

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
August 15, 2013



FINAL BOARD BOOK OUTLINE

IHL Board Meeting
August 15, 2013, 9:00 a.m.
Universities Center

CALL TO ORDER

PRAYER
Trustee Robin Robinson

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July 23, 2013 Special Called Board Meeting

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MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

June 20, 2013 Regular Board Meeting Minutes
July 23, 2013 Special Called Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 20, 2013**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session in the Fine Arts Center of the Mississippi University for Women in Columbus, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2012, to each and every member of said Board, said date being at least five days prior to this June 20, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson (by phone), Dr. Douglas Rouse, and Mr. C.D. Smith. The meeting was called to order by Mr. Bob Owens, President, and opened with prayer by Trustee Christy Pickering.

ANNOUNCEMENT

President Owens thanked Dr. Jim Borsig, President of the Mississippi University for Women, for hosting the June Board meeting.

OTHER BUSINESS

Commissioner Bounds requested the addition of three items to the Administration/Policy Regular Agenda: 1) procure graduate student health insurance at the University of Mississippi; 2) housing for 200 international students admitted into and participating in the University of Mississippi Intensive English and International Exchange Student Programs; and 3) RFP and contract for appropriate software licensing and maintenance for the PeopleSoft modules which is the primary Enterprise Resource Planning system at the University of Southern Mississippi. On motion by Trustee Pickering, seconded by Trustee Parker, with Trustee Robinson participating by phone, all Trustees legally present and participating, voted unanimously to approve the addition of the three items.

INTRODUCTION OF GUESTS

- President Owens also welcomed the Student Government Association officers: Timothy Mbogo, President at the Mississippi University for Women; Nicolas Wright, Vice President at the Mississippi University for Women; Gregory Alston, President of the University of Mississippi; and Ann Marie Chilicutt, President of the University of Southern Mississippi.
- Trustee Blakeslee announced that both Mr. Jim Washburn, Chief Financial Officer at Mississippi Valley State University; Mr. Greg Redlin, Chief Financial Officer at Delta State University; and Dr. Andy Mullins, Chief of Staff to the Chancellor, Associate Professor, and Co-Director of Mississippi Teacher Corps at the University of Mississippi, will retire this year.

PRESENTATION

Dr. David Rock, Dean of the School of Education at the University of Mississippi, and Dr. Sue Jolly, Dean of the College of Education & Human Sciences at the Mississippi University for Women, gave presentations in response to the Teacher Preparation Study by the National Council on Teacher Quality.

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APPROVAL OF THE MINUTES

On motion by Trustee Pickering, seconded by Trustee Cummins, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on May 16, 2013.

CONSENT AGENDA

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

FINANCE

1. **MSU** - Approved the request to enter into an agreement with AirTran Airways, AirTran Holdings, Inc. to provide charter air transportation for the MSU football team during the 2013 football season. The agreement includes four round-trip flights during the season. A list of the flights is included in the bound *June 20, 2013 Board Working File*. The agreement will begin upon execution by both parties which is expected to occur in late June or early July 2013. The agreement will end on November 24, 2013. The total cost of the agreement is estimated to be \$311,190.00. AirTran Airways will apply a fuel surcharge in the amount by which the cost of fuel exceeds \$3.70 per US gallon and bill MSU separately. However, no such surcharges will accrue after MSU has made its final payment on October 22, 2013. A list of charter fees and payment dates is included in the bound *June 20, 2013 Board Working File*. Funds are available from athletic revenues (Auxiliary Funds). The agreement which has been reviewed and approved by the Attorney General's Office, is on file at the Board Office.
2. **MSU** - Approved the request to enter into an agreement with Lewko Properties, LLC to lease an 8,256 square foot building located at 800 Louisville Street, Suite A, Starkville, MS. for use as a storage facility for library materials. These materials require storage in a secure, climate-controlled location. The primary term of the agreement is three years – July 1, 2013 to June 30, 2016. At the end of the primary term, the agreement can be renewed for an additional three years upon the written agreement of both parties. Such a renewal will be at an annual rental rate agreed to by both parties and will not be more than 3% of the annual rental rate of the last year of the primary term. Any such renewal will come before the Board for approval. The total cost of the agreement is not expected to exceed \$117,084.00. The monthly rental rate for the first year of the agreement will be \$3,096.00. For the subsequent two years of the agreement, the monthly rental rate will be \$3,268.00. In addition, MSU will have an HVAC liability of \$1,500.00 over the term of the agreement as well as a utility liability when costs for such exceed \$250.00 per month. Funds are available from general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
3. **MVSU** - Approved the request to escalate the Auxiliary budget. The university intends to use the increase 1) to fund a student housing marketing study to determine the demand for additional student housing at the Itta Bena campus, and 2) to purchase books for the campus bookstore. The escalation is funded by reserves.

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Categories	Original FY 2013 Operating Budget	Revisions/ Escalations	Revised FY 2013 Operating Budget
Total Salaries & Fringe Benefits	\$1,658,502	-	\$1,658,502
Travel & Subsistence	8,625	-	8,625
Contractual Services	3,320,651	33,600	3,354,251
Commodities	1,793,108	75,000	1,868,108
Capital Outlay			
Equipment	65,704	-	65,704
Total Capital Outlay	65,704	-	65,704
Mandatory Transfers			
Debt Service	1,020,425	-	1,020,425
Total Mandatory Transfers	1,020,425	-	1,020,425
Non-Mandatory Transfers			
Other	506,241	-	506,241
Total Non-Mandatory Transfers	506,241	-	506,241
Increase in Fund Balance		-	
Total Uses of Funding	\$ 8,373,256	\$ 108,600	\$ 8,481,856

4. **UM** - Approved the request to enter into a contract with Labyrinth Solutions, Inc. dba LSI Consulting for external consulting expertise required for the implementation of SAP's Grants Management module. The module will provide enterprise level support to all post award financial based processes in the life of a research grant. Processes included in this module are related to budgeting, invoicing/billing, reporting, and facilities and administrative (F&A) processes. Currently the majority of these processes are maintained manually outside of university's ERP system in a paper-driven process. The agreement will become effective upon signature and will continue through project acceptance by the university, which is anticipated to be July 1, 2014 for the SAP Grants Management component and January 1, 2015 for the SAP Effort Reporting component. Post go-live support is considered part of this agreement and will end no later than January 31, 2015. The contract amount includes approximately 3,650 hours of consulting service. Total costs should not exceed \$804,100 over the life of the agreement. This cost includes all vendor travel and out of pocket expense. Funds are available from self-generated indirect cost recoveries. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
5. **UM** - Approved the request to enter into four agreements with TouchNet Information Systems, Inc. to implement a comprehensive e-commerce management system for the university. The four agreements are: 1) Hosting Services Agreement to transfer software from UM equipment to TouchNet equipment; 2) Application Subscription Program Agreement to license additional software; 3) Addendum for Convenience Fee Services to allow tuition payment by credit/debit cards bearing the service marks MasterCard, American Express, and Discover; and 4) Modification Agreement to allow tuition payment by credit/debit cards bearing the service mark Visa. This system will allow the university to achieve more secure and more efficient operations by providing a unified framework within which to administer electronic payments and related transactions. In addition, this system will allow the university to save approximately \$1 million per year in credit card discount fees. The term of each agreement is five (5) years. Each agreement will begin upon execution by both parties which is expected to occur in late June or early July 2013 and will end in

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late June or early July 2018. The total cost for the agreement is not expected to exceed \$450,063.57. The cost for the first year of the agreement will be \$113,857.00 and will include \$48,000.00 in one-time costs associated with the relocation of the TouchNet Payment Gateway software to the TouchNet DataCenter as well as the setup/implementation of the additional licensed software. Costs for each of the remaining years of the agreement will consist of the annual Hosting Services Fee and the annual Application Subscription Program Fee. TouchNet reserves the right to increase these annual fees by not more than ten (10) percent per year over the annual fees for the preceding year. Costs for each year of the agreement are provided in the bound *June 20, 2013 Board Working File*. Funds are available from self-generated indirect cost recoveries. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

6. **UMMC** - Approved the request to enter into an agreement with Biosense Webster, Inc. for the purchase of supplies used in association with the CARTO 3 Electrophysiology Mapping System which is currently owned by UMMC. Biosense will provide supplies based on the specific needs of a patient requiring cardiac mapping and ablation. The term of the agreement is for a one (1) year period, July 1, 2013 through June 30, 2014. The total estimated cost of the agreement is \$551,152. This amount is based on the number of products purchased from Biosense in previous years. UMMC estimates that it will perform 98 procedures during the one-year contract term at an average cost per procedure of \$5,624. The estimated contract cost is a discounted price that is contingent upon UMMC's purchase of at least \$300,000 of products from Biosense during the one (1) year contract term. The agreement will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
7. **UMMC** - Approved the request to enter into an agreement with Microsoft Corporation for maintenance and support for UMMC's Microsoft network and desktop/laptop applications. Microsoft will provide unlimited access to Microsoft's online website; support assistance for Microsoft applications, email, and messaging; and, account management. This agreement is a State and Local Government – Microsoft Premier Support Services Description agreement which is governed by a 2005 agreement between Microsoft and ITS. The term of the agreement is for one (1) year - July 1, 2013 through June 30, 2014. The total cost for the one (1) year contract term is \$278,924. The agreement will be funded by patient revenues. The agreement will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
8. **UMMC** - Approved the request to enter into an agreement with Kurt Salmon US, Inc. for consulting services related to the initial preplanning for Phase I of the Batson Children's Hospital Master Planning project. Kurt Salmon was approved by the Board in April 2009 as a project professional for IHL 209-522, Campus Master Plan. The objective of Phase I is to establish the main goals of the Children's Hospital and then to determine what the first project will be in the context of the Master Development Plan. It is expected that at the end of Phase I, UMMC will have a detailed roadmap identifying the capital and facility needs for Children's Services at the hospital. The term of the agreement is for one (1) year, July 1, 2013 through June 30, 2014. The total estimated contract cost for the one-year contract term is \$136,506.78. The overall cost includes fees, out of pocket expenses for Kurt Salmon personnel as well as other project related costs. UMMC estimates the following breakdown of fees for the one-year term: 1) Agency Fees - \$107,910.50; 2) Out of pocket expenses such as travel, meals, etc.– maximum cost of \$21,582.10; and 3) Additional project expenses such as communications, printing costs, research and analysis, etc. – maximum cost of \$7,014.18. While the estimated costs associated with the proposed agreement fall under the

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\$250,000 threshold requiring Board approval, UMMC anticipates entering into a second phase of the consulting project which would cause UMMC to spend in aggregate, more than \$250,000. The agreement will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.

9. **USM** - Approved the request to engage the following CPA firms to conduct annual audits for fiscal/calendar year 2013 as required by Board Policy 301.0806 University Foundation/Affiliated Entities, D. General Requirements of Affiliation Agreements Subsection 9.

University Affiliated Entity	CPA Firm
University of Southern Mississippi Foundation	KPMG, LLP
University of Southern Mississippi Alumni Association	Grantham, Poole, Randall, Reltano, Arrington and Cunningham, PLLC

10. **USM** - Approved the amendment to the agreement with IMG College, LLC for the operations of the athletic properties. This amendment will clarify items that were unclear in the original agreement and previous amendments. It is estimated that the clarification will result in additional revenues of \$1,113,184 retroactively effective as of July 1, 2012 and then going forward through the remainder of the agreement. The original scope of work remains materially unchanged, although some sections defining revenue expectations will be clarified. Key changes to the agreement, all resulting in additional revenue for the university, are listed in the bound *June 20, 2013 Board Working File*. The amendment retroactively begins on July 1, 2012. The contractual expiration date of June 30, 2020 will not be changed. Beginning with the 2012-2013 year, estimates are that the athletic program will annually receive approximately \$129,000 in additional contract revenue. Over the remaining eight years of the agreement, USM could receive additional revenues of \$1,113,184. Should the athletic program realize these projections, total revenues received under the agreement would equal more than \$17.71 million through June 30, 2020. A schedule of the revenue estimates are included in the bound *June 20, 2013 Board Working File*. The amendment which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.

11. **System** - Approved the amendment to the IHL System’s existing agreement for annual external audit services with KPMG, LLP. The IHL System will early implement professional accounting Standard 65, *Items Previously Reported as Assets and Liabilities* as promulgated by the Governmental Accounting Standards Board (GASB). This decision was made by the Mississippi Department of Finance and Administration (DFA) on behalf of all state agencies. IHL is considered a significant component unit to the State of Mississippi’s annual financial statement (CAFR), and as such is also compelled to early implement this standard. GASB Standard 65 will require additional audit work from KPMG as this work is considered outside of the original scope of services agreed upon by both parties. The terms of the amendment will begin immediately upon full execution of the document. The amendment will end when all contract deliverables are completed by the vendor. The current KPMG audit contract fee will be increased by \$20,000. This will be paid during the course of the 2013 fiscal audit. This amendment increases the current audit contract fees to now equal \$1,377,575. The added costs will be shared among the universities and the Executive Office based upon each’s proportionate share of the audit hours performed at each institution. General funds (E&G) will be the primary source of funding for these services. The amendment which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.

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12. **IHL Executive Office - MS Office of Financial Aid** - Approved the escalation of the FY 2013 budget for the purpose of meeting increased demand for scholarships and grants. During the 2013 Legislative Session, the Legislature approved spending authority for additional funds. The escalation is funded by collections and reserves of the Office of Student Financial Aid.

Category	Original FY 2013 Budget	Revisions	Revised FY 2013 Budget
Salaries & Fringe Benefits	\$ 546,941		\$ 546,941
Travel and Subsistence	11,000		11,000
Contractual Services	453,000		453,000
Equipment	16,000		16,000
Total Operating Budget	1,026,941	-	1,026,941
Scholarships, Loans, & Grants	32,391,867	2,000,000	34,391,867
Total Uses	\$ 33,418,808	\$ 2,000,000	\$ 35,418,808

REAL ESTATE

13. **ASU - Approved the initiation of GS 101-295 Technology Classroom Building (Pre-Planning)**, and the appointment of the design professional through the Request for Qualifications (RFP) process. The project will include the design of a new classroom facility. The building will provide technology labs, classrooms, trading room simulation, a lecture hall, and outdoor instructional facilities. The Campus Master Plan's space utilization study showed an academic space deficit of 98,500 assignable square feet. The construction of this new technology classroom building would be the first step the university is taking to reduce that deficit. The proposed project budget is \$400,000. Funds are available from SB 2913, Laws of 2013 (\$400,000).
14. **ASU - Approved the initiation of GS 101-296 Campus Union (Pre-Planning)**, and the appointment of LPK Architects as the design professional. A university selection committee interviewed architectural firms to plan and design a student union project. After review of each firm's qualifications and on campus interviews, the committee recommended that the university partner with LPK Architects for pre-planning and design services. The university has outgrown the current student union and the facility no longer provides the functional space of a modern union that the university needs. The proposed project budget is \$150,000. Funds are available from ASU Educational Building Corporation (EBC) Funds (\$150,000) – pending approval from ASU Bond Counsel.
15. **MUW - Approved the initiation of GS 104-182 Fant Library Renovation Phase II**, and the appointment of Burris/Wagnon Architects, P.A. as the design professional. The existing building, which is 46,600 square feet, was built in 1969. The project encompasses significant renovation (20,000 GSF) of the existing facility to improve interior functionality and appearance, to upgrade mechanical systems, and to achieve spatial integration with the new construction. Phase I of the project (104-178) began on Sept. 4, 2012 and renovated the exterior of the existing building along with the construction of the shell of the new addition. Other work included site utilities, fire protection, temporary HVAC, temporary lighting, sitework, courtyards, drainage and associated work to make the building accessible. The proposed project budget is \$5.1 million. Funds are available from SB 2913, Laws of 2013 (\$5.1 million).

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16. **UM** - Approved the initiation of **IHL 207-372 South Campus Recreation Facility and Transportation Hub**, and the appointment of the design professional through the Request for Qualifications (RFP) process. The university acquired a 500,000 square foot manufacturing plant on a 68 acre site adjacent to the southwest edge of campus. The building is strategically important because of its location and the opportunity for re-purposing. The proposed project budget is \$1 million. Funds are available from Internal R&R (\$1 million).
17. **USM** - Approved the request to increase the project budget from \$1.4 million to \$3.5 million for an increase of \$2.1 million and the appointment of Allred Architectural Group as the design professional for **IHL 210-245 Toxicology Building, Cedar Point**. The funding source will remain as FEMA funds. The project is for the replacement of the Toxicology Building that was located on the Halstead Road site prior to Hurricane Katrina. The original facility was completely destroyed by the hurricane. Due to the location of the original site being in a Velocity Zone, the university plans to build a new facility at the Cedar Point site in Ocean Springs, Mississippi. The replacement facility will be approximately 11,000 square feet and will include offices and laboratories.
18. **JSU** - Approved the request to increase the project budget from \$1,879,448.59 to \$3,065,842.00 for an increase of \$1,186,393.41 for **GS 103-268 Capitol Centre Improvements Phase IV**. The additional funds will come from an existing funding source in SB 2957, Laws of 2012. The project is currently in the design phase. This is the second budget escalation request made by the university. The scope of the project includes the completion of the interior renovations; relocation of selected interior partitions and doors; relocation of selected mechanical and electrical systems; construction of new spaces and doors; new finishes; additional light fixtures; additional toilet facilities required for increased occupancy; security system; insuring life safety systems such as fire alarm, emergency lighting systems are operable and other improvements required to satisfy the program as directed by the Owner. Funds are available from SB 3100, Laws of 2011 (\$1,250,000); SB 2957, Laws of 2012 (\$629,448.59) with an additional (\$1,186,393.41) from SB 2957, Laws of 2012.
19. **MSU** - Approved the request to increase the project budget for **GS 105-348 Energy Monitoring and Control System (EMC) Implementation**, from \$1,275,000 to \$1,525,000 for an increase of \$250,000. The additional funds will come from an existing funding source of 2011 Bureau of Building Energy Discretionary Funds. The project is currently in the design phase. This is the first budget escalation request made for this project by the university. A meeting was held between the university, the design professional and the Bureau of Buildings to discuss the scope of the project in relation to the expectations of the Mississippi Development Authority (MDA), Energy and Natural Resources Division. The Bureau of Building wants to ensure that the project is adequately funded to meet MDA metering requirements; therefore the Bureau of Building notified the university that the Mississippi Department of Finance and Administration needed to add an additional \$250,000 dollars to the project budget. The Bureau of Building is expecting that the university's top 100 energy using facilities which comprise 95% of the campus energy consumption will be automatically metered to report electricity, gas, and hot and chilled water consumption. Funds are available from 2011 Bureau of Building Energy Discretionary Funds (\$1,525,000).
20. **UM** - Approved the request to increase the budget for **IHL 207-366 Music Hall Mechanical Upgrade & West Wing Renovation**, from \$4 million to \$4,650,000 for an increase of \$650,000. The Board also approved the request to change the funding source from Internal R&R funds to S.B. 2913, Laws of 2013 to allow for the use of bond funds as stated in the current bond bill. As a result of the change in funding source from self-generated funds to state bond funds, the project number will change from IHL #207-366 to Bureau of Building #107-311. The project is currently in the

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design phase. This is the first budget escalation request made for this project by the university. After assessing the building, developing the Schematic Design, and producing a more detailed cost estimates it became apparent that inflation and the continued deterioration of the building had caused the Design Development estimate to increase above the original \$4,000,000 budget. The scope of the work has changed only slightly since project initiation. The project involves providing a new mechanical system, a pitched roof, and an upgrade of the interior and exterior finishes.

21. **MSU** - Approved the exterior design of the proposed Phi Mu Sorority House. A rendering of the building is included in the bound *June 20, 2013 Board Working File*. The project is currently in the design phase and will be constructed by Phi Mu Sorority on leased land from the university. The new sorority house will consist of approximately 32,000 square feet.
22. **MSU** - Approved the exterior design of the Alpha Delta Sorority House. A rendering of the building is included in the bound *June 20, 2013 Board Working File*. The project is currently in the design phase and will be constructed by Alpha Delta Pi Sorority on leased land from the university. The new sorority house will consist of approximately 24,000 square feet.
23. **MSU** - Approved the request to delete Building #1532 from inventory and demolish it. This building is located on the Stoneville Experiment Station. Building #1532 is in very poor condition and no longer serves the mission of the Experiment Station. The original building was built in 1930 and is not economically feasible to renovate. The new Verner Hurt Building (Stoneville Office Building IHL #213-139) was constructed to replace this building. 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.
24. **MUW** - Approved the request to delete from inventory and demolish a residential property located at 1314 5th Ave. South, Columbus, MS. The wood-frame structure constructed in 1922 was formerly used to house the administration offices for Mississippi School for Math and Science. The residential property was last renovated in 1988. The structure is old and has deteriorated to the point that the university hasn't used it in six (6) years and has no future use for it. 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.
25. **UM** - Approved the request to apply a utility easement to a part of the railroad bed adjacent to land known locally as the Whirlpool Trails. The perpetual utility easement will be granted to the City of Oxford and a temporary construction easement to Faulkner Flats, LLC. A property description is included in the bound *June 20, 2013 Board Working File*. The university was recently asked by a local developer and representatives of the City of Oxford to grant an easement along 4,400 linear feet of the railroad bed belonging to the university. The purpose is to bury an 8" diameter forced main sewage line parallel with the bed. The developer is constructing residential buildings on the west side of Old Taylor Road. The west boundary of the development adjoins the railroad bed. The sewage line connects the new development with a small treatment facility located on the edge of the Lee Loop Subdivision. By and through this easement the university intends to grant the City of Oxford the perpetual and permanent easement to lay, construct, maintain, operate, and repair sewer lines, pipes, facilities, and any appurtenances thereto, all over, under, across, and through the property described below. The university also grants to the City of Oxford, its servants, agents, employees, and assigns the right of ingress and egress at all times across and on all the property described while constructing said sewer and in the continued maintenance of the property, including, without limitation to making repairs and/or inspection thereof. The university also assigns, conveys, and transfers to the City of Oxford any and all rights it has or may have in the future to the sewer

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line being constructed and installed in the described property by Faulkner Flats, LLC. The City of Oxford agrees to maintain the sewer lines to be constructed. It is also intended to grant to Faulkner Flats, LLC the temporary right of easement to lay, construct sewer lines, pipes, facilities, and any appurtenances thereto, all over, under, across, and through the property described below. Faulkner Flats agrees to construct the sewer lines and agrees to restore any disturbed areas to their same general condition as existed prior to installation and/or repairs of said sewer line. The Attorney General's Office has reviewed and approved the temporary construction easement for sewer lines of ingress and egress from UM to Faulkner Flats, LL and the utility easement for sewer lines of ingress and egress from UM to the City of Oxford pending the easement not being executed until after the expiration of the temporary construction easement to Faulkner Flats, LLC.

