

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
January 17, 2013



FINAL BOARD BOOK OUTLINE

IHL Board Meeting
January 17, 2013 8:00 a.m.

Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee C.D. Smith

INTRODUCTION OF GUESTS

MINUTES

November 15, 2012 Regular Board Meeting Minutes

PRESENTATION

Diversity Reports from:

Alcorn State University - Dr. M. Christopher Brown II, President
Mississippi State University – Dr. Mark Keenum, President
Mississippi University for Women – Dr. James Borsig, President
University of Mississippi Medical Center – Dr. James Keeton, President

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Trustee Ed Blakeslee

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MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

November 15, 2012 Regular Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 15, 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 9:00 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 November 15, 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 (by phone), 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 Doug Rouse.

INTRODUCTION OF GUESTS

- President Blakeslee welcomed the Student Government Association officers: Mr. Brian Wilks, President at Jackson State University; Ms. Shelby Balius, President at Mississippi State University; Mr. Timothy Mbogo, Vice President at Mississippi University for Women; Ms. Kim Dandridge, President at the University of Mississippi; and Ms. Jazmyne Butler, President at the University of Southern Mississippi.

PRESENTATION

- President Ed Blakeslee introduced Mr. David Gates President of the Mississippi Division of Atmos Energy which is the largest gas distributor in the state of Mississippi. They have made many contributions to education in Mississippi. One of the biggest contributions was allowing Mrs. Karen Cummins to be a part of the IHL Board. Mr. Gates announced that this year marks ten years that Atmos Energy has been in Mississippi. In honor of this anniversary, Atmos Energy is endowing a scholarship at each of the eight four-year public universities which amounts to more than \$110,000. This is the largest contribution that Atmos Energy has ever made. They are honored to be able to do this as students are the future of our state.
- Mr. J.D. Hardy, Energy/Mechanical Engineer at Mississippi State University, gave a presentation on System Energy Management.
- Commissioner Hank Bounds gave an update on the Summary of FY 2014 Executive Budget Recommendations.

APPROVAL OF THE MINUTES

On motion by Trustee Cummins, seconded by Trustee Patterson, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on October 18, 2012.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 15, 2012**

CONSENT AGENDA

On motion by Trustee Cummins, seconded by Trustee Rouse, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

ACADEMIC AFFAIRS

1. **SYSTEM** - Approved the following degrees to be conferred in December 2012 provided each candidate has met all requirements for the degree.

Institution	Degree to be Conferred	Number	Subtotal	Total
Delta State University				
	<i>College of Arts and Sciences</i>			
	Bachelor of Arts	8		
	Bachelor of Fine Arts	7		
	Bachelor of Music Education	4		
	Bachelor of Science	33		
	Bachelor of Science in Education	10		
	Bachelor of Science in Social Justice and Criminology	6		
	Bachelor of Science in Interdisciplinary Studies	12		
			80	
	<i>College of Business</i>			
	Bachelor of Business Administration	23		
	Bachelor of Commercial Aviation	8		
			31	
	<i>College of Education</i>			
	Bachelor of Arts	9		
	Bachelor of Science	35		
	Bachelor of Science in Education	32		
			76	
	<i>School of Nursing</i>			
	Bachelor of Science in Nursing	28		
			28	
	<i>School of Graduate Studies</i>			
	Master of Applied Science	9		
	Master of Business Administration	24		
	Master of Commercial Aviation	13		
	Master of Education	67		
	Master of Arts in Teaching	10		
	Master of Professional Accountancy	1		
	Master of Science in Community Development	1		
	Master of Social Justice and Criminology	7		
	Master of Science in Sport and Human Performance	4		
	Master of Science in Natural Sciences	1		
	Educational Specialist	36		
	Doctor of Education	2		
			175	

**MINUTES OF THE BOARD OF TRUSTEES OF
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Institution	Degree to be Conferred	Number	Subtotal	Total	
				390	
Jackson State University					
	<i>Undergraduate</i>				
	Bachelor of Arts	18			
	Bachelor of Business Administration	52			
	Bachelor of Music Performance	2			
	Bachelor of Music Education	6			
	Bachelor of Science	210			
	Bachelor of Science Education	14			
	Bachelor of Social Work	27			
			329		
	<i>Graduate</i>				
	Doctor of Education	1			
	Doctor of Philosophy	22			
	Specialist in Education	6			
	Master of Arts	15			
	Master of Arts in Teaching	9			
	Master of Business Administration	13			
	Master of Music Education	1			
	Master of Professional Accountancy	9			
	Master of Public Health	9			
	Master of Public Policy and Administration	12			
	Master of Science	25			
	Master of Science in Education	32			
	Master of Science in Teaching	2			
	Master of Social Work	1			
			158		
				487	
Mississippi State University					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	5			
	Bachelor of Science	85			
	Master of Agribusiness Management	1			
	Master of Science	26			
	Doctor of Philosophy	7			
			124		
	<i>College of Architecture, Art, and Design</i>				
	Bachelor of Fine Arts	20			
	Bachelor of Science	2			
			22		
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	165			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science	173			
	Bachelor of Social Work	13			
	Master of Arts	5			
	Master of Public Policy and Administration	5			
	Master of Science	22			
	Doctor of Philosophy	8			
			391		
	<i>College of Business</i>				
	Bachelor of Business Administration	148			
	Master of Arts	1			
	Master of Business Administration	63			
	Master of Science Information Systems	2			
	Doctor of Philosophy	1			
			215		
	<i>College of Education</i>				
	Bachelor of Science	238			
	Bachelor of Music Education	2			
	Master of Arts in Teaching	7			
	Master of Arts in Teaching Secondary	4			
	Master of Science	39			
	Educational Specialist	10			
	Doctor of Philosophy	10			
			310		
	<i>College of Engineering</i>				
	Bachelor of Science	127			
	Master of Engineering	2			
	Master of Science	32			
	Doctor of Philosophy	18			
			179		
	<i>College of Forest Resources</i>				
	Bachelor of Science	19			
	Master of Science	12			
	Doctor of Philosophy	4			
			35		
	<i>College of Veterinary Medicine</i>				
	Master of Science	6			
	Doctor of Philosophy	4			
	Doctor of Veterinary Medicine	1			
			11		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	27			
	Master of Professional Accountancy	5			
	Master of Taxation	1			
			33		

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Institution	Degree to be Conferred	Number	Subtotal	Total	
				1320	
Mississippi University for Women					
	<i>Undergraduate</i>				
	Associate of Science in Nursing				
	Bachelor of Arts	18			
	Bachelor of Science	80			
	Bachelor of Science in Nursing	24			
	Bachelor of Teaching	3			
			125		
	<i>Graduate</i>				
	Master of Education	13			
	Master of Science	4			
	Master of Arts in Teaching	1			
	Master of Fine Arts	1			
			19		
				144	
University of Mississippi					
	<i>College of Liberal Arts</i>				
	Bachelor of Arts	122			
	Bachelor of Science	7			
	Bachelor of Fine Arts	8			
			137		
	<i>School of Engineering</i>				
	Bachelor of Science in Chemical Engineering	3			
	Bachelor of Science in Civil Engineering	3			
	Bachelor of Science in Computer Science	2			
	Bachelor of Science in Electrical Engineering	2			
	Bachelor of Science in Mechanical Engineering	5			
	Bachelor of Science in Geological Engineering	4			
	Bachelor of Science	2			
			21		
	<i>School of Education</i>				
	Bachelor of Arts in Education	53			
			53		
	<i>School of Business</i>				
	Bachelor of Business Administration	163			
			163		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	47			
			47		
	<i>School of Applied Sciences</i>				
	Bachelor of Science in Criminal Justice	39			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science in Exercise Science	26			
	Bachelor of Science	39			
	Bachelor of Social Work	12			
	Bachelor of Arts in Parks and Recreation Management	12			
	Bachelor of Paralegal Studies	6			
	<i>School of Journalism and New Media</i>				
	Bachelor of Arts	45			
			45		
	<i>General Studies</i>				
	Bachelor of General Studies	40			
			40		
	<i>Graduate School</i>				
	Master of Arts	34			
	Master of Criminal Justice	2			
	Master of Science	33			
	Master of Accountancy	9			
	Master of Business Administration	22			
	Master of Taxation	1			
	Master of Education	37			
	Specialist in Education	19			
	Doctor of Philosophy	43			
			200		
	<i>Law School</i>				
	Juris Doctor	19			
			19		
				859	
University of Mississippi Medical Center					
	Bachelor of Science in Nursing	1			
	Bachelor of Science in Health Sciences	10			
	Bachelor of Science in Medical Laboratory Science	2			
			13		
	Master of Health Science	11			
	Master of Science in Nursing	7			
	Master of Science	3			
	Doctor of Philosophy	12			
	Doctor of Nursing Practice	1			
	Doctor of Physical Therapy	1			
			35		
				48	
University of Southern Mississippi					
	<i>College of Arts and Letters</i>				
	Bachelor of Arts	166			
	Bachelor of Fine Arts	15			

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Institution	Degree to be Conferred	Number	Subtotal	Total
	Bachelor of Interdisciplinary Studies	76		
	Bachelor of Music	10		
	Bachelor of Music Education	13		
	Bachelor of Science	19		
	Master of Arts	23		
	Master of the Arts in Teaching of Language	10		
	Master of Music	6		
	Master of Music Education	14		
	Master of Science	16		
	Doctor of Musical Arts	9		
	Doctor of Philosophy	21		
			398	
	<i>College of Business</i>			
	Bachelor of Science	11		
	Bachelor of Science in Business Administration	203		
	Master of Business Administration	14		
	Master of Professional Accountancy	18		
			246	
	<i>College of Education and Psychology</i>			
	Bachelor of Arts	11		
	Bachelor of Science	183		
	Master of Arts	8		
	Master of Arts in Teaching	7		
	Master of Education	59		
	Master of Library and Information Science	35		
	Master of Science	28		
	Specialist in Education	6		
	Doctor of Education	1		
	Doctor of Philosophy	64		
			402	
	<i>College of Health</i>			
	Bachelor of Arts	27		
	Bachelor of Science	106		
	Bachelor of Social Work	15		
	Master of Public Health	32		
	Master of Science	51		
	Master of Social Work	40		
	Doctor of Philosophy	3		
	<i>School of Nursing</i>			
	Bachelor of Science in Nursing	87		
	Master of Science in Nursing	38		
	Doctor of Nursing Practice	7		
	Doctor of Philosophy	2		

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Institution	Degree to be Conferred	Number	Subtotal	Total	
			134		
	<i>College of Science and Technology</i>				
	Bachelor of Arts	48			
	Bachelor of Science	168			
	Master of Arts	1			
	Master of Science	101			
	Doctor of Philosophy	35			
			353		
				1807	
System Total					5055

2. **MSU** - Approved the new academic unit as follows:
 - a. The *Center for Advancement of Service Learning Excellence*. The Center will provide training and guidance to MSU faculty to help them tie service activities to course objectives and learning, as well as to facilitate the scholarship of outreach. The anticipated cost for the Center is \$95,000 annually. Existing funding within the MS Coop Extension Service and the Division of Academic Affairs will be used to fund the center.

FINANCE

3. **DSU** - Approved the request to enter into an agreement with Toshiba Business Solutions (USA), Inc. for digital copier rental and services. The term of the agreement is for three years – January 1, 2013 through December 31, 2015. The total estimated contract cost for the three year contract term is \$314,442 or \$104,814 annually. Estimated costs are based on equipment cost and actual copies for FY 2012. Actual contract costs may vary depending upon use. Funds are available from currently budgeted E & G funds. The agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.
4. **JSU** - Approved the request to enter into a lease agreement with INTIRION Corporation d/b/a MicroFridge. The agreement will provide designated residence halls with one MicroFridge unit in every room. The length of the contract is approximately five years – December 16, 2012 through December 31, 2017. The total cost for the contract term is \$559,982.55. The approximate annual cost is \$111,996.51. Rental costs for the units are built into the residence hall rates charged to students (Auxiliary funds). The agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.
5. **MSU** - Approved the request to enter into a contract with Event Operations Group, Inc. to provide event services at athletic venues as well as other university special events. The purpose of the agreement is to provide event services for the various events held by MSU - both on and off campus. Included in these services would be staffing to perform athletic game day duties including, but not limited to, guest services, ticket taking, ushering, parking, and event staff operations. The length of the contract is approximately four years and seven months and will become effective no earlier

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than November 15, 2012 but only after signature approval of both parties through June 30, 2017. The total contract cost for the contract period is estimated at \$3,033,600. The annual contract cost is estimated between approximately \$650,000 and \$700,000 and is based on stipulated hourly rates for staffing. Athletic revenues (Auxiliary funds) will fund costs associated with athletic events, while department E&G revenue will fund costs associated with other events. The 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 to enter into a membership and license agreement with University HealthSystem Consortium (UHC) for membership in the alliance and use of its clinical comparative databases. The membership will allow UMMC to enroll in and have access to specific UHC programs in order to 1) fulfill the Joint Commission's requirement to have a third-party submit core measure data, 2) to submit data to the Centers of Medicare and Medicaid Services, 3) to participate in a database to provide clinical, operational and resource management comparison with other academic medical centers, and 4) to have a mechanism for staff to report occurrences. The contract length is five years - January 1, 2013 through December 31, 2017. The initial term of the agreement is for a one year period or through December 31, 2013 and is subject to automatic one-year renewal periods for the remainder of the contract term unless UMMC delivers notice of intent not to renew by December 1 of the then current renewal term. The total estimated cost for the five-year contract term is \$2,374,883.90. These costs include the annual membership fee and purchase of additional products which allow access to specified databases and selection of reporting and performance tools. A breakdown on the components of the contract is included in the bound *November 15, 2012 Board Working File*. The terms of the agreement allow for a potential annual rate adjustment to the membership and program fees. For purposes of this request UMMC has factored in a 10% rate increase for years 2 through 5 of the contract term. A breakdown of these annual costs is also included in the bound *November 15, 2012 Board Working File*. Funds are available from patient revenues. The 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 an agreement with Professional Hospital Supply, Inc. for the purchase of custom surgical procedure trays (CPT). The purpose of the agreement is for the provision of a regular supply of prepackaged CPT trays for adult and pediatric surgeries. The total term of the agreement is for fifty months - December 1, 2012 through January 31, 2017. The initial term of the agreement is for twenty-six months - December 1, 2012 through January 31, 2015 with an option to renew for two additional one-year terms upon written consent of the parties. The total estimated cost for the fifty-month contract term is \$12,388,675. UMMC anticipates paying approximately \$247,773.50 monthly or \$2,973,282 annually. The estimates are based in part on past purchasing of CPTs, projections for growth based on past increases in patient volume and product changes. The actual amount paid monthly and/or annually is likely to fluctuate according to the following variables: patient volume, types of surgical procedures performed, physician recruitment and turnover, new surgical procedures, changes to content of CPT, added or removed CPTs from the stocking agreement, or adjustments to manufacturers' prices. Prices for tray components will remain firm for the initial twenty-six month contract period. Beginning February 1, 2015 there is

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the possibility of a rate adjustment due to changes in componentry, pricing or manufacturer increases for this and the subsequent renewal term. Notice will be given UMMC for any proposed increase. UMMC included a contingency in the estimated contract amount to allow for volume and price increases. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

REAL ESTATE

8. **UM** - Approved the initiation of **IHL 207-366, Music Hall Mechanical Upgrade & West Wing Renovations**, and the appointment of Shafer & Associates as the design professional. The west wing of the Music Building is single story and has an area of approximately 14,880 square feet. The project involves providing a new mechanical system, a pitched roof, and an upgrade of the interior and exterior finishes. This 82,008 square foot building was built in 1929. Approximately 67,128 square feet have undergone extensive renovations since 2002. The building's mechanical system has been replaced with the exception of the 14,880 square feet serving the west wing. The mechanical system and roof have reached the end of their useful lives. The interior & exterior finishes need to be replaced and upgraded. A recent accreditation review highlighted these areas of concern as significant facility deficiencies adversely affecting the future of the music program and strongly recommended that they be corrected as quickly as possible, to which the university concurred. The estimated project budget is \$4 million. Funds are available from internal R&R (\$4 million).
9. **UM** - Approved the initiation of **IHL 207-367, East Stadium Drive Extension & Parking Lot**, and the appointment of Precision Engineering as the design professional. This project will construct a road suitable for the increased volume of traffic on the university campus. When Gertrude Ford Boulevard was constructed around 2004, the rear side of the football stadium and support buildings turned immediately into another "front" for the university. At the same time, the university has found the need for more parking on the perimeter of campus as per the university Master Plan. The project will construct a parking lot for approximately 350 vehicles between the Indoor Practice Facility and the Wastewater Treatment Plant. These two important components are proposed as one project. The estimated project budget is \$1.9 million. Funds are available from internal R&R (\$1.9 million).
10. **UM** - Approved the initiation of **IHL 207-368, Johnson Commons East Renovation**, and the appointment of a design professional through the "Request for Qualifications" process. Johnson Commons East is a 28,073 square foot, 2-story concrete and masonry structure constructed in 1929. The lower floor of the building is approximately 60% under grade and has subterranean foundation walls. The building previously housed the University Department of Human Resources, Department for University and Public Events, and the Sarah Isom Center. The occupants on the lower level of the building have been relocated due to excessive moisture infiltration through the foundation walls and beneath the slab. The occupants on the upper level of the building have been relocated so this area can be used to accommodate temporary food service and dining while the construction for the adjacent Johnson Commons West building is completed. The scope of work includes correcting the

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- building envelope (foundation walls, exterior walls, roof, slab, etc.), correcting the perimeter site drainage, renovation of the interior building spaces, new building HVAC systems, new electrical systems, new plumbing systems, and new communication systems to accommodate new building occupants upon the completion of the Johnson Commons West Renovation project. The estimated project budget is \$6.4 million. Funds are available from internal R&R (\$6.4 million).
11. **UMMC** - Approved the request to increase the project budget for **GS 109-210, School of Medicine**, from \$4.5 million to \$14.5 million for an increase of \$10 million. The Board also approved the request to add a funding source to include \$10 million in grant funds from MDA/CDBG. The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project will include planning and construction of a new 138,000 GSF classroom building to house the School of Medicine. The facility will include lecture halls, classrooms, clinical skills area, training center, teaching labs, offices and student support spaces. The proposed location is immediately north of and connected to, the existing Learning Resources Center. It is anticipated that the proposed project site will require substantial realignment of campus roadways, utilities, and infrastructure to accommodate the new building. The initial project budget is expected to be expanded in subsequent funding cycles to complete the project. The current estimate of total costs is \$65,000,000 for the School of Medicine. In order to maintain continued progress with current funds, phased construction may be a project consideration. Funds (\$4,500,000) are presently available from state bond funds and Bureau of Building sources to begin the design process and proceed through the construction document phase. Subsequent funding will come from future bond funds and/or UMMC sources. Funds are available from SB 3100, Laws of 2011 (\$4.5 million) and MDA/CDBC (\$10 million).
 12. **UMMC** - Approved the request to increase the project budget for **IHL 209-505, Pediatric Emergency Room Renovations**, from \$5,833,275 to \$6,058,275 for an increase of \$225,000. The project is currently in the construction phase. This is the fourth budget escalation request made for this project by the university. The increase in the budget is due to change order #7 and change order #8 which are required to close the project out. These change orders address corrections required by latent conditions and resolution of contractor claim for additional time and expenses. The project includes demolition of the existing basement interior walls, ceilings systems, etc., and provides a complete re-build of the interior spaces as well as an exterior building addition that will provide a new, modern pediatric emergency room area. Funds are available from Hospital Patient Revenue/Pediatric Clinic Fund (\$6,058,275).
 13. **USM - Gulf Park** - Approved the request to increase the project budget for **IHL 214-015, Lloyd Hall Storm Damage Repair - Gulf Park**, from \$2,465,505.53 to \$2,613,142.55 for an increase of \$147,637.02. The project is currently in the construction phase. This is the third budget escalation request made for this project by the university. The increase in the budget is needed in order to take into account the additional work related to change order #3. The bulk of change order #3, which is depleting the university's approved contingency fund, stems from the omission in the construction documents of the IT cabling and installation. The university has the funds to cover the change order

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- but simply needs to increase the approved budget to reflect the new project budget and replenish the contingency fund to an acceptable level. The project seeks to repair damage incurred by Hurricane Katrina in August 2005. Lloyd Hall is a historic and major landmark on the Gulf Park campus. The renovation will repair external damage as well as reconfigure and restore interior classroom spaces. Funds are available from insurance funds and FEMA funds (\$2,613,142.55).
14. **DSU** - Approved the request to delete from inventory and demolish two houses the university owns at 302 Shumate and 216 Fourth Avenue near the campus. The 302 Shumate property has not been in use for several years. Rehabilitating the property would not be cost-effective to the university. Once the house is demolished, the parcel will be sold. The 216 Fourth Avenue property has not been in use for several years. The property the house sits on will be used as a lay-down area for the contractor on the Caylor-White/Walters project. Once the Caylor-White/Walters project is completed, the property will be converted into a parking lot for the university. The approval letter has been received from the Mississippi Department of Archives and History. The buildings will be demolished following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
15. **UM** - Approved the request to name the University Housing North Building, "Minor Hall" in honor of Lucian Minor a 1937 graduate who helped play a vital role in the Accountancy School's national top 10 ranking. This successful professional has been dedicated to his alma mater for more than six decades. He and his wife, Mary, have recently provided \$5.2 million in gift annuities to the Patterson School of Accountancy. Their support has also included a trust to establish the Lucian S. Minor Endowment for the accountancy school in 1996 and another trust of \$1 million in 2007 as well as generous contributions to many other UM initiatives.
16. **USM** - Approved the request to waive Board Policy 707.01 Land, Property, and Service Contracts and Board Policy 905(A) Real Estate Management to allow the university to obtain only one appraisal for the sale of properties under the Neighborhood Stabilization Program. USM received a Subgrant from the Mississippi Development Authority on July 13, 2009 in the amount of \$3,566,726 for the purpose of buying foreclosed homes in the City of Jackson, Mississippi, rehabilitating those homes, and then reselling these homes to low income and very low income citizens. The university has purchased homes under this grant, rehabilitated nearly all of the homes, and is now commencing the sale of these homes to low income buyers. In accordance with the MDA policy, MDA will only reimburse the university for one appraisal per property for the purpose of establishing the fair market value. The cost of each appraisal is approximately \$350. The university has purchased 47 homes under the Subgrant and will need appraisals for the remaining 44 homes which are not currently under contract for sale. Therefore, requiring two appraisals will cost the university approximately \$15,000 in appraisal fees which will not be reimbursed by MDA.

