Development Plan	Number of Tenured Faculty Completing Development Plan		Tenured Faculty Separated from Employment as a Result of the Post Tenure Review Process
						Successfully	Unsuccessfully	
Alcorn State University								
181	175	70	0	1 Year	0	0	0	0
Delta State University								
177	175	73	0	3 Years	0	0	0	0
Jackson State University								
337	330	186	2	2 Years	1	0	0	0
Mississippi State University								
912	908	466	27	3 Years	1	0	0	0
Mississippi University for Women								
144	144	58	0	3 Years	0	0	0	0
Mississippi Valley State University								
135	135	52	8	3 Years	1	0	0	0
University of Mississippi								
749	736	349	0	3 Years	0	0	0	0
University of Mississippi Medical Center								
814	803	277	1	1 Year	0	0	0	1
University of Southern Mississippi								
687	675	327	0	2 Years	0	0	0	0
IHL System Totals								
4136	4081	1858	38	N/A	3	0	0	1

ASU – 3 were new with less than one year of service and 3 had evaluations not yet completed.
DSU – 1 resigned their position mid-year and 1 received a terminal contract.
JSU – 2 are on sabbatical leave, 2 are on professional leave, 2 are on medical leave, and 1 hired in February did not have a full year of employment.
MSU – 1 is on sabbatical and 3 are leaving or have left the university.
UM – 9 are 12-month research faculty with the National Center for natural Products Research and their reviews are completed by July 1st. 4 administrators receive quadrennial reviews, not annual reviews.
UMMC – 10 were not evaluated because they were hired too late in the academic year for effective review and 1 received a terminal contract.
USM – 2 resigned prior to evaluation, 9 visiting faculty (not part of the Corps of Instruction) have not received annual evaluations, and 1 faculty's employment began in January, 2012.

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3. MUW – APPROVAL OF DEGREES TO BE CONFERRED IN AUGUST 2012

Per Board Policy 510: Awarding of Degrees: “Degrees granted by institutions under the governance of the Board are awarded by and with the consent of the Board and are countersigned by the President of the Board. Recommendations for the awarding of degrees to students by the various institutions must be made no later than the Board meeting prior to the commencement at which such awards will be made. Board approval represents permission to award degrees if all requirements are met and does not constitute direction to award a degree. In an exceptional case where a student is in all respects qualified for degree and Board approval has not been obtained, **the Commissioner is authorized to provide administrative approval to award the degree.** In such cases, the Commissioner must formally notify the Board at the meeting immediately following the commencement at which the degree was awarded.”

In accordance with Board policy and in lieu of a July Board meeting, on July 9, 2012 the Commissioner approved Mississippi University for Women to award degrees in August 2012 at the levels below, provided each candidate met all degree requirements.

	Degree to be Conferred	Number	Subtotal	Total
	<i>Undergraduate</i>			
	Bachelor of Arts	13		
	Bachelor of Fine Arts	2		
	Bachelor of Science	56		
	Bachelor of Science in Nursing	140		
	Bachelor of Teaching	3		
			214	
	<i>Graduate</i>			
	Master of Art in Teaching	3		
	Master of Education	8		
	Master of Fine Arts	2		
	Master of Science	3		
	Master of Science in Nursing	37		
			53	
				267

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
JUNE 21, 2012 BOARD MEETING SUBMISSION DEADLINE**

NOTE: THE FOLLOWING ITEMS WERE APPROVED BY THE BOARD'S REAL ESTATE AND FACILITIES STAFF ACCORDING TO BOARD POLICY §904 (A) BOARD APPROVAL WHICH STATES:

Board Policy §904(A), Board Approval

When funding has been secured from whatever source, each institution shall bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects. This request shall include a detailed description of the work to be accomplished, the total budget, the funding source and the design professional recommended to the Board for approval.

After the Board has granted approval of both the initiation of a project and the appointment of a design professional, no further Board action or approval is required for the completion of the project if the following conditions are met:

- 1. The detailed description of the work to be accomplished, as specifically approved by the Board within the project initiation, has not changed.*
- 2. The total project budget has not increased beyond the amount specifically approved by the Board as part of the project initiation;*
- 3. The funding source has not changed from that specifically approved by the Board as part of the project initiation; and*
- 4. The design professional previously approved by the Board has not changed.*

If the above four conditions have been met, the Board's Real Estate and Facilities staff, through the Commissioner, shall have the authority to approve any and all necessary documents related to the completion of the subject construction project, including the approval of construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders.