LEGAL

26. **MSU** - Approved the request to amend the contract with Butler, Snow, O'Mara, Stevens and Cannada for legal services concerning intellectual property and commercial matters, dated September 7, 2010, as previously amended by Modification #1 and Modification #2, to add an additional attorney. The attorneys to be used under the amended contract would be: Cara Baer, Hemant Gupta, Johnny Healy, Barry Cannada, Ben Roberson, Bob Morris, Ryane O'Beirne, Lane Belisimo, and Dale Lamar. The hourly rates will remain at \$225.00 for intellectual property services, \$215.00 for commercial services and \$85.00 for legal assistants. The other terms of the agreement for legal services will also remain unchanged. The Attorney General has approved this request.
27. **MSU** - Approved the request to retain John Branson with the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, to provide services necessary in representing the interests of Mississippi State University in an estate probate matter filed in the State of Tennessee. MSU is a beneficiary of the estate at issue in the probate matter. Mr. Branson's hourly rate is \$375. However, no public funds will be used as all fees and expenses will be paid from private funds through the MSU Foundation, Inc. The contract for legal services will be for one year. The Attorney General's Office and the Attorney General have approved this item.
28. **UM** - Approved the request to renew its contract for professional services with the New York law firm of Hershkovitz & Associates, LLC ("Hershkovitz") so that Eugene Rzucidlo an attorney practicing with Hershkovitz may continue to assist the university with pharmaceutical and natural products patent applications and related intellectual property and commercialization issues. Mr. Rzucidlo is one of a few patent lawyers in the world who is also a natural products chemist, and the university has worked with Mr. Rzucidlo on the most challenging natural products patents for many years. Mr. Rzucidlo's hourly rate is \$595 per hour, which is the same as the university paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$150,000. The Attorney General has approved this request.
29. **UM** - Approved the request to renew the contract for professional services with the law firm of Armstrong Teasdale, LLP so that it may continue to assist the university with engineering and physical sciences patent applications and related intellectual property issues. Armstrong Teasdale is based in St. Louis, Missouri, with offices in four other states. Its intellectual property practice group includes fifty attorneys. Erin Florek, a graduate of the University of Mississippi and a member of the firm's intellectual property practice group, will be the primary attorney performing work for the university. Ms. Florek is an associate of the firm with a relatively low hourly rate

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- ((\$175 per hour). The Board first approved this relationship in June, 2011. An extension of the contract for another fiscal year will allow the firm to continue its representation on matters it is currently handling and to be available should new, similar matters arise. Hourly rates range from \$250-\$375 for principals, from \$175-\$195 for associates, and \$150 for paralegals. These rates are unchanged from last year. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$100,000. The Attorney General has approved this request.
30. **UM** - Pending approval by the Attorney General, the Board approved the request to renew the contract for professional services with the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC ("Butler, Snow") so that it may continue to assist the university with pharmaceutical patent applications, intellectual property issues, commercialization of intellectual property, and other commercial transactions. Butler, Snow, with its principal office located in the Jackson metro area, has a practice group that specializes in intellectual property and patent prosecutions, as well as intellectual property management through licensing and commercialization. The Board approved this relationship with Butler, Snow in November, 2007. An extension of the contract for another fiscal year will allow the firm to continue its representation on matters it is currently handling and to be available should new, similar matters arise. The firm has proposed a blended hourly rate under the contract for all attorneys, including patent work, of \$240.00 per hour and \$95.00 per hour for all legal assistants. Butler, Snow has requested a modest increase from \$235.00 per hour for intellectual property/patent work and from \$215 per hour for other commercial work. The rate for legal assistants would increase from \$85.00 per hour. The blended rate for other commercial work and the rate for legal assistants has remained the same for several years. These rates are competitive with or less than those charged by similarly qualified attorneys. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$100,000.
31. **UM** - Approved the request to renew the contract with Stites & Harbison so that it may continue to assist the university with pharmaceutical patent applications and intellectual property issues. Stites & Harbison, PLLC, with offices located in Nashville, Tennessee, has an Intellectual Property and Technology Group ("IPT Group"), which specializes in all major scientific subject areas in the intellectual property field. Richard Myers, an alumnus of the university and a member of the IPT Group, will be the primary attorney performing work for the university. The university has worked with Stites & Harbison since this Board first approved the relationship with Stites & Harbison in September, 2002. Mr. Myers' hourly rate is \$320, with other professionals who may work on university matters billing between \$95 (paralegal) and \$305 per hour. These rates are less than the rates of similarly qualified patent attorneys. Mr. Myers' hourly rate is increasing from last year, and the remaining rates are within the same range as those reflected in previous contracts with Stites & Harbison, with the rates for some professionals increasing and some decreasing. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$250,000. The Attorney General has approved this request.
32. **UMMC** - Approved the request to employ Kitchens, Hardwick & Whitfield, PLLC to provide legal services related to personnel matters. The contract period will be July 1, 2013 through June 30, 2014. The hourly rate would be \$165 per hour up to a do not exceed amount of \$50,000. The Attorney General has approved this request.
33. **USM** - Approved the request to hire Butler, Snow, O'Mara, Stevens and Cannada, PLLC, as outside counsel to perform services as necessary in the practice areas of taxation, intellectual property and commercial matters, including trademark and patent matters. In addition, representation is to include providing specific advice and undertaking the representation of the university in possible

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litigation with respect to a legal issue existing between the University of Southern Mississippi and the University of Iowa. Finally, the firm will provide legal advice and representation to the university in matters relating to issues and disputes with the Federal Emergency Management Agency (FEMA). The hourly rate to be charged will be \$240.00 per hour for all attorneys in all legal matters and \$95.00 per hour for legal assistants. The contract will be for a period of one year from July 1, 2013, through June 30, 2014. The total amount payable, pursuant to the arrangement, shall not exceed \$60,000.00 for the contractual period. The Attorney General has approved this request.

34. **PERSONNEL REPORT**

EMPLOYMENT

Jackson State University

(Hire with Tenure - also reported under Tenure Section Below)

- Ricardo A. Brown, Dean of Public Service and Professor of Public Health, College of Public Service; salary of \$150,000 per annum, pro rata; E&G funds; hired with tenure, effective July 1, 2013 (**Correction – with tenure was not included on the May agenda**)
- Narayanaswamy Radhakrishnan (RADHA), Vice President of Research and Development & Support and Federal Relations; salary of \$220,000 per annum, pro rata; E&G funds; effective July 1, 2013

Mississippi State University

(Hire with Tenure - also reported under Tenure Section Below)

- Achille Messac, Dean of Bagley College of Engineering and Professor, and Professor of Aerospace Engineering; salary of \$275,000, per annum, pro rata; E&G funds; hired with tenure effective July 16, 2013

CHANGE OF STATUS

Jackson State University

James C. Renick, *from* Interim Provost/Vice President of Academic Affairs, Division of Academic Affairs; salary of \$175,000 per annum, pro rata; E&G Funds; *to* Provost/Vice President of Academic Affairs, Division of Academic Affairs; salary of \$185,000, per annum, per rata; E&G Funds; effective July 1, 2013

Mississippi State University

Lori M. Bruce, *from* Associate Dean of Engineering and Professor of Electrical and Computer Engineering; salary of \$186,486 per annum, pro rata; E&G Funds; *to* Associate Vice President of Academic Affairs, Dean of the Graduate School, and Professor of Electrical and Computer Engineering; salary of \$180,000.00 per annum, pro rata, E&G Funds; effective June 21, 2013

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SEPARATION OF EMPLOYMENT

Mississippi Valley State University

- Zachary Faison; Chief of Staff and Interim Vice President for University Advancement; resignation effective June 30, 2013
- James Washburn; Vice President for Business & Finance; Chief Financial Officer; retirement effective June 30, 2013
- Yvette Underdue Murph; Assistant Vice President for Student Affairs, Enrollment Management and Diversity; resignation effective June 7, 2013

TENURE

Jackson State University

Ricardo A. Brown, Dean of Public Service and Professor of Public Health, College of Public Service. *Twelve-month contract effective July 1, 2013.*

Mississippi State University

(Nine-month contracts effective August 16, 2013 and twelve-month contracts effective July 1, 2013. All are nine-month contracts unless otherwise noted.)

- Achille Messac, Dean of Bagley College of Engineering and Professor, Aerospace Engineering (*New hire with tenure; twelve-month contract*)
- Kalyan Kumar Srinivasan, Associate Professor, Department of Mechanical Engineering
- Sally Hatch Gray, *promotion* to Associate Professor, Department of Classical and Modern Languages and Literatures

Mississippi Valley State University

Kathryn Green, *promotion* to Associate Professor, Department of Social Science. *Nine-month contract with an effective date of August 19, 2013*

University of Mississippi Medical Center

Matthew Graves, *promotion* to Associate Professor of Orthopedic Surgery and Rehabilitation. *Twelve-month contract with an effective date of July 1, 2013.*

ADMINISTRATION/POLICY

35. **DSU** - Approved the following non-substantive changes to the mission statement which was last revised and approved by the IHL Board of Trustees on March 18, 2004. The underlined phrases in the current statement below will bring the statement into compliance with various Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) policies on mission statements, programs offered, and delivery methods.

As a regional Carnegie Master's I university located in Cleveland, Mississippi, Delta State University serves as an educational and cultural center of the Mississippi Delta emphasizing service to the Northern Delta Counties and its campus centers in Clarksdale and Greenville in traditional and distance education formats. The University offers undergraduate, graduate, and continuing education programs of study, leading to baccalaureate and master's degrees in the Colleges of Arts and Sciences, Business, Education, and the School of Nursing, as well as the Educational Specialist degree and Doctorates in Education and Nursing Practice. Emphasis is placed on excellence in instruction, followed by

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service and research, in the creation of a community of scholars. With special attention to small classes, a friendly environment, and a broad liberal arts foundation, the University encourages significant student-faculty interactions. Delta State provides programs and services which promote intellectual, cultural, ethical, physical, and social development. Students from different cultural, socioeconomic, and ethnic backgrounds will develop the ability to respect and evaluate the thoughts of others; to develop, assess, and express their own thoughts effectively; and to use the techniques of research and performance associated with their disciplines.

FINANCE AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Dye, seconded by Trustee Parker, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda. On motion by Trustee Hooper, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #2. On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #3 - #6. On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Robinson participating by phone and with Trustee Pickering intentionally absent from the room and intentionally abstaining from discussing and voting on the amendment to the indenture for the Southern Mississippi Educational Building Corporation, all Trustees legally present and participating voted unanimously to approve agenda item #7. Let it be noted that Trustee Pickering left the room prior to any discussions on the amendment to the indenture for the Southern Mississippi Educational Building Corporation and only returned after the vote had been taken. On motion by Trustee Dye, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #8 - #10.

1. **System** - Approved the Operating Budgets for the fiscal year ending 2014 for the system. Included as supplemental information as required by the *Ayers Settlement Agreement*, Board Policy 704.02 Athletic Budget Approval and Reporting, and Board Policy 703.04 Policy Guidelines Subsection (E) are the following: Fiscal Year 2013-2014 *Ayers* Budgets, Fiscal Year 2013-2014 Athletic Budgets, and Fiscal Year 2013-2014 E&G Scholarships, Fellowships & Tuition Waivers. These proposed budgets are included in the *June 20, 2013 Board Working File*.
2. **MSU** - The Board ratified the renewal agreement with SAGE Publications, Inc. to provide access to approximately 650 electronic academic journals that faculty, staff and students may use for education and research purposes for the period January 1, 2009 through December 31, 2012 for \$287,650 because it exceeded the \$250,000 threshold. The Board also retroactively approved the agreement with SAGE Publications, Inc. for the three-year period beginning on January 1, 2013 and ending on December 31, 2015 totaling \$355,684. The current contract adjusts the journals included in MSU's subscription and updates the pricing to reflect the new contract period. Funds are available from general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
3. **UMMC** - Approved the following actions related to the agreement with Allscripts Healthcare, LLC, formerly Eclipsys Corp.: 1) a Master Acute Client Agreement; 2) a Deliver Order for support services for currently licensed EPSi software products; and 3) a Delivery Order for the Productivity Management software and related service. The EPSi software is used to collect and process the general ledger and payroll data that is used by EPSi's Budget Manager in creating UMMC's annual operating budget. The Allscripts products interface with the Lawson ERP software suite that is used

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by UMMC to perform core business functions. The term of the agreement is for five (5) years, beginning on or about July 1, 2013 through June 30, 2018. The total estimated contract cost for the five (5) year term is \$956,968.31. Beginning July 1, 2014 and each July 1st thereafter for the length of the agreement, there may be an annual rate adjustment applicable to support service costs in an amount not to exceed the increase in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC estimates a maximum rate adjustment of 4% yearly in the event Allscripts opts to impose a price adjustment. A breakdown of costs which includes an annual 4% increase for support service costs is included in the bound *June 20, 2013 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 at the Board Office.

4. **UMMC** - Approved the request to enter into an agreement with Mississippi Blood Services, Inc., a non-profit organization, for blood and blood related products. The Board also granted retroactive approval of cost overages incurred during the July 1, 2008 to June 30, 2013 contract period which increases the current contract amount from \$40 million to \$43,008,232. The term of the agreement is for five (5) years, July 1, 2013 through June 30, 2018. The total estimated contract cost for the five (5) year contract term is \$58,791,535.34. Based on historical usage, UMMC estimates spending \$750,055.10 per month for the first year of the agreement. Beginning in Year 2 of the agreement and each year thereafter, there is the potential for a monthly price increase based on increases in patient need and blood processing costs. A breakdown of costs is included in the bound *June 20, 2013 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 at the Board Office.
5. **UMMC** - Approved the request to enter into a license agreement with Compnutrition, Inc. for software used in the operation of patient and/or retail food services. Currently, Sodexo Operations, LLC, operates and/or manages UMMC's food and nutrition service pursuant to a five (5) year agreement which will expire on September 30, 2013. The purpose of this agreement is to provide UMMC with the Hospitality Suite software for use in operating its patient and retail food and nutrition services. Upon the expiration of its current food services contract with Sodexo, UMMC anticipates converting to an internally managed format in an effort to improve patient and customer satisfaction ratings. Patient satisfaction data is currently used by the federal government's Centers for Medicare and Medicaid Services as a factor in the calculation of reimbursement payments to hospitals for care of Medicare patients. The total term of the agreement is for three (3) years July 1, 2013 through June 30, 2016. The initial term of the agreement is for one (1) year with an option to renew for two (2) additional one-year terms upon consent of the parties. The total cost for the three (3) year contract term will not exceed \$282,425. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
6. **UMMC** - Approved the request to enter into an agreement with Infusion Partners, LLC for the provision of in-home treatment via infusion therapy for chronically ill indigent patients who have been discharged from in-patient care at UMMC. The term of the agreement is for three (3) years beginning on or about July 1, 2013 through June 30, 2016. The total estimated contract cost for the three (3) year contract term is \$1,316,640. This amount is based on the following services offered by IP: 1) pharmacy services - \$55 per day; 2) pharmacy services plus one weekly home visit - \$75 per day; 3) pharmacy services plus lab testing - \$95 per day; 4) pharmacy services, lab testing and one weekly home visit - \$115 per day, and 5) all additional nursing services - \$120 per visit. In

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Year 1 of the agreement it is expected that 125 patients will be treated for a total cost of \$399,450. In Year 2 it is expected that 137 patients will be treated for a total cost of \$437,730. And, in Year 3 it is expected that 150 patients will be treated for a total of \$479,460. UMMC anticipates treating 412 patients over the term of the agreement with each patient requiring thirty (30) days of treatment although there is no required minimum or maximum number of patients that must be treated. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

7. **USM** - Approved the authorization of an amendment to the indenture for the Southern Mississippi Educational Building Corporation between the EBC and Regions Bank, original trustee, and the First Amendment to Indenture. The Board also approved the following project professionals: Financial Advisor – First Southwest; Trustee – Regions Bank; and Bond Counsel – Butler, Snow, O'Mara, Stevens, & Cannada, PLLC. USM original issued \$3.16 million Taxable Revenue Notes in December 2007 which mature in September 2017. As of June 30, 2012, there were \$2.46 million in Taxable Revenue Notes outstanding. Hancock Bank is the sole holder of the Taxable Revenue Notes. According to a report produced by the financial advisor on April 30, 2013, the changes in the First Amendment to the Indenture will reduce the all-in interest cost from 6.29 percent to 1.02 percent. There is no adjustment to the original term. The Attorney General has approved the amendment to the indenture.
8. **USM** - Granted retroactive approval of an existing contract with Education Services, Inc. for Enrollment Management Software and Technical Support Services entered on October 8, 2009 with two subsequent changes (one on September 28, 2010 and one on September 27, 2012), for a cumulative total of \$339,600. The Strategic Enrollment Management (SEM) Software and Maintenance Suite manages information on prospective undergraduate students as they move through the recruitment process from prospects to applicants to enrolled students. The software will provide browser-based early alerts for prospective students which trigger to-do lists for staff and faculty, enabling essential campus-wide intervention and collaboration. The current software license is set to expire on October 15, 2013. The technical support service component will expire on October 15, 2014. It is the intent of the University to extend the software license component at a future date under a new agreement that is not a part of this particular request. Funds are available from E & G funds. The agreement is on file in the Board Office.
9. **USM** - Granted retroactive approval of the 2005 and 2009 agreements with Paciolan, Inc. for software and services related to their athletic ticket sales ERP operation for a cumulative cost of \$464,000. The agreements provide USM with a stable, comprehensive database for ticket sale solutions for the institutions athletic patrons, including season ticket holders, donors, faculty, staff, and students. The agreement has allowed the university to increase its operational savings, while decreasing its burden to promote, sell, process, and fulfill ticket requests. The original contract was executed on December 21, 2005. It was set to expire on December 20, 2009. The agreement was subsequently renewed on September 28, 2009. The current agreement is set to expire on December 20, 2013. Funds are available from athletic funds (Auxiliary fund). The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
10. **USM** - Granted retroactive approval of the November 2010 contract with TekLinks, Inc. And subsequent amendments for Microsoft Exchange Calendaring and Email software services for the campus for a cumulative amount of \$452,724. The original agreement will expire on June 30, 2013. The Board also approved the request to enter into a new Master Services agreement with this same vendor for identical services effective July 1, 2013 through December 31, 2015. The estimated cost

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of the new agreement is equal to \$602,760. A summary of the estimated costs under these agreements is included in the bound *June 20, 2013 Board Working File*. From the inception of the relationship with TekLinks, total costs for the full term are estimated to equal \$1,055,484. Payments will be issued on a monthly basis upon receipt of an approved invoice from the vendor based upon actual services rendered. Funds are available from E & G funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

REAL ESTATE AGENDA

Presented by Trustee Hal Parker, Chair

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

1. **USM** - Contingent upon submission to the Office of the Attorney General of copies of the final executed sales contract and independent bank appraisal for each such property, the Board approved the request to sell twenty-seven (27) residential properties as part of the Neighborhood Stabilization Program. The properties have been purchased, rehabilitated, and are ready to sell in accordance with H.B. 977, Laws of 2010 Regular Session. See **Exhibit 1** for the property descriptions. 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. At its November 15, 2012 meeting the Board waived the requirement for the university to receive two certified appraisals on the properties. Pursuant this, the university has obtained one certified appraisal on each property. The Board approved the request to list each property for sale at the appraised price listed in each certified appraisal as determined by the lending institution and thereafter sell each home for the amount of each certified independent bank appraisal obtained by the lending institution which agrees to make the loan to the buyer(s). All funds received by the university as a result of future sales will be submitted to the Mississippi Development Authority, and thereafter, the Mississippi Development Authority will reimburse the university for all acquisition, rehabilitation, marketing, and sales costs.

LEGAL AGENDA

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Blakeslee, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Legal Agenda. On motion by Trustee Rouse, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to waive Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies which requires the thirty day wait for final adoption of a policy change and to approve the policy changes to 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process as written in agenda item #2 for immediate implementation. On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted

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unanimously to approve agenda item #3. On motion by Trustee Rouse, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #4. On motion by Trustee Perry, seconded by Trustee Rouse, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to move agenda items #5 - #7 to the Executive Session Agenda.

1. **System** - Approved the proposed definitions of “under-represented” groups for diversity purposes as required by Board Policy 102.06 Diversity Statement for each institution and the Board Office. The various proposed definitions are based on the demographic data of each institution and the Board’s Executive Office. **(See Exhibit 2.)**
2. **System** - Approved the proposed changes to Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process for immediate implementation. **(See Exhibit 3.)**
3. **System** - Approved for first reading the proposed changes to 201.0302 Procedures for Changing Board Policies and Adopting New Policies, 201.0303 Procedures for Altering, Amending or Repealing Board Bylaws or Adopting New Bylaws, and 301.0510 Meeting Rules of Order as follows.

201.0302 Procedures for Changing Board Policies and Adopting New Policies

The adoption of new policies or changing existing policies is solely the responsibility of the Board. It is important that sufficient time be given to permit further study and to give interested parties an opportunity to react; therefore, no new policies nor policy revisions introduced for the first time shall be adopted until a subsequent meeting. A vote in favor of adopting new policies or changing existing policies for first reading shall require the affirmative vote of at least seven members of the Board. A vote in favor of the final approval of a new policy or of changes to existing policies shall also require an affirmative vote of at least seven members of the Board. The Board may temporarily approve a policy to meet emergency conditions. However, discussion and a final vote must be taken before the policy shall be formally adopted.

(BT Minutes, 5/90; 1/98; 3/2011)

201.0303 Procedures for Altering, Amending or Repealing Board Bylaws or Adopting New Bylaws

These bylaws may be altered, amended or repealed and new bylaws may be adopted ~~by a majority vote of~~ with a vote in favor of same by at least seven members of the Board at any regular Board meeting or at any special Board meeting when the proposed amendment has been set out in the notice of such meeting.

(BT Minutes, 5/90; 1/98; 3/2011)

301.0510 MEETING RULES OF ORDER

Meetings of the Board and its committees shall be conducted in accordance with controlling statutes and applicable bylaws, regulations, or policies. In the absence of such statutes, bylaws, regulations, or policies, meetings shall be conducted in accordance these rules and *Robert’s Rules of Order*. The Board’s Meeting Rules of Order are as follows:

- A. Presiding Officer
The President of the Board shall be the presiding officer at official Board functions. In his or her absence, the Vice President of the Board shall preside. In the absence of both, the President of the Board may appoint a President Pro Tempore to preside at a Board function. For committee meetings, the chair of the subject committee shall be the presiding officer. In his or her absence, the President of the Board, who is an ex officio member of all committees, shall preside.

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- B. Convening Meetings
The Board and its committees shall convene at the times and places announced by public notice and as required by law, policy, or Board action.
- C. Quorums, Agenda, Rulings of the Presiding Officer, and Delay
1. Quorums
A quorum for the transaction of business shall be a minimum of eight members of the Board. For committees, a quorum shall be a majority of the members. No business may be transacted without the presence of a quorum.
 2. Agenda
The agenda for each Board and committee meeting shall be submitted to the members and published by the Office of the Commissioner of Higher Education prior to each meeting. Proposed agenda items arriving after the deadline for submission to the Commissioner may only be added by a two-thirds (2/3) vote of the members present. This requirement will apply to consideration of all agenda items including recommendations by Board committees in instances where agenda items relating to such recommendations are not submitted prior to the deadline.

The formal agenda will consist of items submitted on behalf of the various institutions and the Board offices. The deadline for the submission of agenda items by the institutions shall be set by the Commissioner. A Board member may notify the Commissioner that an item should be placed on the agenda. Unless otherwise specified on the face of an agenda item, the submission of an agenda item for Board approval by an Institutional Executive Officer or the Commissioner reflects the Institutional Executive Officer's or Commissioner's determination that: (1) the proposed action is authorized by all applicable laws, (2) all requirements of State law and Board policy relating thereto have been met prior to submission of the item, and, (3) adequate funds are available and have been identified for any expenditures authorized thereunder. The form of agenda items will be determined by the Commissioner. The deadline for submission of agenda items by a member of the Board that are to be included on an agenda shall be two days before the date of official meeting. The Commissioner may refer agenda items to appropriate Board committees for consideration. However, no committee's approval is required before Board consideration of any agenda item or matter.

Agenda Item Placement

The presiding officer may move items up or down the agenda with a two-thirds (2/3) vote by the members present.
 3. Delay of Board Consideration
Any member may request a delay in consideration of an agenda item from one meeting to the next, but no agenda item may be so delayed more than once by any member. Such a request shall not be granted if there is a vote to proceed by the lesser of (a) two-thirds (2/3) of the members legally present or (b) by seven (7) Board members legally present.
- D. Motion to Suspend Policies, Bylaws or Rules
A member may move to suspend any policies, bylaws or rules. A motion to suspend shall state the matter of business to be considered, must be properly seconded, and shall fail without a vote in favor of same by at least seven members unless a majority of the Board votes in favor of suspension.

(BT Minutes, 5/90; 2/98; 11/2005; 4/2012)

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4. **System** - Approved the proposed new policy 1102.04 Emergency Approval of Outside Counsel in Between Board Meetings for final reading as follows:
1102.04 EMERGENCY APPROVAL OF OUTSIDE COUNSEL IN BETWEEN BOARD MEETINGS

The Chair of the Board's Legal Committee is delegated the authority to act on behalf of the Board in between Board meetings as to the approval of requests to hire outside counsel when such requests require immediate attention prior to the next Board meeting. Any such institutional request for interim approval is to be forwarded to the Commissioner's office with an explanation of the emergency nature of the request. The Commissioner and Board's staff shall then review same and make a recommendation to the Chair of the Legal Committee for his/her consideration. Any interim approvals of outside counsel approved by the Chair of the Legal Committee shall be reported to the Board as an information item at the following Board meeting.

5. **ASU** - Settlement of IHL Self-Insured Workers' Compensation Claim No. 55-8556-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
6. **UM** - Settlement of IHL Self-Insured Workers' Compensation Claim No. 55-22778-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
7. **UMMC** - Settlement of IHL Self-Insured Workers' Compensation Claim No. 55-14946-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Administration/Policy Agenda. On motion by Trustee Hooper, seconded by Trustee Smith, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **System** - Approved the Strengthening Mississippi Academic Research Through Business Act (SMART Business Act) Guidelines and authorized to the Commissioner to approve the application form and completed applications from investors. Pursuant to Mississippi House Bill 826, which was passed during the 2013 legislative session, the SMART Business Act is intended to meet the following goals: stimulate private investment in research and development through partnerships with Mississippi public colleges; increase the competitiveness of Mississippi companies; and improve the economy of the State of Mississippi. The SMART Business Act will allow approved investors who incur qualified research costs as a result of having entered into a research agreement with a Mississippi public university or research corporation to receive a rebate equal to twenty-five (25%) of the investor's qualified research costs not to exceed \$1,000,000. The total amount of rebates issued each fiscal year may not exceed \$5,000,000. The Mississippi Legislature has authorized IHL and the Mississippi Department of Revenue to promulgate, in accordance with the Mississippi Administrative Procedures Law, rules and regulations, application forms and any other forms necessary for the implementation and administration of the SMART Business Act. The Board also approved the request to submit the SMART Business Act guidelines to the Mississippi Secretary of State's Office in accordance with the Administrative Procedures Act. **(See Exhibit 4.)**
2. **System** - Approved the request to grant a joint delegation of authority to the Board President and to the Commissioner by which they may approve the following three agenda items on behalf of the Board in between the June and August 2013 Board meetings. Any approvals granted pursuant to

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this joint delegation of authority will be reported as information items on the August 2013 Board agenda.