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17. **MSU** - Approved the request to modify/extend its contract with the firm of Butler, Snow, O'Mara, Stevens & Cannada located at 1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157, to provide services necessary in the practice areas of intellectual property and commercial matters. This representation does not and is not intended to include any representation by law firm for or on behalf of the University as bond counsel or in any related role in connection with any financing transaction undertaken by or for the University, including any other matters which may concern advice in connection with indebtedness of the University. The initial contract entered into on September 7, 2010, was modified to extend the term until September 6, 2012. This second modification/extension will extend the term for one (1) year, or until September 6, 2013, and the total amount payable during the extension shall not exceed \$75,000. The rates payable under the contract extension will be unchanged at \$225.00 per hour for intellectual property services, \$215.00 per hour for commercial services, and \$85.00 per hour for legal assistants. The extension has been approved by the Office of the Attorney General.
18. **MSU** - Approved the request to modify/extend its contract with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP, located at 190 E. Capitol Street, Suite 800, Jackson, MS 39201, to provide services necessary in connection with the issuance of bonds for the financing of the construction and acquisition of buildings for Mississippi State University. The initial contract entered into on August 25, 2010 was modified to extend the term until August 24, 2012. This second modification/extension will extend the term for one (1) year, or until August 24, 2013. The rates payable under the extension will be unchanged at \$1.15 for each \$1000 of bonds issued by the EBC, plus out of pocket expenses, not to exceed \$4000. This extension has been approved by the Office of the Attorney General.
19. **MSU** - Approved the request to modify/extend its contract with the firm of Valauskas Corder, LLC, 150 South Wacker Drive, Suite 620, Chicago, IL 60606, to provide services necessary in assisting the University with various patent applications, identification and forensic analysis of intellectual property, prosecution of patent applications, trademark registration applications, copyright registration applications, preparing and negotiating agreements and other related intellectual property and commercialization issues. This modification will extend the contract term for one (1) year or until November 16, 2013. All other provisions of the Agreement for Legal Services dated November 17, 2011 shall remain in effect. The rates payable under this extension will be unchanged at \$250.00 per hour for Kathleen Witt, \$310.00 per hour for Joseph Fox, \$350.00 per hour for Jill Fahrlander, \$350.00 per hour for Allison Corder and \$425.00 per hour for Charles Valauskas. This modification has been approved by the Office of the Attorney General.
20. **UMMC** - Approved the request to hire Barry J. Walker of Walker & Ungo Immigration Law Firm as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This is a renewal of a current contract. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from

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transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The contract term shall be from December 1, 2012 through November 31, 2013. The maximum amount payable under the contract is \$50,000.00. A breakdown of the individual rates/fees is included in the bound *November 15, 2012 Board Working File*.

21. **UMMC** - Approved the request to hire David Ware and Associates as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This is a renewal of a current contract. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The term of the contract will be from December 1, 2012 through November 31, 2013. The maximum amount payable under the contract is \$50,000.00. A breakdown of the individual rates/fees is included in the bound *November 15, 2012 Board Working File*.

22. PERSONNEL REPORT

EMPLOYMENT

Mississippi State University

John Blanton, Jr., Professor and Head, Department of Animal and Dairy Science; salary of \$145,000 per annum, pro rata, 12- month; E&G Funds; hired with tenure effective December 1, 2012

TERMINATION

Jackson State University

(Correction to termination date reported in October 2012)

Sandra Sellers, Executive Director of Human Resources, Department of Human Resources; \$98,753 per annum, pro rata; E&G Funds; effective date changed *from* September 17, 2012 *to* October 17, 2012

ADMINISTRATION/POLICY

23. **JSU** - Approved the request to bestow two honorary degrees - one at the December 2012 commencement and one at the Spring 2013 commencement. Supporting documents are on file at the Board Office.
24. **USM** - Approved the request to designate Dr. Chris Crenshaw, Physical Plant Director, as the Applicant's Agent to represent the university regarding the FEMA funding relative to Hurricane Isaac. Each city, county or other entity included in a Presidential disaster declaration under the Disaster Relief Act of 1974 (Public Law 93-228), amended by Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 100-707) may be eligible for federal assistance to repair or replace damaged public facilities. When this happens, the local government must designate an Applicant's Agent who will be authorized by the City Council/Board of Supervisors

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(or other governing board) to represent the city, county or other entity with federal and state agencies managing these public assistance programs. The designation must be made by the action of the full body and should be recorded in the official record as any other ordinance or resolution would be.

ACADEMIC AFFAIRS

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Parker, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Academic Affairs Agenda.

1. **System** - Approved the academic program productivity reviews. Academic productivity reviews are triggered when cumulative graduates over the past 3 academic years for a single degree program are <15 for baccalaureate-level degrees, <9 for master-level degrees, and <5 for doctorate and specialist-level degrees. Twenty-four academic programs were evaluated to assess need, potential to grow enrollment, productivity potential, and unnecessary duplication. Based on institution-prepared proposals and subsequent review by the Office of Academic and Student Affairs (OASA), the following recommendation was approved.
 - a. **DELETE** the following 5 academic programs
 - DSU Education Specialist in Secondary Education (CIP 13.1205)
 - MSU Bachelor of Science in Integrated Pest Management (CIP 01.1105)
 - MSU Master of Fine Arts in Electronic Visualization
 - MSU Bachelor of Science in Forest Products (CIP 03.0509)
 - MUW Bachelor of Arts in Microbiology (CIP 26.0503)
 - b. **SUSPEND** the following academic program
 - DSU Bachelor of Business Administration in Hospitality Services Management (CIP 52.0901)

Although students may earn degrees from suspended academic programs, no additional students will be accepted into these majors. If the institution does not request that a suspended program be deleted or removed from suspension within 3 academic years, OASA will recommend to the Board that the program be deleted from the academic program inventory.

- c. **CONTINUE WITH STIPULATION** the following 6 academic programs (these programs will be subjected to additional review by OASA for two years to assess progress toward future productivity)
 - ASU Master of Business Administration in Hospitality and Gaming Management (CIP 52.0999)
 - JSU Education Specialist in Reading (CIP 13.1315)
 - MUW Bachelor of Science in Physical Sciences (CIP 40.0101)

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MUW Bachelor of Science/Bachelor of Arts in Interdisciplinary Studies (CIP 30.9999)
MUW Master of Education in Differentiated Instruction (CIP 13.0301)
UM Bachelor of Science in Medical Technology (CIP 51.1005)

FINANCE AGENDA

Presented by Trustee Aubrey Patterson, Chair

On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to suspend the applicable requirements of Board policies 702.02 Definitions (A) Tuition, 702.04 Approval Process (B) Submission of Requests, and 702.05 Assessment Procedures in order to permit the Board to approve the requests of MSU and UM to establish a Capital Improvements Student Fee. The Board also waived the requirement for a first reading in order to establish the subject fees and move to approve the fees requested as shown in item #1 below.

1. **MSU & UM** - Approved the request for a Capital Improvements Student Fee to provide a stable base of support for capital projects. Effective with the academic year 2013-14, MSU and UM are individually requesting approval to institute a \$50 student fee applicable to all students (resident and non-resident) with the exception of UMMC students and MSU's distance education students. These fees will be charged on a pro-rata hourly basis (capped at 12 hours) for all academic terms including fall, spring, summer, and intercessions. The revenue generated by the fees will be used to support capital projects on each respective campus. The immediate uses of the proposed fees are as follows:
Mississippi State University:

- Immediate proceeds will fund a portion of the cost for the 150,000-square foot academic classroom building with parking and energy-efficient thermal storage. This project initiation was approved by the Board in October 2011 and is presently in the design stage.
- Anticipated future projects at MSU include, but are not limited to, renovation of the YMCA Building and continued upgrades and maintenance of the utility infrastructure of the campus.

University of Mississippi:

- Immediate proceeds will fund construction, renovation, and servicing of the associated debt for the Student Union project. This project initiation was approved by the Board in August 2011.
- Future uses of the fee at UM will be designated specifically for the construction, renovation, or associated debt service of student facilities.

MSU estimates that this fee will generate approximately \$1.7 million of new revenue annually while UM estimates that the fee will generate \$1.83 million of new revenue annually.

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REAL ESTATE AGENDA

Presented by Trustee C. D. Smith, Chair

On motion by Trustee Smith, seconded by Trustee Cummins, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Real Estate Agenda. On motion by Trustee Smith, seconded by Trustee Cummins, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #2. On motion by Trustee Smith, seconded by Trustee Cummins, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #3.

1. **MSU** - Approved the request to sell 1.129 acres of land to Cooley Center Hotel, LLC. The land is not needed by the university and is not located on the university campus. The land is also not part of the master plan. The land use will be limited to the development of a Marriot Courtyard or an equivalent hotel. MSU and Cooley Center Hotel, LLC will work together on additional contracts to bring before the IHL Board for MSU to sell and lease adjacent parcels of land on which Cooley Center Hotel, LLC will construct a parking garage, conference center, and restaurants. In addition, MSU will work with Cooley Center Hotel, LLC on a contract for the renovation of the Cooley Building. The property is a parcel of land containing 1.129 acres between Mill Street and Highway 12, Starkville, Mississippi. The university received two independent property appraisals for the 1.129 parcel of land. The average of the two appraisals is \$440,000 for the property listed above. The university is selling the property to Cooley Center Hotel, LLC for \$460,000 which is above the average of the property's appraised value of \$440,000. The university also has a tentative closing date of on or before May 1, 2013. The property will not be sold, however, unless the parties enter into additional contracts which are approved by the IHL Board for the renovation of the Cooley building and for the development of the contiguous property owned by MSU. 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 Attorney General's Office has reviewed and approved the pertinent documents.
2. **UMMC** - Approved the request to convert the current privatized project (**IHL 209-537, Parking Garage C**) pursuant to the Educational Building Corporation (EBC) financing method. The EBC bond funds would come from a prior EBC bond issue already approved by the IHL Board. UMMC has obtained an opinion of counsel letter from bond counsel advising that such EBC bond proceeds may be used to finance the Parking Garage C project. The Board approved the request to retain Tim Haahs Engineers/Architects as the approved architects and to proceed to bid the project out as a construction project, as well as any other actions necessary to proceed with the project. The Board also approved the request approval of the exterior design of Parking Garage C. A rendering of the design is included in the bound *November 15, 2012 Board Working File*. Converting the project to an EBC funded project will save funds and carrying costs. The six story 1,070 space parking garage is needed to provide additional on-campus parking in support of the UMMC development plans.

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Under UMMC's Master Plan approved by the IHL Board, several new buildings will be built on existing parking lots, including the Cancer and Biomedical Research Building and the new School of Medicine. The parking garage will be used by faculty, staff, students and other subscribers. There is an option to add an additional two levels and expand to 1490 spaces. Funds are available from the Original Bonds issued in January 2012 for \$112 million for a previously approved thirty-year fixed-rate. The estimated project budget is \$20 million. The bond issue documents contain redemption features to take advantage of any market changes.

3. **SYSTEM** - Approved for first reading the proposed amendments to Board Policy 919 Prerequisites for Building Modifications or Demolition, as follows:

919 Prerequisites for Building Modifications or Demolition

Prior to ~~scheduling commencement of construction~~ of a building on an institution's property for ~~modification~~, restoration, improvement, ~~construction~~, repair, renovation, rehabilitation, demolition or similar work, the institution shall secure any required inspections and/or approvals from the Mississippi Department of Environmental Quality and any required permits or written permission approvals from the Mississippi Department of Archives and History authorizing the requested building action. ~~After obtaining approval from these two agencies, While general requirements for obtaining Board approval related to construction projects are set out in Board Policies 902 and/or 904, all projects involving the demolition of a university facility shall require prior Board approval, regardless of projected cost. A request for the building modification, or demolition shall be submitted to the Board for approval. The request to the Board must include documentation evidencing approval by the Department of Environmental Quality and the Department of Archives and History. Any Board approval of a modification or demolition project is subject to any required approvals of the Mississippi Department of Environmental Quality and the Mississippi Department of Archives and History.~~

~~After approval is granted by the Board, the facility may be modified or, in the case of demolition, be removed from the state inventory of buildings and demolished.~~

LEGAL AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustees Pickering absent and not voting, all Trustees legally present and participating voted unanimously to move agenda items #2 and #7 to the Executive Session Agenda. 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 approve agenda item #1 as submitted on the following Legal Agenda. On motion by Trustee Perry, seconded by Trustee Rouse, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #8.

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1. **MSU** - Approved the proposed affiliation agreement between MSU and The Bulldog Club, Inc. A new agreement is needed to reflect the Bulldog Club's current duties and obligations in light of the recent merger of the Bulldog Club and the Bulldog Foundation, Inc. This agreement is designed to govern the relationship between the university and the Bulldog Club by setting forth the terms and conditions under which the university will provide certain support and services for the Bulldog Club and the Bulldog Club will provide certain support and services for and on behalf of the university. The term of the agreement will be from December 1, 2012 through November 30, 2017. A copy of the proposed agreement is included in the bound *November 15, 2012 Board Working File*. The agreement which has been reviewed and approved by the Attorney Generals Office is on file in the Board Office.
2. **UMMC** - Request approval of the settlement of IHL Self-Insured Workers' Compensation Program Claim No. 55-15684-1. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
3. **UMMC** - Request approval of the settlement of IHL Self-Insured Workers' Compensation Program Claim No. 55-25443-1. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
4. **UMMC** - Request approval of the settlement of Tort Claim No. 1772. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
5. **UMMC** - Request approval of the settlement of Tort Claim No. 1804. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
6. **UMMC** - Request approval of the settlement of Tort Claim No. 1805. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
7. **UMMC** - Request approval of the settlement of Tort Claim No. 1806. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
8. **SYSTEM** - Approved for first reading the proposed amendments to Board Policy 102.06 Diversity Statement. **(See Exhibit 1.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Administration/Policy Agenda.

1. **SYSTEM** - Approved the dates and locations for January through December 2013 Board Meetings as follows:

Thursday, January 17, 2013	Board Office
Thursday, February 21, 2013	Board Office
Thursday, March 21, 2013	Board Office
Thursday, April 18, 2013	Board Office
Thursday, May 16, 2013	Board Office

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Thursday, June 20, 2013	Mississippi University for Women
Thursday, July 18, 2013	Subject to Call
Thursday, August 15, 2013	Board Office
Thursday, September 19, 2013	(Board Retreat)
Thursday, October 17, 2013	Jackson State University
Thursday, November 21, 2013	Board Office
Thursday, December 19, 2013	Subject to Call

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

ACADEMIC AFFAIRS

1. **SYSTEM** - Report on existing programs now offered online.
 - a. Alcorn State University is offering the Master of Science in Nursing – Nurse Practitioner Program Option
 - b. Delta State University is offering the Master of Science in Special Education
 - c. University of Southern Mississippi is offering the Master of Science in Nutrition and Food Systems with an Emphasis in Management of Child Nutrition Programs
 - d. University of Southern Mississippi is offering the Master of Science in Nursing (Psychiatric Nurse Practitioner)
 - e. University of Southern Mississippi is offering the Bachelor of Science in Applied Technology
 - f. University of Southern Mississippi is offering the Bachelor of Business Administration in Tourism (Casino and Resort Management)
 - g. University of Southern Mississippi is offering the Master of Education in Educational Curriculum and Instruction
2. **SYSTEM** - A copy of the annual report on institutional accreditation for the period July 1, 2011 through June 30, 2012 as required by Board Policy 508 (2) Accreditation Procedures is included in the bound *November 15, 2012 Board Working File*.
3. **SYSTEM** - Below is the annual report of winners of the Halbrook Awards for academic achievement among athletes for 2011-2012.

David C. Halbrook Awards for Academic Achievement Among Athletes^a	
Public University Division – Men	Mississippi State University
Public University Division – Women	The University of Mississippi
Independent College Division Overall	Millsaps College
Community and Junior College Division Overall	Mississippi Gulf Coast Community College
John C. and Ernestine McCall Halbrook Improvement Award^b	Mississippi Delta Community College
David M. Halbrook Certificate Award for Academic Achievement Among Athletes^c	

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	Institution	Male Recipient	Female Recipient
Public Division	Alcorn State University	Jerry Salas	Jasmine Jamison
	Delta State University	Micah Davis	Veronica Walker
	Jackson State University	Andre Wright	Latoya Clark
	Mississippi State University	Louis Cant	Tracey Kimberly Pettit
	Mississippi Valley State University	Daniel Kibet	Joyce Chumo
	University of Mississippi	Marcel Thiemann	Gabriela Rangel
	University of Southern Mississippi	Julien Bousquet	Kelsea Seymour
Independent Division	Belhaven University	Terrance Stringfellow	Erin Bradley
	Blue Mountain College	Austin Epting	Candace Davis
	Millsaps College	Nick Cortese	Megan Yglesias
	Mississippi College	Joseph R. Pharr, Jr.	Bethany Roberson
	Rust College	Migel G. Chimbetete	Gayle Parker
	Tougaloo College	Dawton Queiroz	Dayane Souza
	William Carey University	Alex Lahasky	Anna-Lauren Fontenot
Community and Junior College Division	Coahoma Community College	Anthony McLean	Chandrika Pearson
	Copiah-Lincoln Community College	William W. Ashley	Christy R. Wright
	East Central Community College	Tate William Rogers	Nikki Lynn Cumberland
	East Mississippi Community College	Derrick Wilson	Shelby Whitt
	Hinds Community College	Kyle Williams	Heather Bell
	Holmes Community College	Kyle Robert Loggins	Rebecca Faye Shields
	Itawamba Community College	Jacob Smithey	Susan Shea
	Jones County Junior College	Robert Slater Smith	Sarah O'Quinn
	Meridian Community College	Brian Donohoe	Kelsey Wilson
	Mississippi Delta Community College	M. Blake Palasini	Candice M. McGehee
	Mississippi Gulf Coast Community College	Steven M. Campbell	Jordan M. Papas
	Northeast Mississippi Community College	~	~
	Northwest Mississippi Community College	Kyle Blount	Casey Nicole Gibson
	Pearl River Community College	Stephen Harris	Janessa Dedeaux
Southwest Mississippi Community College	Johnny McKenzie	Rachel Cox	

^a Trophy award

^b Cash award to institution with greatest improvement in percentage of student athletes graduating.

^c Certificate awarded to student athletes who have excelled in academics, leadership, and/or service.

REAL ESTATE

- SYSTEM** - The Board received the Real Estate items that were approved by the Board staff subsequent to the October 18, 2012 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 2.)

LEGAL

- SYSTEM** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 3.)

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ADMINISTRATION/POLICY

6. **SYSTEM** - 2012 Commencement Schedules

Delta State University

Time/Date: 10:00 a.m., Saturday, December 15, 2012

Location: Walter Sillers Coliseum

Speaker: Mr. Jim Brown and Dr. Paula Norris, 2012 Recipient of S.E. Kossman Outstanding Teacher Award,
Delta State University

Jackson State University

Time/Date: 9:00 a.m., Saturday, December 8, 2012

Location: Lee E. Williams Athletics and Assembly Center

Speaker: Mr. Myron Gray, President of U.S. Operations UPS

Mississippi State University

Meridian Campus

Time/Date: 11:00 a.m., Friday December 14, 2012

Location: MSU Riley Center

Speaker: Beth Clay, Founder and Principal of The Clay Firm, Jackson, MS

Starkville Campus

Time/Date: 10:00 a.m., Saturday, December 15, 2012

Location: Humphrey Coliseum

Speaker: The Honorable Phil Bryant, Governor of the State of Mississippi

Mississippi University for Women

Time/Date: 2:00 p.m., Friday, December 7, 2012

Location: Rent Auditorium, Whitfield Hall

Speaker: Mrs. Robin Robinson, IHL Board of Trustees

The University of Southern Mississippi

Time/Date: 10:00 a.m. and 2:30 p.m., Friday, December 14, 2012

Location: Reed Green Coliseum

Speaker: Rick Cleveland, Executive Director, Mississippi Sports Hall of Fame and Museum

7. **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. **JSU** - 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 November 2, 2012, the Commissioner approved the request to extend the rental agreement to lease refrigerator units for the student residence halls from the INTIRION Corp., d/b/a MicroFridge. The Board approved the original contract in January 2007 for a five-year period. The total contract cost was \$591,375. A total of 1,245 refrigerator units will be rented, approximately one for each residence hall room. JSU and MicroFridge have been operating without a contract since June 2012. The Commissioner grants his *retroactive* approval for the extension period of June 1, 2012 through December 15, 2012. The total cost for this period is \$59,137.50. JSU submitted a

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new five-year lease agreement for the Board's consideration at its November 2012 meeting that will be effective after the extension period expires through December 2017. The Executive Office legal staff have reviewed and approved the contract documents.

- 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 October 10, 2012, the Commissioner approved the request to enter into a one-year lease with Coblenz Properties, LLC (Coblenz) for the lease of approximately 2,500 square feet of office space in Starkville, MS to be used by the Mississippi Migrant Education Center, a service institute affiliated with the university. Comparable space located on-campus at MSU could not be secured; therefore, an off-campus site was secured. The new lease term will run for a twelve month period and may be extended for an additional twelve month period upon written agreement of the parties (and approval by the Commissioner). MSU will pay \$2,950 per month for the lease of the space. The total cost for the twelve month lease term is \$35,400. This agreement is funded externally by the Mississippi Department of Education with USDE Migrant Education federal funds. The Executive Office legal staff have reviewed and approved the contract documents.
- c. **SYSTEM** – In accordance with Board Policy 703.04 (f) Policy Guidelines, each institution is required to submit an annual summary of actual expended E & G Scholarships, Fellowships and Tuition Waivers for the past fiscal year. On October 26, 2012, the Commissioner reviewed and approved the 2012 summary presentation. The Executive Office financial staff have reviewed and approved this report.
- d. **SYSTEM** - On November 1, 2012, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning July 1, 2012 and ending September 30, 2012. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.
- e. **SYSTEM** – In accordance with Board Policy 401.0103 Salaries and Compensation, each institution is required to submit an annual report of their additional compensation paid to selected employees. Additional compensation includes any institutional pay outside of an employee's regular contract rate. This could include additional pay for items such as teaching overloads, performing additional duties, athletic camp service, etc. On November 5, 2012, the Commissioner approved the submitted report. The financial staff has reviewed and approved the institutions' submissions.
- f. **SYSTEM** - In accordance with Board Policy 702.03 Approval of Tuition, Fees, and Other Student Charges, each institution is required to submit a report of their annual participation/optional fees to the Board through guidelines established by the Commissioner's Office. Participation/Optional Fees are defined in Board Policy 702.02 Definitions as assessments for "supplies, activities, or services made available to students or as fines for misconduct, violation of institutional policy, or violation of contractual

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agreements”. The fees became effective July 1, 2012 and remain in effect throughout the 2012-13 fiscal year. On November 5, 2012, the Commissioner approved the submitted report. The financial staff has reviewed and approved the institutions’ submissions.