Change Order Approval Note: No change orders approved by Board staff, as reflected within any of the following informational agenda items, increase the Board approved total project budget. The total project budget as approved by the Board provides for a contingency fund, which allows for an increase in the construction budget of between five and ten percent. Any increase in the total project budget caused by a change order, would require Board approval and could not be approved by Board staff.

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1. MSU– GS 113-126 – Mech-Bost/Forest Products

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$6,380.00 and ten (10) additional days to the contract of Air Control Engineering, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 11, 2012

Change Order Justification: **Change Order #3** is necessary to install bollards at two locations on the campus to protect new fire hydrants, install junction boxes on the isolation valves for the flow forward test valves, upsize the VFD's on AHE-3, -4, -5, & -6 from 10 Hp to 25 Hp and 30 Hp, a deduct to adjust the contract amount to reconcile the controls allowance with the actual controls contract and adjust the contract amount to move test & balance contractor from under the general contractor's contract to the consultant's contract.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$43,520.22.

Project Initiation Date: September 17, 2009

Design Professional: MJR/Senter, P.C.

General Contractor: Air Control Engineering, Inc.

Contract Award Date: June 14, 2011

Project Budget: \$1,450,000.00

Funding Source(s): HB 1722, L'09 R&R (\$911,700.00); HB 1701, L'10 BOB Energy Discretionary Funds (\$538,300.00)

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2. MSU – GS 113-130 – Necropsy Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$21,396.37 and zero (0) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$355,433.81 and zero (0) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$36,346.69 and zero (0) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#2-#3) May 21, 2012; (#4) July 11, 2012

Change Order Justification: **Change Order #2** is necessary to lower the return line in the breezeway so it will run beneath the bond beam, replace cmu portion of the wall with metal studs, sheath up to the pipe cluster & fill voids with expandable foam, install steel stud wall above the storefront for bracing, sheath one side of the wall & fill pipe cluster with expandable foam, install steel stud wall at the end of the breezeway, sheath one side of wall and fill pipe cluster with expandable foam. **Change Order #3** is necessary due to discovery during demolition that the existing duct material, incased in concrete, was asbestos duct and could not be reused without expensive asbestos abatement; therefore it was necessary to relocate the electrical feed for Necropsy. **Change Order #4** is necessary to provide & install expansion joints in the breezeway, install new power to the existing cooling tower, provide & install an 8' chain link gate, a deduct on the fence pipe that was specified incorrectly and a deduct for controls allowance reconciliation.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$506,350.69.

Project Initiation Date: October 21, 2010

Design Professional: Pryor & Morrow Architects and Engineers, P.A.

General Contractor: T. L. Wallace Construction, Inc.

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Contract Award Date: December 2, 2011

Project Budget: \$12,697,791.22

Funding Source(s): HB 1701, L'10 (\$12,697,791.22)

3. MUW – GS 104-149 – Poindexter Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$20,005.20 and three (3) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 10, 2012

Change Order Justification: **Change Order #11** is necessary to provide power to the condensing unit controllers, omit glass rail and install steel rail in the auditorium, add acoustical wall panels in the vocal music room #307, and provide missing wood transoms & windows.

Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of \$584,525.31.

Project Initiation Date: November 20, 2003

Design Professional: Pryor & Morrow Architects and Engineers, P.A.

General Contractor: West Brothers Construction

Contract Award Date: July 13, 2010

Project Budget: \$9,579,000.00

Funding Source(s): SB 2010, L'04 (\$6,930,000.00); HB 246, L'07 (\$714,000.00); HB 1641, L'08 (\$435,000.00); HB 1722, L'09 (\$1,500,000.00).

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4. MUW– GS 104-173 – HVAC Upgrade Program, Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$27,007.20 and zero (0) additional days to the contract of Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #1** is necessary to abate bat droppings in the old Pohl Gym that have accumulated since the inception of the project creating a hazard for workers in this environment.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$27,007.20.

Project Initiation Date: June 16, 2011

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Upchurch Plumbing, Inc.

Contract Award Date: January 17, 2012

Project Budget: \$1,400,000.00

Funding Source(s): HB 1701, L'10 (\$1,300,000.00); BOB Energy Discretionary Fund (\$100,000.00)

5. MUW – GS 104-178 – Fant Library Renovation – PH 1

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to West Brothers Construction, Inc., the lower of three (3) bidders, for a total contract amount of \$6,170,200.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 13, 2012

Project Initiation Date: October 20, 2011

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Design Professional: Burris/Wagnon Architects, P.A.

General Contractor: West Brothers Construction, Inc.