- a. **UM** - Procure graduate student health insurance after the June Board meeting, but prior to the August Board meeting. The university recently selected AETNA as an insurance provider for graduate students who have no other health insurance sources. This was completed through an RFP process and was partially driven by the changes in health care regulations. While the participating students pay a fee for this coverage, a portion of the premium is covered by the university. The amount of the university premium portion is estimated to exceed \$250,000, so the contract for such insurance coverage may require Board approval. The university needs to be ready to offer insurance beginning with the Fall semester. A start date of August 1 will provide sufficient time to bind the policy and begin submission of the roster of participating students.
- b. **UM** - Housing for 200 international students admitted into and participating in the University of Mississippi Intensive English and International Exchange Student Programs. The university does not have room to house these students within their residence halls and, due to the short-term nature of their stay and their international status, the students are unable to lease rooms (apartments) independently. The university has sought, through an RFP, to lease apartment space in close proximity or on a Bus route that services the campus. The university has selected a bidder. Approval is needed for this lease after the June Board meeting but before the August Board meeting because these students will arrive in Oxford on August 20th. Therefore, the university needs time in order to close this lease, secure the space, and have it available when these students arrive in Oxford.
- c. **USM** - The expiration of a contract between the with Oracle is set to expire on July 31, 2013. ITS has issued an RFP for software licensing and services. Vendor proposals will be evaluated beginning on or about June 20, and the winning vendor's proposal will be submitted to the ITS Board for approval on July 18. Contract negotiations will also begin on the July 18. Because of the July 31, 2013 expiration of the current agreement of this type, the new contract must be finalized and executed by then. A purchase order will have to be issued by July 31 in order to keep the software up and running. Therefore, IHL approval to contract for this service and software is needed after the June Board meeting, but prior to the August Board meeting.

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

FINANCE

1. **UMMC** - A revision to Exhibit H (Leased Parcels Summary Control Sheet) of the Master Lease Agreement with the Jackson Medical Mall Foundation. The revision omits Parcel 5, the Area Health Education Center (AHEC) office, from the exhibit. The AHEC has ceased operations and vacated the space due to the loss of its federal funding. Because this was an in-kind donation of space by the Jackson Medical Mall, the vacancy has not effect on the rental rate paid by UMMC. The revision has been reviewed and approved by the Attorney General's Office. **(See Exhibit 5.)**

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REAL ESTATE

2. **SYSTEM** - The Board received the Real Estate items that were approved by the Board staff subsequent to the May 16, 2013 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 6.)

LEGAL

3. **SYSTEM** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 7.)

ADMINISTRATION/POLICY

4. **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. **USM** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve renewal of service expenditure contracts if the original contract was previously approved by the Board of Trustees, and the contract amount does not exceed 110% of the current contract.” On May 14, 2013, the Commissioner approved the request to extend the services agreement with David H. Lee Enterprises, Inc. d/b/a ServiceMaster Cleaning Alternatives (ServiceMaster). The purpose of this agreement is for the continued provision of complete custodial services for the Union complex on the Hattiesburg campus. The original agreement approved by the Board in June, 2011 was for a two-year period for a cost of \$550,192 (including \$100,000 contingency for possible additional services). The agreement also included an option to renew the contract for two (2) additional one-year periods. This renewal agreement will be effective for a twelve month period, July 1, 2013 through June 30, 2014. Costs for the proposed term will increase by \$562 per month for a total cost of \$231,840 for the twelve (12) month period. The Executive Office legal staff have reviewed and approved the contract documents.
 - b. **USM** - Pursuant to a delegation of authority issued by the Board of Trustees at a February 13, 2013 Emergency Board meeting, the Commissioner is authorized to approve any purchase, contract or other legal document on behalf of the Board necessary to assist the University of Southern Mississippi in dealing with any issues related to the February 10, 2013 tornado damage at the university that may arise between Board meetings. This authority was extended until May 16, 2013. Any such Commissioner approvals will be reported to the Board at its next meeting as required by Miss. Code Ann. § 31-7-13(j). In accordance with the above authority, on May 15, 2013, the Commissioner approved an agreement between USM and Capturion Network, LLC (Capturion) for the replacement of the main scoreboard and two ribbon boards (“equipment”) at M.M. Roberts Stadium which were damaged by the February 10, 2013 tornado at the campus. Under the agreement, Capturion will remove the damaged equipment; provide and install new, operational equipment; and, provide parts and related services for the equipment to include the provision of two (2) on-site Event Support technicians for each USM home game throughout the term of the contract. The agreement will commence upon execution by the parties – estimated to be mid-May 2013. The agreement specifies a project completion date of August 9, 2013 for the installation of the equipment after which the provision of services will extend for a five (5) year term, or through approximately August 9, 2018. The total cost for the five (5) year contract term is \$947,890. From this amount, USM will pay approximately \$20,000

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annually for parts and service. The agreement will be funded using insurance claim settlement proceeds. The Executive Office legal staff have reviewed and approved the contract documents.

- c. **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 May 10, 2013, the Commissioner approved the request to enter into a revenue generating lease with New Cingular Wireless PCS, LLC (NCW) for the lease of antenna space and approximately 760 square feet of ground space on UMMC's main campus. The proposed agreement will allow NCW to place antennas in certain areas throughout the property and to install a Distributed Antenna System (DAS) which will provide cellular coverage for AT&T customers on the UMMC campus. CSpire, through a similar agreement, currently has a DAS in place on UMMC's campus that provides cellular coverage for its customers. The lease term will run for an initial period of approximately five (5) years, commencing upon execution of the agreement by the parties through April 30, 2018. The agreement may be extended for two (2) additional five (5) year periods upon mutual agreement of the parties. The Commissioner approved the request for the maximum fifteen (15) year lease term, or through April 30, 2028. In return for the lease of the antenna and ground space, UMMC will receive an annual rent payment of \$50 with the potential for additional revenue should NCW sublet space on the DAS to other providers (excluding CSpire). Over the term of the agreement, UMMC will receive \$750 in rental income as well as 30% of all sublease rental revenue collected by NCW from other providers for the sublease of space on the DAS. The Executive Office legal staff have reviewed and approved the contract documents.

EXECUTIVE SESSION

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, 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 three state university litigation matters;
Discussion of one state university prospective litigation matter; and
Discussion of one state university personnel matter.

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

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve settlement of the following matters:

1. **ASU** - Approved the settlement of IHL Self-Insured Workers' Compensation Claim #55-8556-1 styled as, *Charles E. Knight v. ASU*, as recommended by Counsel;

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2. **UM** - Approved the settlement of IHL Self-Insured Workers' Compensation Claim #55-22778-1 styled as, *Jerry Harwell v. UM*, as recommended by Counsel; and
3. **UMMC** - Approved the settlement of IHL Self-Insured Workers' Compensation Claim #55-22778-1 styled as, *Tenesha Anderson v. UMMC*, as recommended by Counsel.

The Board discussed a prospective litigation matter at a state university. **No action was taken.**

The Board discussed a personnel matter at a state university. **No action was taken.**

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson 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 Blakeslee, with Trustee Robinson participating by phone, 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

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EXHIBITS

- | | |
|-----------|--|
| Exhibit 1 | Property descriptions of the twenty-seven (27) residential properties as part of the Neighborhood Stabilization Program which have been purchased, rehabilitated, and are ready to sell in accordance with H.B. 977, Laws of 2010 Regular Session. |
| Exhibit 2 | Definitions of “under-represented” groups for diversity purposes as required by Board Policy 102.06 Diversity Statement for each institution and the Board Office. |
| Exhibit 3 | Proposed changes to Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process for immediate implementation. |
| Exhibit 4 | Strengthening Mississippi Academic Research Through Business Act (SMART Business Act) Guidelines. |
| Exhibit 5 | University Mississippi Medical Center’s revision to Exhibit H (Leased Parcels Summary Control Sheet) of the Master Lease Agreement with the Jackson Medical Mall Foundation. |
| Exhibit 6 | Real Estate items that were approved by the IHL Board staff subsequent to the May 16, 2013 Board meeting. |
| Exhibit 7 | Report of the payment of legal fees to outside counsel. |

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USM –Approval of Sale of Property – 27 Residential Properties as Part of the Neighborhood Stabilization Program – Jackson, Mississippi

List of Real Estate Properties

1. 135 Camero Drive, Jackson, MS 39206

Lot 52, Elmwood Park, Part VII, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 24 at Page 12 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

2. 150 Chatham Circle, Jackson, MS 39206

Lot 14, Block “E”, North Meadows Subdivision, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14 at Page 4 reference to which is hereby made in aid of and as a part of this description.

3. 257 Idlebrook Drive, Jackson, MS 39212

Lot 90, Brookhollow Place, Part II, a subdivision according to a map or plat thereof which is on file and of record, in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 26, Page 40, reference to which map or plat is hereby made in aid of and as a part of this description.

4. 325 Queen Isabella Lane, Jackson, MS 39209

Lot 88, Westover Subdivision, Part 3, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 24, Page 42, reference to which is hereby made in aid of and as part of this description.

5. 344 Queen Julianna Lane, Jackson, MS 39209

Lot 21, Queen Lane Subdivision, Unit No. 7, a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 16 at Page 42, reference to which is hereby made in aid of and as a part of this description.

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6. 751 Neering Trail, Jackson, MS 39206

Lot 30, Block C, Norwood Subdivision, Part One, a subdivision according to the map or plat thereof on file and of record in the Office of the Chancery Clerk of the First Judicial District of Hinds County at Jackson, Mississippi, in Plat Book 19 at Page 22, reference to which is hereby made in aid of and as a part of this description.

7. 1128 Branch Street, Jackson, MS 39212

Lot 5, Block 2, Woodville Heights, Part 9-B, a subdivision lying in and being situated in the First Judicial District of Hinds County, Mississippi, according to the map or plat on file and of record in the Office of the Chancery Clerk of Hinds County, Mississippi at Jackson, Mississippi, in Plat Book 21 at Page 26, reference to which map or plat is hereby made in aid of and as part of this description.

8. 3337 Rickay Drive, Jackson, MS 39212

Lot 19, Rickay Subdivision, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 11 at Page 48, reference to which is hereby made in aid of and as a part of this description.

9. 3874 Meadow Lane, Jackson, MS 39212

Commencing at the Southwest corner of Lot 1, Block "B", Oakland Park Subdivision, a subdivision within the city limits of Jackson, Mississippi, said point being on the North right of way of McClure Road, thence run Southwesterly along said North right of way 342.3 feet to the East right of way of Meadowlane Drive, thence run through a right forward angle of 90 degrees 07 minutes for 89 feet and along said East right of way to Point of Beginning; thence continue along said East right of way through a right forward angle of 3 degrees 30 minutes for 80 feet, thence turn through a right forward angle of 95 degrees 33 minutes for 117.1 feet, thence turn through a right forward angle of 81 degrees 04 minutes for 61.15 feet, thence turn through a right forward angle of 89 degrees 53 minutes for 120.4 feet to the Point of Beginning and containing 0.19 acres, more or less, and being in the Southwest Quarter of the Southeast Quarter of Section 30, Township 5 North, Range 1 East, Hinds County, Mississippi.

10. 4755 Satinwood Road, Jackson, MS 39212

Lot Four (4), Mayfair Subdivision, Part Four (4), a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 27 at Page 15 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

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11. 5405 Brookhollow Drive, Jackson, MS 39212

Lot 290, Brookhollow Place, Part 8, a subdivision lying in and being situated in The First Judicial District of Hinds County, Mississippi, according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County, Mississippi, at Jackson, Mississippi, in Plat Book 28, at Page 20 thereof, reference to which map or plat is hereby made in aid of and as part of this description.

12. 5508 Crepe Myrtle Drive, Jackson, MS 39206

Lot 9, Block D, North Meadows Subdivision, according to the map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 7104 at Page 3656, reference to which is hereby made in aid of and as part of this description.

13. 5517 Grafton Street, Jackson, MS 39206

Lot 8, Block E, North Meadows Subdivision, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14, Page 4, reference to which is hereby made in aid of and as a part of this description.

14. 5617 Queen Mary Lane, Jackson, MS 39209

Lot 88, Westover Subdivision, Part 3, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 24, Page 42, reference to which is made in aid of and as part of this description.

15. 5745 Queen Mary Lane, Jackson, MS 39209

Lot 71, Westover Subdivision, Part (3), a subdivision lying in and being situated in the First Judicial District of Hinds County, Mississippi, according to a map or plat on file and of record in the Office of the Chancery Clerk of Hinds County, Mississippi at Jackson, Mississippi, in Plat Book 24 at Page 42, reference to which map or plat is hereby made in aid of and as part of this description.

16. 6133 Floral Drive, Jackson, MS 39206

Lot 12, North Colony, Part 1, a subdivision according to a plat on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi. Being that parcel of land conveyed to Lori Byrd from Howard Jackson and Belinda Wade Jackson by that deed dated 10/23/90 and recorded 10/25/90 in Deed Book 3772, at Page 248, of the Hinds County, Mississippi Public Registry.

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17. 6574 Van Buren Road, Jackson, MS 39209

Lot 296, Presidential Hills Subdivision, Part 3-A, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County, Jackson, Mississippi in Plat Book 24 at Page 31, thereof, reference to which is hereby made in aid of and as a part of this description.

18. 3810 Azalea Drive, Jackson, MS 39206

Lot 23, North View Addition, Part 4, a subdivision according to the map or plat thereof, which is on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi in Plat Book 5 at Page 1, reference to which map or plat is hereby made in aid of and as a part of this description.

19. 242 Cedars of Lebanon Road, Jackson, MS 39206

Lot 3, Block D, North Meadows Subdivision, Part 2, a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14 at Page 4 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

20. 1928 Willow Way, Jackson, MS 39212

Lot 17, Block E, Alta Woods Park, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, Plat Book 3 at Page 72, reference to which is hereby made in aid of and as a part of this description.

21. 3429 Shannon Dale Drive, Jackson, MS 39212

Lot 60, Windsor Forest, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 24 at Page 9 thereof, reference to which is hereby made in aid of and as a part of this description.

22. 3637 Sykes Park Drive, Jackson, MS 39212

Lot 9, Sykes Park Subdivision, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17, Page 41, reference to which is hereby made in aid of and as a part of this description

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23. 3135 Bilgray Drive, Jackson, MS 39212

Lot 9, Block B, Edgewood Acres, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14 at Page 42, reference to which is hereby made in aid of and as a part of this description.

24. 1467 Wooddell Drive, Jackson, MS 39212

Lot 24, Block A, Oak Forest Subdivision, Part 20, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi recorded in Plat Book 22 at Page 49, reference to which is made in aid of and as a part of this description.

25. 2052 Camellia Lane, Jackson, MS 39212

Lot 14, Garden Park Addition, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17 at Page 29 thereof, reference to which is hereby made in aid of and as a part of this description.

26. 2871 Charleston Lane, Jackson, MS 39212

Lot 16, Block H, East Oak Forest Subdivision, Part 4, a subdivision according to the map or plat thereof on file and of record in the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 16 at Page 22 thereof, reference to which is made in aid of and as a part of this description.

27. 118 Elden Way, Jackson, MS 39212

Lot 50, Crestleigh, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 23 at Page 38, reference to which is hereby made in aid of and as a part of this description.

EXHIBIT 2

June 20, 2013

SYSTEM – APPROVAL OF PROPOSED DEFINITIONS OF UNDER-REPRESENTED GROUPS FOR DIVERSITY PURPOSES

Pursuant to Board Policy 102.06 “Diversity Statement”, the institutions are to submit for Board approval their proposed definitions of “under-represented” groups for the purpose of setting diversity goals. The definitions of this term are set out below for each institution and for the Board’s Executive Office for Board consideration. The various proposed definitions are based on the demographic data of each institution and the Board Office.

A. ASU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT ALCORN STATE UNIVERSITY

Statement of Definition for Under-represented Groups
at
Alcorn State University

STUDENT DIVERSITY

Alcorn State University is a historically Black university, and as such, the groups that have been and continue to be “under-represented” within our student body would be those defined as “non-Black” (including White or Caucasian, Asian, Hispanic or Latino, American Indian or Alaska Native, Pacific Islander or Native Hawaiian, or other non-Black races or non-Black racial combinations). As of Fall 2012, Alcorn State University enrolls a student population that stands at 93.5% Black, with the majority of non-Black students being White or Caucasian (4.9%). Finally, considering the enrollment rate of males (33%) and graduation rate for Black males (27%) which both lag significantly behind other groups at our institution, these populations will also be included in our statement of definition for “under-represented”.

FACULTY AND STAFF DIVERSITY

Clearly, in addition to the value of a diverse student population in ensuring a richer academic environment, the hiring and retaining of a diverse workforce is also essential for maximizing productivity. As of Fall 2012, 14% of employees overall (and even lower percentages in certain categories such as Executive/Administrative/Managerial, Clerical/Secretarial, Skilled Crafts, etc.) and 32% of faculty at Alcorn State University classify themselves as non-Black. Therefore, in our discussions about employment, we will consider individuals from all non-Black groups to constitute “under-represented” populations.

DIVERSITY IN CONTRACTING

Although our student body and staff are predominantly Black, with regards to contracts, traditional minority groups (non-White) and women are classified as under-represented. During the most recent complete fiscal year, the university expended \$22.1 million on

EXHIBIT 2

June 20, 2013

contracts, with only \$1.2 million of contracts being awarded to companies owned by members of these under-represented groups (5.4%).

B. DSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT DELTA STATE UNIVERSITY

Statement of Definition for Under-represented Groups
at
Delta State University

STUDENT DIVERSITY

Delta State University will continue to recruit and enroll all eligible students regardless of race or gender. National issues vexing the economy will negatively affect both family and institutional resources, and in our most recent semester we noted that the uncertainty may disproportionately erode the enrollment of African-American students. First, while we would like to project growth in all categories of our student enrollment, we believe that it will be a challenge to maintain the minority percentage we have achieved over the past few years. Secondly, male enrollment slips more and more each year -- down to about 35.1% percent of our student enrollment in Fall 2012.

At Delta State University, the term “under-represented” refers to the citizens or lawful residents of the United States who are Black or African American, Hispanic or Latino, Asian, American Indian or Alaska Native, and/or Native Hawaiian and other Pacific Islander. At Delta State University, females are traditionally the majority student population; therefore, in the student category only, we also consider males to be in the under-represented group. For the Fall of 2012, the percentage of students by gender were 35.1% male, 64.9% female with male numbers of 1,116 white, 443 black and 115 other and female numbers of 1,754 white, 1,123 black, and 212 other.

FACULTY AND STAFF DIVERSITY

Delta State University seeks to be a more diverse community in terms of its employees. At Delta State University, the term “under-represented” refers to employees who are Black or African American, Hispanic or Latino, Asian, American Indian or Alaska Native, and/or Native Hawaiian or other Pacific Islander. At Delta State University, females traditionally make up slightly more than half of the population in all categories; therefore, our goal is to maintain that level. For the Fall of 2012, Delta State University had the following percentages of under-represented employees in the following categories: 5.3% administrators, 16.30% faculty, and 30% staff.

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DIVERSITY IN CONTRACTING

At Delta State University, the term “under-represented” contractors refers to those who are Black or African American, Hispanic or Latino, Asian, American Indian or Alaska Native, Native Hawaiian and/or other Pacific Islander, and/or those that are female.

Through February 2010, the University has utilized a total of 20 minority/women-owned businesses out of a total of 1,074 vendors. That equates to 1% of the vendor population. The total spent with this group thus far is \$98,170.00 out of a total spent of \$16,080,760.00, which translates to less than 1% of the total spend. Delta State University is investigating other venues for approaching and encouraging increases in this area.

C. JSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT JACKSON STATE UNIVERSITY

Statement of Definition for Under-represented Groups
at
Jackson State University

STUDENT DIVERSITY

Jackson State University is a Historically Black University, and so the racial groups that have been and continue to be “under-represented” within our student body are those most easily referred to as “non-Black” students (including those of White or Caucasian, Asian, Hispanic or Latino, American Indian or Alaska Native, Pacific Islander or Native Hawaiian, or other non-Black races). In the context of students, this term refers to those students who are not black. For the Fall 2012 Academic year, 90.4% of the student population is identified as “Black”. The remaining 9.6% of the student population constitute the under-represented groups with White Americans being the predominate category in that group.

FACULTY AND STAFF DIVERSITY

Just as having a diverse student body results in a better learning environment, we believe a diverse faculty and staff will result in a more creative, productive workplace. As with the students, we define under-represented employees as those who are “non-Black”. Under-represented races account for 17.9% of the overall workforce. However 31% of JSU Faculty identify themselves with one of the under-represented racial groups.

DIVERSITY IN CONTRACTING

While our student and employee populations are predominantly Black, in the area of contracting, the under-represented population includes traditional minorities such as non-White (Black or African American, Asian, Hispanic or Latino, American Indian or Alaska

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Native, Pacific Islander or Native Hawaiian, and other non-White or non-Caucasian races) and women-owned businesses. Although JSU is making progress in the diversity of our contracting, there is still much work to be done. **For Fiscal Year 2012**, Minority expenditures (including women-owned businesses) totaled \$6,392,195.53, accounting for 12.08% of the total contracting dollars spent.

D. MSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT MISSISSIPPI STATE UNIVERSITY

Statement of Definition for Under-represented Groups
at
Mississippi State University

STUDENT DIVERSITY

Mississippi State University is a public, land-grant university committed to providing access and opportunity to students from all sectors of the state's diverse population, as well as from other states and countries. In furtherance of this commitment, MSU recognizes the importance of recruiting and retaining under-represented groups within its student body. MSU also recognizes that under-representation in its student body is not static and may periodically change. Currently, MSU defines the following groups as under-represented within our student body: Black or African Americans, Asians, Hispanics or Latinos, American Indians, Native Hawaiians/Pacific Islanders, or other non-White races. For the Fall 2012 academic year, 69.87% of the total student population is identified as White. The remaining 30.13% of the student population is comprised of the aforementioned under-represented groups, with African Americans being the predominant group. Of note, MSU had a Female student population of 48.5% for the Fall 2012 academic year.

FACULTY AND STAFF DIVERSITY

Just as having a diverse student body results in a better learning environment, MSU recognizes that having a diverse faculty and staff will result in a more creative, productive workplace. As with the students, MSU defines under-represented employees as those who are Black or African American, Asian, Hispanic or Latino, American Indian, Native Hawaiian/Pacific Islander, or other non-White races. For the Fall 2012 academic year, under-represented races account for 17.4% of the faculty and 25.7% of the staff. Asians comprised the largest under-represented group among the faculty, while African Americans made up the largest under-represented group among the staff. During the same period of time, 39.1% percent of the MSU faculty was Female while 61.7% of our staff was Female.

DIVERSITY IN CONTRACTING

Under-represented groups in the Contractor, Vendor, and Professional Service Provider categories are: Veterans, Female, Black or African American, Asian, Hispanic or Latino, American Indian, Native Hawaiian/Pacific Islander, or other non-White races. Mississippi

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State University is making progress in the diversity of its contracting, and realizes there is still much work to be done. We are actively pursuing opportunities to conduct business with under-represented vendors.

E. MUW - DEFINITION FOR UNDER-REPRESENTED GROUPS AT MISSISSIPPI UNIVERSITY FOR WOMEN

Statement of Definition for Under-represented Groups
at
Mississippi University for Women

STUDENT DIVERSITY

As of Fall 2012, Mississippi University for Women enrolls a student population that is 83% female. With 59% of the University's students classified White and 37% classified Black, MUW enrolls one of the most racially diverse student populations within the IHL system. As a regional institution, however, MUW recognizes the need to do more to enroll and retain a student body racially representative of the population of the region and the state (i.e., Black or African-American, American Indian or Alaska Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander), especially male students, including these under-represented populations, and to effect specific enrollment and retention efforts designed to engage a broader, more diverse international student body. Therefore, MUW defines the term "under-represented" groups, as to its student population, to include Black or African American, American Indian or Alaska Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander, and males of any race or ethnicity.

FACULTY AND STAFF DIVERSITY

As of Fall 2012, 275 of MUW's employees are female and 109 are male. Approximately 58% of MUW's employees classify themselves as White and female; 11% classify themselves as Black, female. For all males employed by MUW, 26% self-identify as White and 2% as Black. For both male and female, only 2% self-identify as Other. MUW currently employs 21 non-White faculty members, a category of high visibility as professional mentors for students. These figures do not take into account the employees of outsourced services who maintain the Institution's physical plant, bookstore, dining and other related services. MUW considers all non-White groups "under-represented" populations and places particular emphasis on hiring from populations representative of the region. This "non-White" group includes the same races and ethnicities defined as under-represented groups within MUW's student population above. In some instances, males of any race are also considered an under-represented group as to faculty and staff at MUW. (Note: When compared to other institutions, MUW's data is affected by its outsourcing of food service and its physical plant and maintenance.

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DIVERSITY IN CONTRACTING

The most current data indicate that less than 5% of expenditures at MUW for contracts/services/vendors who self-report are granted to businesses owned by populations of color or by women. As a result, MUW has defined “under-represented” for this category to be all non-White racial groups, Veterans and women.

F. MVSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT MISSISSIPPI VALLEY STATE UNIVERSITY

Statement of Definition for Under-represented Groups
at
Mississippi Valley State University

STUDENT DIVERSITY

Mississippi Valley State University, a historically Black institution of higher education, defines under-represented groups of students as non-African American including White, Hispanic, Asian, Native American, and other non-African American ethnicities. In 2010, 4.58% of students self-identified as non-African American. In 2011, 4.33% of students self-identified as non-African American. In 2012, 4.35% of students self-identified as non-African American.