8. **USM** - Pursuant to IHL Board Policy 301.0806 University Foundation/Affiliated Entity Activities, Subsection D General Requirements of Affiliation Agreements (13), Interim President Aubrey K. Lucas reports that The University of Southern Mississippi Athletic Foundation provided former Athletic Director Richard Giannini a gift in the form of a vehicle valued at \$42,390 on June 14, 2012. The gift was in honor of his years of service to the university, and the gift is considered to be additional compensation.

OTHER BUSINESS

Trustee Blakeslee invited the Institutional Executive Officers to speak about events occurring on each of their campuses.

FINANCE COMMITTEE REPORT

Wednesday, November 14, 2012

The Committee was brought to order at approximately 3:30 p.m. by Chairman Aubrey Patterson. On motion by Trustee Hooper, seconded by Trustee Perry, with Trustees Parker and Pickering absent and not voting, all Finance Committee members legally present and participating voted unanimously to suspend the applicable requirements of Board policies 702.02 Definitions (A) Tuition, 702.04 Approval Process (B) Submission of Requests, and 702.05 Assessment Procedures in order to permit the Board to approve the requests of MSU and UM to establish a Capital Improvements Student Fee. The Board also waived the requirement for a first reading in order to establish the subject fees and move to approve the fees requested as shown in item #1 below.

1. **MSU and UM** - Approved the request for a Capital Improvements Student Fee to provide a stable base of support for capital projects. Effective with the academic year 2013-2014, the universities will institute a \$50 student fee applicable to all students (resident and non-resident) with the exception of UMMC students and MSU’s distance education students. These fees will be charged on a pro-rata hourly basis (capped at 12 hours) for all academic terms including fall, spring, summer, and intercessions. The revenue generated by the fees will be used to support capital projects on each respective campus. MSU estimates that this fee will generate approximately \$1.7 million of new revenue annually while UM estimates that the fee will generate \$1.83 million of new revenue annually.
2. On motion by Trustee Perry, seconded by Trustee Rouse, with Trustees Parker and Pickering absent and not voting, all Finance Committee members legally present and participating voted unanimously to adjourn.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
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**AYERS ENDOWMENT INVESTMENT
COMMITTEE REPORT**

Wednesday, November 14, 2012

The Committee was brought to order at approximately 2:30 p.m. by Chairman Trustee Smith.

1. On motion by Trustee Rouse, seconded by Trustee Robinson, with Dr. Meyers and Dr. Oliver absent and not voting, the Committee members legally present and participating voted unanimously to suspend the reading of the minutes from the last meeting and approve them.
2. On motion by Trustee Robinson, seconded by Trustee Rouse, with Dr. Meyers and Dr. Oliver absent and not voting, the Committee members legally present and participating voted unanimously to accept the investment report for FY 2012.
3. The Committee discussed the *Ayers* Private Endowment and the new *Ayers* Private Endowment position at the IHL Board Office which is in the process of being filled.
4. On motion by Trustee Rouse, seconded by Trustee Robinson, with Dr. Meyers and Dr. Oliver absent and not voting, the Committee members legally present and participating voted unanimously to adjourn the meeting.

**UNIVERSITY SOUTHERN MISSISSIPPI
PRESIDENTIAL SEARCH COMMITTEE**

October 15, 2012

The Committee was brought to order by Chairman Robin Robinson. 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 a personnel issue in conjunction with the University of Southern Mississippi presidential search.

1. On motion by Trustee Dye, seconded by Trustee Patterson, with Trustee Pickering absent and not voting, the Committee members legally present and participating voted unanimously to approve the schedule of search meetings.
2. On motion by Trustee Dye, seconded by Trustee Owens, with Trustee Pickering absent and not voting, the Committee members legally present and participating voted unanimously to approve the position description as provided.
3. On motion by Trustee Patterson, seconded by Trustee Dye, with Trustee Pickering absent and not voting, the Committee members legally present and participating voted unanimously to adjourn.

EXECUTIVE SESSION

On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
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not it should declare an Executive Session. 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 go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of six litigation matters at one of the public universities,
Discussion of a personnel matter at one of the public universities, and
Discussion of a personnel matter at the Board Office.

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

On motion by Trustee Hooper, seconded by Trustee Rouse, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of the UMMC-IHL Self-Insured Worker's Compensation Claim No. 55-15684-1, styled as *Shirley Pinion vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Hooper, seconded by Trustee Cummins, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of the UMMC-IHL Self-Insured Worker's Compensation Claim No. 55-25443-1, styled as *Adatisha Shelton vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Patterson, seconded by Trustee Rouse, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1772, styled as *Walter Divine vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Rouse, seconded by Trustee Dye, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1801, styled as *Scarlett Houston Randall vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Robinson, seconded by Trustee Dye, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1805, styled as *Garry Brown vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Robinson, seconded by Trustee Rouse, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1806, styled as *Arlee Motis vs. UMMC, et al.*, as recommended by counsel.

**MINUTES OF THE BOARD OF TRUSTEES OF
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Following Board discussion and deliberation regarding the request by Dr. Samuel McNair for a Board review of his termination as a tenured faculty member at MVSU, a motion was made by Trustee Robinson and seconded by Trustee Cummins, with Trustee Pickering participating by phone, to deny the request for a Board review of Dr. McNair's termination and to approve the termination of Dr. McNair's employment as a tenured faculty member at MVSU. All Trustees legally present and participating voted unanimously in favor of the motion.

The Board discussed a personnel matter at the Board Office.

On motion by Trustee Owens, seconded by Trustee Smith, with Trustee Pickering participating by phone, 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 Smith, with Trustees Cummins, Pickering and Rouse 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

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 15, 2012**

EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | First reading of the proposed amendments to Board Policy 102.06 Diversity Statement. |
| Exhibit 2 | Real Estate items that were approved by the IHL Board staff subsequent to the October 18, 2012 Board meeting. |
| Exhibit 3 | Report of the payment of legal fees to outside counsel. |

EXHIBIT 1

November 15, 2012

SYSTEM – APPROVAL FOR FIRST READING OF PROPOSED AMENDMENTS TO BOARD POLICY 102.06 DIVERSITY STATEMENT

102.06 DIVERSITY STATEMENT

One of the strengths of Mississippi is the diversity of its people. This diversity enriches higher education and contributes to the capacity that our students develop for living in a multicultural and interdependent world. Our system of government, rooted in respect for all people and respect for each individual, is based on understanding. Dealing with this diversity continues to be a challenge and an opportunity.

~~As one of the qualities essential to Mississippi's success, diversity creates the rich environments so critical to democratic, real-world learning. Since population projections show that by 2025 the American workforce will be predominantly comprised of people of color, access to higher education for historically underserved individuals is also in our best interest.~~ The Board believes that institutions of higher learning have a moral and educational responsibility to ensure that talent is developed in all our citizens, and that our universities, individually and collectively, are strengthened by diversity in student bodies, faculties, administration, and in all areas offering employment opportunities, including construction, financing, and consulting.

~~This diversity statement applies to citizens or lawful residents of the United States who are: African American, Hispanic, Asian American, American Indian, Alaskan Native, and Female.~~

For the purposes of this diversity statement, and unless otherwise specified within this policy, the term "underrepresented" refers to citizens or lawful residents of the United States who are: Black or African American, Hispanic or Latino, Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and/or female.

This statement shall be applicable to the various institutions and the Board Office.

As to our Historically Black Institutions, and for the purposes of this policy, the term "underrepresented" refers to Whites and to the above listed underrepresented individuals, other than to Blacks and African Americans.

The Board recognizes the desirability for campus environments to promote ~~multicultural~~ diversity and to increase the participation and achievement of ~~minority students~~ underrepresented individuals, which generally includes females at our institutions, unless females constitute a majority of the individuals making up the subject group at a particular institution. To that end, the Board adopts the following goals for higher education in Mississippi:

EXHIBIT 1

November 15, 2012

1. To increase the enrollment and graduation rate of underrepresented students minorities at our institutions;
2. To increase the employment of underrepresented individuals in administrative, faculty and staff positions;
3. To enhance the overall curriculum by infusion of content that enhances multicultural awareness and understanding; and
4. To increase the use of underrepresented minority professionals, contractors, and other vendors.

The Board recognizes that the full and meaningful implementation of this statement and these goals requires that a high priority be assigned to this endeavor; therefore, the Board will require that the performance evaluation of all institutional executive officers and the Commissioner include this as one of the most significant elements. The Board also expects the institutional executive officers and the Commissioner to incorporate this into the performance evaluation in their units and in the establishment of goals and performance evaluation of the institutions and organizations.

EXHIBIT 2

November 15, 2012

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE OCTOBER 18, 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 101-278 – Lanier Hall

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Lanier Hall project and to award the construction project to Banard and Sons. The budget increase was increased from \$1,550,735.00 to \$1,800,000.00 for an increase in the amount of \$249,265.00.

Staff Approval Date: August 28, 2012

Project Initiation Date: May 14, 2009

Design Professional: Waycaster & Associates

General Contractor: Banard & Sons

Contract Award Date: August 28, 2012

Project Budget: \$1,800,000.00

Funding Source(s): HB 1722, 1'09 (\$685,012.82); HB 1701, L'10 (\$1,114,987.18)

2. JSU – GS 103-234 – ADA Compliance Phase II-B (BP1 and BP2)

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the ADA Compliance Phase II-B project and adding a funding source to the project. The budget increase was increased from \$5,032,985.50 to \$5,632,985.50 for an increase in the amount of \$600,000.00.

Staff Approval Date: September 11, 2012

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: FP Contracting, LLC (BP1); Coleman Hammons Construction Co. (BP2).

Contract Award Date: August 17, 2006

Project Budget: \$5,632,985.50

EXHIBIT 2

November 15, 2012

Funding Source(s): HB 1701, L'10 (\$500,000); HB 246, L'07 (\$4,032,985.50); SB 3197, L'02 (\$500,000); SB 3100, L'11 (\$600,000)

3. JSU – GS 103-268 – Capitol Centre Improvements Phase IV

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Capitol Centre Improvements project and adding a funding source to the project. The budget increase was increased from \$1,250,000.00 to \$1,879,448.59 for an increase in the amount of \$629,448.59.

Staff Approval Date: September 11, 2012

Project Initiation Date: November 17, 2011

Design Professional: M3A Architects

General Contractor: TBD

Contract Award Date: TBD

Project Budget: \$1,879,448.59

Funding Source(s): SB 3100, L'11 (\$1,250,000.00)-[Legislative specified line item in JSU Bond bill]; SB 2957, L'12 (\$629,448.59)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$78,231.60 and zero (0) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 12, 2012

Change Order Justification: **Change Order #1** is necessary to provide two temporary ADA-compliant restroom trailers for use by Lee Hall Auditorium patrons, to remove & dispose of asbestos-containing pipe insulation in all basement areas, and to remove & dispose of asbestos-containing pipe insulation in all first & second floor areas uncovered during demolition

Total Project Change Orders and Amount: One (1) change order for a total amount of \$78,231.60.

Project Initiation Date: June 16, 2011

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

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)

5. MSU - IHL 205-267 – Fresh Food Company Residential Dining Facility

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving initiation** of the Fresh Food Company Residential Dining Facility and to appoint the design professional.

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Staff Approval Date: September 11, 2012
Project Initiation Date: September 11, 2012
Design Professional: JH&H Architects
General Contractor: TBD
Contract Award Date: TBD
Project Budget: \$10,000,000
Funding Source(s): EBC Bonds & Commercial Paper (\$10,000,000)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #14** in the amount of \$2,381.28 and zero (0) additional days to the contract of West Brothers 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 #15** in the amount of \$4,332.80 and fifteen (15) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) September 7, 2012; (#2) October 12, 2012

Change Order Justification: **Change Order #14** is necessary for repairs to the existing storm drain system at the parking lot. **Change Order #15** is necessary to raise eight speakers to 7'2" A.F.F. at the 2nd floor balconies, to provide controls to the exhaust fan through the BAS system, to reconcile the controls allowance and to reconcile tuckpointing.

Total Project Change Orders and Amount: Fifteen (15) change orders for a total amount of \$690,233.09.

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers Construction, Inc.

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)

7. MUW– GS 104-171 – Energy Conservation Measures, Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$117,626.92 and ninety (90) additional days to the contract of Siemens Industry, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: September 27, 2012

Change Order Justification: **Change Order #1** is necessary to add EMC data points, five years of EMC monitoring for electric meter date (KW/KWH), gas meter date (consumption), water meter data (consumption), BTU heating & cooling meter data (BTU/hr), add meters (gas, water, electric, BTU heating) to various buildings, and to provide EMS panel & points for adding eight split systems for club rooms in the Hogarth Student Center.

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Total Project Change Orders and Amount: One (1) change order for a total amount of \$117,626.92.

Project Initiation Date: June 16, 2010

Design Professional: Atherton Consulting Engineers

General Contractor: Siemens Industry, Inc.

Contract Award Date: September 13, 2012

Project Budget: \$1,300,000.00

Funding Source(s): HB 1701, L'10 (\$1,100,000.00); BOB Discretionary Energy Fund (\$200,000.00)

8. 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 #2** in the amount of \$138,746.28 and ninety (90) additional days to the contract of Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: September 24, 2012

Change Order Justification: **Change Order #2** is necessary for installing water, gas and BTU'H meters & control devices in various buildings, to furnish & install eight new DX HVAC units for club rooms, to remove existing ventilators, cutting & chipping existing piping, hanging & piping of new split systems, connecting electrical & new controls, add new 225 amps, 3 phase, main breaker panel with two 80 amp, 3 pole breakers and one 50 amp, 3 pole breaker and to replace three 100 amp non-fused disconnects at the cooling tower with new 100 amp, NEMA 3R fused disconnects.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$165,753.48.

Project Initiation Date: June 16, 2011

Design Professional: Atherton Consulting Engineers

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)

9. UM– GS 107-305 – Central Mechanical Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$128,122.87 and twenty-eight (28) additional days to the contract of Tri-Star Mechanical Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: September 26, 2012

Change Order Justification: **Change Order #1** is necessary to add a sidewalk from the temporary stair to Gertrude Ford Blvd., to demo the sidewalk at the project completion, add pedestrian stairs and relocate the construction fence, store pipe & materials at the Whirlpool Building, install one owner-provided standby generator, change lamps in the light fixtures from T-8 to T-5, provide labor & materials to extend the 8" C-900 water line approx.. 80' which would extend to pick-up fire hydrant on 8" line, shut down all

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work on All American Way and remove & transport all construction equipment, material, fencing & barricades to the Whirlpool lay down site, offset of 18" heating water lines due to latent conditions of concrete & 6" conduit running in the ditch, break, load & haul off the large sections of concrete found upon site clearing & excavation to subgrade and the delay caused by the duct bank that was not marked or shown on the survey.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$128,122.87.

Project Initiation Date: November 21, 2008

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

General Contractor: Tri-Star Mechanical Contractors, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$13,200,000.00

Funding Source(s): HB 1701, L'10 (\$8,000,000.00); SB 3100, L'11 (\$5,200,000.00)

10. 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 #6** in the amount of \$67,299.52 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 #7** in the amount of \$8,813.99 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 #8** in the amount of \$10,994.42 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$9,337.71 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #6** is necessary to furnish & install all site drainage, inlets, layout, equipment backfill material, and taps into existing storm drainage piping, furnish & install site segmented retaining wall including all temporary & final grading, backfill, French drain, layout, to furnish & install filter fabric & rock road on the south side of the project to allow access while maintaining tree protection set-backs, relocate SD-16 installed under previous contract to allow for installation at the site foundation wall on the south building and revisions made to the sidewalk layout, communication manhole inlet elevation & a couple of site inlet elevations, relocations.

Change Order #7 is necessary to modify the site concrete & lighting design which includes the fill dirt required to modify the slopes & the intermediate handrail the relocated stairs. **Change Order #8** is necessary to furnish & install all site concrete paving under pavers and the seat wall. **Change Order #9** is necessary to provide additional rock required to provide a workable site due to heavy construction traffic and fifteen rain days.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$117,025.06.

Project Initiation Date: November 18, 2010

EXHIBIT 2

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

General Contractor: D. Carroll Construction Company, 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 B

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$6,819.90 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$1,037.32 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$5,121.40 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$15,509.20 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval Date: September 6, 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 repair the damaged studs due to construction forklift traffic around the buildings and credit is due for the walk-off mat replaced with carpet for the PT slab. **Change Order #6** is necessary to modify the site concrete & lighting design including the fill dirt required to modify the slopes & the intermediate handrail at the relocated stairs. **Change Order #7** is necessary to furnish & install all site handrails along the segmented retaining wall, powder coat finish to match the existing handrail on the west building plaza with all concrete footings.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$155,169.01.

Project Initiation Date: November 18, 2010

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

General Contractor: D. Carroll Construction Company, 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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$19,398.30 and zero (0) additional days to the contract of SMSA.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #6** is necessary to furnish & install all layout, CMU and brick seat wall with precast cap, site pavers, sand and clean-up.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$27,941.60.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass 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)

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

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$463.54 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #9** is necessary to repair the top track that was damaged by the drywall contractor to be paid by Prime Package G.

Total Project Change Orders and Amount: Six (6) change orders for a total **credit amount** of \$11,993.34.

Project Initiation Date: November 18, 2010

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

General Contractor: Drywall Systems Plus, Inc.

Contract Award Date: May 24, 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 E

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$1,445.00 and zero (0) additional days to the contract of Atlas Group Enterprises, Inc.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #4** is necessary to repair damage to the drywall finishes due to roof leaks.

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Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$4,705.08.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass 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)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$2,406.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the **credit amount** of \$508.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$25,312.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$2,111.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #5: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$559.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #6: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$3,005.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval Date: (#1 - #2) September 6, 2012; (#3 - #6) September 7, 2012

Change Order Justification: **Change Order #6** is necessary to apply panic hardware (lockset) to door D-7 leading to the attic. **Change Order #7** is for credit to be applied to offset the cost of the carpet due to a flooring change. **Change Order #8** is necessary to replace the center stair doors of all three buildings with the same single type D3 door, to deduct for cleaning charges due to the prime contractor not cleaning up site per the contract requirements and to furnish & install materials to incorporate the changes to stair #4 of the west building that are beyond the original scope of work. **Change Order #9** is necessary to provide & install additional solid surface infill pieces at the perimeter of the six kitchen ranges. **Change Order #10** is necessary to provide & install an additional 30”x30” access panel at the first floor of the west building stair #4 in order to gain access to the space under the stairs. **Change Order #11** is necessary to provide & install millwork microwave supports at all kitchens, and to provide & install wood under the monumental stair at the intermediate landings to cover the steel attachments.

EXHIBIT 2

November 15, 2012

Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of \$91,962.38.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & 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)

16. 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 #9** in the amount of \$124,422.12 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 #10** in the amount of \$2,431.80 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #9** is necessary to repair the top track damaged by the drywall contractor, to install framing, 2 layers of drywall between the attic floor grating & the top floor of the north, south and west buildings to achieve the required two hour rating. **Change Order #10** is necessary to furnish & install materials to incorporate the changes to stair #4 of the west building beyond the original scope of work.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$201,773.86.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass 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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$12,520.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #4** is necessary for fire taping of rated ceiling between the top floor and attic of the north, south & west buildings required to achieve two hour rating, to deduct for cleaning charges due to the prime contractor not cleaning up site per the contract requirements.

EXHIBIT 2

November 15, 2012

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$15,356.00.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & 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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$336.00 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #2** is necessary to deduct for cleaning charges due to the prime contractor not cleaning site per the contract requirements.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$867.85.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass 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

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

19. UM – IHL 207-345 – University Housing – Package J

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$5,280.00 and zero (0) additional days to the contract of Thyssenkrupp Elevator Corporation.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #1** is necessary to furnish & install top divider beams per the layout specifications in the north south and west buildings.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$5,280.00

Project Initiation Date: November 18, 2010

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

General Contractor: Thyssenkrupp Elevator Corporation

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

EXHIBIT 2

November 15, 2012

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

20. 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 #7** in the amount of \$3,017.16 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 #8** in the amount of \$4,476.44 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 #9** in the amount of \$996.76 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$601.03 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #7** is necessary to replace 2'x 4' light fixtures with 2'x 2' fixtures and can lights. **Change Order #8** is necessary to furnish & install new conduit, lights and panel work per SE-53. **Change Order #9** is necessary for revisions to the sidewalk layout, communication manhole inlet elevation and a couple of site inlet elevations/relocations between the west and south buildings to better coordinate the site grades, sidewalks and access to the communication vault. **Change Order #10** is necessary to modify the site concrete & lighting design including the fill dirt required to modify the slopes & the intermediate handrail at the relocated stairs.

Total Project Change Orders and Amount: Ten (10) change orders for a total **credit amount** of \$12,328.22.

Project Initiation Date: November 18, 2010

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

General Contractor: Whitfield Electric Company, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

21. UM – 207-351 – Jackson Avenue Center Renovation

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Jackson Avenue Center Renovation project. The budget increase was increased from \$3,200,000 to \$3,230,000 for an increase in the amount of \$30,000.

Staff Approval Date: September 11, 2012

Project Initiation Date: June 16, 2011

EXHIBIT 2

November 15, 2012

Design Professional: Department of Facilities Planning, Ian Banner, AIA

General Contractor: Murphy & Sons, Inc.

Contract Award Date: TBD

Project Budget: \$3,230,000

Funding Source(s): Internal R&R Funds (\$3,230,000)

22. UM– IHL 207-358 – Interior Heating Modifications – Lewis Hall/Kennon

Observatory

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by The CGM Group, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **a waiver of Design Development Documents**.

Staff Approval Date: October 1, 2012

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group, Inc.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,300,000.00

Funding Source(s): Internal R&R (\$1,300,000.00)

23. UM– IHL 207-361 – Lamar Hall Phase IIB

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Barlow Eddy Jenkins Architects.

Staff Approval Date: October 12, 2012

Project Initiation Date: August 16, 2012

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$7,500,000.00

Funding Source(s): Internal R&R (\$7,500,000.00)

24. UMMC- GS 109-195 – AED (Adult Emergency Department) Renovations

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$39,889.20 and thirteen (13) additional days to the contract of Flagstar Construction Company, Inc.

Staff Approval Date: October 3, 2012

Change Order Justification: **Change Order #5** is necessary for removal of existing concrete piling due to the discovery outside the drive entrance that are in the way of the new storm drainage system, to deduct for a change in the nurse's station extending the stud wall & reducing the length of the counter, to allow for revisions to the existing fresh air tunnel, removal of additional asbestos floor tile and to provide metal stud furring to enclose hose cabinets due to latent conditions, to provide a deduct for damper deletion, to provide revisions to x-ray equipment rough-in due to the originally selected item being discontinued, and to provide revisions in the smoke barrier wall locations.