Contract Award Date: July 13, 2012

Project Budget: \$6,800,000.00

Funding Source(s): SB 3100, L'11 (\$5,000,000.00); 2011 BOB IHL Discretionary Funds (\$952,000.00); HB 1701, L'10 (\$848,000.00)

6. UM– GS 107-302 – Lamar Hall Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$19,505.83 and zero (0) additional days to the contract of Evan Johnson & Sons Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$162,474.00 and zero (0) additional days to the contract of Evan Johnson & Sons Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #1** is necessary for additional ACM abatement that was not discovered until demolition had started and additional electrical/communications risers that were requested during an on-site meeting with university IT personnel. **Change Order #2** is necessary to credit for non-reflective glass substitution at the new monumental stair and for the terrazzo stair tread detail revision at the monumental stair.

Total Project Change Orders and Amount: Two (2) change orders for a total **credit amount** of \$142,968.47.

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects, P.A.

General Contractor: Evan Johnson & Sons Construction, Inc.

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Contract Award Date: December 16, 2011

Project Budget: \$7,300,000.00

Funding Source(s): HB 1722, L'09 (\$3,000,000.00); HB 1701, L'10 (\$2,000,000.00);
Internal R&R (\$2,300,000.00)

7. UM- IHL 207-306 – Center for Manufacturing Excellence

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the **credit amount** of \$53,263.92 and one (1) additional day to the contract of Panola Construction Company, Inc.

Staff Approval Date: June 1, 2012

Change Order Justification: **Change Order #11** is necessary to add (3) 4” galvanized metal sleeves through the roof for electrical connections for future solarvoltaic panel installation, modifying original millwork, counter top, and backsplash in Hospitality room 208A for installation of donated Viking brand refrigerator, which is 2” wider & 2” taller than the original specified refrigerator, also to patch & paint the wall to complete the millwork adjustment. In addition, to credit the remaining funds in the Building Signage allowance and the Access Control System allowance to the contract.

Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of \$348,396.25.

Project Initiation Date: November 15, 2007

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Panola Construction Company, Inc.

Contract Award Date: February 18, 2009

Project Budget: \$17,700,000.00

Funding Source(s): Mississippi Development Authority (\$17,700,000.00)

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8. UM- IHL 207-311 – UMMC School of Pharmacy

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$173,502.75 and sixty-two (62) additional days to the contract of Chris Albritton Construction Company, Inc.

Staff Approval Date: May 23, 2012

Change Order Justification: **Change Order #4** is necessary to reroute the domestic water line to the building from Lakeland Dr., reroute the fire main, provide additional conduit & raceways for the energy management controls system and in the crawlspace for control exhaust fans, reconnect irrigation system in NW area of the site which was capped off under CO #1, add fourteen paper towel dispensers, change the microphone for the auditorium podium & add two PBL room monitors, raise the base cabinets in break room 132 to accommodate the ice maker height, add a lighting dimmer control module and reconcile the signage allowance with a credit.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$173,502.75.

Project Initiation Date: May 22, 2008

Design Professional: Eley Guild Hardy Architects, P.A.

General Contractor: Chris Albritton Construction Company, Inc.

Contract Award Date: January 28, 2010

Project Budget: \$9,730,789.00

Funding Source(s): Internal R&R; Indirect cost/research enterprise (\$1,898,075.00); 6C76HF09730; C76HF09730 (\$7,832,714.00)

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9. UM– IHL 207-345 – University Housing – Package C

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$3,193.20 and zero (0) additional days to the contract of Selective Masonry (SMSA).

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$8,005.40 and zero (0) additional days to the contract of Selective Masonry (SMSA).

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #4** is necessary to deduct for cleaning charges to prime contractor who did not clean the project per the contract requirements. **Change Order #5** is necessary to add approximately 1,300 ln ft of termination bar & caulking and 660 ln ft of 2' wide permabarrier flashing at the CMU /denseglass joint at the stairwells on all three buildings, to deduct for repair to the damaged studs due to construction forklift traffic around the buildings, to remove and re-install a section of the brick on the north building due to an issue with the Tyvek installation behind the brick

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$8,543.30.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: SMSA.

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

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10. UM– IHL 207-345 – University Housing – Package D

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the **credit amount** of \$6,047.45 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$4,790.94 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$7,116.42 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #6** is necessary to deduct for cleaning charges to the prime contractor who did not clean the project per the contract requirements. **Change Order #7** is necessary to furnish cornice support clips required to anchor the metal cornice at all three buildings. **Change Order #8** is necessary to deduct for a second inspection cost with the field weld that did not pass the first inspection, to repair the damaged studs due to the construction forklift traffic around the buildings, to revise the duct, stud framing & existing drywall at the outside air shafts on the 1st & 2nd floors of the north and south buildings to allow for the proper clearances in the ADA rooms, to furnish & install a working platform at the elevator bank 1 & 2 at the west building due to the bottom of the elevator shaft being at the basement elevation & not at the 1st floor, and to furnish and install an elevator hoist beam in the shaft of elevator #3 in west building.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$12,456.88.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects & Engineers, P.A. + Eley Guild Hardy and Associates – A Joint Venture

General Contractor: Drywall Systems Plus, Inc.