FACULTY AND STAFF DIVERSITY

Mississippi Valley State University defines under-represented groups of faculty and staff as non-African American including White, Hispanic, Asian, Native American, and other non-African American ethnicities. In 2010, 10.28% of employees self-identified as non-African American. In 2011, 9.30% of employees self-identified as non-African American. In 2012, 12.38% of employees self-identified as non-African American.

DIVERSITY IN CONTRACTING

In contrast to its definition of under-represented populations for students, faculty, and staff, Mississippi Valley State University defines under-represented contractors, vendors and/or professional service providers who do business with the University as African American and female. In 2010, 8.62% of expenditures were with female and African American vendors. In 2011, 1.14% of expenditures were with female and African American vendors, and in 2012, 12.67% of expenditures were with female and African American vendors. Over a three year period, the average expenditure with female and African American vendors, contractors and/or professional service providers is 7.47%.

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G. UM - DEFINITION FOR UNDER-REPRESENTED GROUPS AT UNIVERSITY OF MISSISSIPPI

Statement of Definition for Under-represented Groups at University of Mississippi

Diversity at UM is a function of several important variables with race, ethnicity and gender being among those most historically considered. Important as these variables are, they do not represent an exhaustive description of diversity and describing those underrepresented in the collegiate environment. Indeed, under representation at academic institutions changes over time as societal norms and values emerge. Some additional variables that currently define under representation at The University of Mississippi include: age, military status, sexual affiliation, disability, geographical and socio-economic status; In years to come there will be additional variables defining “under-represented” students, faculty and staff that we will have to consider to insure their access to all aspects of the University’s environment, to teach others about tolerance with respect to their specific status, and to provide a positive experience for them within the university environment. The University of Mississippi has a well-documented but distant past that denied access and opportunity to African Americans and females. Moreover, race represents one of our most sensitive social and environmental factors on campus. As a result we have a special obligation to make sure that emphasis and resources are devoted to race, ethnicity and gender.

STUDENT DIVERSITY

The University of Mississippi considers the following student groups as under-represented:

African-American/Black (16.7 %); Asian (3.5%); Hispanic (2.7%); American Indian, Alaskan native, Hawaiian native, American Pacific Islander native – combined (0.4%); non-White/multi-race (1.6%).

Note: *UM has a White student population of 74.9% and a female student population of 54.6%.*

FACULTY AND STAFF DIVERSITY

The University of Mississippi considers the following faculty and staff as under-represented:

FACULTY: *African-American/Black (6.3%); Asian (3.1%); Hispanic (2.0%); American Indian, Alaskan native, Hawaiian native, American Pacific Islander native – combined (0.4%); non-White/multi-race (3.7%).*

Note: *84.3 % of UM faculty is White and 44.4% female.*

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STAFF: African-American/Black (19.3%); Asian (2.5%); Hispanic (0.7%); American Indian, Alaskan native, Hawaiian native, American Pacific Islander combined (0.5%). non-White/multi-race (3.5%).

Note: 73.8% of UM staff is White and 53.7% is female.
Of those in Executive, Administrative and Managerial Positions, 31.3% are female.

DIVERSITY IN CONTRACTING

The University of Mississippi considers the following Contractors/Vendors/Professional Service Providers groups as under-represented:

Minority-owned Business (owned by an individual of one of the following groups: African-American/Black; Asian; Hispanic; American Indian, Alaskan native, Hawaiian native, American Pacific Islander combined). Women-owned Small Business; Small Business, Small Disadvantaged Business.

Note: In 2012, UM contracted approximately 3.97% of its total expenditures to these under-represented groups.

H. UMMC - DEFINITION FOR UNDER-REPRESENTED GROUPS AT UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Statement of Definition for Under-represented Groups at University of Mississippi Medical Center

UMMC is committed to providing equity of opportunity and access and places a high premium on the importance of diversity. We recognize that broad participation and access best positions this institution to address the current and future health care needs of this state. We appreciate the well-documented, but distant past that denied access and opportunity to certain groups, particularly African-Americans and females. When we think about diversity at UMMC, we think about it broadly with a commitment to the recruitment, retention, promotion and advancement of students and faculty who reflect the diversity of our society. We recognize the shifting societal norms and values regarding diversity and the need to remain fluid in our understanding of this term.¹ At UMMC, we appreciate that we are diverse in many ways including a multitude of ethnicities, races, genders, lifestyles, orientations, ages, religions, disabilities, veteran status, and socioeconomic backgrounds, etc. UMMC maintains a commitment to sustaining an environment where everyone appreciates a sense of belonging, and feels welcomed, respected, valued and able to contribute at their highest level. Recognizing the potential contributions of all groups and

¹ Additionally, the Medical Center is subject to the federal interpretation of diversity according to Title VII of the U.S. Civil Rights Act of 1964.

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individuals and in an effort to focus on broad representation, UMMC has a special obligation to ensure that emphasis and resources are devoted to address under-representation on our campus with a particular focus on race, ethnicity, and gender.

STUDENT DIVERSITY

The University of Mississippi Medical Center considers the following student groups as under-represented:

African-American/Black (16.4%); Hispanic (1.5%); American Indian, Alaskan native, Hawaiian native, American Pacific islander native-combined (<0.5%), Asian (4%)

Note: UMMC has a White student population of 76.7% and a female student population of 59.4%.

The following is also considered in UMMC's understanding of URG's: The Association of American Medical Colleges (AAMC) definition of those under-represented in medicine (URM)², and the U.S. Department of Health and Human Services definition of disadvantaged background.³

- **AAMC Definition of Underrepresented in Medicine: "Underrepresented in medicine means those racial and ethnic populations that are underrepresented in the medical profession relative to their numbers in the general population."**
- **Department of Health and Human Services Definition of Disadvantaged Background:**
An individual is considered to be from a disadvantaged background if he or she comes from a family with an annual income below established low-income thresholds (as published by the U.S. Bureau of the Census) or comes from a social, cultural, or educational environment, such as that found in certain rural or inner-city environments, that has demonstrably and recently directly inhibited the acquisition of the knowledge.

² The AAMC definition of underrepresented in medicine is: "Underrepresented in medicine means those racial and ethnic populations that are underrepresented in the medical profession relative to their numbers in the general population." Adopted by the AAMC's Executive Council on June 26, 2003.
<https://www.aamc.org/initiatives/urm/>

³ Department of Health and Human Services,
<http://www.hrsa.gov/loanscholarships/loans/disadvantaged.html>

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FACULTY AND STAFF DIVERSITY

The University of Mississippi Medical Center considers the following faculty and staff groups as under-represented:

African-American/Black (38%); Hispanic (<.01%); American Indian, Alaskan native, Hawaiian native, American Pacific islander native- combined (<.001%), Asian (4%)

Note: UMMC has a White faculty and staff population of 58% and a female faculty and staff population of 71%.

Currently, **42% of all UMMC employees** are from under-represented groups (African-American, American Indian, Hispanic, Pacific Islander, Asian), including the following percentages in various subgroups of employees: **23%** executive/administrative, **26%** professional, **9.5%** faculty, **78%** service/maintenance, and **66%** clerical.

DIVERSITY IN CONTRACTING

The University of Mississippi Medical Center considers the following Contractors/Vendors/Professional Service Provider groups as underrepresented: Underrepresented groups that qualify as small, minority-, women- and veteran-owned businesses (SMWV), as defined by the Mississippi Development Authority and the US Small Business Administration.

UMMC is committed to the inclusion of these businesses as an integral part of its supply, contractor and professional services efforts. The business must retain at least 51 percent ownership by an individual from one of the aforementioned underrepresented groups, which means at least 51 percent owned, controlled, and managed by one or more such individuals. In the case of publicly owned businesses, at least 51 owned, controlled, and managed by one or more such individuals. Further, those underrepresented group members must control the management and daily operations.

For fiscal year 2013 (through July 2012), the estimated number of vendors from Under-represented Groups with which UMMC is currently conducting business is 490 with an estimated total spending of \$3,268,128.08. This includes 13 Minority Owned Businesses with an estimated spending of \$31,464.82; 154 Women Owned Businesses with an estimated spending of \$259,748.97; and 23 Veteran Owned Businesses with an estimated spending of \$59,828.72.

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I. USM - DEFINITION FOR UNDER-REPRESENTED GROUPS AT UNIVERSITY OF SOUTHERN MISSISSIPPI

Statement of Definition for Under-represented Groups at University of Southern Mississippi

The University of Southern Mississippi defines “under-represented” categories, for purposes of recruiting and retaining students and employees, as well as vendors, as persons or businesses who self-identify membership in the following categories:

- African-American
- Asian-American
- Hispanic/Latino
- Pacific Islanders
- Native American
- Multiracial

In addition, as to vendors and contractors, “under-represented” categories also include females. As to faculty and staff diversity, a determination of whether “under-represented” categories include females is to be determined on a departmental basis.

STUDENT DIVERSITY

For the past three years, **combined undergraduate and graduate students** have self-identified as African-American at a rate of 27% in 2010, 28% in 2011 and 29% in 2012. The percentage of students who self-identified as members in one of the other racial or ethnic categories listed above combined was 14% in 2010, 12% in 2011 and 10% in 2012. USM has almost equal numbers of female and male students.

FACULTY AND STAFF DIVERSITY

For the past three years, **employees** have self-identified as African-American at a rate of 12% of total employees in 2010, and at a rate of 13% in both 2011 and 2012. The percentage of employees who self-identified as members in one of the other racial or ethnic categories listed above averaged at 10% for years 2010, 2011 and 2012. Fifty-six percent of USM employees are female and 44% are male.

DIVERSITY IN CONTRACTING

Our **vendor** participation by businesses owned either by females or by African-Americans has, for the past three years, remained consistent with an average of 30% by female-owned enterprises and at 8% by those owned by African-Americans. Vendors who self-identified as members of the remaining racial or ethnic categories account for approximately 5% of our overall vendor contracts.

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J. SYSTEM – DEFINITION FOR UNDER-REPRESENTED GROUPS AT THE BOARD’S EXECUTIVE OFFICE

EMPLOYEE DIVERSITY

The Board’s Executive Office defines “under-represented” groups, for the purpose of improving employee diversity, as persons that self-identify membership in one or more of the following categories:

- Black or African American
- Asian
- Hispanic or Latino
- American Indian
- Native Hawaiian/Pacific Islander
- Multi-racial

In 2013, the percentage of employees at the Executive Office that identified themselves as one of the above under-represented groups was 40%, while 60% self-identified as Caucasian. Sixty-four percent of the employees self-identified as female and 36% as male.

VENDOR/CONTRACTOR DIVERSITY

The Board’s Executive Office defines “under-represented” groups, for the purpose of improving contractor/vendor diversity, as businesses that self-identify ownership by one or more of the following categories:

- Black or African American
- Asian
- Hispanic or Latino
- American Indian
- Native Hawaiian or Pacific Islander
- Multi-racial
- Female

For FY 2012, 17.16% of Executive Office contractor/vendor expenditures were made to businesses/contractors that self-identified as one of the above listed under-represented groups.

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SYSTEM –APPROVAL OF PROPOSED CHANGES TO BOARD POLICY 201.0509 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS

201.0509 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS

A. General Policy

The Board shall appoint the Commissioner and the Institutional Executive Officers (IEOs). The Board shall make interim appointments to executive officer and/or commissioner positions as necessary and with such consultation as the Board considers appropriate.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 3/2011; 5/2011;4/2012)

B. Board Search Committee

The President of the Board shall appoint a committee of Board members to manage the search for a Commissioner or an IEO. However, any Board member who wants to serve on the committee may serve. The President of the Board, with the consent of the Board, shall appoint a member of the committee as chairperson.

Rather than engaging in the extended search process described below within the next paragraph and those that follow, the Board may, with an affirmative vote by at least nine Board members, in its discretion interview candidates that are known to the Board and consider their selection in accordance with the expedited process described in this paragraph. Such candidates may be internal candidates from the subject university or from one of the other state universities, or such other candidates that the Board believes should be considered. The Board may conduct such interviews of internal candidates or other candidates at an early point in the process so as not to discourage the application of additional candidates that may choose to apply if an internal candidate is not selected by way of an expedited process. In any event, an expedited process, if followed, should be utilized prior to the hiring of a search consultant. Following interviews of any such internal or other candidates, the Board, as it deems appropriate, may proceed with utilizing any portions of the extended search process set out below. A Board vote to select a preferred candidate interviewed in accordance with this expedited process shall require the affirmative vote of at least nine Board members. If candidates are interviewed in accordance with this expedited process and no candidate is designated as a preferred candidate, the Board has the power to engage in other expedited processes or to conduct a search in accordance with the extended process described below.

The Commissioner, in consultation with the Board Search Committee, will make a recommendation to the Board with regard to a search consultant to assist with the search for an IEO. The Board may interview and will select the search consultant, if the Board determines that one is needed. The Board Search Committee may select a search

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consultant to assist with the search for a new Commissioner. As part of the initiation of the IEO search process, the Commissioner and Board Search Committee may consider the input of constituents regarding desired characteristics of a new IEO. The Board may also consider input from constituents regarding the desired characteristics of a new Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

C. Advertisement Schedule

If a search consultant is used, the search consultant shall develop the position advertisement and a general schedule for the search in consultation with the Commissioner and with the approval of the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

D. Campus Search Advisory Committee

In a search for an IEO, the Commissioner shall prepare a list of the proposed membership of a Campus Search Advisory Committee, as well as a chair, or co-chairs, of such committee. The Campus Search Advisory Committee shall be representative of the various constituent groups of the university, including administrators, faculty, staff, students, alumni, foundation representatives, and members of the community. The Commissioner, in coordination with the Chair of the Board Search Committee, shall take appropriate steps to receive written assurances from all of those proposed to serve on the Campus Search Advisory Committee that they have not formed any opinion as to the identity of the particular person that should be selected as the IEO, that they have no personal, professional or other relationship with any person that they understand may be a candidate that would impair their objectivity in fairly considering all candidates, that they will endeavor to remain open to considering all persons that apply in a fair and unbiased manner, and that they will not agree with any person to advocate or campaign for the selection of any particular candidate. The Commissioner shall then inform Board members of the proposed membership and chair (or co-chairs) of that committee. After the Board has been provided with the Commissioner's recommendations for the membership and chair (or co-chairs) of the Campus Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership and chair (or co-chairs) of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the Commissioner's recommendations, the Commissioner may proceed with appointing the membership and chair (or co-chairs) of the Campus Search Advisory Committee. In a search for a Commissioner, the Board may seek advice from appropriate individuals or groups, including any search consultant hired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

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E. Recruitment

Recruitment of candidates may occur up to the point of selection, but candidates will be advised to submit their materials by a specified date to insure optimum consideration for the position. At any point in the search process the Board may add additional candidates to the pool being considered without starting the entire process over. The decision regarding whether to have any such additional candidates reviewed by the Campus Search Advisory Committee is in the discretion of the Board. Additional interviews may be conducted as desired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

F. Candidate Screening

The Campus Search Advisory Committee members shall vote individually by secret ballot for a minimum of five candidates that he/she recommends as a good candidate for the position. The search consultant, if one is used, is to then accumulate the secret ballots and count them. If no consultant is used, the Commissioner shall accumulate the ballots and count them. The results of the vote count, indicating the number of favorable votes received by each candidate, are to then be reported to the Board Search Committee members. The Board Search Committee shall then meet and discuss which candidates to interview. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview. If any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be interviewed, the Board Search Committee shall proceed with planning first round candidate interviews. The search consultant shall then be informed of the candidates to be interviewed. The consultant shall next be informed that he/she may advise the non-selected candidates that they will not be interviewed as part of the initial process, if such notification is deemed prudent by the Board and the search consultant at that point in time. The consultant should, if directed by the Board, remind those candidates that were not invited back for initial interviews that the Board can always add more names to be considered at a later date. The Campus Search Advisory Committee may then be told who will be initially interviewed by the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

G. Interview Search Advisory Committee

Each member of the Campus Search Advisory Committee shall be requested to provide nominations from the membership of that committee to serve on the Interview Search Advisory Committee. Using that information and such information as may be deemed helpful to insure a balanced Interview Search Advisory Committee, the Commissioner and the Chair of the Board Search Committee shall then prepare a list of the proposed membership of an Interview Search Advisory Committee from the membership of the Campus Search Advisory Committee. The Interview Search Advisory Committee shall

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be comprised of administrators, faculty, students, staff, and outside representatives. These representatives shall be diverse in race and gender. The Commissioner shall then inform Board members of the proposed membership of that committee. After the Board has been provided with the recommendations from the Commissioner and the Chair of the Board Search Committee for the membership of the Interview Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the recommendations, the Commissioner may proceed with appointing the membership of the Interview Search Advisory Committee. The Interview Search Advisory Committee may participate with the Board of Trustees in the remainder of the search process, except when the Board of Trustees excuses the Interview Search Advisory Committee from executive session. The Campus Search Advisory Committee shall then select a representative group of members, called the Interview Search Advisory Committee, to participate with the Board of Trustees in the remainder of the search process, except when the Board of Trustees excuses the Interview Search Advisory Committee members from executive session. The Interview Search Advisory Committee shall be comprised of administrators, faculty, students, staff and outside representatives. These representatives shall be diverse in race and gender.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

H. First Interviews

The Board Search Committee and the Commissioner, with input from the Interview Search Advisory Committee, will conduct the first round of interviews. All Board members will be invited to attend. The consultant, if one is used, or the Commissioner if no consultant is used, will conduct a background check on those candidates participating in the first round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

I. Reference Contacts

Under the direction of the Commissioner and/or the consultant, reference contacts will be made on each candidate who is participating in the second round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

J. Second Interviews

Before the second round of interviews, the results of the reference contacts and background checks shall be made known to the Board and the Interview Search Advisory Committee. The Board Search Committee shall then meet to discuss who and how many to interview during the second round of interviews. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview for second round interviews. If any

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Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed for a second interview, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be further interviewed, the Board Search Committee shall proceed with planning the second round interviews by the full Board. The Board may conduct as many additional interviews as it deems necessary in conducting the search process.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

K. Preferred Candidate

After all of the above has been completed, the Board of Trustees will meet to hear from the Board Search Committee regarding an assessment of each candidate. The Commissioner's assessment will be sought. The Board of Trustees will then select and announce their Preferred Candidate.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

L. Campus Interview

The Preferred Candidate will be scheduled for a full day on-campus for interviews with a wide array of constituents. Each group will have the opportunity to provide feedback on the Preferred Candidate to the Board of Trustees.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

M. Decision

The Board of Trustees will meet after the last on-campus interview session to review the feedback and conduct further discussion. The Board of Trustees will then vote to name the Preferred Candidate as the institution's new Institutional Executive Officer or vote to continue the search.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

In a search for a Commissioner, the Board Search Committee may request appropriate individuals or groups to submit unranked recommendations of candidates to be considered for initial interviews. The Board Search Committee shall schedule initial interviews and all members of the Board will be invited to attend the initial interviews and participate in the selection of candidates for final interviews. The Board Search Committee may also invite additional individuals to attend and observe the initial interviews conducted by such committee to fill the position of Commissioner. The Board Search Committee will next develop an interview schedule for the candidates selected for final interviews for the position of Commissioner. The Board shall then meet and conduct final interviews and select the Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

EXHIBIT 4

June 20, 2013

SYSTEM –APPROVAL OF THE STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT (SMART BUSINESS ACT) GUIDELINES

Section 1. Funding Opportunity Title

Strengthening Mississippi Academic Research Through Business Act (SMART Business Act)
Rebate Applications

Section 2. Funding Opportunity Purpose/Description

The Strengthening Mississippi Academic Research Through Business Act (SMART Business Act), as established by Mississippi law, is intended to meet the following goals: stimulate private investment in research and development through partnerships with Mississippi public colleges; increase the competitiveness of Mississippi companies; and improve the economy of the State of Mississippi.

Section 3. Eligibility Requirements

Any natural person, partnership, limited liability company, association, corporation, business trust or other business entity not formed for the specific purpose of acquiring the rebate offered, and which is subject to Mississippi income or franchise tax is eligible to apply (the “Applicant”).

Section 4. Application and Submission Information

1. Requesting an Application Package

Application information is available online at the Mississippi Institutions of Higher Learning’s (IHL) website (www.ihl.state.ms.us).

2. Content and Form of Application Submission

Application packages will be accepted online at www.ihl.state.ms.us and will at a minimum include the items listed below.

- Name, address and tax ID number for the Applicant (to document eligibility of the Applicant/Investor).
- A copy of a Research Agreement between the Applicant and a College or Research Corporation stating their intent to enter into a Research Agreement for Qualified Research with an attached research plan and budget approved by the College or Research corporation. The research agreement must also include an estimated date of completion.
- A statement/assurance that funds from the Applicant/Investor do not originate from any grant, contract or otherwise by another person or governmental entity.
- A letter from the Mississippi Department of Revenue stating that the applicant is subject to Mississippi income tax or franchise tax.

EXHIBIT 4

June 20, 2013

3. **Submission Dates and Times**

Applications may be submitted during one of two 60-day open enrollment periods that will be publicly announced on an annual basis. Additional open enrollment periods may be announced based on availability of funding.

Section 5. Application Review Information

Applications will be reviewed for compliance with the legislation by the Office of the Commissioner of Higher Education or his designee.

Section 6. Award Information

1. **Funding Instrument**

Rebate: An Investor (Applicant) incurring qualified research costs subject to a research agreement approved under this act is eligible for a rebate equal to twenty-five percent (25%) of the investor's qualified research costs.

2. **Funds Available and Anticipated Number of Awards**

The total funding support from the State of Mississippi is \$5,000,000 per fiscal year. Each investor incurring research costs approved under this act is limited to a rebate of twenty-five percent (25%) of the investor's qualified research costs not to exceed \$1,000,000 during any fiscal year.

Section 7. Award Administration Information

A formal notification in the form of a SMART Business Certificate (SBC) will be issued by the IHL to awarded investors within 60 days of the expiration of an open enrollment period.

Section 8. Rebate Redemption

To claim a rebate, the investor must submit a rebate allocation claim to the Mississippi Department of Revenue. The rebate allocation claim must include, at a minimum, the SMART Business certificate issued by the Mississippi Institutions of Higher Learning and proof of payment to the college or research corporation for qualified research conducted according to the research agreement. The IHL may set an expiration date for redemption of rebates with the Mississippi Department of Revenue.

Section 9. Definitions

"**College**" means the state institutions of higher learning in Mississippi which are accredited by the Southern Association of Colleges and Schools.

"**Investor**" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity, not formed for the specific purpose of acquiring the rebate offered, which is subject to Mississippi income tax or franchise tax.

EXHIBIT 4

June 20, 2013

"**Qualified research**" means the systematic investigative process that is undertaken for the purpose of discovering information. The term "qualified research" does not include research conducted outside the State of Mississippi or research to the extent funded by any grant, contract or otherwise by another person or governmental entity.

"**Research agreement**" means a new written contract, grant or cooperative agreement entered into between a person and a college or research corporation for the performance of qualified research; however, all qualified research costs generating a rebate must be spent by the college or research corporation on qualified research undertaken according to a research agreement.

"**Research corporation**" means any research corporation formed under Section 37-147-15 if the corporation is wholly owned by a college and all income and profits of the corporation inure to the benefit of the college.

"**Qualified research costs**" means costs paid or incurred by an investor to a college or research corporation for qualified research undertaken according to a research agreement.

"**State**" means the State of Mississippi or a governmental entity of the State of Mississippi.

"**IHL**" means the Board of Trustees of State Institutions of Higher Learning in Mississippi.

"**SMART Business Act**" means Strengthening Mississippi Academic Research Through Business Act.

March 5, 2013

Commissioner Hank Bounds
Institutions of Higher Learning
State of Mississippi
3825 Ridgewood Road
Jackson, MS 39211-6453

Dear Commissioner Bounds:

Re: Correction to Exhibit H – Leased Parcels Summary Control Sheet –
Master Lease Agreement between the Jackson Medical Mall Foundation
and the University of Mississippi Medical Center

For your information, the University of Mississippi Medical Center (UMMC) has made a correction to Exhibit H, Leased Parcels Summary Control Sheet of the Master Lease Agreement between UMMC and the Jackson Medical Mall Foundation.

On Line 5, the UMMC Area Health Education Center (AHEC) Program Office with 525 square feet is now omitted. The AHEC program lost its federal funding as of September 29, 2012 and has ceased operations. This was an in-kind donation of space by the Jackson Medical Mall so the vacancy does not affect the rental rate.

The revised exhibit is attached.