EXHIBIT 2

November 15, 2012

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$708,213.14.

Project Initiation Date: November 14, 2007

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

General Contractor: Flagstar Construction Company, Inc.

Contract Award Date: July 6, 2011

Project Budget: \$11,755,000.00

Funding Source(s): HB 246, L'07 (\$5,130,000.00); HB 1641, L'08 (\$2,000,000.00); HB 1722, L'09 (\$2,500,000.00); HB 1701, L'10 (\$2,125,000.00)

25. UMMC – GS 109-208 – Fire Alarm Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Moses Electric, Inc., the lower of four (4) bidders, for a total contract amount of \$843,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 5, 2012

Project Initiation Date: June 16, 2011

Design Professional: The Power Source, PLLC

General Contractor: Moses Electric, Inc.

Contract Award Date: October 5, 2012

Project Budget: \$1,050,000.00

Funding Source(s): HB 1701, L'10 (\$1,050,000.00)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$9,227.00 and zero (0) 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 #11** in the amount of \$907.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$8,167.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: (#1) September 7, 2012; (#2) September 13, 2012; (#3) September 19, 2012

Change Order Justification: **Change Order #10** is necessary to add fire dampers in dry storage 129, to install fire stopping at the existing south wall in the kitchen on the basement floor, and to install Siemon/Mohawk Cat-6 cabling. **Change Order #11** is necessary to add fiberglass insulation where ACM was removed from existing piping. **Change Order #12** is necessary to close in floating furr down per code, to shunt trip required for kitchen hood #8.

Total Project Change Orders and Amount: Twelve (12) change orders for a total amount of \$138,000.00.

Project Initiation Date: August 20, 2009

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

EXHIBIT 2

November 15, 2012

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: January 17, 2012

Project Budget: \$7,750,000.00

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

27. UMMC- IHL 209-534B – Contract 2 – Parking, Roadways, and Infrastructure Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$300,000.00 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$183,997.00 and one hundred seventeen (117) additional days to the contract of Hemphill Construction, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$15,803.60 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval Date: (#1 - #2) September 26, 2012; (#3) October 9, 2012

Change Order Justification: **Change Order #3** is necessary to account for the discovery & disposal of unforeseen medical & construction rubbish in the slopes of the proposed roadway, the fiber optic re-work at the pharmacy by JSI, and the additional pull boxes at MH's 1 A/B, 2 A/B & 3 A/B requested by UMMC. **Change Order #4** for adjustments to miscellaneous/various pay items for unforeseen latent conditions/conflicts with installation of electrical underground services, revisions to existing northwest well services, additional concrete protection for underground service, wire size adjustments required to accommodate installation procedures & applicable credits for owner cancellation of the relocation of existing MDEQ monitoring station. **Change Order #5** is necessary for the removal of discovered concrete slabs beneath the VA roadway, the repair of an existing 36" concrete culvert beneath the SHRP's parking lot that was leaking when uncovered, the adjustment of the curb inlet tops along the VA roadway to match finished grade elevations, the lowering of the emergency power feeder to the School of Pharmacy, and the installation of a concrete pad beneath an electrical pad mounted switch requested by UMMC.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$399,411.60.

Project Initiation Date: June 6, 2011

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

General Contractor: Hemphill Construction, Inc.

Contract Award Date: April 30, 2012

Project Budget: \$11,150,000.00

Funding Source(s): Interest Income (\$625,000); EBC Bonds 2010 (\$5,500,000), 2011(\$3,000); Pending MDA (\$2,025,000)

EXHIBIT 2

November 15, 2012

28. UMMC – IHL 209-538 – 4th (and 2nd) Floor Renovations – 764 Lakeland Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Harris Constructors, Inc., the lower of eleven (11) bidders, for a total contract amount of \$3,594,000.

Staff Approval Date: October 8, 2012

Project Initiation Date: October 21, 2010

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

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

Funding Source(s): Restricted Funds (\$5,915,536.00)

29. UMMC- IHL 209-538 – 4th (and 2nd) Floor Renovations – 764 Lakeland Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved Change Order #2 in the amount of \$179.00 and zero (0) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: October 9, 2012

Change Order Justification: Change Order #2 is necessary to repair roof drain & relocate piping, to offset existing piping due to latent conditions uncovered during demolition, change the location of the water heater due to a number of electrical panels existing in the rooms where the water heaters were to be located originally, to provide fire caulk at all existing piping in all wet columns due to concealed conditions uncovered during construction, and to provide a sink, cabinets & necessary fixtures in X-ray room 246B.

Total Project Change Orders and Amount: Two (2) change orders for a total credit amount of \$48,065.00.

Project Initiation Date: October 21, 2010

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

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

Funding Source(s): Restricted Funds (\$5,915,536.00)

30. USM– IHL 208-297 – Century Park South (Dorm Replacement Phase II)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved Schematic Design Documents as submitted by The McCarty Company.

Staff Approval Date: October 12, 2012

Project Initiation Date: April 15, 2010

Design Professional: The McCarty Company

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$55,000,000.00

Funding Source(s): IHL Approved Bond Sale (\$55,000,000.00)

EXHIBIT 2

November 15, 2012

31. USM – Gulf Park - 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 #6** in the amount of \$9,361.48 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: September 7, 2012

Change Order Justification: **Change Order #6** is necessary to re-route the sanitary sewer as required for connection due to discrepancy between existing conditions survey and the actual tie-in location, to change from metal hat channels to metal studs in the east & west stairwells due to interference with steel beam flanges, and to add 1” of concrete topping to the hollow core slabs.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$1,594,442.83.

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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$137,886.61 and sixteen (16) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: September 27, 2012

Change Order Justification: **Change Order #7** is necessary to provide handrails at the east & west exterior stairs, to make electrical & door changes, to have the building complete & ready by November 2nd which will require overtime to incorporate the changes made during construction, and additional compensation due to delays incurred during change order approvals by the owner.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$285,538.09.

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)

EXHIBIT 2

November 15, 2012

33. USM– Gulf Park - IHL 214-016 – Elizabeth Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$69,902.00 and twenty-one (21) additional days to the contract of Starks Contracting Company.

Staff Approval Date: October 9, 2012

Change Order Justification: **Change Order #1** is necessary to provide blocking at the new storefront system, installation of a new skylight system in lieu of infill, to revise guard rail detail, to paint the exterior entry soffit instead of stain, changes to flush valves & faucets, to provide furring & GWB at the back of the existing chase walls, to revise laminate GWB at the existing ceramic tile walls, to provide builders risk insurance, to install carpet, tile, to change the exterior glass, and to provide solid surface window sills in lieu of p. laminate.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$69, 902.00.

Project Initiation Date: August 21, 2008

Design Professional: Klee Odom + Klee

General Contractor: Starks Contracting Company

Contract Award Date: December 7, 2011

Project Budget: \$2,000,000.00

Funding Source(s): Insurance & FEMA reimbursables (\$2,000,000.00)

34. ERC – 111-049 – Road Improvements

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Road Improvement project. The budget increase was increased from \$2,400,000.00 to 2,551,057.07 for an increase in the amount of \$151,057.07.

Staff Approval Date: August 28, 2012

Project Initiation Date: October 20, 2011

Design Professional: W.L. Burle Engineers

General Contractor: Southern Rock, LLC

Contract Award Date: August 23, 2012

Project Budget: \$2,551,057.07

Funding Source(s): HB 1701, L'10 BOB Discretionary Fund (\$1,200,000.00); HB 1701, L'10 BOB Energy Fund (\$80,000.00); HB 1701, L'10 IHL GO Bonds (\$250,000.00); HB 246, L'07 IHL GO Bonds (\$21,057.07); SB 3100, L'11 IHL Discretionary Fund (\$750,000.00); SB 3100, L'11 JSU R&R Funds (\$250,000.00)

EXHIBIT 3

November 15, 2012

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 10/2/12) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$2,920.00, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 2,920.00

Payment of legal fees for professional services rendered by Adams & Reese (statement dated 8/9/12) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$2,404.04, represents services and expenses in connection with personnel issues.)

TOTAL DUE.....\$ 2,404.04

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 9/11/12) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$630.00, represents services and expenses in connection with the case styled *The University of Iowa, et al. vs. The University of Southern Mississippi.*)

TOTAL DUE.....\$ 630.00

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 10/2/12) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$234.00, represents services and expenses in connection with general advice.)

TOTAL DUE.....\$ 234.00

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 9/27/12, 9/27/12, 9/27/12, 9/27/12, 10/10/12, 10/10/12, 10/10/12, 10/10/12 and 10/10/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Water Repellant Solids PCT" - \$42.50; "Upgrading of Bio-Oil Using Synthesis Gas" - \$25.50; "Method for Transformation of Cotton and Organogenic Regeneration" - \$888.50; "Elusieve Processing CIP Application" - \$630; "Upgrading of Bio-Oil Using Synthesis Gas" - \$210.00; "Pelvic Floor Strength Assessment Device" - \$42.50; Bio-Oil Pretreatment Provisional Application" - 42.50; "Glycine Max Resistance" - \$412.90 and "Enhanced Wood Preservative Composition" - \$290.00, respectively.)

TOTAL DUE.....\$ 2,584.40

EXHIBIT 3

November 15, 2012

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 9/14/12, 9/14/12, 9/14/12, 9/14/12, 9/14/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12 and 10/11/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Occidinofungin, a Unique Antifungal Glycopeptide" - \$595.00; "Occidinofungin, a Unique Antifungal Glycopeptide" - \$1,402.50; "Occidinofungin, a Unique Antifungal Glycopeptide" - \$127.50; "Occidinofungin, a Unique Antifungal Glycopeptide" - \$191.25; "Occidinofungin, a Unique Antifungal Glycopeptide" - \$127.50; "Registration - Bulldog Head" - \$95.00; "Registration - Bulldog Head in Miss. State Circle" - \$95.00; "Registration - Bulldog with MState" - \$142.50; "Registration - Cowbell in Miss. State Circle" - \$118.75; "Registration - Miss. State Banner" - \$142.50; "Registration - Mississippi State University (words)" - \$118.75; "Registration - Mississippi State University (crest)" - \$118.75; "Registration - MState" - \$142.50 and "Registration - Paw Print" - \$71.25, respectively.)

TOTAL DUE.....\$ 3,488.75

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/3/12, 8/3/12, 8/16/12 and 8/22/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Stuttering Inhibition Method and Device" - \$965.00; "Stuttering Inhibition Method" and Device" - \$426.60; "Wireless Encryption" - \$962.50 and "Cache Mapping Technology Matter" - \$430.00, respectively.)

TOTAL DUE.....\$ 2,784.10

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 8/15/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Method for Preparing Delta-9 Tetrahydrocannabinol" - \$131.25 and "Immunostimulatory Composition Comprising Lipoprotein in Microalgae Extract" - \$131.25.)

TOTAL DUE.....\$ 262.50

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12 and 9/18/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Highly Purified Amphotericin-B" - \$2,361.97; "Particle Feeder" - \$780.00; "Stabilized Formulation of Triamcinolone Acetonide" - \$1,512.10; "Stabilized Formulation of Triamcinolone Acetonide" - \$438.50; "Stabilized Formulation of Triamcinolone Acetonide" - \$1,833.59; "Stabilized Formulation of Triamcinolone Acetonide" - \$155.00; "Stabilized Formulation of Triamcinolone Acetonide" - \$155.00; "Methods for Detecting Humans" - \$1,623.60; "Methods for Detecting Humans" - \$1,680.78; "Multi-domain Plate Acoustic Wave Devices" - \$1,216.50; "Highly Purified Amphotericin-B" - \$670.00; "Particle Feeder for Coal

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Combustion Studies” - \$796.50; “Stabilized Formulation of Triamcinolone Acetonide” - \$150.83; “Stabilized Formulation of Triamcinolone Acetonide” - \$186.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$54.00 and “A Stable Plasmonic Cluster of Molecular Definition” - \$124.00, respectively.)

TOTAL DUE.....\$ 13,738.37

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 8/27/12, 9/14/12, 9/24/12 and 9/27/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Trademark Application for the Centennial Anniversary” - \$1,385.00; “Trademark Application for the Centennial Anniversary” - \$12,712.50; “Lockhead - Oil Dispersant Patent” - \$467.50 and “Photocurable Thiol-Ene Gas Permeability Membranes” - \$1,637.50, respectively.)

TOTAL DUE.....\$ 16,202.50

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 7/18/12) 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” - \$212.50; “Soy Protein Adhesives and Uses Thereof” - \$956.25; “Application for Registration of D.E.E.P. Comprehension Service Mark” - \$63.75; “Glycerol Ester-free Functionalized Vegetable Oil Derivatives and their Latex Compounds” - \$2,398.75; “Nanoencapsulation of Isocyanates via Aqueous Media” - \$1,253.75; “RNA Containing Coenzymes, Biotin, Fluorophores, and Methods for their Preparation and Use” - \$2,821.25 and “SportEvac Trademark” - \$680.00.)

TOTAL DUE.....\$ 8,386.25

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1. ASU – REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT

Agenda Item Request: Alcorn State University (ASU) requests approval to enter into a lease agreement with **Vicksburg Income Properties, LLC** to rent space in the Vicksburg Mall located at 3505 Pemberton Square Boulevard in Vicksburg, Mississippi.

Contractor's Legal Name: **Vicksburg Income Properties, LLC, subsidiary to Weiner Development Corporation (parent company)**

History of Contract: This is a new agreement.

Specific type of contract: Lease agreement

Purpose: The purpose of the agreement is to lease approximately 8,622 square feet of space in the Vicksburg Mall located at 3505 Pemberton Square Boulevard in Vicksburg, Mississippi. This space will be used as the university's Vicksburg Campus.

Scope of Work: Vicksburg Income Properties, LLC will lease to ASU approximately 8,622 square feet of space in the Vicksburg Mall located at 3505 Pemberton Square Boulevard in Vicksburg, Mississippi.

Vicksburg Income Properties, LLC will invest \$452,655 of capital as a Tenant Allowance to make the space suitable for ASU's use. During the course of the lease Vicksburg Income Properties, LLC will be responsible for the following: maintenance of the facility's exterior, structure, and existing parking lot, payment of property taxes, and provision of operational heating/air conditioning systems, plumbing, and electrical equipment.

ASU will pay for utilities, signage, custodial services, furniture, and equipment.

Term of contract: The term of the lease is ten (10) years. The lease will begin on the earlier of (i) sixty (60) days after Vicksburg Income Properties, LLC delivers the leased premises to ASU with the landlord's work substantially completed in all material respects, or (ii) the date on which ASU first uses the leased premises for classes or other education purposes. The contract period is estimated to be July 1, 2013 through June 30, 2023.

Contract Amount: The total cost over the ten-year term of the lease is \$1,868,001.

A schedule of the annual rent is stipulated in the agreement and is provided below. In addition to annual rental payments, ASU will also make monthly payments of \$2,000 to the Landlord for utilities (water, electricity, garbage disposal, and pest control.) This equates to \$24,000 annually and \$240,000 over the 10 years of the agreement.

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Year	Annual Rent	Annual Utilities	Annual Total
1	\$ 100,273	\$ 24,000	\$ 124,273
2	150,367	24,000	174,367
3	154,851	24,000	178,851
4	159,507	24,000	183,507
5	164,335	24,000	188,335
6	169,249	24,000	193,249
7	174,336	24,000	198,336
8	179,596	24,000	203,596
9	184,941	24,000	208,941
10	190,546	24,000	214,546
Total	\$1,628,001	\$ 240,000	\$1,868,001

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

- default under the agreement by either party upon fifteen (15) day’s written notice and after opportunity to cure,
- should the Landlord’s Work not be completed within 240 days following the execution of the Lease, upon 30 days advanced notice to the Landlord, or
- if the university is impacted by a reduction of funds or if the property is destroyed or significantly damaged by fire.

If ASU terminates this lease based on any of the above-mentioned reasons, ASU would not be responsible for the remaining lease payments; however, ASU will be responsible for any unamortized Tenant Allowance as of the date of the termination.

Funding Source for Contract: The source of funds for this agreement will be Ayers academic program funds for the period of the lease during which Ayers academic programs will be offered at the site. If and when non-Ayers academic programs are offered at the site, non-Ayers (E&G Funds) will be used to pay the proportionate share of the lease expenses so that Ayers funds are not utilized to fund non-Ayers related expenses.

Contractor Selection Process: The Vicksburg Mall site was chosen in part because it provides the highest visibility profile for ASU’s Vicksburg campus compared to any other location examined in the Vicksburg region. ASU currently operates from two sites in Vicksburg, one on Cherry Street and the other on the Hinds Community College campus. Neither site provides the university with a strong marketable presence. Both sites are difficult to locate, have limited space, and are costly at 2,800 square feet combined for both locations and a combined cost of \$30.78 per square foot. In addition, the availability for classroom space at Hinds Community College fluctuates as the community college has priority over space usage. Other possible sites in Vicksburg were investigated. In those cases either the cost was prohibitive or the location was not as desirable as provided by the mall site. Lease costs at the Vicksburg Mall site were within

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the same price range as other retail/mall site locations in Vicksburg. The university will be paying approximately \$14.41 per square foot for this property lease. Other prices in similar sites ranged from \$12.64 to \$16.75 per square foot. The mall site's location has high visibility with two major transportation arteries, front-door retail parking, and nearby food service options for students.

Staff Recommendation: Based on Board Policy 707.01, *Personal Property and Service Contracts*, Board approval is required prior to execution of leases in an amount greater than \$100,000 is required. However, Board approval is required prior to the execution of all oil, gas and mineral leases, regardless of amount. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

2. JSU – REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT

Agenda Item Request: Jackson State University (JSU) requests permission to enter into a lease agreement with **Sorrento II, LLC** to rent space on the first floor of the building located at 382 Galleria Parkway in Madison, Mississippi.

Contractor's Legal Name: Sorrento II, LLC (the Landlord)

History of Contract: New Agreement

Specific type of contract: Lease agreement

Purpose: The purpose of the agreement is to lease approximately 8,600 square feet of space on the first floor of the building located at 382 Galleria Parkway in Madison, Mississippi. This space will be known as Jackson State University's Madison Campus. JSU anticipates that the following curriculum programs will be offered at this location:

1. Business (Administration, Accounting and Entrepreneurship)
2. Education (Childcare and Family Education, Educational Leadership and Higher Education)
3. Lifelong Learning (Interdisciplinary Studies, Human Resources Development, Commercial Recreation and Resorts)
4. Public Service (Health Care and Social Work)

Scope of Work: The landlord will lease to JSU approximately 8,600 square feet of space located at 382 Galleria Parkway in Madison, Mississippi.

The landlord will be responsible for obligations typically provided by a landlord including the following: maintenance of the building's exterior, structure, and parking lot, payment of property taxes and insurance, provision of operational heating/air conditioning systems, plumbing, and electrical equipment.

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The Landlord will also provide up to a \$215,000 financial commitment to make the space suitable for JSU's use. Included within this commitment are facility renovations and the purchase and installation of equipment, signage, and other associated costs.

JSU will be responsible for obligations typically provided by tenants such as payment of rent. In addition, JSU will repair or replace any damage or injury done to the building caused by JSU or JSU's agents, employees, or, to the extent permitted and authorized by Mississippi law, trainees, invitees, or visitors.

Term of contract: The term of the lease is ten (10) years – February 1, 2013 to January 31, 2023.

The agreement grants JSU the right to renew the lease for two (2) successive five-year periods at a rental rate that is equal to 95% of the Fair Market Rent. Such rent will be based on similar class "A" office space on Highland Colony Parkway and Galleria Parkway with like-kind size and office construction type.

Contract Amount: The total quantifiable cost over the ten-year term of the lease is \$1,518,760. A schedule of contracted annual rent payments is presented below. The first year rent per square foot is equal to \$16.50. Every year thereafter, this square footage rate will be increased approximately 1.5%.

Year	Annual Rent
1	\$141,900
2	144,050
3	146,200
4	148,350
5	150,586
6	152,908
7	155,144
8	157,466
9	159,874
10	162,282
Total	\$1,518,760

In addition to the rent payments shown above, JSU will pay the landlord a proportionate share of the landlord's operating costs for the facility. That share is set at 5.9% of the facilities net realizable space and agrees with the percentage of space that JSU is renting under this agreement. Operating costs are defined as all utilities, other than extraordinary quantities, for which JSU will be charged additional rental and maintenance costs for the facility. Any annual increase to JSU's share of the facility operating costs will be capped at 3% of the Universities proportionate share for the immediately preceding expense year.

Termination Options: The agreement may be terminated for default under the agreement by either party upon thirty (30) day's written notice and after opportunity to

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cure. If JSU terminates the lease early, the institution will be responsible for any unamortized financial commitment made by the landlord as of the date of the termination.

Funding Source for Contract: The lease will be funded by E&G Funds.

Contractor Selection Process: JSU indicated that the Galleria Parkway site was chosen for the following reasons:

- property is located in what is considered a growth area,
- greater potential to increase other race enrollment, thus allowing the university to come closer to attaining its 10% *Ayers* minority enrollment status,
- abundant parking space available for students,
- high visibility due to the property being located along a major thoroughfare (along I-55 north),
- developer guaranteed a quick build-out,
- available space size met University demands, and
- price point per square foot.

JSU considered other commercial sites in the North Jackson, Ridgeland, and Madison vicinities. Other sites were eliminated as either the cost was more expensive or the space availability was not equivalent to Galleria Parkway. As noted, lease costs at the Galleria Parkway site will initially be equal to \$16.50 per square foot. For other locations examined, the comparable rate was equal to \$16.95 to \$17.50 per square foot.

Staff Recommendation: *Based on Board Policy 707.01, Personal Property and Service Contracts, Board approval is required prior to execution of leases in an amount greater than \$100,000 is required. However, Board approval is required prior to the execution of all oil, gas and mineral leases, regardless of amount.* The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

3. **MSU – REQUEST FOR APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT**

Agenda Item Request: Mississippi State University requests approval to enter into a contact with **Air Charter Services, Inc.** to serve as an agent in securing air transportation for the men's basketball team.

Contractor's Legal Name: **Air Charter Services, Inc. (ACS)**

History of Contract: This is a new agreement. MSU has contracted with this firm for air transportation for the basketball team in the past and has been satisfied with the

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services provided. Previous contracts were under the \$250,000 threshold requiring Board approval.

Specific type of contract: Service contract for aircraft chartering

Purpose: The purpose of this agreement is to allow ACS to serve as an agent for Elite Airways, Inc. in securing an ERJ-145 jet aircraft to transport the men's basketball team to its remaining games for the spring 2013 athletic season.