Contract Award Date: May 24, 2011

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Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

11. UM– IHL 207-345 – University Housing – Package E

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$2,230.68 and zero (0) additional days to the contract of Atlas Group Enterprises, Inc.

Staff Approval Date: June 21, 2012

Change Order Justification: **Change Order #3** is necessary to extend the 30” X 30” duct from the top of the elevator shaft lid to the underside of the roof and by constructing the ventilation shafts of metal studs & fire rated drywall in lieu of the mechanical duct.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$6,150.08.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Atlas Group Enterprises, Inc.

Contract Award Date: August 9, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

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12. UM– IHL 207-345 – University Housing – Package F

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$1,026.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval Date: June 1, 2012

Change Order Justification: **Change Order #5** is necessary to apply a card reader to a stainless steel post mounted adjacent to one of the columns in order to be mounted at the correct height.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$59,077.38.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects and Engineers + Eley Guild Hardy and Associates – A Joint Venture

General Contractor: EMJ Corporation

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

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13. UM– IHL 207-345 – University Housing – Package G

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$24,471.80 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$4,599.81 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$2,058.55 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$1,852.65 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval #5: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$3,702.82 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #4** is necessary to deduct for cleaning charges to prime contractor who did not clean the project per the contract requirements. **Change Order #5** is necessary to extend the 30"x30" duct extending from the top of the elevator shaft lid to the underside of the roof. **Change Order #6** is necessary to lower the ceiling height in the study room of the north building, floors 2-5 to allow the installation of the ductwork due to insufficient space above the ceiling. **Change Order #7** is necessary to repair the damaged studs due to construction forklift traffic around the buildings, to deduct for revision of the duct, stud framing & existing drywall at the outside air shafts on the 1st & 2nd floors of the north & south building to allow for the proper clearances in the ADA rooms, and a deduct to remove a section of the brick on the north building and re-install due to an issue with the Tyvek installation behind the brick. **Change Order #8** is necessary to replace the center stair doors of all three buildings with the single type D3 door as described in ASI 013 for the west building.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$74,919.94.

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Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Clinton Interiors, Inc.

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

14. UM– IHL 207-345 – University Housing – Package H

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$810.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$1,445.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$581.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval Date: (#1) June 21, 2012; (#2-#3) June 29, 2012

Change Order Justification: **Change Order #1** is necessary to extend the 30”x30” duct from the top of the elevator shaft lid to the underside of the roof. **Change Order #2** is necessary to repair the roof leak causing some damage to the drywall finishes. **Change Order #3** is necessary to replace the center stair doors of all three buildings with the single type D3 door as described in ASI 013 for the west building to have the option to keep the doors to stairs in closed position.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$2,836.00.

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Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects and Engineers + Eley Guild Hardy and Associates – A Joint Venture

General Contractor: Specialty Finishes, Inc.

Contract Award Date: August 9, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

15. UM– IHL 207-345 – University Housing – Package I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$1,203.85 and zero (0) additional days to the contract of F. L. Crane & Sons, Inc.

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #1** is necessary to change the flooring installation in the west building room 127 from a walk-off mat to carpet tile as the depression for the walk-off mat was not formed.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$1,203.85.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: F. L. Crane & Sons, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

16. UM– IHL 207-345 – University Housing – Package L

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$11,075.00 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$2,202.00 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$3,039.04 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval Date: (#8-#9) June 21, 2012; (#10) June 29, 2012

Change Order Justification: **Change Order #8** is necessary to extend the 30"x30" duct from the top of the elevator shaft lid to the underside of the roof. **Change Order #9** is necessary to place a diffuser in the ceiling as the sidewall vent for the vending rooms are located above the ceiling height. **Change Order #10** is necessary to deduct for repair to the damaged exterior studs due to construction forklift traffic around the buildings, to revise the duct, stud framing & existing drywall at the outside air shafts on the 1st & 2nd floors of the north & south buildings to allow for the proper clearances in the ADA rooms and to furnish & install duct work & return air grilles.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$95,696.71.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Ivey Mechanical Company, Inc.