Sincerely,



James E. Keeton, M.D.
Vice Chancellor for Health Affairs

cc: James Wentz

JEK/va

June 20, 2013

Exhibit 5

Exhibit H

Leased Parcels Summary Control Sheet

(JMMF - UMMC Master Lease Agreement Dated As Of December 31, 2010)

Parcel No.	Premises / Parcel Description (Subsequently Added Parcels denoted by "SPA")	Square Feet	Per Square Foot Rental Amount (See Below for Breakdown)	Parcel Commencement Date	Allowance Work Letter Agreement (Y/N) Date	Side #	Total Amount of Landlord Improvements at Tenant's Request	Adjustment to Per Square Foot Rental Amount	Estimated Date of Payoff of Costs of Landlord Improvements at Tenant's Request	Comments
1	Shipping and Receiving	1,712	\$15.48	12/31/2010	N	501				
2	UMC Patient Account Services	15,806	\$15.48	12/31/2010	N	2550				
3	Jackson Heart Study	6,557	\$15.48	12/31/2010	N	701				
4	Ambulatory Clinics (includes Specialty Clinics)	143,179	\$15.48	12/31/2010	N	501				
5	(Deleted)	0	\$0.00	12/31/2010	N	3512				
6	Additional Jackson Heart Study	14,815	\$15.48	12/31/2010	N	701				
7	Outpatient Dialysis Facility	12,146	\$15.48	12/31/2010	N	459 & 479				
8	UMC Pediatric Infectious Diseases (Part I)	771	\$15.48	12/31/2010	N	751				
9	Hospital Finance Department	5,224	\$15.48	12/31/2010	N	2525				
10	MS Institute for the Improvement of Geographic Minority Health	6,974	\$15.48	12/31/2010	N	310-B				
11	HRE Office	3450	\$15.48	12/31/2010	N	3210				
12	UMC Conference Center	26,641	\$15.48	12/31/2010	N	775				
13	Phase I of the Cancer Center Institute (Old Primary Healthcare Clinic)	43,478	\$15.48	12/31/2010	N	1600				
13A	UMMC JMM Clinical Lab Consolidation	2,684	\$25.20	3/1/2013			\$465,022.10	\$9.72		
14	Phase II of the Cancer Institute	41,646	\$15.48	12/31/2010	N	1600				
15	Phase III of the Cancer Institute (includes Children's Justice Center)	29,073	\$15.48	12/31/2010	Y (12/01/2010)	1600	\$411,000.00	\$0.00		
16	Pediatric Hemophilia Treatment Clinic	2090	\$15.48	12/31/2010	N	3450				
17	Clinical Skills Assessment Lab	3,877	\$15.48	12/31/2010	N	2515				
18	Information System Storage	950	\$15.48	12/31/2010	N	2500				
19	Home Dialysis Program	4000	\$15.48	12/31/2010	N	MO 215-11A				
20	Hospital Finance Department Addition (Budget)	4,796	\$15.48	12/31/2010	N	2600				
21	UMMC Training Center	2,322	\$15.48	12/31/2010	N	499-B				
22	CLIMB2 Project	570	\$15.48	12/31/2010	N	731				
23	UMMC ACTR Center II	4,150	\$15.48	12/31/2010	N	615				
24	Division of Information Systems	37,775	\$15.48	12/31/2010	Y (09/01/2010)	1601	\$3,542,000.00	\$0.00		
25	Administrative Offices	36,110	\$15.48	12/31/2010	Y (10/01/10)	550-B & 550-C	\$3,100,000.00	\$0.00		
26	UMMC Rowland Medical Library Off-Site Storage	4,814	\$15.48	12/31/2010	Y (10/01/2010)	1699	\$259,000.00	\$0.00		

Square Footage of the Premises	455,810
	525
	455,285
Multipled by Per Square Foot Rental Amount	\$15.48
Rental (stated as annual amount)	\$7,047,811.90

Exhibit H Amendment No: N/A

JMMF

By: _____
Authorized Officer

Direct: _____

UMMC

By: _____
Authorized Officer

Components of Per Square Foot Rental Amount	Amount	Eligible For CPI Adjustment
Base Rental	\$ 2.95	Y
Construction/Improvements/Old UMC Projects	\$ 3.45	N
Construction/Improvements/New UMC Projects	\$ 1.430	N
Total Base Rental/Construction/Improvements	\$ 7.83	N/A
CAM	\$ 3.30	Y
Housekeeping	\$ 1.90	Y
Electricity	\$ 1.50	N
Water	\$ 0.10	N
Gas	\$ 0.10	N
General Maintenance	\$ 0.25	Y
Capital Improvement Fund	\$ 0.50	N
Per Square Foot Rental Amount	\$ 15.48	N/A

Exhibit 5

EXHIBIT 6

June 20, 2013

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE May 16, 2013 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)

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 101-292 – Bowles Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Flagstar Construction Company, Inc., the lower of four (4) bidders, for a total contract amount of \$6,784,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 2, 2013

Project Initiation Date: August 18, 2011

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

General Contractor: Flagstar Construction Company, Inc.

Project Budget: \$8,200,000.00

2. JSU– GS 103-234 – ADA Compliance Phase IIb (BP1)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$53,517.59 and thirty-four (34) additional days to the contract of FP Contracting, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 2, 2013

Change Order Justification: **Change Order #7** is necessary to provide labor & materials to perform additional sitework and change from asphalt to concrete paving at Reddix Hall, to provide labor & materials to investigate & repair miscellaneous plumbing leaks and perform associated sitework.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$620,265.62.

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: FP Contracting, LLC

Project Budget: \$5,632,985.50

3. JSU – GS 103-251 Security Upgrades Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$4,654.50 and zero (0) additional days to

EXHIBIT 6

June 20, 2013

the contract of Edwards Electric Services, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 3, 2013

Change Order Justification: Change Order #2 is necessary to investigate and repair or replace the sixteen (16) cameras not working on the CISCO System as of November 14, 2012. To document the “as-found” status of all cameras, and repair/replace all camera units found to be non-functional at no cost to the owner. The cameras tested and found fully functional shall be further investigated for system problems and placed back into operation.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$4,654.50.

Project Initiation Date: November 20, 2008

Design Professional: Watkins & O’Gwynn Consulting Electrical Engineers, P.A.

General Contractor: Edwards Electric Services, LLC.

Project Budget: \$1,651,948.97

4. **JSU– GS 103-275 Administration Tower Exterior Waterproofing**

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

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

Staff Approval Date: May 9, 2013

Project Initiation Date: February 5, 2013

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

General Contractor: TBA

Project Budget: \$2,000,000.00

5. **MSU– IHL 205-267 – MSU Fresh Food Company Phase Two**

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

Staff Approval Date: May 13, 2013

Project Initiation Date: September 11, 2012

Design Professional: JH&H Architects

General Contractor: TBA

Project Budget: \$12,500,000

6. **MVSU– GS 106-201 – Library Enhancements Phase II**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$9,921.00 and forty-six (46) 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: May 9, 2013

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Change Order Justification: **Change Order #6** is necessary for patching & leveling to the areas identified after the existing finishes were removed noting the variations exceeded any common construction tolerance expectations, thermostats needed to be moved out of the file wall surfaces facing the main library and time extensions due to weather delays.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$1,635,975.84.

Project Initiation Date: February 22, 2008

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Harrell contracting Group, LLC

Project Budget: \$11,900,000

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$3,232.00 and zero (0) additional days to the contract of Evan Johnson & Sons Construction, Inc.

Staff Approval Date: April 26, 2013

Change Order Justification: **Change Order #2** is necessary to add window stops and a credit to accept the existing temporary construction fencing.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$55,177.00.

Project Initiation Date: February 17, 2011

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

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$8,000,000.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$526,379.35 and seven (7) additional days to the contract of Zellner Construction.

Staff Approval Date: May 2, 2013

Change Order Justification: **Change Order #4** is necessary to add a new freight elevator in lieu of originally specified Scizzor Life and sheet waterproofing on the existing west wall, additional walls with FRP finish & stainless steel cap required at the commissary for equipment back-up, modifications to the site in order to maintain fire truck access and add one (1) fire hydrant, adjustment to the loading dock driveway elevations, additional steel & pre-cast demolition required, additional demolition at the new stair S02 to allow for new construction, modifications to the black iron duct as required to maintain required ceiling height, modifications to the new duct to pass over the new walk-in coolers in a space narrower than anticipated, modify joist at the roof level to allow for duct penetration, removal of miscellaneous existing steel angles & bars at the existing bar joist, additional 450 sf of Tectum board to replace the existing deteriorated or damaged Tectum board and to furnish & install 1-1/2" gauge B metal deck to replace existing Tectum roof found to be unsuitable for the building and project schedule.

EXHIBIT 6

June 20, 2013

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$713,878.92.

Project Initiation Date: May 19, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: Zellner Construction

Project Budget: \$14,500,000.00

9. UM – IHL 207-353 – Coulter Hall Addition and Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by BEJ-CDFL – A Professional Association

Staff Approval Date: May 7, 2013

Project Initiation Date: February 16, 2012

Design Professional: BEJ-CDFL – A Professional Association

General Contractor: TBA

Project Budget: \$15,000,000.00

10. UM– IHL 207-371 – Stockard Hall Elevator Refurbishment

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Corbett Legge and Associates, PLLC.

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

Staff Approval Date: May 1, 2013

Project Initiation Date: March 21, 2013

Design Professional: Corbett Legge and Associates, PLLC

General Contractor: TBA

Project Budget: \$1,100,000.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$16,778.00 and zero (0) additional days to the contract of Moses Electric, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 26, 2013

Change Order Justification: **Change Order #1** is necessary to relocate a disconnected switch for a fan in the basement of the Clinical Sciences Building in order to make space for the new fire alarm control panel to be installed, employing Johnson Controls to relocate an energy management system panel in the Learning Resources Building, so that the new fire alarm control panel may be mounted in its location as this control panel will be larger than the energy management system panel and to run a flexible metallic conduit inside the hollow walls in which to install the fire alarm cabling, as well as running wiremold in locations where walls are not hollow in lieu of surface mounted EMT conduit.

EXHIBIT 6

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Total Project Change Orders and Amount: One (1) change order for a total amount of \$16,778.00.

Project Initiation Date: February 18, 2010

Design Professional: The Power Source, PLLC

General Contractor: Moses Electric, Inc.

Project Budget: \$1,050,000.00

12. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$49,390.00 and fifteen (15) additional days to the contract of Fountain Construction Company.

Staff Approval Date: May 9, 2013

Change Order Justification: **Change Order #7** is necessary to convert the shelled future CATH/EP Lab into storage space for equipment or office space, a ceiling was added, the lights were changed to fit within a ceiling grid, HVAC was added to cool & heat this space, data and communications were added, the sprinkler heads had to be turned & lowered to fit within the ceiling, the door hardware was adjusted, and the walls will be fire caulked with all penetrations sealed, also to include the roof drain piping for the canopy and enlarging the metal panels to bring the piping down through the canopy without being exposed and the canopy finishes cannot begin installation until this piping is finished and five extra days will be added for this delay.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$186,804.00.

Project Initiation Date: February 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects & Engineers, PA

General Contractor: Fountain Construction Company

Project Budget: \$20,182,526.00

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the **credit amount** of \$40,234.94 and five (5) additional days to the contract of C. Perry Builders, Inc., General Contractors.

Staff Approval Date: May 7, 2013

Change Order Justification: **Change Order #9** is necessary to add shoe molding, 'Hardy Hall' letters & concrete sidewalks, improve drainage at planter and replace door and provide a credit for the deleted building directory, to deduct for liquidated damages, and to deduct for Barnes and Noble's cost to repair the bookstore after pipe/gasket break.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$345,944.96.

Project Initiation Date: August 21, 2008

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

General Contractor: C. Perry Builders, Inc.

Project Budget: \$10,095,459.54

EXHIBIT 6

June 20, 2013

14. ERC– GS 111-044 – Mechanical Modification Program

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$39,431.76 and ninety (90) additional days to the contract of Upchurch Plumbing, Inc.

Staff Approval Date: April 30, 2013

Change Order Justification: **Change Order #7** is necessary to provide four (4) occupancy sensors with power packs, to relocate the existing light fixture and four ceiling sensors, to remove the existing switch and install new 800 amp breaker for the fire pump, to provide an electrical circuit direct from the generator to the fire pump through the line side of the transfer switch, to provide a new 600 amp, to disconnect the switch at the fire pump, to provide new emergency lighting circuits to each floor and to provide building Entergy meters interfaced to the statewide Entergy monitoring system.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$89,956.18.

Project Initiation Date: July 27, 2004

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Upchurch Plumbing, Inc.

Project Budget: \$3,555,100.00

15. ERC– GS 111-049 – Road Improvements

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$451.08 and zero (0) additional days to the contract of Southern Rock, LLC.

Staff Approval Date: May 1, 2013

Change Order Justification: **Change Order #3** is necessary to delete the prime coat on the base prior to the placement of the asphalt pavement due to the improved conditions of the gravel base material, adjust the 24” RCP and 18” RCP coming to RCI-2 and change invert out elevation of RCI-2 to 316.71 and install one 2’ x 2’ junction box which will cause a restriction of flow in the required 18” RCP from RCI-2 to RCI-3 so it shall be changed to a 24” RCP. Also due to two underground utilities found in the location of RCI-3, the invert out elevation must be changed to 316.48 and the required 30” RCP shall be replaced with a 24” RCP.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$190,310.95.

Project Initiation Date: October 20, 2011

Design Professional: W.L. Burle Engineers

General Contractor: Southern Rock, LLC

Project Budget: \$2,551,057.07

EXHIBIT 7

June 20, 2013

1. 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 Ware/Gasparian (statement dated 5/7/13) from the funds of Mississippi State University. (This statement, in the amount of \$2,000.00, represents services and expenses in connection with labor certification.)

TOTAL DUE.....\$ 2,000.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/19/13 and 4/24/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,664.00 and \$2,460.00, respectively, represent services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 5,124.00

Payment of legal fees for professional services rendered by Jones Walker (statement dated 3/25/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$2,300.71, represents services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 2,300.71

Payment of legal fees for professional services rendered by Kitchens Hardwick (statements dated 3/8/13, 3/8/13, 3/8/13, 4/2/13, 4/2/13 and 4/3/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$10,560.00, \$2,887.50, \$594.00, \$11,372.00, \$3,498.00 and \$3,389.00, respectively, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 32,300.50

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 5/3/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$5,263.50, represents services and expenses in connection with general advice.)

TOTAL DUE.....\$ 5,263.50

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/19/13, 4/12/13, 4/12/13, 4/12/13, 4/12/13 and 4/30/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Esterification and Bio-oil Upgrading" - \$235.00;

EXHIBIT 7

June 20, 2013

“Esterification and Bio-oil Upgrading” - \$352.50; “Cellulosic Biodiesel Provisional Application” - \$25.50; “Catalytic Methods to Produce Hydrocarbons Provisional Application” - \$25.50; “Bio-oil Pretreatment with Catalysts Provisions” - \$25.50 and “Live Attenuated Catfish Vaccine” - \$1,390.00, respectively.)

TOTAL DUE.....\$ 2,054.00

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 2/26/13) from the funds of Mississippi State University. (These statements represents services and expenses in connection with the following patents: “Giant Myscanthis Plant Patent Application” - \$531.25; “Myscanthis Plant” - \$995.00; “MSU Burmudagrass Plant” - \$1,207.50; “Occidiofungin, a Unique Antifungal Glycopeptide” - \$531.25; “Occidiofungin, a Unique Antifungal Glycopeptide” - \$191.25; “A Method to Tutor Using Textbooks” - \$125.00; “Phenoxyalkyl Pyridinium Oxime for Therapeutics for Treatment of Organophosphate Poisoning” - \$1,108.75; “Oral Vaccination of Fish with Live Attenuated Edwardsiella Ictaluri Vaccines” - \$1,512.50; “Crape Myrtle Plant Named (Neshoba)” - \$1,585.00; “Crape Myrtle Plant Named (Pascagoula)” - \$1,542.50; “Crape Myrtle Plant Named (Sequoyah)” - \$1,478.75; “Crape Myrtle Plant Named (Shumaka)” - \$1,500.00; “Crape Myrtle Plant Named (Tishomingo)” - \$1,542.50; “Using Biochar, a Byproduct from Thermal Chemical Conversion of Biomass, as Container Substrate” - \$1,848.75; “Berbent Bermudagrass Trademark” - \$807.50; “Methods for Influenza Antigenic Drift Detection” - \$1,211.25; “Fiber Separation from Grain Products” - \$1,272.50; “Utilization of Oleaginous Microorganisms” - \$210.00; “Particle Assisted Light Concentration for Solar Photovoltaics” - \$380.00; “Method to Control Off-flavor in Water and Aquaculture Products” - \$1,450.00; “MSU Oxime Therapeutics-European National Application” - \$488.75; “Use of Oxidation and pH-Shift to Selectively Remove Solubilized Metals” - \$125.00; “MSU-Patent Functional Enhancement of Antimicrobials” - \$701.25; “Phenoxyalkyl Pyridium Oxime Therapeutics for Treatment of Organophosphate Poisoning” - \$5,646.58; “Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$447.50 and “Molecular Design and Chemical Synthesis of Pharmaceutical-Ligands” - \$295.00.)

TOTAL DUE.....\$ 28,735.33

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/18/13, 4/22/13, 4/22/13, 4/22/13, 4/22/13 and 4/22/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$97.00, \$682.00, \$124.50, \$1,077.00, \$39.96 and \$1,469.40, respectively, represent services and expenses in connection with intellectual property/patents.)

TOTAL DUE.....\$ 3,489.86

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 4/29/13) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the following patent: “Lockhead - Oil Dispersant Patent” - \$642.50.)

EXHIBIT 7

June 20, 2013

TOTAL DUE.....\$ 642.50

2. SYSTEM – REQUEST FOR OFFICIAL ATTORNEY GENERAL’S OPINION

The Chair of the Board’s Legal Committee approved the submission of the below request for an official Attorney General’s opinion pursuant to Board Policy 1103 - Requests for Legal Opinions From the Attorney General. Pursuant to Board Policy 1103, that approval is now being reported as an information item to the full Board.

June 12, 2013

Honorable Jim Hood
Attorney General
Post Office Box 220
Jackson, MS 39205

Re: Request for Official Opinion

Dear General Hood:

As Commissioner of Higher Education, appointed pursuant to Miss. Code Ann. Section 37-101-7 (1972), as amended, and in accordance with Miss. Code Ann. Section 7-5-25 (1972), as amended, I request your official opinion of the following:

May the Board of Trustees of State Institutions of Higher Learning (IHL), on behalf of the IHL Executive Office or the Mississippi public universities, legally enter into employment contracts with one or more new or existing employees which provide, in part, that a portion of the compensation to be paid to the employee shall be paid monthly/periodically over the course of the contract, and that a portion shall be paid in the future in the form of deferred compensation on a date or dates specified within the employment contract? If so, may the deferred compensation be paid on a date or dates beyond the expiration of the employment contract?

Thanks in advance for your opinion on this important issue.

Sincerely,

Hank M. Bounds
Commissioner of Higher Education

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING**

July 23, 2013

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in an emergency teleconference meeting held at the Board Office in Jackson, Mississippi, at 2:00 p.m. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee (by phone), Mrs. Karen L. Cummins (by phone), Mr. Shane Hooper (by phone), Mr. Bob Owens, Mr. Hal Parker (by phone), Mr. Aubrey B. Patterson (by phone), Mr. Alan Perry (by phone), Ms. Robin J. Robinson (by phone), Dr. Douglas Rouse (by phone), and Mr. C.D. Smith (by phone). Dr. Ford Dye and Ms. Christine Pickering were absent. The meeting was called to order by Mr. Bob Owens, President.

In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss a Mississippi State University finance issue, a University of Mississippi tuition issue and a University of Southern Mississippi finance issue.

On motion by Trustee Hooper, seconded by Trustee Blakeslee, with Trustees Dye and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the following three items:

1. **MSU** - Approved the request to purchase a Student Health Insurance Program for the 2013-2014 year from United Healthcare Insurance Company (United HC). The purpose is to provide group health insurance coverage which complies with the federal Affordable Care Act to students who are employed as graduate assistants and to international students. Both categories of students are required by MSU to have health insurance – the graduate assistants because of their status as part-time employees and the international students because of federal immigration law requirements. The proposed coverage is optional and students may opt out of the program by showing evidence of other health insurance. The length of the contract is one (1) year - August 1, 2013 through July 31, 2014. The total estimated premiums paid for the one (1) year period is \$700,000. This amount is based on enrolling an estimated 630 student in the program for the 2013-2014 policy year at an annual premium of \$1,259 per student. MSU anticipates approximately \$190,000 of the total premiums with E&G funds in return for the graduate assistants' service. The insurance program will be funded by several sources – institutional funds, direct billing of student accounts, and funds received on behalf of students from externally funded grants and contracts. This item has been reviewed and approved by the Attorney General's Office.
2. **UM** - Approved the request to waive Board Policy 702.04 Approval Process (for tuition, fees and other student charges) subsection (C) Consideration of Requests which requires a thirty day wait for final adoption of tuition and room and board charges and to establish a program specific tuition rate for the recently approved Masters of Laws degree program (Space Law) for immediate implementation. This is a 26-hour degree program that was approved by the IHL Board in February 2013 with an intended start date of Fall 2013. The annual rate will be \$22,490 or \$865 per credit hour. This rate would apply to all students enrolled within this program regardless of residency status. The university projects an initial enrollment of 5 students in the first year, but anticipates the program will grow to ultimately enroll up to 25 students annually. The university projects a cumulative enrollment of 153 in the programs first six years with a 90-100% placement rate. The university is the only state-supported institution to offer this program. The University of Mississippi is the only law school in the country to have a focus on Air and Space Law. The university expects the program to be essentially financially self-sufficient with the implementation of this specific tuition rate.
3. **USM** - Approved the purchase of a Student Health Insurance Program for policy year 2013-2014 from United Healthcare Insurance Company, an operating division of UnitedHealth Group. The purpose is to provide group health insurance coverage that complies with the federal Affordable Care Act and immigration law to students who are employed as graduate assistants and to

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING**

July 23, 2013

international students. Both categories of students are required by USM to have health insurance – the graduate assistants because of their status as part-time employees and the international students because of federal immigration law requirements. The proposed coverage is optional and students may opt out of the program by showing evidence of other health insurance. The length of the contract is one (1) year - August 15, 2013 through August 14, 2014. USM calculated a cost estimate based on prior participation rates and projected FY2014 enrollment in the program. It is estimated that the total cost for the one (1) year period will be approximately \$918,000 based on an enrollment of 680 students at a premium rate of \$1,350 per student. USM anticipates paying approximately \$390,000 toward the estimated total cost. The insurance program will be funded by several sources – institutional funds, direct billing of student accounts, and funds received on behalf of students from externally funded grants and contracts. Graduate assistant premiums are funded from a combination of all of the available sources while premiums for international students are completely covered. This item has been reviewed and approved by the Attorney General’s Office.

ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
ACADEMIC AFFAIRS
AUGUST 15, 2013
Page 1 of 1**

**1. STATE – APPROVAL OF NON-SUBSTANTIVE CHANGE TO NURSING
ACCREDITATION STANDARDS**

On May 6, 2013, the National League for Nursing Accrediting Commission (NLNAC) changed their name to the Accreditation Commission for Education in Nursing (ACEN). Approval is requested for a non-substantive change to the Mississippi Nursing Degree Programs Accreditation Standards (2010) to delete NLNAC and add ACEN to reflect the current name of the national nursing accrediting organization.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. ASU – REQUESTS FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENT FOR BEVERAGE SERVICE

Contractor's Legal Name: Coca-Cola Refreshments USA, Inc., d/b/a/ Natchez Coca-Cola Bottling Company (Coca-Cola)

Agenda Item Request: Alcorn State University seeks IHL Board approval to enter into a sponsorship agreement with **Coca-Cola** who in return will serve as exclusive beverage sponsor to ASU.

History of Contract: ASU is currently partnering with **Coca-Cola** for similar services. The relationship between the two organizations spans the last 15 years, beginning in 1997. The current five year contract began in 2008 and expired on August 1, 2013. That agreement stipulated that ASU would offer *Rights of First Negotiation and Refusal* upon expiration to the vendor. The vendor presented a proposal to continue the relationship that ASU deemed acceptable.

Specific type of contract: This is a new revenue generating contract for campus-wide beverage service.

Purpose: The purpose of the contract is to provide beverage service to the ASU campus. Under this agreement, ASU elects to have **Coca-Cola** serve as the exclusive beverage sponsor of the University, with campus-wide beverage availability rights, on and off campus marketing rights, and the right to operate full-service vending on campus.

Scope of Work: Under the contract, ASU will receive the following benefits:

- Sponsorship fees in the aggregate amount of \$880,000 payable throughout the term of the agreement (10 years);
- Rebates of \$1 to \$2 for each standard case of bottle/can product purchased by ASU's dining service concessionaire and then subsequently made available for sale at the campus, inclusive of concessions;
- Net commissions of 30% on full-service vending sales;
- Marketing funds valued at \$75,000 over 10 years, as well as experienced marketing activities;
- Product donations of \$50,000 over 10 years; and
- State-of the art interactive vending with customized Alcorn messaging.

Under the contract, ASU will perform the following:

- Allow **Coca-Cola** the right to place its sponsorship recognition panels and signage on 25% of available signage space on the campus;
- Provide vendor with two (2) broadcast announcements per game that each athletic team plays during the term; and

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- Provide vendor with twenty (20) complimentary tickets and parking passes to all home game sporting events.

Term of contract: This is a ten (10) year approximate agreement effective August 16, 2013, through August 1, 2023.

Termination Options: Termination options include:

- ASU may terminate the contract if the vendor fails to make any obligated payment to the University in the agreement. Forty-five (45) days written notice of default must be given prior to termination;
- ASU may terminate the contract if the vendor breaches any other material term of this agreement. Forty-five (45) days written notice of default must be given prior to termination; and
- ASU may terminate the contract if the vendor becomes insolvent or bankrupt.