Scope of Work: The agreement includes six (6) round trip flights during the period January 2013 through March 2013. Specific duties to be performed by ACS include:

- chartering an ERJ-145, 50 passenger aircraft,
- providing fully qualified and licensed cockpit and cabin crews,
- providing all necessary scheduled and unscheduled maintenance and repair to the aircraft,
- providing all fuel, oil and delivery of such up to \$4.00 per gallon,
- providing beverage service for passengers and crew, and
- providing aircraft handling processes including passenger check-in, baggage boarding, and all security screening and inspections.

Term of contract: The agreement shall commence upon full execution by both parties - estimated to be mid-January 2013. The contract will terminate on March 17, 2013.

Contract Amount: The total cost for the contract period is estimated to equal \$253,965. This includes charter air service for six (6) round trip flights. Should it become necessary to cancel a flight, MSU will receive a full refund (100%) if such cancellation takes place 14 days *prior* to the scheduled departure; otherwise, MSU will be assessed 100% of the chartered price for the specific flight that was cancelled.

Termination Options: MSU may terminate for convenience as long as the termination is 14 days before the scheduled flight. Either party may terminate for cause.

Funding Source for Contract: Athletic revenues (Auxiliary Funds)

Contractor Selection Process: Other airline charter services used previously by the athletic department are not available for MSU's required travel dates. The costs are consistent with prices paid previously.

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 Attorney General's Office has reviewed the agreement. The Attorney General's Office and Board staff approval is contingent upon receipt of confirmation that contractor has completed the registration process with the Mississippi Secretary of State.

4. USM – REQUEST FOR APPROVAL TO ENTER INTO A MAINTENANCE SERVICES AGREEMENT

Agenda Item Request: The University of Southern Mississippi (USM) requests approval to enter into an agreement with **Otis Elevator Company (Otis)** for elevator maintenance and repair services.

Contractor's Legal Name: Otis Elevator Company (Otis)

History of Contract: New agreement

Specific Type of Contract: Services agreement

Purpose: The purpose of the agreement is for the provision of monthly maintenance and repair services to 98 elevators located within 50 buildings on USM's Hattiesburg campus.

Scope of Work: Otis will provide the following:

- certified, experienced technicians,
- OtisRole support (remote on-line experts),
- readily available parts on hand for Otis and non-Otis equipment,
- a Standard Work Process for maintenance and repair tasks,
- quality assurance controls,
- e*Service (on-line service scheduling),
- regular safety training classes for technicians
- Otis Maintenance Management System (OTMMS) that tailors maintenance to the actual use of the elevators,
- Constant Equipment Monitoring or REM (Remote Elevator Monitoring),
- Otis Central Database with detailed description of equipment for accuracy of service,
- OtisLine full time center for 24 hour dispatching,
- ROLE (Remote On-Line Experts) for quality solutions to repair challenges,
- remote online monitoring for all Otis and Otis non-equipment,
- a dedicated customer service representative, and
- on-line internet access to maintenance records, and experienced technicians.

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Term of Contract: The maximum total contract term is for a five (5) year period, February 1, 2013 through January 31, 2018.

The primary term of the agreement is for a one (1) year period – February 1, 2013 through January 31, 2014. The agreement may be renewed annually by USM for up to four (4) years or through January 31, 2018 upon written notice to Otis on or before sixty (60) days prior to the end of the then current agreement term. Estimated costs are based on expectation of a five-year contract period.

Contract Amount: The total estimated cost of the contract for the five-year period is \$1,360,869.32.

Beginning February 1, 2014 and each February 1st thereafter for the length of the agreement there will be an annual rate adjustment to reflect changes in material and labor costs. An annual rate adjustment will be based on the factors shown below.

1. Ninety percent (90%) of the agreement price will be adjusted to reflect an increase or decrease in the straight time rate, including applicable fringe benefits, paid to elevator technicians located in the service area.
2. Ten percent (10%) of the agreement price will be adjusted to reflect an increase or decrease in material cost based on the Producer Price Index for Metals and Metal Products as published by the United States Department of Commerce, Bureau of Labor Statistics. Total price escalations are limited to a maximum of 4% overall in any one (1) year period.

In the event elevator service is needed, resulting in a payment of overtime or additional straight time pay, the following hourly rates will be charged per occurrence.

Hourly Rate for a Mechanic

Straight Time	\$230.00
Time and a half	\$345.00
Time and 7/10	\$391.00
Double Time	\$460.00

(Includes Sundays and Holidays)

The amount for any additional services is estimated not to exceed \$1,000 per year or \$5,000 over the life of the contract.

See the chart below for a breakdown of annual costs which include an allowance for an approximate 3% price increase effective year two (2) of the contract (February 1,

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2014) and each year thereafter, *and* an annual contingency of \$1,000 for overtime or additional straight-time pay for each of the five (5) years.

Contract Year	Annual Payment Amount
1	\$ 254,800.00
2	263,048.44
3	271,565.08
4	280,899.64
5	290,556.16
Total	\$ 1,360,869.32

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

- default by either party under the agreement and upon an optional thirty (30) days written notice of opportunity to cure by the non-defaulting party,
- by USM any time upon ten (10) days written notice,
- reduction of funds, and/or
- failure by Otis to comply with the federal E-Verify Program.

Funding Source of Contract: The current agreement will be funded by E&G Funds.

Contractor Selection Process: Although the Request for Proposals (RFP) process was not required for this agreement (because it is an agreement for services), USM issued RFP #13-5 in July 2012. Three (3) vendors submitted price proposals as shown below.

1. Otis Elevator Company - \$253,800 /year
2. Kone Elevator Company - \$238,800/ year
3. ThyssenKrupp Elevator Corp. - \$345,312/ year

(Note: The price proposals referenced above do not include allowance for price adjustments.)

Otis Elevator Company was selected as the preferred vendor. While Kone Elevator Company submitted the lowest cost proposal, Kone (USM's current provider of these services) was ranked lower by the selection committee in the RFP evaluation criteria. Otis was determined to be the most qualified company as they either met or exceeded the RFP specifications.

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.

5. UMMC – REQUEST FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Cyberonics, Inc.** to purchase Vagus Nerve Stimulation (VNS) Therapy Systems for use in treating refractory epilepsy and treatment-resistant depression.

Contractor's Legal Name: Cyberonics, Inc. (Cyberonics)

History of Contract: While this is a new agreement, UMMC has purchased products from the company for several years. Individual purchase agreements between UMMC and Cyberonics were initiated in the past that were under the \$250,000 threshold requiring Board approval. UMMC recognized that a multi-year contract was appropriate and initiated the current agreement submitted for Board approval.

Specific Type of Contract: Purchase agreement

Purpose: The purpose of this agreement is for the purchase of VNS Therapy Systems which consist of generators, surgical tools, and accessories. This includes leads, tunnelers accessory packs, programming wands, software, and patient essential kits for use in the individualized treatment of epilepsy and depression. The specific pieces of equipment used per treatment are chosen by the attending physician based upon the particular needs of the patient being treated.

Scope of Work: Under the agreement, Cyberonics will supply UMMC with all components necessary for operating the therapy systems.

Term of Contract: The agreement is effective until either party provides written notification of termination; however, UMMC is seeking Board approval for a five-year period - February 1, 2013 through January 31, 2018.

Contract Amount: The estimated total cost for the five (5) year contract term is \$5,735,405. Based on past usage, UMMC estimates the average cost per procedure to be \$26,809 for the first twelve (12) month period of the agreement. Cyberonics can adjust the price at any time upon providing 90 days written notice to UMMC. Based on historical price increases, UMMC anticipates an annual increase in the cost per procedure of 3% per year for years two through five of the agreement.

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Assuming an annual increase of 3% after year 1, as well as a minimal increase in the number of procedures done yearly, UMMC would pay the following:

Contract Year	Projected Number of Procedures	Cost per Procedure (Includes 3% annual increase on \$26,809, February 2014 and thereafter)	Total
1	30	\$26,809.00	\$ 804,270
2	35	27,613.27	966,464
3	40	28,441.67	1,137,667
4	45	29,295.92	1,318,316
5	50	30,173.77	1,508,688
Total	200		\$5,735,405

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

- convenience by either party, at any time, upon written notice,
- a breach by Cyberonics of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- failure by Cyberonics to comply with the federal E-Verify Program, and/or
- a material violation by Cyberonics of the Business Associate Addendum (HIPAA Addendum).

Funding Source of Contract: The agreement will be funded by patient revenues included in UMMC's 2012-13 Board approved operating budget.

Contractor Selection Process: The University of Mississippi Medical Center stated that Cyberonics is the sole source provider for VNS Therapy Systems as per Federal Drug Administration (FDA) guidelines and approved in October 2012. Therefore, no Request for Proposals was done. Documentation has been obtained from the FDA to certify the sole source 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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- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests to addend its contract with **National Research Corporation (NRC)** for patient experience management services.

History of Contract: The Board approved the original contract with NRC at its August 16, 2012 meeting for a total of \$402,900. The original contract period was for two (2) years and ten (10) months – September 1, 2012 through June 30, 2015. At the time the original contract was approved by the Board, NRC did not offer an annual survey capability for UMMC’s In-Center Hemodialysis programs. Now that the survey capability is being offered, UMMC can add this component to the agreement at no additional cost.

Specific type of contract: This is an addendum to the contract with NRC.

Purpose: The purpose of this agreement is to add the capability to create the Hemodialysis Consumer Assessment of Healthcare Providers and Systems survey (ICHCAHPS) to the existing scope of work. As healthcare continues to intensify its focus on performance measurement and transparency, the Center for Medicare and Medicaid Services (CMS) has a new In-Center Hemodialysis CAHPS (ICHCAHPS) mandate.

Scope of Work: The original scope of work is as follows:

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

As a result of this amendment, NRC will now provide the capability to initiate the Center for Medicare and Medicaid Services’ (CMS) ICHCAHP survey. The agreement provides patient satisfaction results for the hospital and comparisons with other hospitals in the National Research Corporation database. Specifically, NRC will provide the necessary resources to conduct surveys for UMMC’s In-Center Hemodialysis programs. The agreement also provides a tool for the hospital to gauge the performance of Value-Based Purchasing requirements in order to receive annual reimbursement from CMS.

Term of contract: The term of this addendum becomes effective February 1, 2013 and continues through the original contract end date of June 30, 2015.

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Contract Amount: There is no cost associated with this addendum. The cost of the contract will remain \$402,900 as originally approved by the Board at its August 2012 meeting.

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

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

Funding Source for Contract: The agreement will be funded by patient revenues included in UMMC's 2012-13 Board approved operating budget.

Contractor Selection Process: N/A; however, National Research Corporation was originally selected through a Request for Proposals process.

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 **Spacelabs Healthcare, LLC** for the purchase of equipment (anesthesia machines and corresponding operating room monitors) and software capable of interfacing with the Epic electronic medical record system.

Contractor's Legal Name: Spacelabs Healthcare, LLC (Spacelabs)

History of Contract: New agreement

Specific Type of Contract: Purchase agreement

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Purpose: The purpose of this agreement is to purchase nine (9) anesthesia machines, associated monitors, and interfacing hardware and software components for use in the Batson operating or procedures rooms. UMMC's justification for the purchase is to upgrade the existing equipment. The new equipment is more durable, offers improved technical capabilities, and will interface with the Epic electronic medical record systems. The interface to Epic capability eliminates the need for manual documentation of procedure specifics and allows consistency in training for staff.

Scope of Work: Spacelabs will provide the following:

- nine (9) anesthesia machines and operating room monitors,
- a Vital Signs interface hardware component for use in connection with Epic,
- Vital Signs interface software components,
- licenses for the use of the Vital Signs Interface hardware and software components,
- a Flexport Interface hardware component used in connecting the OR monitors with the anesthesia equipment, and
- installation and implementation for all equipment and monitors and training for personnel.

Term of Contract: The agreement is for the immediate one-time purchase of equipment and software and does not stipulate an official contract period. However, the purchase agreement does provide for a twelve (12) month warranty period applicable to the anesthesia machines, monitoring equipment, hardware components, and Vital Sign interface software. UMMC has secured additional support services above the basic warranty which provides for a total of one (1) year of support service for the Vital Signs Interface software, four (4) years of support service for the monitors, and two (2) years of support services for the base anesthesia machines. Based on this expanded warranty period, UMMC shall receive support services for the *approximate* period of February 1, 2013 through January 31, 2017.

Contract Amount: The total contract cost for the purchase of the machines, monitors, interface hardware and software, and the warranty, maintenance and support services is \$704,981.53. A breakdown of the individual costs is shown below.

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Cost Component	Amount
9 Anesthesia Machines	\$ 347,319.00
9 Operating Room Monitors	305,747.10
Interface Software (Vital Signs) and related tools and support	27,686.59
Interface Hardware (Flexport) and related tools and parts	24,228.84
Total	\$704,981.53

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

- breach of obligations under the program upon thirty (30) days written notice of opportunity to cure by the non-defaulting party,
- failure by Spacelabs to comply with the federal E-Verify Program,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement, and/or
- breach by Spacelabs of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum.

In addition, the Support Program may be terminated at any time upon providing thirty (30) days written notice.

Funding Source of Contract: The agreement will be funded by patient revenues included in UMMC's 2012-13 Board approved operating budget.

Contractor Selection Process: UMMC issued a Request for Proposals (RFP) in July 2012. Two vendors submitted price proposals shown below.

4. GE Healthcare - \$906,808.61
5. Spacelabs Healthcare, LLC - \$704,981.53

The vendor with the lowest cost proposal, Spacelabs Healthcare, LLC, 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 by the Attorney General's Office. The Attorney General's Office and Board staff approval is contingent upon receipt of confirmation that contractor has completed the registration process with the Mississippi Secretary of State.

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- d. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Steris Corporation** for preventative maintenance and service of Steris infection prevention equipment currently owned by UMMC.

Contractor's Legal Name: Steris Corporation (Steris)

History of Contract: While this is a new agreement, UMMC has been under a long term contract with Steris for these services and most recently received IHL Board approval in May 2009. This prior agreement was for a three (3) year period, July 1, 2009 through June 30, 2012 for a total cost of \$679,267. Since the expiration of the contract last June, UMMC has continued to pay monthly for the services without a written agreement in place.

Specific Type of Contract: Services agreement

Purpose: The purpose of the agreement is for Steris to perform scheduled preventative maintenance and/or repair services to 42 pieces of infection prevention equipment that are used in UMMC operating rooms to clean and sterilize patient care equipment and instruments.

Scope of Work: Steris will provide the following:

- both scheduled and unscheduled maintenance of equipment,
- labor and parts for equipment,
- travel costs for services,
- documentation regarding maintenance and/or services,
- 24/7 priority technical support,
- Customer Care Center accessibility, and
- Online service request capabilities.

UMMC is responsible for providing Steris personnel with parking and access to all equipment to be serviced as well as adequate training of UMMC employees in the proper operation of the equipment.

Term of Contract: The term of the agreement is for three (3) years – February 1, 2013 through January 31, 2016.

Contract Amount: The total contract cost for the three (3) year contract term is \$527,822.19. UMMC will pay \$175,940.73 annually for the services.

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

- default by either party under the agreement upon sixty (60) days written notice of opportunity to cure by the non-defaulting party,
- any item of equipment that leaves the exclusive control of UMMC (Steris may terminate,
- written notice for appointment of a receiver, assignment for the benefit of creditors, dissolution or commencement of any proceedings under any bankruptcy or insolvency laws by or against either party,
- a breach by Steris of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement, and/or
- failure by Steris to comply with the federal E-Verify Program.

Funding Source of Contract: The agreement will be funded by patient revenues included in UMMC's 2012-13 Board approved operating budget.

Contractor Selection Process: Steris is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m)(x).

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 §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.

Board Policy §919, Pre-requisites for Building Modification or Demolition

Prior to scheduling a building on an institution's property for restoration, improvement, construction, repair, renovation, rehabilitation, demolition or similar work, the institution shall secure an inspection and approval from the Mississippi Department of Environmental Quality and a permit or written permission from the Mississippi Department of Archives and History authorizing the requested building action. After obtaining approval from these two agencies, a request for the building modification or demolition shall be submitted to the Board for approval. The request to the Board must include documentation evidencing approval by the Department of Environmental Quality and the Department of Archives and History.

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. MVSU – GS 106-240 – Leflore Hall Bath Renovations

Project Request: Mississippi Valley State University requests approval to initiate a project, Leflore Hall Bath Renovations, and to appoint Atherton Consulting Engineers as the design professional.

Proposed Design Professional: Atherton Consulting Engineers

Purpose: The project was initiated with Board staff as a project under \$1 million with a budget of \$990,000. Based on the design professional's latest design development and updated estimate of costs, the project budget will exceed the \$1 million threshold thus requires Board approval. The project budget will increase from \$990,000 to \$1,481,645 for an increase in the amount of \$465,205.

The project will address complete interior demolition and renovation of the existing shower areas for Leflore Hall. Work will involve removal of the existing showers, toilets, and lavatories. The residence hall has not seen a substantial renovation since construction with the exception of a new metal roof that was installed in 2004. The current showers are communal and have been in desperate need of replacing.

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

Project Initiation Date: January 17, 2013

Date of Original Construction: 1970

Date of Last Renovation: Not available

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Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,307,955.00
Architectural and Engineering Fees:	103,290.00
Miscellaneous Project Costs:	5,000.00
Contingency:	<u>65,400.00</u>
Total Project Budget	\$ 1,481,645.00

Proposed Funding Source(s): IHL General Support (\$1,292,079); S.B. 2957, Laws of 2012 (\$466,000)

Staff Recommendation: Board staff recommends approval of this item

IHL PROJECTS

2. MSU – IHL 205-268 – MSU Butler Williams Guest House and Lobby Renovations

Project Request: Mississippi State University requests approval to initiate a project, MSU Butler Williams Guest House and Lobby Renovations, and to appoint Belinda Stewart as the design professional.

Proposed Design Professional: Belinda Stewart

Purpose: The project is intended to renovate the Butler Williams Guest House and its associated lobby located in the Butler Williams Building. The project will make the public lobby and restroom area ADA accessible. The project will also upgrade finishes and replace windows in the Guest House.

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

Project Initiation Date: January 17, 2013

Date of Original Construction: 1988

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Date of Last Renovation: Not available

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 608,680.00
Architectural and Engineering Fees:	50,825.00
Miscellaneous Project Costs:	410,061.00
Contingency:	<u>30,434.00</u>
Total Project Budget	\$ 1,100,000.00

Proposed Funding Source(s): MSU Housing Facilities (\$1,100,000)

Staff Recommendation: Board staff recommends approval of this item.

3. USM – IHL 208-297 – Dorm Replacement Phase II

Project Request: The University of Southern Mississippi requests approval to award project commissioning services to Working Buildings, LLC.

Project Phase: Design Phase

Design Professional: The McCarty Company

Proposed Commissioning Agent: Working Buildings, LLC

General Contractor: TBD

Purpose/Justification: The project was initiated with the Board on April 15, 2010 with a budget of \$50,000,000. In March 2012, the Board of Trustees approved the EBC funding for this project. The university is seeking approval to award project commissioning services to Working Buildings, LLC. Working Buildings, LLC was selected from a pool of six companies that submitted qualifications. Of the six firms, two were invited to campus to conduct a formal interview process. The selection of Working Buildings, LLC was a result of a thorough interview process conducted by the university. The fee payment process will be modeled using the Department of Finance and Administration's Bureau of Building established payment method for commissioning services and is based on a percentage of construction costs. The estimated fee for this commissioning project is \$450,000 to \$500,000.

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The project includes the projected demolition of Scott Hall, Vann Hall, and the East end of Bond Hall once IHL approval is obtained which will be followed by the construction of a proposed student residential project which includes 956 beds, a student health center and Lucky Day Scholarship offices. The new project is to be located on the site where the demolition occurs. The majority of the beds will be for freshmen and will mirror the university's most recent residential project, Century Park North. The completion of this project will allow the university to house its freshmen students in new similar style housing.

Project Initiation Date: April 15, 2010

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$44,000,000.00
Architectural and Engineering Fees:	2,700,000.00
Miscellaneous Project Costs:	1,300,000.00
Contingency:	<u>2,000,000.00</u>
Total Project Budget	\$50,000,000.00

Funding Source(s): EBC Revenue Bonds (\$50,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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

IHL PROJECTS

4. MSU – IHL 205-266 – MSU Lighting Retrofit

Project Request: Mississippi State University requests approval to change the funding source for the MSU Lighting Retrofit project. In lieu of using Commercial Paper and/or EBC debt, Mississippi State University now plans to fund this project using existing operating funds. The funds became available as the result of maturing investment instruments.

Proposed Design Professional: TBD through RFP Method

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Purpose: The project will improve efficiency and reduce electrical consumption. Approximately 5.5 million square feet of space used by MSU, MAFES, and FWRC uses inefficient and obsolete lighting technology. The most common type of lamp on campus, a T-12 fluorescent lamp, will no longer be manufactured after 2012. Additionally, new lighting technology allows bulbs to last twice as long and use over 50 percent less energy than the majority of the existing lights on campus. A campus-wide retrofit can be accomplished with minimal impact to the user, will improve the light quality in the university buildings, will enhance the occupant's experience, will reduce energy and maintenance costs, and will improve MSU's environmental performance. Preliminary analysis reveals a \$6.5 million retrofit will produce approximately \$1.1 million per year in reduced operation costs. This is a 5.8 year payback.

Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of scope and/or changes in funding source to the Board for approval.

Project Initiation Date: May 17, 2012

Date of Original Construction: Not applicable since project includes all buildings.

Date of Last Renovation: Not applicable since project includes all buildings.

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 5,755,103.00
Architectural and Engineering Fees:	411,197.00
Miscellaneous Project Costs:	45,945.00
Contingency:	<u>287,755.00</u>
Total Project Budget	\$ 6,500,000.00

Proposed Funding Source(s): Existing operating funds. These operating funds became available as the result of maturing investment instruments. (\$6,500,000)

Staff Recommendation: Board staff recommends approval of this item.

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5. MSU – IHL 205-267 – MSU Fresh Food Company Residential Dining Facility

Project Request: Mississippi State University requests approval to increase the project budget from \$10,000,000 to \$12,500,000 for an increase in the amount of \$2,500,000. The university also requests approval to change the scope of the project to include seating for 650 customers in lieu of 500 customers that the Board originally approved in the scope of the project in September 2012. Additionally, MSU requests approval of the exterior design of the Fresh Food Company Residential Dining Facility. (See page 10)

Design Professional: JH&H Architects

General Contractor: TBD

Purpose: The proposed Mississippi State Fresh Food Residential Dining Facility will be located on the south side of campus at the site of the existing recreational tennis courts. The facility will be a turnkey project that will include all equipment and furnishings required to operate the facility. The proposed new facility will seat 650 customers for dining and will consist of approximately 32,000 square feet of enclosed space. The project will be designed around ARAMARK's Fresh Food Company concept.