Contract Award Date: June 2, 2011

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Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

17. UM– IHL 207-345 – University Housing – Package M

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$1,206.80 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$6,580.89 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the **credit amount** of \$342.32 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval Date: June 29, 2012

Change Order Justification: **Change Order #4** is necessary to deduct for cleaning charges to the prime contractor who did not clean the project per the contract requirements. **Change Order #5** is necessary to extend the 30”x30” duct from the top of the elevator shaft lid to the underside of the roof. **Change Order #6** is necessary to deduct for repair of damaged exterior studs due to construction forklift traffic around the buildings.

Total Project Change Orders and Amount: Six (6) change orders for a total credit amount of \$21,421.61.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects and Engineers + Eley Guild Hardy and Associates – A Joint Venture

General Contractor: Whitfield Electric Company, Inc.

Contract Award Date: May 24, 2011

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Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

18. UM– IHL 207-349 – Howry Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$1,004.73 and zero (0) additional days to the contract of Hooker Construction Company.

Staff Approval Date: June 1, 2012

Change Order Justification: **Change Order #4** is necessary to change the floor finishes from vct to carpet in rooms 108, 213 and 308.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$12,457.28.

Project Initiation Date: May 19, 2011

Design Professional: Dale Partners Architects, P.A.

General Contractor: Hooker Construction Company

Contract Award Date: September 30, 2011

Project Budget: \$1,995,658.56

Funding Source(s): Internal R&R (\$1,995,658.56)

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19. UM– IHL 207-350 – Falkner Hall Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$9,388.05 and zero (0) additional days to the contract of Zellner Construction Services, LLC.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$4,420.02 and twelve (12) additional days to the contract of Zellner Construction Services, LLC.

Staff Approval Date: June 5, 2012

Change Order Justification: **Change Order #3** is necessary to extend & connect the 3” storm drainage piping to an existing 6” storm drain pipe, connect the 2-1/2” domestic water line to the newly installed fire main, south side of the building, change door louver opening dimensions, furr out the east wall of the accounting office #4, room 107, repair damaged concrete beams in the building, modify existing precast building roof fascias, demolish the existing plaster ceilings in all the new mechanical closets, provide power requirements for automatic door devices and credit for three automatic operators and their push buttons. **Change order #4** is necessary to provide a 175A/3P enclosed circuit breaker with 120v auxiliary contact for the elevator, change the floor finish in six rooms from vct to carpet and in two rooms change the floor finish from vct to sealed concrete, add back door closers to doors 100A, 100B and 115A, add twelve days to the project schedule, remove approximately 81sf of asbestos containing floor tile in the entrance way adjacent to storage 102 on the first floor and provide & install new door hinges at locations where door hinges were either missing or damaged & unseatable.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$24,665.30

Project Initiation Date: May 19, 2011

Design Professional: Dale Partners Architects, P.A.

General Contractor: Zellner Construction Services, LLC

Contract Award Date: July 20, 2011

Project Budget: \$1,990,550.51

Funding Source(s): Internal R&R (\$1,990,550.51)

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20. UMMC – GS 109-204 – Boiler Room Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to McLain Plumbing and Electrical Service, Inc., the lower of six (6) bidders, for a total contract amount of \$818,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 10, 2012

Project Initiation Date: February 16, 2012

Design Professional: Eldridge & Associates Consulting Engineers

General Contractor: McLain Plumbing and Electrical Service, Inc.

Contract Award Date: July 10, 2012

Project Budget: \$1,200,000.00

Funding Source(s): HB 1701, L'10 (\$1,200,000.00)

21. UMMC – GS 109-210, GC-001 – School of Medicine

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **a waiver of Design Development Documents**. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 29, 2012

Project Initiation Date: June 16, 2011

Design Professional: Cooke Douglas Farr Lemons Architects and Engineers + Eley Guild Hardy and Associates – A Joint Venture

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$4,500,000.00

Funding Source(s): SB 3100, L'11 (\$4,500,000.00)

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22. UMMC – GS 109-210, GC-004 – School of Medicine – Paving Phase

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Fountain Construction Company, Inc., the lower of three (3) bidders, for a total contract amount of \$230,500.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 29, 2012

Project Initiation Date: June 16, 2011

Design Professional: Cooke Douglas Farr Lemons Architects and Engineers + Eley Guild Hardy and Associates - A Joint Venture

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: June 29, 2012

Project Budget: \$4,500,000.00

Funding Source(s): SB 3100, Laws of 2011 (\$4,500,000.00)

23. UMMC– IHL 209-526 – Cafeteria/Kitchen Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$48,348.00 and twenty-five (25) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$11,502.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: (#1) May 29, 2012; (#2) June 29, 2012

Change Order Justification: **Change Order #7** is necessary for reconciliation of allowance no. 7 – existing firewall/fire stopping repair, to move existing ductwork to accommodate increased roof opening for new structural beams, to provide additional equipment to condition air in electrical room, replace ACM piping insulation and redesign of phase 3 to accommodate an “alternate corridor path”.