If the agreement is terminated prior to its scheduled Term expiration, the University will refund to the vendor a *pro rata* portion of all fees, commissions and other payments that have been paid but not earned as of the date of termination. All prepaid fees and commissions will be earned on a daily basis over the payment period.

Contract Amount: Under this agreement, ASU estimates that they will receive \$1,436,290 over the ten (10) year period. This estimate represents a 46.6% increase in comparative revenues versus the most current agreement. Final contract revenues may vary based on actual beverage sales incurred.

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A breakdown of the estimated total revenues is as follows:

*Alcorn State University
Coca-Cola Agreement
Revenue Proposals*

		Annual	Total
	Year 1	\$ 115,000	\$ 115,000
Sponsorship Dollars	Years 2-10	\$ 85,000	\$ 765,000
Marketing Funds		\$ 7,500	\$ 75,000
Donated Product Values		\$ 5,000	\$ 50,000
Vending Commissions (30%)		\$ 30,731	\$ 307,310
Rebates on delivery cases		\$ 12,398	\$ 123,980
Total Average Annual		\$ 143,629	
Total 10-Year Contract			\$ 1,436,290

Funding Source for Contract: Not-applicable as this is a revenue-generating contract

Contractor Selection Process: There were no competitive bids or proposals solicited by ASU. The University currently has a 15-year relationship with the vendor. Furthermore, the most recent agreement required ASU to offer *Rights of First Negotiation and Refusal* to the vendor. Per ASU’s perspective, the vendor presented an acceptable proposal to continue the relationship. The University feels that the relationship has been a successful partnership since its inception. The beverage vendor chosen must have a willingness to support various events on campus and for the ASU Foundation. The Local Bottler must be in close enough proximity to reach campus for emergency deliveries. The local **Coca-Cola** bottler is located in Natchez, 45 miles from the main campus and has demonstrated on numerous occasions that they can be depended upon to make such deliveries. In addition, while not part of this agreement, the vendor has begun making scholarship grants in the name of the University to the ASU Foundation. Per ASU, for all of these reasons and many others, the university chose to forgo an RFP process and accepted the vendor’s negotiated proposal.

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

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2. MSU – REQUESTS APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

Agenda Item Request: Mississippi State University (MSU) requests permission to enter into an agreement with the **City of Starkville, Mississippi**, for the use and operation of a parking garage. In addition, MSU requests permission for the Commissioner and the Board President to approve on behalf of the Board of Trustees any changes to this agreement which are required by the project lenders but which do not alter the essential terms of the agreement. Any changes that do alter the essential terms of the agreement will be submitted to the full Board for approval.

Contractor's Legal Name: **City of Starkville, Mississippi (City of Starkville)**

History of Contract: New agreement

Specific type of contract: Use and Operation Agreement for Parking Garage

Purpose: As part of the development of the Mill at MSU Conference Center, MSU requests permission to lease a parcel of land containing approximately 1.67 acres to the City of Starkville for ten years. The City of Starkville will use \$8,000,000.00 in Community Development Block Grant funds from the Mississippi Development Authority to construct an approximately 450-space parking garage. At the end of the lease, the parking garage will become the property of MSU. This lease appears as Item 2.b. on the Regular Agenda for Real Estate and Facilities.

In conjunction with the ground lease described above and the subject of this agenda item request, MSU requests permission to enter into a use and operation agreement with the City of Starkville for the parking garage starting on the date the garage is ready for operation and ending with the expiration of the ground lease. Any profit generated from the parking garage will be shared equally between MSU and the City of Starkville for the operational life of the garage.

Scope of Work: The City of Starkville will allow MSU unrestricted access to use and operate the parking garage. MSU will operate and maintain the parking garage at its own expense. Further, MSU will use the parking garage to enter into a lease with Cooley Center, LLC and/or its affiliated companies to provide parking for the Marriot Courtyard Hotel and to provide parking for the public. Except on MSU football game days and other special events involving the Cooley Center, MSU will reserve a reasonable number of parking spaces in the garage for use by the public.

Term of contract: The term of the ground lease from MSU to the City of Starkville will be for ten years beginning on the date the lease is executed by both parties. The term of

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the use and operation agreement for the parking garage will start on the date the garage is ready for operation and will end with the expiration of the ground lease.

Termination Options: If the ground lease is terminated for any reason, the use and operation agreement will terminate automatically. If MSU fails to remedy any breach of the use and operation agreement within an agreed upon cure period, the City of Starkville can terminate the agreement after thirty days written notice.

Contract Amount: MSU will operate and maintain the parking garage at its own expense. Any profit generated from the parking garage will be shared equally between MSU and the City of Starkville for the operational life of the garage. MSU and the City of Starkville will work together to use any such profit on projects that benefit both the city and the university.

Funding Source for Contract: Not applicable

Contractor Selection Process: Not applicable

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

3. UMMC – APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests permission to enter into an agreement with **Mobile Medic Ambulance Service, Inc. d/b/a American Medical Response** to provide transportation services for pediatric and neonatal patients. In addition, UMMC requests retroactive approval of approximately \$220,000.00 in cost overages in its current agreement with this vendor.

Contractor's Legal Name: Mobile Medic Ambulance Service, Inc. d/b/a American Medical Response (AMR)

History of Contract: This is a new agreement.

UMMC currently has an agreement with AMR to provide transportation services for pediatric and neonatal patients. This agreement was approved by the Board of Trustees on August 19, 2010. The term of the agreement was September 1, 2010 to August 31, 2013 with an estimated cost of \$748,308.00.

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In May 2013, UMMC determined they would exceed the estimated cost of the agreement prior to its expiration on August 31, 2013. Therefore, UMMC began negotiations with AMR for a new agreement to supersede the existing agreement and to account for the cost overages. However, AMR was unable to meet UMMC's submission deadline for agenda items for the Board meeting in June.

UMMC has continued to use AMR for pediatric and neonatal transportation services. It is estimated that the cost overages for the remainder of the current agreement will total approximately \$220,000.00. Therefore, UMMC requests retroactive approval of this amount in its current agreement with AMR.

Specific type of contract: Agreement for Transportation Services

Purpose: The purpose of the agreement is for AMR to provide transportation services for critically-ill pediatric and neonatal patients from across Mississippi to the only children's hospital in the state.

Scope of Work: Under the agreement, AMR will provide:

- one transport vehicle specifically designed and outfitted for the transportation of pediatric patients;
- one transport vehicle specifically designed and outfitted for the transportation of neonatal patients;
- one transport vehicle to serve as backup if either primary vehicle is unavailable; and
- drivers and maintenance required for specialized ground transportation.

AMR will also provide an additional transport vehicle within 120 days if needed by UMMC. In addition, the agreement provides UMMC with the right to display institution-specific designs and logos on the transport vehicles' exteriors.

Term of contract: The term of the agreement is three years starting on September 1, 2013 and ending on August 31, 2016.

Termination Options: Termination options include the following:

- by either party upon ninety days written notice;
- by either party upon material breach by the other party if such breach is not cured within thirty days of written notice;
- by either party upon notice following the loss or suspension of licensure or insurance coverage;
- by AMR upon default in the payment of monies due if such breach is not cured within ten days of notice;

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- by UMMC upon repeated failure of AMR to respond to requests for the provision of services if such failure is not cured within ten days of notice;
- by UMMC in the event of a reduction in funds; and
- by UMMC if AMR fails to comply with applicable e-verify provisions.

Contract Amount: The total cost of the agreement is estimated to be \$1,257,679.22. The fee schedule for the agreement is as follows:

- a monthly fee of \$6,300.00 for the use of two transport vehicles and the assurance of a backup vehicle if either primary vehicle is unavailable;
- a base rate of \$210.00 to be assessed on every trip;
- a charge of \$15.25 per fifteen-minute interval starting after the first fifteen-minute interval following arrival at the site from which a patient will be transported;
- a charge of \$61.00 per hour for making a transport vehicle and driver available for marketing and public relations events; and
- a monthly fee of \$3,150.00 for an additional transport vehicle if needed by UMMC.

The agreement provides for an increase in the above rates and fees on January 1 of each year. This increase will be equal to the percentage increase in the Consumer Price Index during the most recent twelve-month period for which published figures are available from the U.S. Department of Labor.

To determine the estimated cost of the agreement, UMMC increased the above rates and fees by 7% per year to account for the Consumer Price Index, potential rate adjustments for changed circumstances (increased fuel costs, new regulatory requirements, new clinical standards), and growth in patient volume. Further, UMMC used the number and the length of transports in the heaviest quarter of 2012.

A breakdown of the total estimated cost of the agreement is shown in the table below:

	Monthly Fee	Base Rate	Charge per 15-Minute Interval	Charge per Hour for Events	Additional Vehicle	Total Cost per Calendar Year
2013 Fee Schedule	\$6,300.00	\$210.00	\$15.25	\$61.00		
2013 Estimated Cost (4 months)	\$25,200.00	\$69,720.00	\$17,431.16	\$1,626.67		\$113,977.82
2014 Fee Schedule	\$6,741.00	\$224.70	\$16.32	\$65.27	\$3,150.00	
2014 Estimated Cost (12 months)	\$80,892.00	\$223,801.20	\$55,954.01	\$5,221.60	\$37,800.00	\$403,668.81

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2015 Fee Schedule	\$7,212.87	\$240.43	\$17.46	\$69.84	\$3,370.50	
2015 Estimated Cost (12 months)	\$86,554.44	\$239,467.28	\$59,870.79	\$5,587.11	\$40,446.00	\$431,925.63
2016 Fee Schedule	\$7,717.77	\$257.26	\$18.68	\$74.73	\$3,606.44	
2016 Estimated Cost (8 months)	\$61,742.17	\$170,820.00	\$42,707.83	\$3,985.47	\$28,851.48	\$308,106.95
Total Cost Per Fee Type	\$254,388.61	\$703,808.48	\$175,963.80	\$16,420.85	\$107,097.48	\$1,257,679.22

Funding Source for Contract: Patient revenues

Contractor Selection Process: Because the Hinds County Board of Supervisors has selected AMR as the county’s sole proprietor for emergent and non-emergent ambulance transport, no bids or proposals were required. UMMC is bound by the county contract to use AMR as a preferred provider.

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

- b. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to amend its current license and support agreement with **Epic Systems Corporation**.

Contractor’s Legal Name: Epic Systems Corporation (Epic)

History of Contract: UMMC entered into a contract with Epic in August 2010 to replace its then current hospital information system which did not allow for the creation of integrated electronic medical records. The software license and support agreement was approved by the Board for projected cost of \$36,852,370. The agreement was subsequently amended in July 2011 in order to add and/or delete various Epic interfaces that had been offered as part of the 2010 agreement. There was no additional cost to the contract as a result of the amendment.

Specific Type of Contract: Contract Amendment

Purpose: The purpose of the amendment is to add and/or delete various Epic interfaces and to add various Epic interfaces (new/special request interfaces) that were not part of the 2010 agreement. In addition, the amendment provides for the implementation of three (3) Epic modules that were purchased in 2010 and that are

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now reaching the implementation stage. Also, the amendment adds contract language that gives UMMC the option to license, access and use certain items of software at its discretion.

Scope of Work: Pursuant to this amendment, Epic will provide the following:

- deletion and/or replacement of certain previously selected Epic interfaces,
- addition of new, special request interfaces that were not available under the original 2010 agreement,
- implementation and/or training as necessary for new, optional interfaces, and
- implementation and training services to assist UMMC in implementing three (3) Epic modules (Beacon Oncology, Resolute Hospital Billing-Expected Reimbursement Contracts, and Welcome Patient Kiosk) that were purchased in 2010, but that are now reaching the implementation stage.

Term of Contract: The amendment will commence upon execution by the parties and will continue through the remainder of the original contract term or, approximately August 22, 2014.

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

- by either party upon ninety (90) days notice prior to the end of an annual term,
- by UMMC for an operational system failure upon forty-five (45) days notice in which to cure such failure,
- by Epic upon notice of an infringement claim in which Epic is unable to modify or provide an appropriate program replacement,
- in the event either party becomes the subject of bankruptcy, and
- by either party for a breach of a material term of the agreement and failure to cure upon sixty (60) days written notice,

Contract Amount: The total cost of the amendment is estimated to be \$1,151,032. A breakdown of the total costs associated with the amendment is as follows:

Interface License Fees -	\$132,500
Interface Implementation-	\$403,000
Interface Maintenance Fees-	\$ 58,032
Module Implementation -	<u>\$557,500</u>
Total	\$1,151,032

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

Contractor Selection Process: N/A. UMMC is currently contracted with Epic.

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

- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests permission to enter into an agreement with **Magnolia Exterminating, LLC** for pest control services.

Contractor's Legal Name: Magnolia Exterminating, LLC (Magnolia)

History of Contract: This is a new agreement. Magnolia has been providing pest control services to UMMC since 1972. These services have been provided through one-year agreements that were renewed annually. The term of the most recent agreement was July 1, 2012 to June 30, 2013 with a total cost of \$190,620.00. Since the expiration of the most recent agreement, UMMC has utilized Magnolia's services on a month-to-month basis.

Specific type of contract: Agreement for Pest Control Services

Purpose: The purpose of the agreement is for Magnolia to provide pest control services to UMMC.

Scope of Work: Magnolia will provide the following to UMMC:

- Integrated Pest Management procedures performed by certified personnel;
- equipment and materials necessary for all work; and
- emergency treatment on an as-needed basis at no additional cost, including after hours, weekends, and holidays.

UMMC will provide the following to Magnolia:

- notification of any pest problems within UMMC locations; and
- access to those locations that require service.

Term of contract: The term of the agreement is five years starting on September 1, 2013 and ending on August 31, 2018.

The agreement includes an initial term of three years and two renewal terms of one year each. UMMC is seeking approval for a term of five years.

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Termination Options: Termination options include the following:

- by either party upon thirty days written notice;
- by UMMC in the event of a reduction in funds; and
- by UMMC if Magnolia fails to comply with applicable e-verify provisions.

Contract Amount: The total cost of the agreement for a five-year term is \$869,760.00.

This includes an annual cost of \$171,552.00 for each year of the initial term and an annual cost of \$177,552.00 for each renewal term. These annual costs are shown in the table below:

	Annual Cost
Year 1	\$ 171,552.00
Year 2	171,552.00
Year 3	171,552.00
Year 4 (optional renewal term)	177,552.00
Year 5 (optional renewal term)	177,552.00
Total	\$ 869,760.00

Funding Source for Contract: Patient revenues

Contractor Selection Process: Magnolia Exterminating, LLC was selected based on responses to RFP 1184 Extermination Services – Pest Control. Their proposal contained the lowest bid.

Only two vendors submitted proposals to the RFP – Magnolia Exterminating, LLC and Pest Services Unlimited, Inc. Their proposals are as follows:

Magnolia Exterminating, LLC	\$ 869,760.00
Pest Services Unlimited, Inc.	\$ 1,392,300.00

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

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- d. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a lease agreement with **Select Specialty Hospital – Jackson, Inc.** to lease 27,340 square feet of space on floors 1, 2 and 4 of the premises located at 5903 Ridgewood Road, Jackson, Mississippi. In addition, UMMC is requesting the Board’s **retroactive** approval of a current month-to-month lease agreement with Select Specialty Hospital and associated costs for 12,414 square feet of space occupied by UMMC’s Sleep Disorder Clinic.

Contractor’s Legal Name: Select Specialty Hospital - Jackson (SSH)

History of Contract: This is a new agreement. Through multiple agreements, UMMC has leased clinical and office space from SSH with Board approval since March 2008 to house UMMC’s Sleep Disorder Clinic, GI Clinic and Heart Diagnostic Clinic.

Due to UMMC’s merging of operations with University Physicians (UP) in September 2012, UMMC is now requesting approval of a Master Lease agreement with SSH that will incorporate all space currently leased by UMMC *and* will incorporate space leased by UP. The proposed agreement will be between SSH and UMMC. All existing UMMC and UP leases with SSH will be superseded by and made part of the proposed lease agreement.

In addition, the Board is requested to provide **retroactive** approval of a current month-to-month lease between UMMC and SSH for space occupied by the Sleep Disorder Clinic for the period, March 1, 2013 through August 31, 2013 at a cost of \$156,180.

Specific Type of Contract: Lease agreement.

Purpose: The purpose of the lease is to consolidate multiple agreements for clinical and office space that currently exist between SSH and UMMC, and SSH and UP. The proposed lease will be a single Master agreement between UMMC and SSH.

Scope of Work: Under the agreement, SSH will provide utilities; janitorial, maintenance and security services; parking; and, payment of property taxes.

UMMC is responsible for using the premises only for the practice of specialty medicine as required by the lease agreement; maintaining the premises in a state of good condition; payment for waste disposal, to include medical and hazardous waste; and the timely payment of rent.

Term of Contract: The term of the agreement is for nine (9) years, September 1, 2013 through August 31, 2022.

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

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- by either party upon 120 days written notice beginning in year 3 of the agreement,
- by either party should the premises be destroyed or rendered untenable for a minimum of (90) days,
- by SSH in the event UMMC engages in a prohibited use of the property and fails to cure upon thirty (30) days written notice,
- in the event the premises is taken as a result of eminent domain or condemnation,
- by UMMC for a breach by SSH of any representations and warranties as specified in the agreement,
- by either party for a material default of the lease upon thirty (30) days notice of opportunity to cure, and
- a reduction of funds.

Contract Amount: The total cost of the lease for the nine (9) year term is expected not to exceed \$6,796,915.10.

The total rent amount to be paid in Year 1 of the agreement is \$669,041.50. Then, beginning September 1, 2014 and each September 1st thereafter for the length of the agreement, there will be an annual rate adjustment in an amount not to exceed the increase in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC estimates a maximum rate adjustment of 3% yearly.

Annual estimated rent costs associated with this agreement are as follows:

- Year 1 – \$669,041.50
- Year 2 – \$689,112.75
- Year 3 – \$709,786.13
- Year 4 – \$731,079.71
- Year 5 – \$753,012.10
- Year 6 – \$775,602.47
- Year 7 – \$798,870.54
- Year 8 – \$822,836.66
- Year 9 – \$847,521.76

Also, as noted above, UMMC is also requesting retroactive approval of \$156,180 of rental costs incurred as a result of a month-to-month lease with SSH for space occupied by the Sleep Disorder Clinic for the period, March 1, 2013 through August 31, 2013.

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

Contractor Selection Process: N/A. UMMC currently leases space from SSH.

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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. However, Board approval is required prior to execution of all oil, gas and mineral leases, regardless of amount. This 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 §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. DSU – GS 102-255 – Central Mechanical Plant Phase II

Project Request: Delta State University requests approval to initiate a project, Central Mechanical Plant Phase II, and to appoint the design professional through the Request for Qualifications (RFQ) process.

Proposed Design Professional: TBD Through RFQ Process

Purpose: This project is intended to add the second chiller to the Central Mechanical Plant which will allow the university to complete the second phase of the project. The project will include furnishing and installing one (1) 1250 ton water chiller, one (1) chilled water pump, one (1) condenser water pump, and one (1) cooling tower. This project also includes extending piping, controls, and electrical systems as required for a complete and operational 2500 ton central plant. Phase II will complete the DSU Chiller Plant/Loop in its entirety.

Delta State University is seeking to initiate the project 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: August 15, 2013

Date of Original Construction: Not applicable

Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,600,000.00
Architectural and Engineering Fees:	115,000.00
Miscellaneous Project Costs:	25,000.00
Contingency:	<u>260,000.00</u>
Total Project Budget	\$ 2,000,000.00

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Proposed Funding Source(s): S.B. 2913, Laws of 2013 (\$2,000,000)

Staff Recommendation: Board staff recommends approval of this item.

2. MSU – GS 105-348 – Energy Monitoring and Control System (EMC) Implementation

Project Request: Mississippi State University requests approval to appoint Atwell & Gent, P.A. as the design professional.

Proposed Design Professional: Atwell & Gent, P.A.

Purpose: Concurrent with the Bureau of Building and MDA joint initiative to enhance the state-wide energy monitoring database, the Bureau has provided funds for MSU to implement a Starkville-Campus-wide automated utility metering system. The scope of the work will be to develop and implement a metering system for building electricity, natural gas, hot water, chilled water, and domestic water that allows measurement information to be collected and analyzed in real time for energy management. Additionally, the “Advanced Metering Infrastructure” or AMI will be designed to provide automated readings to the existing Facilities Management Utility Billing Software and thus be a cost savings to the university. Further, as MDA begins to mandate regular updates of building energy consumption to the State-Wide EMC, the automated metering will alleviate the additional man-hours required to upload all this data on a regular basis. The project will prioritize electrical and gas meters for the largest consuming facilities and then address lesser consuming facilities and water metering as funds are available.

Mississippi State University is seeking to initiate the project 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: October 18, 2012

Date of Original Construction: Not applicable

Date of Last Renovation: Not applicable

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Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,322,000.00
Architectural and Engineering Fees:	104,313.00
Miscellaneous Project Costs:	32,587.00
Contingency:	<u>66,100.00</u>
Total Project Budget	\$ 1,525,000.00

Funding Source(s): 2011 Bureau of Building Energy Discretionary Funds (\$1,525,000)

Staff Recommendation: Board staff recommends approval of this item.

3. MSU – GS 105-351 – YMCA Renovation

Project Request: Mississippi State University requests approval to initiate a project, YMCA Renovation, and to appoint Belinda Stewart Architects as the design professional.

Proposed Design Professional: Belinda Stewart Architects

Purpose: The project is intended to totally renovate the existing YMCA Building. The work will include exterior restoration, interior restoration, ADA accessibility, code compliance, mechanical, plumbing, electrical, and furnishings.

The project was approved in May 2008 as a pre-planning project (IHL #205-236) funded by the university in the amount of \$75,000. The project was delayed by the various administrations at Mississippi State. The project gained momentum in late fall 2012 and is being pre-planned by Belinda Stewart Architects at the present time. The Legislature funded the project in the amount of \$9.8 million through a line item allocation in S.B. 2913, Laws of 2013.

Mississippi State University is seeking to initiate the project 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: August 15, 2013

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Date of Original Construction: 1914

Date of Last Renovation: 1979

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 7,600,000.00
Architectural and Engineering Fees:	533,483.00
Miscellaneous Project Costs:	1,126,823.00
Contingency:	<u>539,694.00</u>
Total Project Budget	\$ 9,800,000.00

Proposed Funding Source(s): S.B. 2913, Laws of 2013 (\$9,800,000)

Staff Recommendation: Board staff recommends approval of this item.

4. MSU – GS 105-352 – Pre-Planning Addition to Mitchell Memorial Library

Project Request: Mississippi State University requests approval to initiate a project, Pre-Planning Addition to Mitchell Memorial Library.

Proposed Design Professional: TBD

Purpose: The project is intended to pre-plan the construction of an addition to the Mitchell Memorial Library above the 1970 addition. This project will include architectural, structural, mechanical, plumbing, electrical, and required furnishings. The project will consist of approximately 20,000 new additional square feet. The Legislature funded the pre-planning project in the amount of \$200,000 through a line item allocation in S.B. 2913, Laws of 2013.

Mississippi State University is seeking to initiate the project 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: August 15, 2013

Date of Original Construction: 1950

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Date of Last Renovation: 1988

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	200,000.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 200,000.00

Proposed Funding Source(s): S.B. 2913, Laws of 2013 (\$200,000)

Staff Recommendation: Board staff recommends approval of this item.

5. MVSU – GS 106-250 – James Hall Emergency Repairs

Project Request: Mississippi Valley State University requests approval to initiate a project, James Hall Emergency Repairs, and to appoint Shafer and Associates Architects as the design professional.

Proposed Design Professional: Shafer and Associates Architects

Purpose: This project will facilitate the housing of students that will be displaced from Edna Horton Residence Hall. Structural failure occurred on Edna Horton in which a large section of exterior brick collapsed along the perimeter of the residence hall and has created an emergency situation which prohibited the continued occupancy of this structure. This occurrence has created a housing shortage for female students. The university intends to repair James Hall (an existing offline dormitory) to serve as housing for these female students. The project will address the repair and replacement of the primary building transformer, existing HVAC /plumbing system components, fire alarm system repair, fire sprinklers, interior millwork and finishes.

James Hall is an existing building that was last occupied in 2008. The building was taken offline for deferred capital repair, but repairs were not completed due to a lack of funding. The university is requesting approval to use funding that will place the building back into operation in effort to house students that will be displaced as a result of the structural issues associated with Edna Horton residence hall.

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Mississippi Valley State University is seeking to initiate the project 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: August 15, 2013

Date of Original Construction: 1964

Date of Last Renovation: No major renovations

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 2,750,200.00
Architectural and Engineering Fees:	206,285.00
Miscellaneous Project Costs:	10,000.00
Contingency:	<u>275,020.00</u>
Total Project Budget	\$ 3,241,505.00

Proposed Funding Source(s): Funds will be made available through transfer from the following sources: Bureau of Buildings Discretionary, GS# 106-240 Leflore Hall Bath Renovations via S.B. 2988, Laws of 2003 (\$137,385); S.B. 1641 Laws of 2008 (\$209,167); S.B. 3100 Laws of 2011 (\$162,029); H.B. 1722 Laws of 2009 (\$951,782); H.B. 246 Laws of 2007 (\$655,567); S.B. 2851, Laws of 2013 (\$695,833); Bureau of Building Discretionary Funds (\$429,742)

Staff Recommendation: Board staff recommends approval of this item

6. UM – GS 107-312 – Meek Hall HVAC Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Meek Hall HVAC Renovation, and to appoint Corbett Legge Associates as the design professional.