The facility will also include a student lounge that will promote interaction between all students. Because the facility will be located at the present location of the existing tennis courts, the project scope will also include the design for new tennis courts to be located close to the recreational complex on the south farm. The project will consist of two phases. The first phase will be the relocation of the existing tennis courts. The second phase will be the MSU Fresh Food Company Residential Dining Facility. The location of the new facility and the new tennis courts has been approved by the MSU Master Plan Committee.

Mississippi State University is seeking is also seeking approval the budget increase, change in scope, and approval of the exterior design of MSU Fresh Food Company Residential Dining Facility in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve all budget increase, changes in scope and the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

Project Initiation Date: September 20, 2012

Date of Original Construction: N/A

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Date of Last Renovation: N/A

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 8,292,000.00	\$ 10,893,880.00	\$ 2,601,880.00
Architectural and Engineering Fees	\$ 503,369.00	\$ 776,179.00	\$ 272,810.00
Miscellaneous Project Costs	\$ 790,031.00	\$ 285,247.00	\$ (504,784.00)
Contingency	\$ 414,600.00	\$ 544,694.00	\$ 130,094.00
Total Project Budget	\$ 10,000,000.00	\$ 12,500,000.00	\$ 2,500,000.00

Proposed Funding Source(s): Educational Building Corporation (EBC) / Commercial Paper (\$12,500,000)

Staff Recommendation: Board staff recommends approval of this item.

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APPROVAL OF OTHER REAL ESTATE REQUESTS

6. ASU –Approval of Oil and Gas Lease– 124 acres of land by and between Alcorn State University for Frank R. Robinson Memorial Fund, as Remainderman and Bodega Capital, LLC

Project Request: Alcorn State University requests approval of an oil and gas lease of 124 acres of land to Bodega Capital, LLC for one-fifth (1/5) royalty and one-time bonus money in the amount of \$26,537.24.

Purpose: The Publication Noticed Invitation to Bid was published three (3) times in the Clarion Ledger in Jackson, MS and three (3) times in the Natchez Democrat in Natchez, MS. Bodega Capital, LLC was the only bid that was submitted for the proposed lease.

The property is a parcel containing 124 acres of land and is described as follows: All that portion of Lot #5 of the Division and Partition of Montrose and Woodlands into eight (8) tracts, acquired by Melissa Mazique per deed recorded in Deed Book AA on page 439 of the Records of Adams County, Mississippi, lying West of the present U.S. Highway No. 61 and lying East of the present York Road, situated in Sections 20 and 26, Township 5 North, Range 3 West, Adams County, Mississippi, containing 124 acres, more or less, and further being identified as a portion of parcel 47, Group S, Adams County Tax Map no. 109.

Terms of Contract: The university is leasing the property to Bodega Capital, LLC for one-fifth (1/5) royalty and bonus money in the amount of \$26,537.24. The proposed lease is a 2 year agreement effective from the date of signing. The proposed lease remains in effect for continued drilling unless there is a discontinuance of operations for ninety (90) consecutive days. If within ninety (90) days and no operation occurs on the land, the lease terminates on the anniversary date unless operations resume or the Lessee pays a daily rental amount of one dollar and 50/100th (\$1.50) per acre as delay rental.

Termination Options: The lease can be terminated by Alcorn State University should there be any breach of contract terms as specified in the proposed lease as long as 90 days written notice is given.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. Alcorn State University is acting in accordance with Board Policy §905(A), Real Estate Management, that requires Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales.

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

7. DSU – Approval of Sale of Property located at 314 Shumate Circle to Allan Grittman

Project Request: Delta State University requests approval to sell a residential property located at 314 Shumate Circle, Cleveland, Mississippi to Allan Grittman for \$81,500.

Purpose: Delta State University is seeking to sell a residential property to Allan Grittman for \$81,500 with a closing date no later than May 1, 2013. Delta State currently owns ten parcels near the campus on Fourth, Shumate, and McClain streets. Most of these homes are post WWII construction. The university purchased the properties in the 1970s and 1980s. The university rents six of these homes to faculty and staff. Two of the residences- 301 McClain and 314 Shumate- are rented on a daily basis. Two are unoccupied.

While some are paired together, no more than two of the parcels are side by side, leaving a scattered set of holdings. The residences, due to their age and neglect, have countless deferred maintenance issues. Foundations, exterior walls, floor and roof systems need repair, interiors need updating and repair, and HVAC, plumbing and electrical systems need to be replaced. The university does not have the resources to fund this deferred maintenance.

The Mississippi Legislature authorized the sale of eight of these ten parcels during the 2011 session. This property is the first of the eight to be sold. Two of the parcels will be held for future development. H.B. 1167 Laws of 2011 authorizes the Department of Finance and Administration on behalf of the Board and the university to sell the property listed below:

314 Shumate Circle – Lot 16 of the Marva Park Subdivision in the West Half (W ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) and the East Half (E ½) of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section 17, Township 22 North, Range 5 West, according to a map or plat of said subdivision of record in the Office of the Clerk of the Chancery Court of Bolivar County, Mississippi, in Map Book 2 at page 61 and subject to restrictive agreement recorded in Book M-30, Page 637 as amended by instrument

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recorded in Book N-26, page 398 of the records in the Office of the Chancery Clerk of Boliver County at Cleveland, Mississippi.

Delta State University received two independent property appraisals as required by Board Policy §905(A), Real Estate Management. The average of the two appraisals was \$78,500 which is less than the actual sale price of the property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. Delta State University 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 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.

8. MSU – Re-Naming of South Hall as “Niles R. and Mary Lyn Moseley Hall”

Project Request: Mississippi State University requests approval to re-name South Hall, a residence hall, as “Niles R. and Mary Lyn Moseley Hall”.

Purpose: Mississippi State University requests approval to re-name South Hall, a residence hall, as “Niles R. and Mary Lyn Moseley Hall” in recognition of Dr. Niles R. "Ranny" and Mary Lyn Moseley. In October 2012, Dr. and Mrs. Moseley committed \$3,150,000 to programs that assist students from Mississippi families with incomes of less than \$30,000 annually in attending Mississippi State. These programs are the MSU Promise Program, which provides scholarship and other financial support, and the Promise Support Program, which provides mentoring and counseling which these students would not otherwise receive. Mississippi State will use \$3,000,000 to endow Promise Scholarships and \$150,000 to hire a counselor to work with the Promise Support Program.

Dr. Moseley is a native of Mississippi and a 1962 aerospace engineering graduate of MSU. He also earned a master's degree in electrical engineering from Rice University and a Ph.D. in electrical engineering from Stanford University. He has lived in the Bay Area of California since completing his Ph.D. Dr. Moseley has previously supported a large number of projects at MSU, including scholarships, the renovation of McCain Hall, and the Moseley Plaza (a fountain area between Simrall Electrical Engineering Building and the Stennis Institute).

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Mississippi State University 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.

9. MSU – Delete from Inventory and Demolish Building #1410

Project Request: Mississippi State University requests approval to delete Building #1410 from inventory and demolish it.

Purpose: Mississippi State University is seeking to delete Building #1410 from inventory and demolish it. The building is in very poor condition and no longer serves the mission of the Experiment Station. It is recommended that the unit be removed from inventory and demolished.

The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

10. MSU – Delete from Inventory and Demolish Building 2012, Campus Landscape Storage

Project Request: Mississippi State University requests approval to delete Building 2012, Campus Landscape Storage, from inventory and demolish it.

Purpose: Mississippi State University is seeking to delete Building 2012, Campus Landscape Storage, from inventory and demolish it. This structure is an unoccupied barn that is in very poor condition and cannot be safely used anymore.

The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

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Staff Recommendation: Board staff recommends approval of this item.

11. UM- Granting of a Permanent Ingress/Egress Easement to Cellular South Real Estate, Inc. and Carson Hughes

Project Request: The University of Mississippi requests approval to sell, convey, and quitclaim a permanent easement for ingress/egress to Cellular South Real Estate, Inc. and Carson Hughes.

Purpose: The University of Mississippi is requesting approval of the easement for the purpose of creating a safer access road to reach a cellular tower on Cellular South Real Estate's adjoining property.

The requested easement is for ingress/egress and construction. The consideration for the easement is \$305, and is based on the rate of \$1 per linear foot for undeveloped land. The easement is permanent, nonexclusive, and revocable for non-use.

Cellular South Real Estate currently reaches its cellular tower directly by Old Taylor Road, an increasingly busy street, by a very steep driveway. Since the driveway has been in place, bicycle lanes have been extended down Old Taylor Road and across the current driveway. The University of Mississippi would gladly allow Cellular South Real Estate to more safely access the proposed easement via Kitchen Aid Lane and to construct an access road to the cellular tower across the university's currently undeveloped land. Another adjoining property owner, Carson Hughes, currently possesses an easement across Cellular South Real Estate's land, and this proposed easement would allow him the right of ingress/egress for the same reasons listed above.

Property Description: The property located on 0.06 acres more or less parcel of land to be used for an ingress/egress easement and is located in the NW Quarter (NW ¼) of Section 32, Township 8 South, Range 3 West in the City of Oxford, Lafayette County, Mississippi.

Termination Clause: The Grantor may terminate this easement and all of the rights granted any time after two (2) years of continuous non-use of the easement or the easement area by Grantees. In the event of such termination, the easement shall be quitclaimed from the appropriate Grantee to the Grantor, without expense to the Grantor, and any and all interest in Grantor's property conveyed in this easement

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shall automatically revert to Grantor or its assigns and successors, without the necessity of any further action to effect said reversion.

The University of Mississippi is acting in accordance 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.

12. USM- Granting of a Temporary Construction Easement to the City of Hattiesburg

Project Request: The University of Southern Mississippi requests approval to grant a temporary construction easement across a small portion of university property to the City of Hattiesburg

Purpose: The University of Southern Mississippi is requesting approval of the temporary construction easement so the City of Hattiesburg can construct an extension of the Longleaf Trace-Phase III Rails to Trails project. The consideration for the 902 square foot easement is \$271. The market value is calculated on the basis of 902 square feet, at a \$3 rate per square foot, for one year at a rate of return of 10%, for a total of \$271.

Property Description: The property located on 0.021 acres more or less parcel of land to be used for a temporary construction easement and is located in the Southeast corner of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of Section 5, Township 4 North, Range 13 West in the City of Hattiesburg, Forrest County, Mississippi.

The University of Southern Mississippi is acting in accordance 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.

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1. JSU - APPROVAL TO HIRE BUTLER, SNOW, O'MARA, STEVENS & CANNADA LAW FIRM AS OUTSIDE COUNSEL

Jackson State University requests Board approval to hire the Butler Snow law firm as outside counsel for intellectual property and commercial matters. The term of this Agreement shall commence on the date executed by the parties (to be the date of execution after IHL Board approval) and shall expire no later than June 30, 2013, subject to renewal, if necessary. This Agreement may be renewed for two additional one-year terms to run from July 1st through June 30th, if such renewal is mutually agreed to by the parties. The hourly rates to be charged for attorneys under the contract would be \$225.00 per hour for intellectual property matters and \$215.00 for all other matters. Services for paralegals and legal assistants will be charged at \$85.00 per hour. The maximum amount payable under the one (1) year contract would be \$50,000. During any renewal period, the total amount payable shall not exceed an additional \$50,000 in any subsequent fiscal year. The contract may be terminated by either party with thirty (30) days prior written notice.

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

2. UMMC - APPROVAL TO HIRE JAMES C. MINGEE d/b/a THE MARK IT PLACE LAW FIRM AS OUTSIDE COUNSEL

UMMC requests approval to hire James C. Mingee d/b/a The Mark It Place as outside counsel to provide intellectual property and related legal services, including litigation support in connection with UMMC and University of Mississippi Healthcare. The contract period would be from February 1, 2013 through January 31, 2014. The proposed hourly and fee rates are as follows:

Principals -

James C. Mingee	\$145 per hour
C. Paige Herring	\$145 per hour
Austin Bonderer	\$200 per hour

Payment (flat fee) for preparing a trademark application, filing it with the USPTO and routine prosecution (excludes extraordinary actions by the examiners and excludes objections by a third party) – \$1200.00

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Any party may terminate this contract at any time by giving written notice to the other party of such termination and specifying the effective date thereof, at least thirty (30) working days before the effective date of such termination. The total amount payable, pursuant to this agreement, shall not exceed \$30,000 plus expenses through the period from the date of the contract through January 31, 2014.

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. Change of Status

ASU

Betty Roberts, *from* Senior Vice President for Administration and Finance/Chief Financial Officer, salary of \$175,000 per annum, pro rata; E&G Funds; *to* Senior Vice President for University Operations/Chief Operating Officer, salary of \$182,500 per annum, pro rata; E&G Funds; effective February 1, 2013

JSU

Jean-Claude Assad, *from* Associate Professor of Economics, College of Business; salary \$102,413 per annum, pro rata; E&G Funds; *to* Associate Professor of Economics and Interim Dean, College of Business; salary of \$150,000 per annum, pro rata; E&G Funds; effective January 1, 2013

Loria Brown Gordon, *from* Assistant to the Associate Vice President of Student Life; salary \$64,611 per annum, pro rata; E&G Funds; *to* Interim Dean of the W. E. B. DuBois Honors College, salary of \$70,000 per annum, pro rata; E&G funds; effective October 15, 2012

Patricia Jernigan, *from* Assistant Dean, Division of International Studies; salary \$70,583 per annum, pro rata; E&G Funds; *to* Interim Dean, Division of International Studies; salary of \$85,000 per annum, pro rata; E&G Funds; effective January 1, 2013

MVSU

John Jones, *from* Associate Provost for Institutional Effectiveness; salary of \$118,000 per annum, pro rata; E&G Funds; *to* Interim Provost and Vice President for Academic Affairs; salary of \$140,000 per annum, pro rata; E&G Funds; effective January 1, 2013

Zachary Faison, *from* Chief of Staff and Executive Assistant to the President; salary of \$110,000 per annum, pro rata; E&G Funds; *to* Chief of Staff and Interim Vice President for University Advancement/Executive Director of MVSU Foundation; salary of \$120,000 per annum, pro rata; E&G Funds; effective January 1, 2013

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2. Termination

JSU

Glenda B. Glover, Professor of Accounting and Dean, College of Business, effective December 31, 2012

Janice Neal Vincent, Associate Professor of the Department of Speech and Communication, College of Liberal Arts and tenured faculty member; effective January 18, 2013

MVSU

Angela Getter, Vice President for University Advancement; effective November 23, 2012

Anna Hammond, Provost and Executive Vice President; effective December 31, 2012

3. Sabbaticals

JSU

Ken S. Lee, Professor of Chemistry Department, College of Science, Engineering and Technology, *from* salary of 61,664 per nine-month contract; E&G Funds; *to* salary of \$30,832 per annum, pro rata for sabbatical period; E&G funds; effective December 15, 2012 through December 14, 2013; professional development

MUW

Michael Smith, Associate Professor of English, College of Arts and Sciences, *from* salary of \$46,024 per nine-month contract paid over annual period; E&G Funds; *to* salary of \$23,012 for the sabbatical period; E&G Funds; effective August 12, 2013 to December 31, 2013; professional development

4. Emeritus Status

UM

Gregory A. Schirmer, Professor Emeritus of English; effective January 22, 2013 (rehired retiree)

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USM

Donald Lamar Davis; Professor Emeritus of Management Information Systems; effective November 1, 2012

Edward Coleman Mann; Associate Professor Emeritus of Technology Education; effective November 1, 2012

Lon Jay Mathias; Professor Emeritus of Polymer Science; effective November 1, 2012

UMMC

Kay Allen, M.D., Professor Emeritus of Pathology, School of Medicine; effective February 1, 2013

Donald B. Sittman, Ph.D., Professor Emeritus of Biochemistry, School of Medicine; effective February 1, 2013

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1. MUW – APPROVAL TO AWARD ONE HONORARY DEGREE

The university requests approval to bestow one honorary degree at its May 2013 commencement ceremony. Supporting documents are on file at the Board Office.

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

Purpose: Mississippi State University (MSU) is requesting approval to authorize and define the criteria for granting waivers of out-of-state tuition to Mississippi 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 the Board and MSU with individual waivers becoming applicable as of the date approved by the MSU President, unless a later time is indicated below.

New Categories of Out-of-State Waivers: The following out-of-state waivers are authorized, on a case-by-case basis, 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 MSU of timely and adequate proof of having met the applicable criteria. To be eligible for out-of-state tuition waivers applicants must meet admissions requirements for the initial award and maintain satisfactory academic progress for continued eligibility.

- A. Military Personnel, Spouses, Dependents, and Survivors - MSU may waive out-of-state tuition for all present and former members of the U.S. Armed Forces who are engaged in or were honorably discharged from service including members of the National Guard and Reserve. A partial waiver may be extended to current spouses and dependent children of active military personnel without regard to the active duty location. A partial waiver may also extend to survivors of members of the U.S. Armed Forces who died while on active duty.

- B. MSU-Meridian geographic area - For the purpose of offering enhanced access to MSU-Meridian's upper division and graduate programs to students who live within close geographic proximity of the campus, MSU-Meridian may waive out-of-state tuition for non-resident students who reside within Sumter, Choctaw, Greene, Hale, Clarke and Marengo Counties of the State of Alabama.

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These newly created waivers will become effective for the 2013-14 academic year and may be applied to all academic terms therein.

Financial Impact: MSU estimates that the impact of waiving non-resident tuition for these identified categories would be the reduction of revenue of approximately \$3.3 million over a five-year period. Conversely, the university could collect up to \$6.5 million of new tuition revenue from these newly enrolled non-resident students for a net gain of \$3.2 million.

Students receiving a waiver during their first year must remain enrolled full-time, must maintain a specified GPA, and must continue to meet the additional criteria originally making them eligible in order to automatically renew the waiver.

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. Board staff also reviewed the proposed policy and financial projections provided by MSU. Board staff recommends approval of this item.

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

Purpose: Mississippi Valley State University (MVSU) is requesting approval to authorize and define the criteria for granting waivers of out-of-state tuition to MVSU students. More specifically, this policy will be 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 the Board and MVSU with individual waivers becoming applicable as of the date approved by the MVSU President, unless a later time is indicated below.

New Out-of-State Waiver Policy: MVSU is proposing to offer a single flat tuition rate for all resident and non-resident students. Non-resident students have historically represented less than 15% of the student population and are generally student athletes, children of alumni, and students from bordering states. Most of these students are

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currently awarded non-resident tuition waivers. The population in the Mississippi Delta has declined by approximately 25% since 1970 reducing the number of eligible high school graduates in the region. As such, MVSU would like to adapt its recruiting strategies to the changing environment by recruiting more non-resident students. Price is an important factor in a non-resident student's decision to attend MVSU. Students and their parents will increasingly seek out quality higher education experiences at more affordable prices. MVSU can capture some of that market by waiving the total non-resident surcharge it currently charges.

Financial Impact: The following chart is a summary of MVSU's resident and non-resident student enrollment information and the percent of non-resident students for the fall of 2012. The 319 non-resident students shown in the chart generate approximately \$2.7 million in non-resident surcharge revenue each year. MVSU collects approximately \$616,000 or 22.8 percent of this revenue. The balance is waived under current waiver policies. MVSU estimates that the university would need to enroll an additional 105 to 110 non-resident students to offset the loss in the collected non-resident revenue.

MVSU Enrollment –Fall 2012		
	Non-Resident	Resident
Number of Students	319	2,160
Percent of Student Body	12.9%	87.1%
Distribution of Non-Residents(NR):		
• first-time freshmen	100	
• transfers	22	
• NCAA athletes	39	
• other institutional scholarships	85	
• paid full-time NR surcharge	73	
Total	319	
• Number receiving NR waiver (77.2%)	246	

MVSU proposes to begin waiving the non-resident surcharge effective with the summer 2013 academic terms and will be charging a single, flat-rate tuition for all students

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regardless of residency and classification. The policy will be applicable to all current and future graduate and undergraduate non-resident students.

MVSU estimates that they will collect an additional \$4.5 million of tuition revenue over a five year period under this new waiver structure. The new structure could conservatively bring an additional 215 non-resident students to MVSU by FY 2017-18.

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. Board staff also reviewed the proposed policy and financial projections provided by MVSU. Board staff recommends approval of this item.

3. USM - REQUEST FOR APPROVAL OF THE RESIDENCY AND OUT-OF-STATE TUITION WAIVER POLICY

Purpose: The University of Southern Mississippi (USM) is requesting approval to authorize and define the criteria for granting waivers of out-of-state tuition to USM 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 the Board and USM with individual waivers becoming applicable as of the date approved by the USM 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 USM of timely and adequate proof of having met the applicable criteria.

- a. Military – Eligible applicants who are engaged in or honorably discharged from active duty in the United States Armed Services would receive a waiver of the non-resident surcharge.

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- b. Academic Achievement in Strategic Markets – Students who meet strategic enrollment criteria in targeted markets would have non-resident surcharges waived. Students must have earned a minimum high school grade point average and a minimum ACT/SAT score and reside in strategic geographic markets such as west Florida, Birmingham and south Alabama, Baton Rouge and south Louisiana, and Houston, Texas suburbs.
- c. Special Talent in the Fine and Performing Arts – Students, who by their auditions or body of work show special talent, may be granted a waiver of non-resident charges.
- d. Legacies – Children and grandchildren of USM graduates, who meet admissions requirements and parent(s) (or grandparents) have been paid members of the Alumni Association for ten or more years or are Lifetime Members, will be granted a waiver of non-resident charges.
- e. Graduate Assistants – Graduate students who are employed by USM as graduate assistants will be granted a waiver of non-resident charges.

These newly created waivers will become effective for the 2013-14 academic year and will only be available to new students. Existing students will not be eligible for these new waivers. Students receiving a waiver during their first year must remain enrolled full-time, must maintain a specified GPA, and must continue to meet the additional criteria making them eligible to automatically renew the waiver.

Financial Impact: USM estimates that they will collect between an additional \$8 and \$10 million over current collections of tuition revenue over a five year period under these new categories. The waiver will be applicable only to new non-resident students. Current non-resident students will not qualify for the non-resident tuition waiver.

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. Board staff also reviewed the proposed policy and financial projections provided by USM. 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.