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Change Order #8 is necessary to add stainless steel skirt at kitchen exhaust hoods to accommodate open ceiling, complete installation of existing walls up to the deck, add additional glass tile due to larger diameter columns required to cover existing pipe and to modify electrical power connections for kitchen equipment pieces 309 and 368.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$114,507.00

Project Initiation Date: August 20, 2009

Design Professional: The McCarty Company Design Group, P.A.

General Contractor: Fountain Construction Company

Contract Award Date: January 17, 2012

Project Budget: \$7,750,000.00

Funding Source(s): Hospital Patient Revenue (\$7,750,000.00)

24. USM – GS 108-217 and GS 114-015 – Science Building & Recreation Bldg. Repair & Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$13,274.51 and zero (0) additional days to the contract of J.F. Pate and Associates Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 5, 2012

Change Order Justification: **Change Order #5** is necessary to provide additional structural reinforcement for the mechanical screen wall.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$1,585,081.35.

Project Initiation Date: January 21, 2010

Design Professional: Studio South/Allred Architectural Group

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General Contractor: J.F. Pate and Associates Contractors, Inc.

Contract Award Date: July 25, 2011

Project Budget: \$12,292,109.24

Funding Source(s): HB 1641, L'08 (\$249,488.02); SB 2010, L'04 (\$6,031,955.11); SB 2988, L'03 (\$1,279,656.30); SB 3197, L'03 (\$231,009.81); SB 3100, L'11 (\$1,500,000.00); HB 1701, L'10 (\$3,000,000.00)

25. USM – IHL 210-246 – Hopkins Classroom Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to D.N.P., Inc., the lower of eight (8) bidders, for a total contract amount of \$1,735,000.00.

Staff Approval Date: June 4, 2012

Project Initiation Date: August 21, 2008

Design Professional: Allred Architectural Group

General Contractor: D.N.P., Inc.

Contract Award Date: June 4, 2012

Project Budget: \$1,872,274.24

Funding Source(s): FEMA and Insurance (\$1,872,274.24)

26. USM– Gulf Park - IHL 214-014 – Hardy Hall Storm Damage Repair

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$2,033.38 and three (3) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: June 20, 2012

Change Order Justification: **Change Order #5** is necessary to deduct for installing a non-tapered insulation with ¼” slope at the existing roof in lieu of a 3” tapered insulation

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system, to revise exterior fixture at the bookstore exit, to add LED lights at corridor 102, to make revisions to toilet accessories, and to stabilize cracks in the existing structure that were discovered after demolition.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$103,613.72.

Project Initiation Date: August 21, 2008

Design Professional: Dale and Associates Architects, P.A.

General Contractor: C. Perry Builders, Inc.

Contract Award Date: August 22, 2011

Project Budget: \$10,095,459.54

Funding Source(s): Insurance & FEMA reimbursables (\$10,095,459.54)

27. ERC – GS 111-044 – Education and Research Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$10,357.68 and zero (0) additional days to the contract of Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 5, 2012

Change Order Justification: **Change Order #6** is necessary to replace roof drain leaders which are 40 years old and have deteriorated and are leaking.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$50,524.42.

Project Initiation Date: N/A

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Upchurch Plumbing, Inc.

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Contract Award Date: November 12, 2010

Project Budget: \$3,520,000.00

Funding Source(s): HB 246, L'07 (\$2,500,000.00); HB 1641, L'08 (\$500,000.00); HB 1722, L'09 (\$520,000.00)

28. ERC – GS 111-049 – Road Improvements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by W. L. Burle Engineers professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 13, 2012

Project Initiation Date: October 20, 2011

Design Professional: W. L. Burle Engineers

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,400,000.00

Funding Source(s): BOB Discretionary Funds (HB 1701, L'10); (\$1,150,000.00); IHL Discretionary Funds (SB 3100, L'11) (\$750,000.00); HB 1701, L'10 (\$250,000.00); JSU (SB 3100, L'11) (\$250,000.00)

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

Legal fees approved for payment to outside counsel in relation to litigation and other matters:

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 7/3/12) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$478.50, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 478.50

Payment of legal fees for professional services rendered by David Ware & Associates (statement dated 6/21/12) from the funds of Mississippi State University. (This statement, in the amount \$2,500.00, represents services and expenses in connection with labor certification.)