Proposed Design Professional: Corbett Legge Associates, PLLC

Purpose: Meek Hall is the home of the Department of Art. The curriculum mandates that several media types reside in this building, which includes ceramics,

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painting, and wood crafts. As techniques, materials, and air quality standards have changed over the years, the old, outdated air exhaust systems have not maintained an acceptable indoor environment for the occupants of the building.

The project will include the installation of two (2) cartridge type dust collectors, associated equipment foundations / supports and industrial ventilation duct, a new make-up air unit, multiple exhaust fans, associated ductwork, hydronic piping, hydronic pumps, heat exchangers, HVAC controls and electrical modifications necessary to accommodate the new equipment.

The University of Mississippi is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: August 15, 2013

Date of Original Construction: 1959

Date of Last Renovation: 2008 (ADA Modifications)

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 804,650.00
Architectural and Engineering Fees:	65,810.00
Miscellaneous Project Costs:	124,700.00
Contingency:	<u>354,840.00</u>

Total Project Budget **\$ 1,350,000.00**

Proposed Funding Source(s): S.B. 2913, Laws of 2013 (\$1,350,000)

Staff Recommendation: Board staff recommends approval of this item.

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IHL PROJECTS

7. UM – IHL 207-355 – Garland, Hedleston, and Mayes Hall Renovation

Project Request: The University of Mississippi requests approval to appoint JH&H Architects as the design professional.

Proposed Design Professional: JH&H Architects

Purpose: The project was initiated with the Board on January 19, 2012. The university selected the design professional using the “Request for Qualifications” method. The project will renovate Garland, Hedleston, and Mayes Halls to include new mechanical and electrical systems, barrier-free accessibility, weather proofing the building’s exterior, and completion of the interiors upgrade.

Garland, Hedleston, and Mayes were built in 1938 as men’s dormitories. Currently these three Neo-Georgian buildings sit empty in the west-central part of campus. They are strong examples of their architectural style. However, over the years housing needs have changed and their low floor-to-floor heights and tight structural bay sizes have made them unsuitable for today’s student needs. The buildings are not viable for housing but are still appropriate for academic or administrative use. While the interiors have deteriorated, they are structurally sound. It is necessary to completely replace the mechanical, electrical, fire protection, and plumbing systems. The University of Mississippi is seeking to 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 19, 2012

Date of Original Construction: 1938

Date of Last Renovation: N/A

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Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 9,347,368.00
Architectural and Engineering Fees:	\$ 677,680.00
Miscellaneous Project Costs:	\$ 661,480.00
Furniture & Equipment Costs:	\$ 1,660,000.00
Contingency:	\$ <u>1,653,472.00</u>

Total Project Budget \$ 14,000,000.00

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

Staff Recommendation: Board staff recommends approval of this item.

8. UM – IHL 207-373 – Faser Hall Second Floor Skills Lab Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Faser Hall Second Floor Skills Lab Renovation, and to appoint Cooke Douglass Farr Lemons Architects and Engineers as the design professional.

Proposed Design Professional: Cooke Douglass Farr Lemons Architects and Engineers

Purpose: The School of Pharmacy will renovate a portion of the second floor for use as a simulation laboratory. The laboratory will provide a training environment including autonomic patients and simulated experiences for prescriptive, patient, and clinical activities. The renovation will include HVAC, communication, and electrical systems replacement within the project boundaries. Renovated HVAC subsystems will be independent of the remaining second floor services.

The University of Mississippi is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: August 15, 2013

Date of Original Construction: 1969

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Date of Last Renovation: 2013 (Interior Heating Modifications)

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,124,000.00
Architectural and Engineering Fees:	106,442.00
Miscellaneous Project Costs:	48,906.00
Contingency:	<u>195,652.00</u>
Total Project Budget	\$ 1,500,000.00

Proposed Funding Source(s): Internal R&R (\$1,500,000)

Staff Recommendation: Board staff recommends approval of this item.

9. UMMC – IHL 209-548 – School of Medicine Utilities

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, School of Medicine Utilities, and to appoint Cooke Douglass Farr Lemons Architects and Engineers + Eley, A Joint Venture as the design professional.

Proposed Design Professional: Cooke Douglass Farr Lemons Architects and Engineers + Eley, A Joint Venture

Purpose: This project will provide for the relocation and replacement of existing utilities and the addition of new utility-infrastructure systems as required by the proposed construction of the new School of Medicine building being designed under Bureau of Buildings project GS #109-210. All design fees and construction expenses have been provided through the Bureau project. The award of MDA funding requires that UMC administer the Contract for this phase of the overall project and that the funds be used for infrastructure work only.

The University of Mississippi Medical Center 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: August 15, 2013

Date of Original Construction: Not applicable

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Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,124,000.00
Architectural and Engineering Fees:	106,442.00
Miscellaneous Project Costs:	48,906.00
Contingency:	<u>195,652.00</u>
Total Project Budget	\$ 10,000,000.00

Proposed Funding Source(s): MDA/CDBG #R-103-950-01-KED (\$10,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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

BUREAU OF BUILDING PROJECTS

10. UMMC – GS 109-210 – School of Medicine

Project Request: The University of Mississippi Medical Center requests approval to increase the project budget from \$14,500,000 to \$35,500,000 for an increase in the amount of \$21,000,000. The university also requests approval to revise the funding sources of the project to include S.B. 3100, Laws of 2011 and S.B. 2913, Laws of 2013. In addition, the university requests approval of the exterior design for the School of Medicine. *(See Rendering of Building on Page 15)*

Design Professional: Cooke Douglass Farr Lemons + Eley, A Joint Venture

General Contractor: TBD

Purpose: The project is currently in the design phase. This is the second budget escalation request made for this project by the university. The project was initiated with the Board on June 16, 2011 with a budget of \$4,500,000. The first budget escalation increased the project budget from \$4,500,000 to \$14,500,000 for an increase in the amount of \$10,000,000. The increase in the budget is due to the university receiving a \$10,000,000 MDA/CDBG grant for the School of Medicine. However, due to the university receiving funding through S.B. 2913, Laws of 2013

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the MDA/CDBG grant will be removed from this project as a funding source and will be administered through a new university project (IHL #209-548 School of Medicine Utilities). The second budget increase will increase the budget from \$14,500,000 to \$35,500,000 for an increase in \$21,000,000 that will allow the university to take advantage of the bond funds that are now available from S.B. 2913, Laws of 2013.

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 University of Mississippi Medical Center is seeking approval for the budget increase and change in funding sources in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve all budget increase, changes in scope and changes in funding source(s). The University of Mississippi Medical Center is also seeking approval of the exterior design of the building in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve 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: June 16, 2011

Date of Original Construction: New Building

Date of Last Renovation: Not applicable

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 10,000,000.00	\$ 27,412,696.00	\$ 17,412,696.00
Architectural and Engineering Fees	\$ 3,000,000.00	\$ 3,035,315.00	\$ 35,315.00
Miscellaneous Project Costs	\$ 0.00	\$ 930,000.00	\$ 930,000.00
Contingency	\$ 1,060,000.00	\$ 4,121,959.00	\$ 3,061,959.00
Total Project Budget	\$ 14,500,000.00	\$ 35,500,000.00	\$ 21,000,000.00

Proposed Funding Source(s): S.B. 3100, Laws of 2011 (\$4,500,000); S.B. 2913, Laws of 2013 (\$31,000,000)

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Staff Recommendation: Board staff recommends approval of this item.

Rendering 1: East of Building Facing the New Plaza



Rendering 2: North of Building (Main Entrance)



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11. USM – GS 108-261 – School of Nursing Building

Project Request: The University of Southern Mississippi requests approval to increase the project budget from \$1,500,000 to \$30,000,000 for an increase in the amount of \$28,500,000. The university also requests approval to change the funding sources of the project to include federal grant funds, S.B. 2913, Laws of 2013 and private donations. Additionally, the university request approval to define the scope of the project as stated below.

Design Professional: Studio South Architects, PLLC in associate with Eley Associates

General Contractor: TBD

Purpose: The original scope of the project included design work only based on federal grant funds. The university has since received several private donations, an additional federal grant, and state bonds from S.B. 2913, Laws of 2013. The additional funding will allow the university to increase the budget from a design only budget of \$1,500,000 and proceed with a project budget of \$30,000,000.

The new scope of the project includes design, construction, furnishing and equipping of a new 84,682 square foot facility for the College of Nursing. The facility will include classrooms, labs, administrative space, faculty and staff offices as well as food service and other support spaces. The facility will be located on Montague Blvd and Ross Blvd in accordance with the approved campus master plan.

History of Project: The initial programming for the Nursing program was included in the programming phase of the College of Health Facility. As plans progressed, it became evident that the College of Health Facility would need to be divided into two phases. Phase I included most of the programs currently administered by the College of Health. Phase II would include the School of Nursing and general classrooms for the entire college. A federal grant was obtained to continue the design of the School of Nursing. There have been no other funds to continue the design of Phase I. On September 17, 2009, the Board of Trustees approved the initiation of the School of Nursing. Since that time additional funds have been secured through federal grants, private donations and state bond funds to complete the funding needed for the project.

The University of Southern Mississippi is seeking is seeking approval for the budget increase, change in scope, and change in funding sources in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve all budget increase, changes in scope and changes in funding source(s).

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Project Initiation Date: September 17, 2009

Date of Original Construction: New Building

Date of Last Renovation: Not applicable

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 0.00	\$ 25,147,471.00	\$ 25,147,471.00
Architectural and Engineering Fees	\$ 1,500,000.00	\$ 1,495,155.00	\$ (4,845.00)
Miscellaneous Project Costs	\$ 0.00	\$ 2,100,000.00	\$ 2,100,000.00
Contingency	\$ 0.00	\$ 1,257,374.00	\$ 1,257,374.00
Total Project Budget	\$ 1,500,000.00	\$ 30,000,000.00	\$ 28,500,000.00

Proposed Funding Source(s): Federal Grant #C76HF15020-01-00 (\$1,506,780); Federal Grant #C76HF20718-01-00 (\$2,722,500); S.B. 2913, Laws of 2013 (\$20,000,000); Private Donations (\$5,770,720)

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

12. UMMC – IHL 209-544 – Cancer and Biomedical Research Center

Project Request: The University of Mississippi Medical Center requests approval to increase the project budget from \$35,932,000 to \$43,032,000 for an increase in the amount of \$7,100,000. The university also requests approval to revise the funding sources of the project to include MIND Center Funds in addition to the original UMC Grants, EBC, and NIST funding sources.

Design Professional: Foil Wyatt Architects and Planners

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General Contractor: TBD

Purpose: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project was initiated with the Board on November 17, 2011 with a budget of \$35,932,000. The University of Mississippi Medical Center has received \$7,500,000 in funds from the Memory Impairment and Neurodegenerative Dementia (MIND) Center for the project and is seeking to increase the budget and revise the funding sources to include EBC funds, Cancer Institute Grant Funds, NIST Grant Funds, MIND Center funds, and future EBC Bond funds/Other financing.

The project will include the development and construction of a new research facility on the UMMC campus in compliance with the UMMC Master Plan 2010, to support ongoing research and development of integrated medical research. The original design was based on a facility to provide for 2 completed floors and 6 shelled floors and did not include completed space for the MIND Center.

The original facility design was 222,000 gross square feet with eight (8) floors of which two (2) would be finished floors. The revised facility design of 116,000 gross square feet will provide for four (4) completed floors with two (2) shelled floors for future expansion and will be supported by site development. The current facility design will provide for a Basement level Vivarium and Mechanical Room, a Research incubator center /Admin. Floor, a MIND Center Floor, one completed Laboratory Floor and two shelled Laboratory Floors. The revised/escalated budget is based on an updated Programming Phase with the overall building size, footprint and floor layouts adjusted to provide for the most efficient and economic use of space for the users noted above. The facility is required to provide support facilities for the expanding research mission of the university.

The University of Mississippi Medical Center is seeking approval for the budget increase and change in funding sources in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve all budget increase, changes in scope and changes in funding source(s).

Project Initiation Date: November 17, 2011

Date of Original Construction: New Building

Date of Last Renovation: Not applicable

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Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 30,900,000.00	\$ 37,537,855.00	\$ 6,637,855.00
Architectural and Engineering Fees	\$ 2,200,000.00	\$ 3,036,671.00	\$ 836,671.00
Miscellaneous Project Costs	\$ 0.00	\$ 352,807.00	\$ 352,807.00
Contingency	\$ 2,832,000.00	\$ 2,104,667.00	\$ (727,333.00)
Total Project Budget	\$ 35,932,000.00	\$ 43,032,000.00	\$ 7,100,000.00

Proposed Funding Source(s): EBC 2012 Bond Issue (\$5,000,000); Cancer Institute (\$5,000,000) NIST Grant 60NANB8D8121 Funds (\$19,832,000); MIND Center (\$7,500,000); EBC Bonds-Pending (\$5,700,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

13. DSU – Delete from Inventory and Demolish Cafeteria Apartments

Project Request: Delta State University requests approval to delete Cafeteria Apartments from inventory and demolish them.

Purpose: Delta State University is seeking to delete Cafeteria Apartments from inventory and demolish them. Cafeteria Apartments have been taken off-line and needs to be demolished to make way for future building projects and landscaping improvements to the campus. Cafeteria Apartments consist of 30 units that were constructed in 1960 for married student housing. The apartments have been vacant for about two years and have fallen into a state of disrepair. Rehabilitating the apartments would not be cost effective for the university. If these buildings are left standing they would present additional costs for the university and pose risk management issues.

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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. Delta 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.

14. DSU- Granting of a Perpetual Easement and Right-of Way to Cable One, Inc.

Project Request: Delta State University requests approval grant a perpetual, non-exclusive easement and right of way to Cable One Inc. to provide reasonable access to the DSU campus.

Purpose: Delta State University is requesting approval of the easement for the purpose of installing cable and other equipment in the property at such places and along such paths as the Company reasonably may choose, along with the right of reasonable pedestrian and vehicular ingress and egress to the property including without limitation, access to all utility easements, trenches, rights of way and common areas for the purposes of construction, installation, operation, maintenance, and removal of a cable television system, and to provide cable services for all units at the property who desire such services.

Property Description: The perpetual easement is being granted to Cable One to provide reasonable access for the entire Delta State University campus.

Terms: The agreement shall be perpetual and shall remain in effect for the duration of the Bulk Bill Agreement and for the duration of all extensions or renewals of the Bulk Bill Agreement. Owner will have the right to terminate the easement and rights granted in the agreement should the company fail to use the easement or the property for nine (9) months.

Delta State University 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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15. MSU – Approval of the Exterior Design for the Chi Omega Sorority House

Project Request: Mississippi State University requests approval of the exterior design of the proposed Chi Omega Sorority House. (See Rendering of Building on Page 22)

Purpose: Mississippi State University is seeking Board approval of the project's exterior design. The project is currently in the design phase. The existing Chi Omega House is approximately 17,000 square feet. The project will renovate existing square footage and add approximately another 14,300 square feet to bring the total square footage of the facility to approximately 31,300 square feet.

Mississippi State University is seeking approval of the exterior design of the building in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

Staff Recommendation: Board staff recommends approval of this item.

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Rendering 1: (Front of Building)



Front Elevation

Rendering 2: (Rear of Building)



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16. MSU – Delete from Inventory and Demolish Building 2167, Golf Course Storage

Project Request: Mississippi State University requests approval to delete Building 2167, Golf Course Storage, from inventory and demolish it.

Purpose: Mississippi State University is seeking to delete Building 2167, Golf Course Storage, from inventory and demolish it. This structure sits on the frontage of Mississippi Highway 182 at the entrance to the MSU Golf Course and is very aesthetically unpleasing. The planned use for this area in the future is a new clubhouse for the MSU Golf teams, which would improve the property dramatically.

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.

17. UM – MDOT –Old Taylor Road Roundabout Project (Sale of Property and Temporary Easements)

Project Request: The University of Mississippi requests approval to sell 0.68 acres of land located in Oxford, Mississippi, and grant temporary construction easements to the State of Mississippi, Mississippi Department of Transportation (MDOT). The university also requests approval of the receipt of reimbursements for damages to existing improvements. The total appraised value of the offer is \$210,575. Since the property is being sold to the State of Mississippi (MDOT) and complies with the requirements established in Miss. Code Ann. §29-1-1, the university requests an exception to Board Policy 707.01 and Board Policy 905(A) to allow the university to obtain only one appraisal for the sale of University properties instead of two as required in policy.

Purpose: Miss. Code Ann. §29-1-1 requires that all public lands be sold for not less than the fair market value as determined by two (2) professional appraisers selected by the State Department of Finance and Administration, who are certified general appraisers of the State of Mississippi. However, according to Miss. Code Ann. §29-1-1(7) this section shall not apply to: (a) **any lands purchased or acquired for construction and maintenance of highways or highway rights-of-way by the Mississippi Department of Transportation**, or (b) any lands acquired by the state by forfeiture for nonpayment of ad valorem taxes and heretofore or hereafter sold

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under authority of any other section of Chapter 1, Title 29, specifically relating to tax forfeited lands.

The City of Oxford and the University of Mississippi have been concerned for many years with the intersections of Old Taylor Road and Highway 6/278 due to unmanageable automobile congestion and the safety of bicyclists and pedestrians crossing the bridge. The City and the University have worked for many years to encourage MDOT approval and funding for improvements and safety upgrades for these intersections.

MDOT is now scheduled to construct roundabouts on Old Taylor Road at the north and south sides of the Highway 6/278 bridge and to add a pedestrian bridge to the existing bridge. The intersection of Old Taylor Road and Old Taylor Place will also be moved north of the new northern roundabout. This project is currently in the land appraisal and acquisition phase and MDOT has appraised and formally offered the following payments to the university associated with property and access needed to complete the project:

- Purchase 0.68 acres of ROW along the east and west sides of Old Taylor Road and the “Kudzu” parking lot.
- Temporary easement for the ingress and egress to the Southside parking lot on the west side of Old Taylor Road.
- Temporary easement to construct a detour road through the recently purchased Whirlpool property. This detour will link Old Taylor Road with Coliseum Drive and will be used while the Old Taylor Road bridge over Highway 6/278 is closed or reduced to one lane of traffic. MDOT and the University have worked cooperatively and are in agreement on placement of the road. The University offered the Whirlpool site as a detour and the mutually agreed upon location is consistent with future site development plans of the University.
- Payment for estimated damages to existing Whirlpool fences and other improvements. These consist of items the University does not intend to maintain on a long-term basis.

Terms of Agreement: The total appraised value of the offer is \$210,575 consisting of the following components:

- \$40,855 - Sale of 0.68 acres of Right-of-Way (ROW) along the east and west sides of Old Taylor Road and the “Kudzu” parking lot.
- \$11,770 – reimbursement for the loss of 6 Kudzu lot parking spaces.
- \$41,925 – damages to existing Kudzu parking lot.

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- \$4,350 – A 0.26 acre temporary construction easement for the ingress and egress to the Southside parking lot.
- \$96,250 – A 5.77 acre temporary easement to construct and utilize a detour road through the Whirlpool property.
- \$15,425 – damages to existing Whirlpool improvements.

Property Descriptions:

Temporary Easement 1: A 5.77 acre temporary easement for public improvements, grading, sodding, and other construction purposes commencing at a found concrete monument located at the Northeast Corner of the SE ¼ of Section 29, Township 8 South, Range 3 West, Lafayette County, Mississippi.

Temporary Easement 2: A 0.26 temporary easement for public improvements, grading, sodding, and other construction purposes commencing at a found concrete monument located at the Northeast Corner of the SE ¼ of Section 29, Township 8 South, Range 3 West, Lafayette County, Mississippi.

Sale of Property: Three (3) parcels of land comprising 0.68 acres. **Parcel 1** containing 0.44 acres more or less, and being situated in the NW ¼ of the SE ¼ of Section 29, Township 8 South, Range 3 West, Lafayette County, Mississippi. **Parcel 2** containing 0.13 acres more or less, and being situated in the SW ¼ of the NE ¼ of Section 29, Township 8 South, Range 3 West, Lafayette County, Mississippi. **Parcel 3** containing 0.11 acres more or less, and being situated in the SW ¼ of the NE ¼ and the NW ¼ of the SE ¼ of Section 29, Township 8 South, Range 3 West, Lafayette County, Mississippi.

A copy of the property description and all legal documentation are 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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18. USM – Delete from Inventory and Demolish Old Administration Building on Gulf Park Campus

Project Request: The University of Southern Mississippi requests approval to delete the Old Administration Building on the Gulf Park Campus from inventory and demolish it. The university also request approval to memorialize the location of the Old Administration Building.

Purpose: The University of Southern Mississippi is seeking to delete the Old Administration Building on the Gulf Park Campus from inventory and demolish it. The building stands shuttered in the center of the Gulf Park campus, abandoned since its destruction during Hurricane Katrina. As part of a “memo of understanding” with the Department of Archives and History, FEMA, funds for this building were reallocated to the Hardy Hall Storm Damage Repair project, and this building would be eligible for demolition upon substantial completion of Hardy Hall.

The building was built in the 1920’s as one of the original buildings for the Gulf Park College for Women. The Gulf Park Administration Building had served as office and instructional space since USM acquired the property in 1970.

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. The University of Southern Mississippi 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.

19. USM – Delete from Inventory and Demolish the Baker Properties, Sherwood Apartments, and Westwood Apartments

Project Request: The University of Southern Mississippi requests approval to delete the Baker Properties, Sherwood Apartments, and Westwood Apartments from inventory and demolish them.

Purpose: The University of Southern Mississippi is seeking to delete the Baker Properties, Sherwood Apartments, and Westwood Apartments from inventory and demolish them.

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Baker Properties: These houses are located at 203 and 207 North 35th Avenue in Hattiesburg and are denoted as buildings 230 and 231 on inventory. These properties were purchased after obtaining IHL approval at the August 2012 Board Meeting. They have been vacant since the purchase. The university plans to use the properties as space for future growth and needs to demolish the houses to allow for future growth while reducing university risk and insurance premiums on the properties.

Sherwood Apartments: These apartments are located at 3405, 3407, and 3409 Pearl Street in Hattiesburg and are denoted as buildings 227, 228, and 229 on inventory. This property was purchased by the university after obtaining IHL approval at the August 2012 Board Meeting. They have been vacant since that purchase and are an eye sore along a major campus corridor. The university plans to use the properties as space for future growth and needs to demolish the apartments, which are in poor condition, to allow for future growth while reducing university risk and insurance premiums on the properties.

Sherwood Apartments: These apartments are located at North 34th and Pearl Street in Hattiesburg and are denoted as buildings 225 and 226 on inventory. This property was purchased by the university after obtaining IHL approval at the August 2012 Board Meeting. They have been vacant since that purchase. The space will be utilized to provide replacement parking for the spaces that will be lost when construction begins on the new College of Nursing. The parking remediation is a planning principle established in the current University Master Plan.

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. The University of Southern Mississippi 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.

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1. UMMC – APPROVAL TO HIRE BRADLEY, ARANT, BOULT, CUMMINGS, LLP, AS OUTSIDE COUNSEL

The University of Mississippi Medical Center requests permission to hire Bradley, Arant, Boulton, Cummings, LLP to advise on healthcare regulatory and compliance matters, healthcare administrative hearings and general healthcare related matters. The contract period will be September 1, 2013 through August 31, 2014. The hourly rate would be \$215 per hour up to and not to exceed a total maximum contract amount of \$50,000.

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

2. UMMC – APPROVAL TO HIRE JONES, WALKER, WAECHTER, POITEVENT, CARRERE & DENEGRE, LLP, AS OUTSIDE COUNSEL

The University of Mississippi Medical Center requests permission to hire Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP to provide legal services related to its Educational Building Corporation (EBC). The contract period will be November 1, 2013 through October 31, 2014. The hourly rate would be \$225 per hour up to and not to exceed a total maximum contract amount of \$25,000.

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

3. USM – APPROVAL TO RENEW CONTRACT WITH MAYO MALLET AS OUTSIDE COUNSEL

The University of Southern Mississippi requests Board approval to renew the contract with Mary Ann Connell, Cal Mayo, and the firm of Mayo Mallette, as outside counsel to perform services as necessary and render legal advice in the practice areas of higher education law, employment law, First Amendment matters, academic tenure, student affairs, OFCCP, Title IX, NCAA compliance, disability law, and athletics. The request includes the use of any and all attorneys employed by the firm, at the discretion of Mary Ann Connell and Cal Mayo, whose experience and expertise is required to assist in the representation of the University pursuant to the agreement. The hourly rate to be charged will be \$165.00 per hour for attorneys and \$65.00 per hour for the time expended by paralegals. The approval will be for a period of time beginning on September 1, 2013, and expiring on August 31, 2014. The maximum amount budgeted for payment would be \$40,000. The renewal of the agreement has been approved by the Attorney General.