APPROVAL OF OTHER REAL ESTATE REQUESTS

1. SYSTEM – APPROVAL FOR FINAL READING OF AMENDMENTS TO BOARD POLICY §919 PREREQUISITES FOR BUILDING MODIFICATION OR DEMOLITION

Board approval for final reading is requested for proposed amendments to Board Policy 919 Prerequisites for Building Modification or Demolition as indicated below. The proposed amendments are needed because under the present wording of the subject policy, prior to requesting and obtaining Board approval to proceed with a restoration, improvement, construction, repair, renovation, rehabilitation, demolition or similar work, the institution must obtain approval from the Mississippi Department of Environmental Quality (DEQ) (as well as from the Mississippi Department of Archives and History). However, the DEQ does not grant approval of such a project prior to commencement of the project. The DEQ merely grants confirmation to proceed with the hazardous materials removal for a project after the contract has been signed with the low bidder/contractor, and after that low bidder /contractor has provided the DEQ with an acceptable disposal site location for any hazardous waste materials associated with the project. As a result, the subject Board policy needs to be amended to allow seeking and obtaining Board approval subject to any required approval of the DEQ, versus requiring prior approval of the DEQ before seeking Board approval to proceed with the project. The proposed amendments to Policy 919 are as follows:

§919 PREREQUISITES FOR BUILDING MODIFICATION OR DEMOLITION

Prior to scheduling commencement of construction of a building on an institution's property for modification, restoration, improvement, ~~construction~~, repair, renovation, rehabilitation, demolition or similar work, the institution shall secure any required inspections and/or approvals from the Mississippi Department of Environmental Quality and any required permits or ~~written permission~~ approvals from the Mississippi Department of Archives and History authorizing the requested building action. After obtaining approval from these two agencies, While general requirements for obtaining Board approval related to construction projects are set out in Board

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Policies 902 and/or 904, all projects involving the demolition of a university facility shall require prior Board approval, regardless of projected cost. A request for the building modification, or demolition shall be submitted to the Board for approval. The request to the Board must include documentation evidencing approval by the Department of Environmental Quality and the Department of Archives and History. Any Board approval of a modification or demolition project is subject to any required approvals of the Mississippi Department of Environmental Quality and the Mississippi Department of Archives and History.

~~After approval is granted by the Board, the facility may be modified or, in the case of demolition, be removed from the state inventory of buildings and demolished.~~

Staff Recommendation: Board staff recommends approval of this item.

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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. 1695.

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. 1813.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

**3. SYSTEM – APPROVAL OF PROPOSED AMENDMENTS TO BOARD POLICY
102.06 DIVERSITY STATEMENT**

- A. The Board approved for first reading in November 2012 the below indicated changes to Policy 102.06 Diversity Statement. Therefore, the below policy changes are before the Board for consideration and possible approval: **(Please note that an alternative version to this possible policy amendment is set out immediately following the below version.)**

102.06 DIVERSITY STATEMENT

One of the strengths of Mississippi is the diversity of its people. This diversity enriches higher education and contributes to the capacity that our students develop for living in a multicultural and interdependent world. Our system of government, rooted in respect for all people and respect for each individual, is based on understanding. Dealing with this diversity continues to be a challenge and an opportunity.

~~As one of the qualities essential to Mississippi's success, diversity creates the rich environments so critical to democratic, real-world learning. Since population projections show that by 2025 the American workforce will be predominantly comprised of people of color, access to higher education for historically underserved individuals is also in our best interest. The Board believes that institutions of higher learning have a moral and educational responsibility to ensure that talent is developed in all our citizens, and that our universities,~~

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individually and collectively, are strengthened by diversity in student bodies, faculties, administration, and in all areas offering employment opportunities, including construction, financing, and consulting.

~~This diversity statement applies to citizens or lawful residents of the United States who are: African American, Hispanic, Asian American, American Indian, Alaskan Native, and Female.~~

For the purposes of this diversity statement, and unless otherwise specified within this policy, the term “underrepresented” refers to citizens or lawful residents of the United States who are: Black or African American, Hispanic or Latino, Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and/or female.

This statement shall be applicable to the various institutions and the Board Office.

As to our Historically Black Institutions, and for the purposes of this policy, the term “underrepresented” refers to Whites and to the above listed underrepresented individuals, other than to Blacks and African Americans.

The Board recognizes the desirability for campus environments to promote ~~multicultural~~ diversity and to increase the participation and achievement of ~~minority students~~ underrepresented individuals, which generally includes females at our institutions, unless females constitute a majority of the individuals making up the subject group at a particular institution. To that end, the Board adopts the following goals for higher education in Mississippi:

1. To increase the enrollment and graduation rate of underrepresented students ~~minorities~~ at our institutions;
2. To increase the employment of underrepresented individuals in administrative, faculty and staff positions;
3. To enhance the overall curriculum by infusion of content that enhances multicultural awareness and understanding; and
4. To increase the use of underrepresented ~~minority~~ professionals, contractors, and other vendors.

The Board recognizes that the full and meaningful implementation of this statement and these goals requires that a high priority be assigned to this

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endeavor; therefore, the Board will require that the performance evaluation of all institutional executive officers and the Commissioner include this as one of the most significant elements. The Board also expects the institutional executive officers and the Commissioner to incorporate this into the performance evaluation in their units and in the establishment of goals and performance evaluation of the institutions and organizations.

- B. Board members have requested that the following version of proposed changes to Policy 102.06 Diversity Statement be placed on the agenda as a possible alternative to the above version approved for first reading in November 2012:

102.06 DIVERSITY STATEMENT

One of the strengths of Mississippi is the diversity of its people. This diversity enriches higher education and contributes to the capacity that our students develop for living in a multicultural and interdependent world. Our system of government, rooted in respect for all people and respect for each individual, is based on understanding. ~~Dealing with this diversity continues to be a challenge.~~ Embracing diversity of thought, cultural background, experience, and identity helps to foster inclusive and intellectually enriched campus communities that maximize opportunities for success among all students and employees.

~~As one of the qualities essential to Mississippi's success, diversity creates the rich environments so critical to democratic, real-world learning. Since population projections show that by 2025 the American workforce will be predominantly comprised of people of color, access to higher education for historically underserved individuals is also in our best interest. The Board believes that institutions~~ Institutions of higher learning have a moral and educational responsibility to ensure that talent is developed in all our citizens, and that our universities, individually and collectively, are strengthened by diversity in student bodies, faculties, administration, and in all areas offering employment opportunities, including construction, financing, and consulting. Increasing access and success among all populations assists the state of Mississippi in meeting its enrollment and degree completion goals as well as advancing critical economic development.

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~~This diversity statement applies to citizens or lawful residents of the United States who are: African American, Hispanic, Asian American, American Indian, Alaskan Native, and Female.~~

~~This statement shall be applicable to the various institutions and the Board Office.~~

The Board recognizes the ~~desirability~~ importance for campus environments to promote ~~multicultural~~ diversity and ~~to increase the~~ ensure that all aspects of institutional practice affirm our commitment to access and success, with particular attention to heightening participation and achievement of ~~minority students~~ underrepresented individuals, as defined by each institution and its mission. To that end, the Board adopts the following goals for higher education in Mississippi:

1. To increase the enrollment and graduation rate of ~~minorities~~ underrepresented students at our institutions;
2. To increase the employment of ~~minorities~~ underrepresented individuals in administrative, faculty and staff positions;
3. To enhance the overall ~~curriculum by infusion of content~~ educational experience through infusion of curricular content and co-curricular programming that enhances multicultural awareness and understanding; and
4. To increase the use of underrepresented ~~minority~~ professionals, contractors, and other vendors.

The Board recognizes that the full and meaningful implementation of this statement and these goals requires that a high priority be assigned to this endeavor; therefore, the Board will require that the performance evaluation of all institutional executive officers and the Commissioner include ~~this as one of~~ diversity outcomes as among the most significant elements. The Board also expects the institutional executive officers and the Commissioner to incorporate ~~this~~ appropriate diversity metrics into the performance evaluation in their units and in the establishment of goals and performance evaluation of the institutions and organizations.

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**1. SYSTEM - ELECTION OF VICE PRESIDENT OF THE BOARD OF TRUSTEES
FOR THE TERM BEGINNING MARCH 1, 2013 AND ENDING JANUARY 31, 2014**

Pursuant to the requirements of policy 301.02 Election of Officers, the Board is to elect its officers at the meeting held three months before new officers are to take office, unless no Board meeting is held during that month. The terms of the current Board officers will expire as of February 28, 2013. Therefore, new Board officers will take office as of March 1, 2013. The current Vice President of the Board will automatically succeed to the office of Board President on March 1, 2013. If there had been a December 2012 meeting of the Board, the election of a new Vice President would have been held at that meeting. Since there was no December meeting, the election is on the agenda this month for your consideration. Applicable Board policies regarding the terms of Board officers and the election of Board officers are as indicated below:

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

There shall be a president elected by the Board from its membership. It is expected that each member of a class of Trustees shall be elected to serve as President, unless a Trustee elects not to serve. A class of Trustees shall consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date. Each member of the class of Trustees that took office as of May 2004 shall serve eleven months as president, unless he/she elects not to serve. The first Trustee elected as President from the class of Trustees that took office in 2004 shall begin his/her presidential term on May 1, 2011. Each member of the class of Trustees that took office as of May 2008 shall serve ten months as president, unless he/she elects not to serve. Each member of the class of Trustees that shall take office as of May 2012, as well as the members of all subsequent classes, shall serve nine months as president, unless he/she elects not to serve. If a member of a class of Trustees elects not to serve, another member of the class may serve more than one term, if elected. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special committees; he or she shall, with the Commissioner, execute such instruments and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie. The president of the Board may not immediately succeed himself/herself as president after having served a full term.

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Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

B. VICE PRESIDENT:

There shall be a vice president elected by the Board from its membership. A vice president shall serve until completion of the term of the president that the vice president will succeed. The vice president shall preside at meetings of the Board in the absence or disability of the president.

The vice president of the Board shall automatically succeed to the office of president after having served a term as vice president.

The vice president shall become president upon the resignation, removal, death or incapacity of the president.

(BT Minutes, 9/90, 1/98, 3/2011)

301.02 ELECTION OF OFFICERS

The Board of Trustees shall elect its officers at the meeting of the Board held three months before new officers are to take office, unless no meeting is held during that month. However, the Board may vote, if it so chooses, to hold the election of officers at another meeting of the Board.

(BT Minutes, 9/90; 1/98; 3/2011)

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
NOVEMBER 15, 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. ASU – GS 101-291 – Rowan Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Barnard and Sons Construction, LLC, the lower of three (3) bidders, for a total contract amount of \$2,117,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 20, 2012

Project Initiation Date: August 18, 2011

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Barnard & Sons

Contract Award Date: April 20, 2012

Project Budget: \$2,250,000.00

Funding Source(s): HB 1722, L'09 (\$850,000); HB 1701, L'10 (\$1,150,000); SB 3100, L'11 (\$250,000)- IHL/DFA Discretionary Funds

2. ASU– GS 101-291 – Rowan Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$133,534.00 and ninety (90) additional days to the contract of Barnard and Sons Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #1** is necessary to repair existing masonry conditions and asbestos abatement discovered in the utility tunnel.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$133,534.00.

Project Initiation Date: August 18, 2011

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Design Professional: Duvall Decker Architects, P.A.

General Contractor: Barnard and sons Construction, LLC.

Contract Award Date: April 20, 2012

Project Budget: \$2,250,000.00

Funding Source(s): HB 1722, L'09 (\$850,000); HB 1701, L'10 (\$1,150,000); SB 3100, L'11 (\$250,000)- IHL/DFA Discretionary Funds

3. ASU – GS 101-292 – Bowles Hall Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Burris/Wagnon Architects, design 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: October 19, 2012

Project Initiation Date: June 16, 2011

Design Professional: Burris/Wagnon Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$8,200,000.00

Funding Source(s): SB 3100, L'11 (\$7,200,000); HB 1701, L'10 (\$1,000,000)

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4. DSU– GS 102-229 – Residence Hall Fire Protection

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$18,164.27 and zero (0) additional days to the contract of Dynamic Fire Protection, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 14, 2012

Change Order Justification: **Change Order #1** is necessary to provide a new 6” valve and fire hydrant to replace the existing one at the south side of Lawler-Harkins, to provide labor & equipment to remove & replace pavement for the exploratory locating of the undefined fire main at the south side of Lawler-Harkins, to provide wet tap for the new fire main located across the street on the east side of Lawler-Harkins and to provide piping for the future water valves relocated in the exterior mechanical room at Lawler-Harkins.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$1,088,247.00.

Project Initiation Date: August 16, 2009

Design Professional: LPK Architects, P.A.

General Contractor: Dynamic Fire Protection, LLC

Contract Award Date: July 13, 2011

Project Budget: \$1,088,247.00

Funding Source(s): HB 1722, L’09 (\$1,082,965.87); HB 1641, L’08 (\$5,281.13)

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5. DSU – GS 102-237 – Caylor White/Walters – Phase III

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Panola Construction Company, Inc., the lower of four (4) bidders, for a total contract amount of \$14,384,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 16, 2012

Project Initiation Date: August 19, 2010

Design Professional: Architecture South, P.A.

General Contractor: Panola Construction Company, Inc.

Contract Award Date: November 16, 2012

Project Budget: \$15,715,249.00

Funding Source(s): HB 1722, L'09 (\$643,485); HB 1701, L'10 (\$6,279,071); SB 3100, L'11 (\$8,042,693)

6. JSU – GS 103-266– Mechanical Upgrades Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$17,296.88 and forty (40) additional days to the contract of Buford Plumbing Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #2** is necessary to provide labor, materials & equipment to install four (4) new duct- mounted smoke detectors at F.D. Hall. Scaffolding is to be built to the RTU from below for installation & testing as well as in the adjoining stairwell to allow conduit installation above the existing ceilings back to the fire alarm panel. The penthouse unit will be piped in EMT as well as new power signal cabling piped above the existing ceilings to the fire alarm panel.

Total Project Change Orders and Amount: **Two (2)** change orders for a total amount of \$50,772.88.

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Project Initiation Date: August 20, 2009

Design Professional: The CGM Group, Inc.

General Contractor: Buford Plumbing Company, Inc.

Contract Award Date: November 29, 2010

Project Budget: \$2,217,296.88

Funding Source(s): HB 1722, L'09 (\$1,200,000.00); HB 246, L'07 (\$1,000,000.00);
HB 1701, L'10 (\$17,296.88)

7. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$52,457.04 and four (4) 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: November 16, 2012

Change Order Justification: **Change Order #5** is necessary to provide & install a 6' chain link gate, to provide & install safety eyes to the gate at the temporary road, as well as the permanent gate, to demolish the existing screen wall, to furnish & install additional rock to extend the walkway at the round pen, to provide & install 3 can light fixtures and 2 access panels, to furnish & install a new 100 ampere panel board, to relocate the 10" water main outside of the footprint of the building and to credit for not providing the new round pen, instead installing the existing round pen.

Total Project Change Orders and Amount: Five (5) change order for a total amount of \$558,807.73.

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 (\$13,000,000.00); State Bond Funds credit (\$302,208.78)

8. MUW – GS 104-178 – Fant Library Renovation, Phase 1

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$28,466.40 and five (5) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 17, 2012

Change Order Justification: **Change Order #1** is necessary to provide all material, labor, supervision, general conditions, overhead, and profit to abate asbestos pipe insulation discovered in the existing steam tunnel section scheduled for demolition and to also provide all material, labor, supervision, general conditions, overhead and profit to reconnect an existing sum pump located in the steam tunnel as the demolition will disrupt the power to this sump pump.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$28,466.40.

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers Construction

Contract Award Date: July 13, 2010

Project Budget: \$6,800,000.00

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

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9. MVSU– GS 106-201 – Library Enhancements Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$20,936.64 and thirty (30) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$555,949.34 and forty-nine (49) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 13, 2012

Change Order Justification: **Change Order #3** is necessary to modify gypsum board furr-downs & to add gypsum board and finishes above the windows at the existing exterior walls, to modify ductwork, to patch the bottom edge & exposed back face of the precast panels at the soffit and to deduct for duplicate time for concurrent work. **Change Order #4** is necessary to add back items removed in CO #1 which include seating and information 106A & 204A and Comp 106B, 106C, 204B and 204C including millwork, drywall, finishes, mechanical & electrical, ductwork changes at AHU-7 to rectify conflicts and to repair existing decking & penetrations and install new TPO roof on existing boiler building .

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$1,622,123.52.

Project Initiation Date: February 22, 2008

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Harrell Contracting Group, P.A.

Contract Award Date: October 10, 2011

Project Budget: \$11,500,000.00

Funding Source(s): Ayers (\$9,000,000); HB 1722, L'09 (\$2,500,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$541,293.47 and forty-five (45) 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: November 2, 2012

Change Order Justification: **Change Order #3** is necessary to add alternate #3 to the contract due to large areas of floor patch spalling off existing floor finishes, re-tensioning & custom fabricated wire end plates at multiple points, to install moisture-resistant gypsum board to resist any moisture migrations until the building envelope repairs could be completed, the need to add a French drain at the southwest side of the building and tie it into the existing storm sewer system due to subsurface water infiltration and to replace numerous breaker panels at the cost of the panels only.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$398,325.00.

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$7,300,000.00

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

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11. UM– IHL 207-341 – Thad Cochran Natural Product Center Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$59,832.00 and thirty-one (31) additional days to the contract of Carothers Construction, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$519,297.00 and zero (0) additional days to the contract of Carothers Construction, Inc.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #1** is necessary to perform additional work to abate the existing steam tunnel serving the NCNP auditorium & the unforeseen terra cotta pipe discovered adjacent to the steam tunnel. **Change Order #2** is necessary to deduct for building controls management allowance, to perform revised modifications at lay down area at Coulter/Library Annex Parking area, use of 5700 square feet of grassed areas to be used as contractor lay down & storage area to restore with sod at completion of project, to remove existing chain link fence, omit the original fence line and provide a construction fence, to protect all existing utilities, to remove construction fence at the completion of project, to provide temporary steam line to ensure the building operation security in the heating season and for the convenience of the university and also provides a dependable heating source for the animal center & the research center, additional cost to transport employees from “kudzu” lot to the reduced lay down areas.

Total Project Change Orders and Amount: Two (2) change orders for a total **credit amount** of \$459,465.00.

Project Initiation Date: May 20, 2010

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: Carothers Construction, Inc.

Contract Award Date: August 22, 2012

Project Budget: \$40,000,000.00

Funding Source(s): Self-Generated Funds (\$7,198,380.00); C76HF10917 (\$17,866,175); NIH/NCRR (ARRA) (\$13,915,445); USDA (\$1,000,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$8,593.55 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #10** is necessary to provide & install new asphalt paving at the existing parking lots on the west & north sides of the site.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$125,618.61.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass 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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the **credit amount** of \$360.00 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #8** is necessary to deduct for patch & painting of drywall damaged by other trades.

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Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$154,809.01.

Project Initiation Date: November 18, 2010

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

General Contractor: Panola Construction Company, Inc.

Contract Award Date: May 24, 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 F

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$763.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #13** in the **credit amount** of \$15,993.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval Date: #1 (November 6, 2012); #2 (November 8, 2012)

Change Order Justification: **Change Order #12** is necessary to relocate interior signs closer to the door frames at the center stairwells where single leaf doors replaced the original double leaf door opening, to refinish & repaint the walls where the signs were relocated and to install additional signage at other locations. **Change Order #13** is necessary to deduct for the cost to re-clean the closet shelving & millwork following installation issues.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total **credit amount** of \$76,732.38.

Project Initiation Date: November 18, 2010

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Design Professional: Cooke Douglass Farr Lemons + Eley & 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)

15. 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 #11** in the amount of \$469.22 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 #12** in the amount of \$15,238.40 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #11** is necessary to repair damage to ceiling tile in the north building caused by a sprinkler line leak. **Change Order #12** is necessary to replace compromised items in the north and south buildings to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Twelve (12) change orders for a total amount of \$217,481.48.

Project Initiation Date: November 18, 2010

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

General Contractor: Clinton Interiors, Inc.

Contract Award Date: June 22, 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)

16. 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 #5** in the amount of \$4,247.00 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 #6** in the amount of \$11,880.39 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #5** is necessary to patch & paint drywall damaged by other trades. **Change Oeder #6** is necessary to replace compromised items in the north & south building to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$31,483.39.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & 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)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$640.00 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$996.00 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$8,018.40 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #3** is necessary to deduct for repair to elevator tolerances due to heavy loads from pallets of flooring. **Change Order #4** is necessary to deduct for credit for the carpet that was to be installed in the office of all three buildings in the north building 325, south building 325 and the west building 320. The vinyl tile that has been installed will stay in place. **Change Order #5** is necessary to replace compromised items in the north & south buildings to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$7,250.25.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass 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

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

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18. UM – IHL 207-345 – University Housing – Package J

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$640.00 and zero (0) additional days to the contract of Thyssenkrupp Elevator Corporation.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #2** is necessary to repair elevator tolerances due to heavy load from pallet of flooring.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$5,920.00

Project Initiation Date: November 18, 2010

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

General Contractor: Thyssenkrupp Elevator 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)

19. 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 #3** in the amount of \$2,640.00 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 #4** in the amount of \$4,249.78 and zero (0) additional days to the contract of Fireline, Inc.

Staff Approval Date: November 8, 2012

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Change Order Justification: **Change Order #3** is necessary to relocate the existing fire hydrant out of the handicap sidewalk at the entrance from the north parking lot.

Change Order #4 is necessary to patch & paint drywall damage by other trades, repair of damaged ceiling tile in the north building and the cost to lower the existing water main on the east side of the south building in order to achieve proper coverage.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$8,116.98

Project Initiation Date: November 18, 2010

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

General Contractor: Fireline, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

20. 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 #11** in the amount of \$3,331.00 and zero (0) additional days to the contract of Ivey Mechanical, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$7,998.00 and zero (0) additional days to the contract of Ivey Mechanical, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #13** in the amount of \$4,341.00 and zero (0) additional days to the contract of Ivey Mechanical, Inc.

Staff Approval Date: November 8, 2012

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Change Order Justification: **Change Order #11** is necessary to provide laundry water meters with pulse readout for connection to the energy management system. **Change Order #12** is necessary to provide & install collapsible shower dams at all ADA showers to eliminate water overflow from showers. **Change Order #13** is necessary to replace compromised items in the north and south buildings to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total credit amount of \$180,026.71

Project Initiation Date: November 18, 2010

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

General Contractor: Ivey Mechanical, 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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$2,332.27 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #11** is necessary to provide & install additional scope items – the circuit for the irrigation system at the south building and re-feeding the existing pole lights at the west building, adding the receptacle & raceway for the key boxes of all three buildings and relocating the exit signs in the stairwells in the west building.

Total Project Change Orders and Amount: Eleven (11) change orders for a total credit amount of \$9,995.95

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Project Initiation Date: November 8, 2010

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

General Contractor: Whitfield Electric Company, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

22. UM – IHL 207-348 – Johnson Commons West Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Tipton Associates, A professional Architectural Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Tipton Associates, A Professional Architectural Corporation.