TOTAL DUE.....\$ 2,500.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 5/10/12) from the funds of the University of Mississippi. (This statement, in the amount of \$4,608.46, represents services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities.)

TOTAL DUE.....\$ 4,608.46

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statement dated 6/7/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$2,248.73, represents services and expenses in connection with an Environmental Audit.)

TOTAL DUE.....\$ 2,248.73

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 6/11/12) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the cases styled *Zeigler/Varnado* - \$2,161.50; *Kermode* (Federal Case) - \$10,246.50; *Mawson* - \$874.50; *HealthOne* - \$7,936.50; *Kermode* (State Case) - \$280.50; *HealthOne* - \$2,508.00; *Emtel* - \$28,008.06; *Emtel* - \$6,187.50 and *Kermode* (Federal Case) - \$2,937.00.)

TOTAL DUE.....\$ 61,140.06

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Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 6/13/12) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the case styled *The University of Iowa, et al. v. The University of Southern Mississippi* - \$112.50.)

TOTAL DUE.....\$ 112.50

Legal fees approved for payment to outside counsel in relation to patent and other matters:

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 5/8/12, 5/8/12, 5/8/12, 5/8/12, 5/8/12, 5/8/12, 5/8/12, 5/8/12, 5/17/12, 5/17/12, 5/17/12, 5/17/12, 5/17/12, 5/17/12, 6/20/12, 6/21/12, 6/28/12, 7/17/12 and 7/17/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Methods of Preparation of Live Attenuated Bacterial Vaccines” - \$1,255.00; “Application of Mechanical Stress to Improve Wood Treatability” - \$25.50; “Methods for Maize Transformation” - \$4,772.50; “Method for Transformation of Cotton and Organogenic Regeneration” - \$68.00; “Optical-Reflectance-Based Mass-Flow Sensor” - \$1,467.50; “Cellulosic Biodiesel Provisional Application” - \$25.50; “Catalytic Method to Produce Hydrocarbons Provisional Application” - \$25.50; “Glycine Max Resistance-PCT” - \$468.00; “Water Repellent Solids - Non-Prov.” - \$1,057.50; “Live Attenuated Catfish Vaccine” - \$292.50; “Water Repellent Solids - Non-Prov. - \$497.00; “Water Repellent Solids-PCT” - \$148.00; “Water Repellent Solids Non-Prov.” - \$4,383.50; “Water Repellent Solids-PCT” - \$3,707.00; “Water Repellent Solids Non-Prov.” - \$42.50; “Bio-Oil Treatment with Catalysts Prov.” - \$500.00; “Steele - Cellulosic Biodiesel Provisional Application” - \$500.00; “Methods of Preparation of Live Attenuated Bacterial Vaccines” - \$42.50; “Water Repellent Solids Non-Prov.” - \$85.00 and “Water Repellent Solids PCT” - \$170.00, respectively.)

TOTAL DUE.....\$ 19,533.00

Payment of legal fees for professional services rendered by Larry Schemmel (statement dated 5/2/12) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$3,340.50.)

TOTAL DUE.....\$ 3,340.50

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Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 6/13/12, 6/14/12 and 7/16/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Provisional Wood Preservation System" - \$145.00; "Provisional Blue Stain" - \$600.00 and "Provisional Blue Stain" - \$145.00, respectively.)

TOTAL DUE.....\$ 890.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/30/12) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents: "Raucher/Inhibition of Cancer Metastasis" - \$797.22; "Raucher/Cell Penetrating Peptide Fused" - \$432.18; "Copyright Licensing" - \$185.50; Abell/Miniature Wireless Gastric Electrical Stimulators" - \$152.50; "Abell/CIP/Gastrointestinal Electrical Stimulator" - \$579.50; "Abell/Gastric Electrical Stimulation" - \$91.50; "Vig/Therapeutic Use of Dopamine D2" - \$412.50 and "Eishamy/Novel Breast - Ovarian BRCA1-1R" - \$47.50.)

TOTAL DUE.....\$ 2,698.40

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 3/21/12) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the following patent: "Urban-Covalent Attachment of Bacteriophages to Polymeric Surfaces".)

TOTAL DUE.....\$ 3,892.50

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1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.

- a. **MSU** - In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, “the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board.” On July 9, 2012, the Commissioner approved the Policies for Traffic and Rules and Regulations.
- b. **MSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority “to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On June 12, 2012, the Commissioner approved the request to renew the existing leasing agreement with the Mississippi Department of Agriculture and Commerce (MDAC). This agreement is for the lease of 781 square feet of office/lab space at the MSU Delta Research and Extension Center, located in Stoneville, MS. The space is used to house MDAC’s Weights and Measures Moisture Meter Lab. The lease was initially entered into between the parties in 2006 for a three-year term – July 1, 2006 to June 30, 2009. The lease was then renewed for another three-year term and will expire on June 30, 2012. The approved extension will be for a three-year term to expire June 30, 2015. MSU will receive \$225 monthly for the lease of the space, or, \$8,100 for the thirty-six month term. The university, as Lessor, will provide utilities, a paved parking area, and maintenance services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.
- c. **MVSU** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On July 11, 2012, the Commissioner approved the request for budget revisions to the On Campus and Auxiliary budgets for Fiscal Year 2012. The financial staff has reviewed and approved these revisions. These budget revisions contain no increases in the total budget but rather reallocations among individual expense categories.
- d. **MVSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority “to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On July 23, 2012,

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the Commissioner approved the request to enter into a lease agreement with Viking Hospitality Group, LLC (Viking) for the lease of a loft apartment in Greenwood, MS, to be used as living quarters for MVSU President, Dr. Donna Oliver. The Board previously approved a lease agreement for this property in August 2009. MVSU has periodically renewed the agreement with Viking since that time. The current lease term will end July 31, 2012. The renewed lease will run for a period of twelve months, ending July 31, 2013. MVSU will pay rent in the amount of \$2,850 per month. The total cost for the twelve month term is \$34,200. The Executive Office legal staff has reviewed and approved the contract documents.

- e. **UMMC** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On June 11, 2012, the Commissioner approved the request for budget revisions due to increases in surgical patient care costs, increases in the costs of pharmacy drugs, and growth in Pediatrics Cardiovascular Services. The request also includes a correction of other equipment expenditures. The financial staff has reviewed and approved these revisions. These budget revisions contain no increases in the total budget but rather reallocations among individual expense categories.
- f. **UM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, the Commissioner is authorized and empowered to approve renewals of athletic concessions revenue contracts if the original contract was previously approved by the Board of Trustees, and the renewed contract results in additional revenues to the university. On June 6, 2012, the Commissioner approved the request to renew the existing contract with Hat World, Inc. The purpose of the agreement is to provide merchandising and concessionaire services to the Department of Intercollegiate Athletics. The original contract approved by the Board in January 2007 resulted in \$991,230 in paid royalty commissions to the university during the past five years. That contract is slated to expire on June 30, 2012. The extension renews the contract through June 30, 2017. New cumulative guaranteed minimum commissions will be equal to \$1,125,000 over the extended period, bringing the cumulative commission total to \$2,116,230 since inception. The university solicited a competitive bid from Barnes and Noble, the current on-campus bookstore vendor for these same services. The university felt the proposal from Hat World, Inc. was the more competitive offer and better for the

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athletic department. The Executive Office legal staff have reviewed and approved the contract documents.

- g. **UM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, the Commissioner is authorized and empowered to approve renewals of athletic concessions revenue contracts if the original contract was previously approved by the Board of Trustees, and the renewed contract results in additional revenues to the university. On June 11, 2012, the Commissioner approved the request to renew the existing contract with Centerplate. The purpose of the agreement is to provide concessions food and beverage services to the Department of Intercollegiate Athletics. The original contract approved by the Board in January 2002 and later amended in June 2007 has cumulatively resulted in over \$6.3 million in sales commission revenue being paid to the university. That contract is slated to expire on June 30, 2012. The extension will renew the contract through June 30, 2015. The sales commission structure is not changing under this contract extension. Sales commission revenues are expected to increase during the next three years. In addition, Centerplate will be making a \$250,000 capital investment in the university's athletic concession facilities. The Executive Office legal staff have reviewed and approved the contract documents.
- h. **UM** - In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, "the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board." On July 23, 2012, the Commissioner approved the Parking and Traffic Rules and Regulations.
- i. **UM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On July 23, 2012, the Commissioner approved the request for budget revisions to the Center for Manufacturing Excellence. The financial staff has reviewed and approved the revision. This budget revision contains no increases in the total budgets but rather reallocations amongst individual expense categories.
- j. **USM** - In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, "the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic

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finances and fees, on behalf of the Board.” On July 27, 2012, the Commissioner approved the 2012-2013 Traffic and Parking Regulations.

- k. **System** - On July 23, 2012, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning April 1, 2012 and ending June 30, 2012. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.