Staff Approval Date: October 17, 2012

Project Initiation Date: June 16, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: TBA

Contract Award Date: TBD

Project Budget: \$14,500,000.00

Funding Source(s): Auxiliary R&R (\$14,500,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$11,500.00 and zero (0) additional days to the contract of Hooker Construction Company.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #5** is necessary to add new concrete sidewalks & two area drain grates and inlet boxes at the south courtyard abutting Falkner Hall & Howry Hall, install new guardrail/handrail sections at the northeast exterior handicap ramp of Howry Hall.

Total Project Change Orders and Amount: Five (5) change orders for a total **credit amount** of \$9,995.95

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)

24. UM – IHL 207-351 – Former Walmart Building Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$16,389.00 and zero (0) additional days to the contract of Murphy & Sons.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #3** is necessary to repair elevator tolerances due to heavy loads from pallets of flooring.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$491,449.00

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Project Initiation Date: November 18, 2010

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

General Contractor: Murphy & Sons, Inc.

Contract Award Date: June 22, 2011

Project Budget: \$3,230,000.00

Funding Source(s): Internal R&R (\$3,230,000)

25. UM– IHL 207-357 – Interior Heating Modifications – Natural Product Center

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cooke Douglass Farr Lemons Architects.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **a waiver of Design Development Documents**.

Staff Approval Date: October 17, 2012

Project Initiation Date: March 15, 2012

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,500,000.00

Funding Source(s): Internal R&R (\$2,500,000)

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26. UM– IHL 207-357 – Interior Heating Modifications – Natural Product Center

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Cooke Douglass Farr Lemons Architects, 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: November 6, 2012

Project Initiation Date: March 15, 2012

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,500,000.00

Funding Source(s): Internal R&R (\$2,500,000)

27. UM– IHL 207-358 – Interior Heating Modifications – Lewis Hall/Kennon Observatory

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by The CGM Group, Inc., 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: November 2, 2012

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group, Inc.

General Contractor: TBA

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Contract Award Date: TBA

Project Budget: \$1,300,000.00

Funding Source(s): Internal R&R (\$1,300,000)

28. UM– IHL 207-361 – Lamar Hall Phase IIB

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Barlow Eddy Jenkins Architects.

Staff Approval Date: October 31, 2012

Project Initiation Date: August 16, 2012

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$7,500,000.00

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

29. UMMC- GS 109-210 – School of Medicine (Paving) GC-004

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$18,220.00 and ninety (90) additional days to the contract of Fountain Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 17, 2012

Change Order Justification: **Change Order #1** is necessary to remove & reinstall irrigation system, piping & wiring for (5) zones, to deduct for removal of approximately 400 sq. ft. of asphalt paving (and associated curb work) from project, to change removable pipe bollards to lockable bollards, allowance & credit for gate operators,

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electrical equipment relocation & CCTV allowance, additional time added due to other construction activity on campus.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$18,220.00.

Project Initiation Date: June 16, 2011

Design Professional: CDFL + Eley 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, L'11 (\$4,500,000)

30. UMMC- IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$12,127.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #3** is necessary to install a new pipe at an elevation that misses the duct bank to re replace the existing pipe that was to remain and to infill the existing inlet about 6” and to perform this work a portion of the existing sidewalk will need to be removed and reinstalled, and 20 existing core drilled holes that were in question regarding how they were sealed, were filled tight with mineral wool & covered with plates which were anchored to the slab for safety reasons.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$75,655.00.

Project Initiation Date: February 18, 2010

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

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General Contractor: Fountain Construction Company, Inc.

Contract Award Date: January 19, 2012

Project Budget: \$20,182,526.00

Funding Source(s): EBC Bonds (\$20,182,526)

31. UMMC- IHL 209-534B – Contract 2 – Parking, Roadways, and Infrastructure Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$88,921.15 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$192,320.00 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval Date: (#1) November 2, 2012; (#2) November 13, 2012

Change Order Justification: **Change Order #6** is necessary to install new ductbank & storm water piping to a deeper depth due to clearance issues with an existing sanitary sewer & storm sewer line and the need for an underdrain to alleviate perched water beneath the discovered medical & construction waste. **Change Order #7** is necessary for adjustments to miscellaneous/various pay items for unforeseen latent conditions during installations of new roadwork & utility installations, for modifications to existing & new electrical service switches which will diminish the impact of future services tin in and will provide a higher level of safety for workers involved in the future outage.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$680,652.75.

Project Initiation Date: April 15, 2010

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

General Contractor: Hemphill Construction, Inc.

Contract Award Date: April 30, 2012

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Project Budget: \$11,150,000.00

Funding Source(s): Interest Income (\$625,000); EBC Bonds 2010 (\$5,500,000), 2011 (\$3,000); Pending MDA (\$2,025,000)

32. UMMC- IHL 209-538 – 4th (and 2nd) Floor Renovations – 764 Lakeland Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$14,410.00 and zero (0) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #3** is necessary to add four “p” light fixtures in the staff parking area, to relocate existing elevator feeder & mini-split circuit to allow a pathway for the new duct, to relocate existing control wire, conduit & tubing to accommodate new duct installation at the 1st floor mechanical room wall, to modify partition walls in the front of windows in order to leave windows exposed, to remove lower cabinetry in room storage 226 and store for owner’s future use, to seal penetrations caused by existing plumbing in the new walls, and to relocate/remove existing sewer lines in IT room 252.

Total Project Change Orders and Amount: Three (3) change orders for a total **credit amount** of \$33,655.00.

Project Initiation Date: October 21, 2010

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

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

Funding Source(s): Restricted Funds (\$5,915,536)

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33. UMMC- IHL 209-540 – School of Dentistry Restorative Lab Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$6,385.67 and fifteen (15) additional days to the contract of Benson Builders and Properties, Inc.

Staff Approval Date: November 14, 2012

Change Order Justification: **Change Order #4** is necessary for the purchase of a Donor Recognition Plaque/area (credit), for the actual mounting & revisions in two different areas not included in the contract documents, an addition of accent lights, adjustments for an additional electrical outlet for owner –furnished furnaces & additional support to boil out units and a gas pressure regulator required but not included in the contract documents.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$89,137.98.

Project Initiation Date: February 17, 2011

Design Professional: Mark S. Vaughan, Architect

General Contractor: Benson Builders and Properties, Inc.

Contract Award Date: July 5, 2011

Project Budget: \$1,510,000.00

Funding Source(s): Patient Revenue & tuition Fees (\$785,600); Tuition (\$724,400)

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34. USM – Gulf Park - 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 #7** in the **credit amount** of \$16,685.18 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: October 19, 2012

Change Order Justification: **Change Order #7** is necessary to raise the fire sprinkler piping to coordinate with the ceiling & window heights, substituting stucco system on the back of the entrance parapets in lieu of roof flashing, adding a transom above door 100-A, ship ladder modifications, work related to providing & installing ornamental steel gates in lieu of a chain link fence, a deduct for work related to cabling modification, and a deduct for work related to mixing valve modifications serving the emergency showers.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$1,577,757.65.

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)

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35. USM – IHL 208-297, Dorm Replacement Phase II (Demolition)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to M & M Services, Inc., the lower of six (6) bidders, for a total contract amount of \$1,164,480.00.

Staff Approval Date: November 8, 2012

Project Initiation Date: April 15, 2010

Design Professional: The McCarty Company, P.A.

General Contractor: M & M Services, Inc.

Contract Award Date: November 8, 2012

Project Budget: \$55,000,000.00

Funding Source(s): EBC Bonds (\$55,000,000) IHL approved bond sale - not to exceed this amount.

36. USM– Gulf Park - IHL 214-018 – Central Mechanical Plant Expansion

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to J.F. Pate & Associates Contractors, Inc., the lower of eight (8) bidders, for a total contract amount of \$1,320,500.00.

Staff Approval Date: October 31, 2012

Project Initiation Date: October 18, 2012

Design Professional: Studio South Architects, PLLC

General Contractor: J.F. Pate Architects & Associates Contractors, Inc.

Contract Award Date: October 31, 2012

Project Budget: \$1,500,000.00

Funding Source(s): Designated Funds (\$1,500,000)

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37. ERC – 111-051 – ADA & Code Compliance

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

Staff Approval Date: November 14, 2012

Project Initiation Date: November 17, 2011

Design Professional: Dale Partners Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,500,000.00

Funding Source(s): HB 1701, L'11 R&R (\$1,500,000)

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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 11/6/12) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$184.50, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 184.50

Payment of legal fees for professional services rendered by Baker Donelson (statements dated 10/3/12 and 11/5/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$958.00 and \$420.00, respectively, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 1,378.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/3/12, 8/3/12, 8/30/12, 9/25/12, 9/28/12, 10/10/12, 10/22/12 and 11/12/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$40.00, \$5,102.52, \$5,649.50, \$7,211.30, \$4,604.24, \$1,633.50, \$820.06 and \$256.50, respectively, represent services and expenses in connection with general legal, litigation and tort claims advice.)

TOTAL DUE.....\$ 25,317.62

Payment of legal fees for professional services rendered by Currie, Johnson, Griffin, Gaines & Myers (statement dated 10/16/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$5,379.93, represents services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 5,379.93

Payment of legal fees for professional services rendered by Kitchens Hardwick (statements dated 9/6/12, 9/10/12, 9/10/12, 10/2/12, 10/2/12, 10/2/12, 10/2/12, 10/2/12 and 10/2/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,544.22, \$4,884.47, \$2,953.50, \$495.00, \$1,666.50, \$4,966.50, \$775.50, \$1,567.50 and \$9,372.00, respectively, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 28,225.19

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Payment of legal fees for professional services rendered by Page, Kruger & Holland (statements dated 10/5/12, 10/5/12, 10/17/12, 11/9/12, 11/9/12 and 11/9/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$13,864.71, \$165.00, \$874.62, \$2,638.50, \$2,016.60 and \$14,280.96, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 33,840.39

Payment of legal fees for professional services rendered by Scott, Sullivan, Streetman & Fox (statements dated 10/10/12 and 11/9/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$219.50 and \$553.50, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 773.00

Payment of legal fees for professional services rendered by Steen Dalehite & Pace (statements dated 9/30/12, 9/30/12, 10/15/12, 11/6/12 and 11/6/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,019.62, \$7,205.43, \$264.30, \$3,953.80 and \$1,433.15, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 18,876.30

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 10/17/12 and 10/19/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,162.50 and \$4,180.58, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 5,343.08

Payment of legal fees for professional services rendered by Wilkins & Tipton (statements dated 10/18/12, 10/18/12, 10/18/12, 10/18/12, 10/18/12, 10/25/12, 10/26/12, 11/7/12, 11/7/12 and 11/7/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$363.00, \$132.00, \$193.50, \$102.70, \$4,247.50, \$5,076.90, \$678.90, \$445.50, \$561.00 and \$2,999.42, respectively, represent services and expenses in connection with workers' compensation matters.)

TOTAL DUE.....\$ 14,800.42

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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 Valauskas Corder (statement dated 11/19/12) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Cathcart Fire Ant Control” - \$500.00.)

TOTAL DUE.....\$ 500.00

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/11/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Patent Function Enhancement of Antimicrobials” - \$783.75; “Giant Myscanthis Provisional Plant Patent Application” - \$4,227.50; “System and Method for Charging Rechargeable Batteries” - \$1,306.25; “Burmudagrass Plant” - \$973.75; “Occidinofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$164.17; “Occidinofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$1,405.00; “Occidinofungin, a Unique Antifungal Glycopeptide - PCT Application” - \$522.50; “Crape myrtle Plant Named ‘Neshoba’ ” - \$855.00; “Crape myrtle Plant Named ‘Pascagoula’ ” - \$878.75; “Crape myrtle Plant Named ‘Sequoyah’ ” - \$855.00; “Crape myrtle Plant Named ‘Shumaka’ ” - \$736.25; “Crape myrtle Plant Named ‘Tishomingo’ ” - \$855.00; “Change Analyst” - \$1,783.75; “Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins” - \$2,148.75; “Elusieve Service Mark” - \$475.00; “ ‘BERBENT’ Word Mark” - \$325.00; “Micanthus Plant Named ‘MSU-MFL1’ ” - \$1,005.00; “Method for Realizing High Efficiency Clean Combustion with Combinations of High Cetane and Low Cetane Fuels with Smart Injection Strategies” - \$125.00; “Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$2,625.25 and “Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$3,661.42.)

TOTAL DUE.....\$ 25,712.09

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 9/24/12, 9/24/12 and 10/20/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Cache Mapping Technology Matter” - \$500.50; “Complexes and Compounds for Light Emitting Applications” - \$42.50 and “Cache Mapping Technology Matter” - \$430.00, respectively.)

TOTAL DUE.....\$ 973.00

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Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/19/12, 3/19/12, 3/19/12, 3/19/12, 3/19/12, 3/19/12, 10/19/12, 10/19/12, 10/19/12 and 10/19/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “A Stable Plasmonic Cluster of Molecular Definition” - \$744.00; “Particle Feeder for Coal Combustion Studies” - \$665.50; “Highly Purified Amphotericin-B” - \$124.00; “High Speed Data Compression based on Set-Associative Cache Mapping Techniques” - \$64.00; “Gas Separating Membranes” - \$868.00; “Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$450.00; “Gas Separating Membranes” - \$273.00 and “Stabilized Formulations of Triamcinolone Acetonide” - \$100.00 , respectively.)

TOTAL DUE.....\$ 3,288.50

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 7/25/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$3,483.00, represents services and expenses in connection with intellectual property advice.)

TOTAL DUE.....\$ 3,483.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 8/20/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 10/19/12, 10/19/12, 10/19/12, 10/19/12 and 10/19/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,170.00, \$265.00, \$354.50, \$85.40, \$712.20, \$251.10, \$2,347.00, \$186.00, \$118.60, \$624.00 and \$1,325.00, respectively, represent services and expenses in connection with intellectual property advice.)

TOTAL DUE.....\$ 7,438.80

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 10/5/12, 10/10/12, 10/10/12 and 10/20/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Trademark Application for the Centennial Anniversary” - \$2,755.00; “Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks” - \$922.50; “Photocurable Thiol-Ene Gas Permeability Membranes” - \$517.50 and “Lockhead - Oil Dispersant Patent” - \$4,828.60, respectively.)

TOTAL DUE.....\$ 9,023.60

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Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/15/12) 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" - \$1,502.50; "Soy Protein Adhesives and Uses Thereof" - \$2,018.75; "Application for Registration of D.E.E.P. Comprehension Service Mark" - \$47.50; "Glycerol Ester-Free Functionalized Vegetable Oil Derivatives and their Latex Compounds" - \$118.75; "Nanoencapsulation of Isocyanates via Aqueous Media" - \$1,323.75; "RNA Containing Coenzymes Biotin or Fluorophores and Methods for their Preparation and Use" - \$190.00 and "SportEvac Trademark" - \$760.00.)

TOTAL DUE.....\$ 5,961.25

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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 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On November 5, 2012, the Commissioner approved the request to enter into a multi-year lease with Stephen J. Rosenthal d/b/a M & K Development. This agreement is for the lease of approximately 1,350 square feet of space in Indianola, MS to house the Mississippi Child Care Resource & Referral Network resources library and offices of the Early Learning Guidelines project. The most recent lease of this space expired in May 2012. Since then, MSU has been leasing on a month-by-month basis. Other properties were considered; however, the Lessor agreed to provide the space to MSU at a 40% discount. The new lease term will be for a five year period – December 1, 2012 through November 30, 2017. MSU will pay \$550 per month for the lease of the space. The total cost for the lease term is \$33,000. In addition to rent costs, MSU will be responsible for utilities and internet services. The Lessor will provide routine maintenance for the property. This agreement is funded externally by a grant through the Mississippi Department of Human Services. The Executive Office legal staff have reviewed and approved the contract documents.
- b. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On November 9, 2012, the Commissioner approved the request to enter into a revenue generating lease agreement with the United States of America acting by and through the USDA’s Animal and Plant Health Inspection Service. This agreement is for the lease of 1,704 square feet of office space in the J.S. Scales Building on the MSU campus to be used by researchers, technicians and project leader(s) for the National Wildlife Research Center. The lease term will run for a five-year period. In return for the lease of the designated space, MSU will receive an annual rent payment of \$17,880. The total rent to be received for the five-year lease term is \$89,400. The university, as Lessor, will provide utilities, parking, janitorial services, and maintenance and landscaping services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.

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- c. **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 December 10, 2012, the Commissioner approved the request for budget revisions to the Off Campus budget. The Executive Office financial staff have reviewed and approved these revisions. The budget revision contains no increases in total budgets but rather reallocations amongst individual expense categories. A copy of the documents are included in the *January 17, 2013 Board Working File*.
- d. **UMMC** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On November 13, 2012, the Commissioner approved a Fixed Periodic Payment Schedule with Olympus America, Inc. for equipment used in performing digestive disorder endoscopy procedures. The proposed Schedule will be governed by the same Master Lease Agreement that was approved by the IHL Board in October 2012. The proposed FPP Schedule is for the provision of two (2) pieces of equipment for use in performing endoscopy procedures and treating digestive disorders in UMMC's Adult GI Lab. In addition, the equipment is compatible with multiple types of scopes and may be used for additional types of screenings. If approved, the lease term will run for a two (2) year period. UMMC will pay \$4,012.51 per month for the lease of the equipment. The total cost for the lease term is \$96,300.24. Because it is anticipated that the equipment will be used frequently, UMMC is opting for a fixed payment schedule rather than a cost per procedure (CPP) schedule. At the end of the lease term UMMC has the option of purchasing the equipment at a purchase price of fair market value. During staff's review of the current request, the master services agreement and the associated two-year CPP Schedule approved at the Board's October 2012 meeting, was checked again. We have validated that this is a *different* set of equipment and supplies that is used in performing digestive disorder and broncho-pulmonary endoscopy procedures in UMMC's Adult GI Lab. As a reminder, the costs associated with the CPP Schedule are based on a charge of \$24.55 per procedure. UMMC estimated it will perform approximately 7,200 procedures during the two (2) year agreement term for an estimated total cost of \$176,760. The Executive Office legal staff have reviewed and approved the contract documents.
- e. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil,

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gas and mineral leases in an amount equal to or less than \$100,000.” On November 20, 2012, the Commissioner approved the request to enter into a revenue generating lease agreement with New Polymer Systems, Inc. This agreement is for the lease of approximately 577 square feet of office and laboratory space in USM’s Accelerator Building. The proposed lease space includes 372 square feet of office space and 205 square feet of laboratory space for use by Lessee’s scientists and support personnel. The lease term will run for an initial twelve (12) month period and may be extended for an additional twelve (12) month period upon notice by the Lessee prior to the end of the then current lease term and subsequent Commissioner approval. In return for the lease of the designated space, USM will receive an annual rent payment of \$11,440. The university, as Lessor, will provide utilities, janitorial services and routine maintenance services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.

- f. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On December 19, 2012, the Commissioner authorized retroactive approval of a lease agreement with Albert Moore Homebuilders, Inc (Moore). Cheryl Mowdy, Assistant Commissioner for Finance and Administration, contacted Steve Ballew, Director of Procurement and Contractual Services, to determine the circumstances surrounding the request for retroactive approval. According to Mr. Ballew, USM management discovered that the Principal Investigator on an externally funded grant entered into this agreement upon receipt of a Requisition to issue a Purchase Order to accompany the lease payments. The request for retroactive approval dates back to the start date of this “current” lease, October 1, 2012; however, no lease payments have been issued for this period. Effective August 2012, USM management communicated to campus departments that any document with terms and conditions must be reviewed by either Legal Counsel or Procurement, and signed by only those to whom the President delegated such signature authority. Mr. Ballew indicated that he addressed this particular case directly with the offending Principal Investigator and the Sponsored Programs Department. Additionally, USM did want to disclose that a previous lease with this entity was processed in the 2011 without the proper approvals. Mr. Ballew indicated USM will continue to conduct trainings with Sponsored Programs, New Department Chair Orientations and other smaller units emphasizing the appropriate approval process for such agreements. Specifics related to current request for

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Commissioner Approval: The agreement is for the lease of approximately 3,000 square feet of office space for project staff of the Mississippi Law Enforcement Liaison Office in Pearl, Mississippi, which is affiliated with the Police Traffic Services Law Enforcement program at USM. The purpose of placing staff in this location is to provide technical assistance and on-site training to all Mississippi law enforcement agencies. The lease term is for a twelve (12) month period, October 1, through September 30, 2013. USM will have the option to renew the lease for an additional twelve (12) month period upon ninety (90) days-notice to Lessor, and by obtaining the Commissioner's approval should the grant funding continue to be made available. USM is paying \$1,650 monthly for the lease of the space. The total cost for the twelve (12) month lease term is \$19,800. In addition, USM is responsible for payment of utilities at the leased premises. This agreement is funded by the Mississippi Office of Highway Safety via a grant from the U.S. Department of Transportation. The Executive Office legal staff have reviewed and approved the contract documents.

- g. **USM** - In accordance with Board Policy 301.0702 Duties of the Commissioner "The Commissioner is authorized to conduct the day to day administrative affairs of the Board. . ." On December 19, 2012, the Commissioner approved the execution of a Consent Letter related to an existing 1997 lease agreement between The City of Hattiesburg (City), the Board of Trustees of State Institutions of Higher Learning (Board) and Alltel Communications, LLC d/b/a Verizon Wireless (Successor in interest to Cellular XL Associates, LP d/b/a Cellular One) (Alltel). The 1997 Lease agreement, which was executed by Dr. Thomas D. Layzell, allowed Verizon/Alltel to locate communications equipment on property owned by the City and by USM. In addition, the agreement provided for the installation of an emergency generator at the equipment site at such time as Verizon/Alltel as Lessee opted to install one. At this time, Verizon wishes to exercise its option to install an emergency generator on the site. The Executive Office legal staff have reviewed and approved the contract documents.
- h. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On January 7, 2013, the Commissioner approved the request to enter into a revenue generating lease agreement with Southpointe Distributors, LLC (Southpointe), a pharmaceutical and medical device producer and distributor. This agreement is for the lease of approximately 1,425 square feet of office space in USM's Accelerator Building. The lease term will run for an initial two (2) year period,

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from January 1, 2013 through December 31, 2014, and may be extended for an additional twelve (12) month period upon approval by the Commissioner. In return for the lease of the designated space, USM will receive a rent payment of \$26,125 for Year 1 of the agreement and \$28,500 for Year 2 of the agreement. Should the parties opt to extend the lease agreement for a third year, USM will again receive an annual amount of \$28,500. The total amount paid to USM for the three (3) year period will be \$83,125. The university, as Lessor, will provide utilities, janitorial services and routine maintenance services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.