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

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4. USM – APPROVAL TO INCREASE AMOUNT PAYABLE UNDER PREVIOUSLY APPROVED CONTRACT WITH BUTLER, SNOW, O’MARA, STEVENS & CANNADA, PLLC, AS OUTSIDE COUNSEL

The Board previously approved the employment of Butler, Snow, O’Mara, Stevens and Cannada, PLLC, as outside counsel to assist The University of Southern Mississippi in various legal matters. The approval was for a term of one year from July 1, 2012, through June 30, 2013, with a total amount payable under the arrangement not to exceed \$50,000. Due to the volume of patent and trademark filings during the year, amounts due and payable to the law firm for the period of service under the contract will exceed \$50,000. The University, accordingly, requests Board approval to increase the total amount payable under the previously approved contract to \$60,000.

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

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

ASU

Carl Cunningham, Jr.; Vice President for Student Success and Enrollment Management; salary of \$99,300, per annum, pro rata; E&G Funds; effective August 19, 2013

MSU (Hire with Tenure-also reported under Tenure Section Below)

John A. Hamilton, Jr; Associate Vice President, Research and Economic Development, and Professor of Computer Science and Engineering; salary of \$215,000, per annum, pro rata; E&G funds; **hired with tenure**, effective August 1, 2013

MVSU

Danielle Blackwell; Assistant Vice President, University Advancement; salary of \$70,000, per annum, pro rata; E & G funds; effective June 17, 2013

Kenneth L. Done; Assistant Provost for On-line and Extended Education, salary of \$95,000, per annum, pro rata; E & G funds; effective June 22, 2013

Ogbonnaya Elechi; Chair/Associate Professor for the Department of Criminal Justice, salary of \$95,000, per annum, pro rata; E & G funds; **hired with tenure**; effective August 15, 2013

Rehired retirees making more than \$20,000 who are on contract during FY2014

DSU

Kent Wyatt; *former position:* President; *re-employment position:* President Emeritus; *re-employment period:* July 1, 2013 to June 30, 2014; annual salary of \$59,000

A.C. Prewitt; *former position:* Assistant Director of Physical Plant; *re-employment position:* Facilities Engineer; *re-employment period:* July 1, 2013 to June 30, 2014; annual salary of \$22,604

Linda Ross; *former position:* Director of the H.L. Nowell Union; *re-employment position:* Director of the H.L. Nowell Union; *re-employment period:* July 1, 2013 to June 30, 2014; annual salary of \$24,693

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Gloria Brister; *former position:* Chair of Speech and Hearing Sciences and Assistant Professor; *re-employment position:* Assistant Professor, Emeritus; *re-employment period:* July 1, 2013 to June 30, 2014; annual salary of \$40,000

James Robinson; *former position:* Professor of History; *re-employment position:* Adjunct Instructor in History; *re-employment period:* July 1, 2013 to June 30, 2014; annual salary of \$30,000

Jean Grantham; *former position:* Adjunct Faculty, Chief Nurse for Delta Hills Public Health District III, MS State Department of Health; *re-employment position:* Instructor in Nursing (Part-time); *re-employment period:* August 15, 2013 to June 30, 2014; annual salary of \$33,800

MUW

Linda Cox; *former position:* Emeritus Professor of Nursing, Tupelo RN-BSN; *re-employment position:* Emeritus Professor of Nursing, Tupelo RN-BSN; *re-employment period:* July 1, 2013 to June 30, 2014; annual salary of \$37,415

Bobby Fuller; *former position:* Assistant Professor of Education; *re-employment position:* Assistant Professor of Education; *re-employment period:* August 16, 2013 to May 16, 2014; annual salary of \$26,235

Joyce Hunt; *former position:* Professor of Management; *re-employment position:* Professor of Management; *re-employment period:* August 16, 2013 to May 16, 2014; annual salary of \$31,715

2. Change of Status

ASU

Emanuel Barnes, *from* Director of Admissions and Recruiting; salary of \$82,800, per annum, pro rata; E&G Funds; *to* Deputy Provost for Student Services; no salary change; effective August 1, 2013

JSU

Thomas C. Calhoun, *from* Interim Associate Vice President for Academic Affairs and Professor of Sociology; salary of \$125,000 per annum, pro rata; E&G Funds; *to* Associate Vice President of Academic Affairs and Professor of Sociology; salary of \$135,000, per annum, per rata; E&G Funds; effective July 1, 2013

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Deborah F. Dent, *from* Interim Vice President for Information Management; salary of \$157,000 per annum, pro rata; E&G Funds; *to* Vice President for Information Management; no salary change; effective August 1, 2013

Loretta A. Moore, *from* Associate Vice President for Research and Scholarly Engagement; salary of \$150,000 per annum, pro rata; E&G Funds; *to* Interim Vice President for Research & Federal Relations; salary of \$165,000, per annum, pro rata; E&G Funds; effective July 2, 2013

MSU

Jon P. Rezek, *from* Associate Dean and Professor, Finance and Economics; salary of \$87,924 per annum, pro rata; E&G Funds; *to* Interim Associate Vice President and Interim Executive Director, International Education; salary of \$140,000.00 per annum, pro rata, E&G Funds; effective July 16, 2013

MVSU

Joyce A. Dixon, *from* Assistant Vice President of Business and Finance; salary of \$96,660 per annum, pro rata E & G funds; *to* Interim Vice President of Business and Finance/CFO; salary of \$120,000 per annum, pro rata; E & G funds; effective July 1, 2013

IHL Executive Office

John Pearce *from* Interim Associate Commissioner for Finance and Administration; salary of \$135,795 per annum, pro rata; E&G Funds; *to* Associate Commissioner for Finance and Administration; no salary change; effective August 15, 2013

3. Separation of Employment

ASU

Juan McCullum, Assistant Vice President for Student Life; resignation effective August 7, 2013

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4. Tenure (and Promotions where noted)

MSU - Twelve-month contracts effective August 1, 2013.

John A. Hamilton, Jr., Associate Vice President, Research and Economic Development, and Professor of Computer Science and Engineering (*New hire with tenure; twelve-month contract*)

MVSU – Nine –month contract effective August 15, 2013 for new faculty and August 19, 2013 for continuing faculty

Ogbonnaya Elechi; Chair/Associate Professor for the Department of Criminal Justice (*New hire with tenure*)

Latonya Garner, Assistant Professor, Department of Mathematics, Computer Information and Science

Tracy Mims, Associate Professor, Department of Social Work

Loraine Woods, Assistant Professor, Department of Mathematics, Computer Information and Science

USM- Nine-month contract with an effective date of August 19, 2013

David Holt, *promotion* to Associate Professor, Department of Geography and Geology

Kelley Stricklin, *promotion* to Associate Professor, Department of Curriculum Instruction and Special Education

5. Emeritus Status

UMMC

G. Rodney Meeks; Professor Emeritus of Obstetrics and Gynecology

Glen Graves; Professor Emeritus of Pediatrics

Craig J. Lobb, Professor of Microbiology

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1. MUW – APPROVAL OF AMENDMENTS TO MISSION STATEMENT

Mississippi University for Women requests approval of non-substantive changes to its mission statement which was last revised and approved by the IHL Board of Trustees on January 15, 2004. The proposed changes are underscored below in the proposed mission statement.

These proposed modifications reflect the updated Carnegie classification designation (2005), the change (approved by the IHL Board on April 19, 2012) of the name of the School of Professional Studies to the College of Business and Professional Studies, and also are meant to bring the university's mission statement into compliance with the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) polices related to the university's new Doctor of Nursing Practice degree program and its methods of program delivery.

Proposed Mission Statement:

A Carnegie Master's ~~H S~~ public institution, Mississippi University for Women (MUW) provides high-quality undergraduate and graduate education for women and men in a variety of liberal arts and professional programs, while maintaining its historic commitment to academic and leadership development for women. ~~MUW provides education in~~ emphasizes a personalized learning environment in all of its educational programs, which are offered through the College of Arts and Sciences, College of Business and Professional Studies, College of Education and Human Sciences, and College of Nursing and Speech Language Pathology and School of Professional Studies, utilizing small classes and emphasizing a personalized learning environment. The graduates of MUW are prepared for competitive careers and excellent graduate and professional schools. ~~MUW provides~~ delivers selected programs and courses through distance education formats to provide educational opportunities throughout Mississippi and the United States, while addressing the unique educational and public service needs of northeast Mississippi and adjoining counties in northwest Alabama. MUW supports research, scholarship, and creativity to enhance faculty development and student learning and to advance knowledge in the disciplines offered by the university.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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**1. BELHAVEN UNIVERSITY – APPROVAL OF STAGE I APPLICATION
DECLARATION OF INTENT/NEED TO ESTABLISH A NEW PROFESSIONAL
NURSING PROGRAM**

In accordance with (a) and (b), Miss. Code (1991 Supp. § 37-129-1, et seq. which *”empowers the Board of Trustees of State Institutions of Higher Learning to establish rules and regulations and promulgate uniform standards for accreditation of schools of nursing.”*

In accordance with Miss. Code, approval is requested for Stage I Application – declaration of intent/need to establish a program of professional nursing for Belhaven University.

Belhaven University has completed the first stage in a three stage process for establishing a registered nursing program. A completed application for Stage I has been submitted which declares their intent and provides supportive evidence of the need for a Baccalaureate Degree Nursing Program with two program options: BSN (pre-licensure); RNBSN (post-licensure). The application includes approval from the institutions’ governing board, establishment of a local advisory committee, evidence of obtaining professional advice from qualified nurse educators, substantive evidence of need for establishment of a new program, current institutional catalog, philosophy/mission and goals of the institution, vision and purpose for establishing a new nursing program, evidence of full institutional accreditation, educational, physical and fiscal resources (budget), sources for potential students, nursing programs within a fifty-mile radius, data on potential qualified faculty, availability of supporting academic courses, and a tentative timeline for development and implementation of the nursing program.

Notice of Belhaven University’s intent/need to establish a new professional nursing program was posted on the IHL website, providing an avenue for public comments and questions. Nursing deans and directors were given an opportunity to provide feedback regarding the proposed BSN and RNBSN program.

A recommendation of approval of Stage I allows the institution to progress to Stage II, establishment of the nursing program, which includes development of the curriculum, hiring a program director, faculty and staff, submission of reports, and a site visit by IHL. Following the site visit, a recommendation is provided to the Board of Trustees regarding Stage II – Qualify for Initial Accreditation, which allows the School of Nursing permission to admit students. Stage III – Qualify for Full Accreditation, occurs during the final semester of the first graduating class, in conjunction with the national nursing accrediting body.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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2. **JACKSON STATE UNIVERSITY – APPROVAL TO OFFER OFF-CAMPUS INSTRUCTIONAL PROGRAMS AND TO TRANSFER ACADEMIC PROGRAMS TO JSU DOWNTOWN CAMPUS**

In accordance with Board Policy 501: Academic Programs and Units “*All new curricula, departments, programs of study, organized research or services being proposed by any or all of the institutions must be submitted to the Board and must be approved by the Board before being initiated.*”

In accordance with Board Policy 201.0507-C: Establishment of Off-Campus Instructional Programs Authorized; Attendance “*The Board may establish off-campus instructional programs for universities if, in its opinion, such action is in the best interest of quality education for the State of Mississippi and the university system. Attendance at an off-campus site or through distance learning shall fulfill residency requirements.*”

Pursuant to Board policies, approval is requested for the transfer of the Master’s and Doctorate Academic Programs within the College of Public Service’s School of Policy and Planning from JSU’s Universities Center campus to JSU’s Downtown campus, located at 101 Capitol St., Jackson, MS (the “101 Building”).

JSU is committed to providing exceptional educational opportunities in the most convenient locations for our present and future students.

The School of Policy and Planning is made up of the Department of Public Policy and Administration, the Department of Urban and Regional Planning, and the Urban Studies Program. The School offers an undergraduate degree in Urban Studies, and master's degrees in Public Policy and Administration and Urban and Regional Planning. Doctorate degrees are offered in Public Administration and Urban and Regional Planning. The following Master’s and Doctorate programs within the School of Policy and Planning will be transferred:

The School of Policy and Planning
Interim Executive Director, Dr. Ricardo Brown

a. Urban and Regional Planning Programs:
Interim Program Director, Dr. Mukesh Kumar

- Ph.D. Program, Urban and Regional Planning;
- M.A. Program, Urban and Regional Planning- (Planning Accreditation Board accredited-PAB);

Note: The Urban Studies undergraduate degree program will remain at its current location and not be transferred to the 101 Building.

b. Public Policy and Administration Programs:
Interim Program Director, Dr. Johnny Gilleylen, Sr.

- Ph.D. Program, Public Administration; and

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- M.P.P.A. Program, Public Policy and Administration- (National Association of Public Affairs and Administration Accredited- NASPPA).

Two private institutions currently offer programs in close proximity to JSU's 101 Building: Belhaven University and Millsaps College. The Crosswalk of Program Offerings for Belhaven University and Millsaps College with the Proposed Course Offerings for JSU-101 Building shows no duplication of courses. Offering these graduate level courses in the heart of downtown Jackson at the 101 Building is in the best interest of affording quality educational opportunities for the State of Mississippi and the university system. The JSU Downtown location will enable JSU and IHL to make graduate level courses and degrees more accessible to professionals already working in downtown Jackson. The close proximity of this location to the State Capitol, City Hall and government and business offices will offer enormous opportunities for students in the School of Policy and Planning to interact with our political and business leaders. There will be occasions to observe State policy-makers and government leaders in action. It will not lead to an inappropriate duplication of programs. By providing convenient course schedules, including night classes, JSU intends to target young professionals. This location should be attractive for citizens who already have jobs but want to further their education.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. DSU- PERMISSION TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT

Agenda Item Request: Delta State University (DSU) requests approval of an agreement with **Cable One, Inc.** for cable television services.

Contractor's Legal Name: **Cable One, Inc. (Cable One)**

History of Contract: This is a new agreement. Cable One has provided cable service to the DSU campus for several years.

Specific type of contract: Services Agreement

Purpose: The purpose of the agreement is for the continued provision of cable television service to various locations on the DSU campus. In connection with this request for cable service, DSU is also requesting approval to grant an easement and right of way to Cable One for the purpose of installing, operating and maintaining cable and other associated equipment. The two (2) related items will be included on the August 2013 Real Estate agenda.

Scope of Work: Under the agreement, Cable One will provide basic cable television services for approximately 896 television hook-ups at various locations on the DSU campus. In addition, Cable One will make *as needed* service calls for the repair and maintenance of the cable system.

Term of contract: The agreement is for five (5) years beginning approximately September 1, 2013 through August 31, 2018. After the initial five (5) year term, the agreement will automatically be extended by one (1) year terms unless either party provides notice of non-renewal at least 180 days prior to the end of the then current term.

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

- by either party for a material default under the agreement upon thirty (30) days notice of opportunity to cure,
- a reduction of funds, and
- failure by Cable One to comply with the federal E-Verify Program.

Contract Amount: The total estimated cost for the five (5) year term is \$378,796.

DSU will pay a monthly rental rate of \$6,838.80 for 984 *units* in Year 1 of the agreement. The number of units provided to DSU will be reduced from 984 to 896 beginning in Year 2 of the agreement and continuing on throughout the remainder of the term.

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Beginning on September 1, 2014 and on each September 1st thereafter for the length of the contract, the monthly rental payment for the 896 units will increase by 9% over the monthly rental payment for the preceding year.

On average, DSU will pay \$8.32 per connection per month of the agreement in order to provide basic cable services to the campus

A breakdown of monthly and yearly costs follows.

Year	Monthly Rental Payment	Annual Rental Payment <i>of 10 monthly payments</i>
1	\$ 6,838.80	\$ 68,388.00
2	\$ 6,787.60	\$ 67,876.00
3	\$ 7,398.50	\$ 73,985.00
4	\$ 8,064.40	\$ 80,644.00
5	\$ 8,790.20	\$ 87,902.00
Total		\$ 378,796.00

**For the term of the agreement, DSU will make rental payments for 10 of 12 months annually.*

Funding Source for Contract: The agreement will be funded by E & G funds and Auxiliary funds.

Contractor Selection Process: N/A Cable One is the current provider of cable service to DSU and the only service provider in Cleveland, MS.

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

2. MSU- REQUEST FOR APPROVAL OF RESOLUTION TO AMEND AND CLARIFY BOND RESOLUTIONS PREVIOUSLY APPROVED BY THE BOARD OF TRUSTEES IN APRIL 2012 AND MARCH 2013 AND TO REPLACE TRUSTEE

Agenda Item Request: Mississippi State University (MSU) requests approval of a resolution of the MSU Educational Building Corporation to clarify and amend both the Board's April 19, 2012 resolution and March 21, 2013 resolution for the EBC to issue

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bonds. The purpose of the resolution is to avoid unnecessary duplication with both issues due to the convergence of issue dates.

The Board has previously approved **Bond Counsel** as Jones, Walker, Waechter, Poitevent, Carrere and Denegre, LLP.

Following are the other professionals:

Underwriters – Morgan Stanley & Company, LLC with Raymond James & Associates, Inc.

Financial Advisor – First Southwest Co.

Trustee and Escrow Agent – Regions Bank (previously approved Hancock Bank)

History: The Board previously approved a Resolution for the EBC on April 19, 2012 with a maximum aggregate principal amount of \$82,000,000 for the purpose of financing improvements to Davis Wade Stadium and to refund all or a portion of up to \$50,000,000 of commercial paper. The university has \$29,000,000 in commercial paper outstanding as of July 1, 2013. At that time, the Board approved Jones, Walker, Waechter, Poitevent, Carrere, and Denegre, L.L.P. as Bond Counsel and Morgan Keegan and Company, Inc. as lead underwriter with First Southwest Company serving as Financial Advisor.

Subsequently, on March 21, 2013 the Board approved a Resolution to issue revenue bonds with a maximum aggregate principal amount of \$75,000,000 to provide moneys to refund all or a portion previously authorized bond issues is to include 1) Series 2004 (205-191, Power Generation Facilities Project), 2) Series 2004-A (205-207, Residence Hall and Refunding), and 3) Series 2005 (205-195 Residence Hall and Campus Improvement Project). At that time, the Board approved Jones, Walker, Waechter, Poitevent, Carrere, and Denegre, LLP as Bond Counsel, Morgan Stanley & Company, LLC with Raymond James & Associates as Underwriters, First Southwest as Financial Advisors, and Hancock Bank as Trustee and Escrow Agent.

Purpose: The purpose of the proposed resolution is to clarify and amend both the April 19, 2012 resolution and the March 21, 2013 resolution. Because two previously approved bond issues are anticipated to be sold during 2013, the university requests the amendment to avoid unnecessary duplication.

Specific Type of Contract: Long-term bonds

Scope of Work: The bond issue includes redeeming commercial paper and construction costs related to improvements at Davis Wade Stadium approved by the Board in April 2012 and refunding of prior debt (Series 2004, Series 2004-A, and Series 2005) approved

by the Board in March 2013. **First Southwest** is the financial advisor. Bond Counsel is **Jones, Walker, Waechter, Poitevent, Carrere and Denegre, LLP**, and the

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Underwriters are **Morgan Stanley & Company LLC with Raymond James & Associates, Inc. Regions Bank** will serve as the trustee and escrow agent (replacing Hancock Bank as previously approved in March 2013).

A schedule of uses of funds is presented below.

Board Approval Date	Purpose	Estimated Par Value Usage	Total
April 2012	Commercial Paper Redemption	\$ 50,000,000	
April 2012	Davis Wade Stadium Expansion	32,000,000	
	<i>Total Par Value from April 2012 Approval</i>		\$ 82,000,000
March 2013	Series 2004 Refunding	11,505,000	
March 2013	Series 2004-A Refunding	15,710,000	
March 2013	Series 2005 Refunding	44,030,000	
March 2013	Bond Issue Costs (Estimated 7/31/13)	614,250	
March 2013	Allowance for Changes in Bond Pricing	3,140,750	
	<i>Total Par Value from March 2013 Approval</i>		75,000,000
Grand Total Par Value			<u><u>\$ 157,000,000</u></u>

Term of Contract: Long-term bonds will be issued with maturities up to 30 years. Currently the refunding is scheduled to refund the principal of bonds with maturities ranging from 2015 to 2035.

Termination Options: The bond issue documents contain redemption provisions which can be used in case of market changes.

Contract Amount: MSU will issue up to a maximum of \$157 million par value in fixed rate bonds covering EBC resolutions approved by the Board in April 2012 and March 2013.

Funding Source for Contract: EBC revenue from both new and continuing operation of existing projects

STAFF RECOMMENDATION: This resolution is governed by Board Policy 906 – *Educational Building Corporations: Following the Board's approval of the project*

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initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations for the specific project and for approval of the following documents: the lease, the ground lease, the preliminary official statement (if required for the type of debt issued), the trust indenture, the continuing disclosure agreement (if required for the type of debt to be issued) and the bond purchase agreement or dealer agreement, as applicable. The bond documents have been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

3. UMMC- REQUESTS FOR APPROVAL OF RESIDENCY AND OUT-OF-STATE TUITION WAIVER POLICY

Purpose: The University of Mississippi Medical Center is requesting approval to establish a policy to authorize and define the criteria for granting waivers of out-of-state tuition to University of Mississippi Medical Center students within the Schools of Nursing, Health Related Professions, and Graduate Studies in the Health Sciences. More specifically, this policy will be implemented to include out-of-state tuition waivers as authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. § 37-103-25 (3).

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

Proposed Out-of-State Waiver Policy: The following list of proposed out-of-state waivers will be authorized in addition to those currently in existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission of timely and adequate proof of having met the applicable criteria, and awarding of any such waiver will be determined on a case-by-case basis.

a. School of Nursing (SON)

Graduate level applicants must be residents of contiguous states (AL, AR, LA, and TN). Exceptions will be considered on a case by case basis by the dean. Waivers will be equal to 100% of the then in-effect non-resident surcharge.

b. School of Health Related Professions (SHRP)

Applicants must be residents of contiguous states (AL, AR, LA, and TN). Exceptions will be considered on a case by case basis by the dean. Waivers will be equal to 100% of the then in-effect non-resident surcharge.

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c. School of Graduate Studies in the Health Sciences (SGSHS)

Applicants to a Ph.D. program with a baccalaureate degree who meet established admission criteria. Waivers will be equal to 100% of the then in-effect non-resident surcharge.

With each incoming class the credentials and criterion will be reviewed and modified as needed to achieve financial sustainability and the desired results. These reviews will be conducted by the Office of the Associate Vice Chancellor of Academic Affairs and approved by the UMMC Council of Deans. These newly created waivers would become effective for the 2014-15 academic year.

Students receiving a waiver during their first year must maintain a specified GPA, and must continue to meet the additional criteria making them eligible to automatically renew the waiver.

Financial Impact: The enrollment statistics of the most recent SHRP, SON and SGSHS classes indicates that non-resident students in these programs make up a relatively small percentage of the programs student body (1.8%, 3.4% and 21.2% respectively). Through these new non-resident waiver policies, UMMC hopes to attract a greater number of non-resident students to the programs. UMMC estimates that they could reasonably collect an additional \$1.75 million of tuition revenue over a five-year period from new non-resident students attracted to the university by these policies. This is above and beyond what non-resident surcharge revenue that would have ordinarily been collected.

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 has reviewed and approved the proposed policy. Board staff has also reviewed the proposed policy and financial projections provided by UMMC. Board staff recommends approval of this item.*

4. UMMC- REQUEST FOR APPROVAL OF MANGEMENT AGREEMENT AND LEASE WITH GRENADA COUNTY AND THE GRENADA LAKE MEDICAL CENTER

Contractor's Legal Name: Grenada County Mississippi-Board of Supervisors, and the Grenada Lake Medical Center (GLMC)

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of a series of contracts with Grenada County, Mississippi, a validly existing political subdivision of the State of Mississippi acting through its Board of Supervisors (the "County"), and Grenada Lake Medical Center (GLMC), a community hospital

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owned by Grenada County, Mississippi. The initial request is for an Agreement to Lease as well as a Management Support Services Agreement for the performance of administrative and management support services. The subsequent Lease Agreement is a long-term arrangement to operate the GLMC providing similar services as outlined in the initial agreements.

History of Contract: On August 6, 2012, Grenada County and GLMC issued a Request for Proposals for a Lease of GLMC without purchase.

UMMC's response was submitted on October 5, 2012. Grenada requested additional information and UMMC responded on November 30, 2012. On December 28, 2012, the Grenada Board of Supervisors met and selected UMMC as the intended lessee of choice. UMMC and representatives from Grenada County and GLMC met subsequently and began negotiations and due diligence activities.

UMMC now sends forward Agreements to Lease and for Management Support Services which will start September 1, 2013, and a subsequent long-term Lease Agreement which will become effective on January 1, 2014. The time period may be affected by governmental approvals and facility issues. UMMC requests approval subject to the needed regulatory approvals.

Specific Type of Contract: Agreement to Lease, and Management Support Services Agreement, and a Lease Agreement.

Purpose: There are three agreements. The first is an Agreement to Lease, while the second is a Management Support Services Agreement. Both of these agreements run concurrently, beginning on September 1, 2013 and ending on December 31, 2013. The third contract is a Lease Agreement which allows UMMC to lease GLMC on a continuing basis, beginning on January 1, 2014. This agreement will stay in effect for a minimum of twenty (20) years, with a maximum contract length of fifty (50) years if three (3) ten year optional renewals are exercised.

The purpose in leasing GLMC is to allow UMMC to offer placements for more medical students and residents, expand telemedicine services, and enhance medical care for the residents of Grenada and surrounding counties as part of UMMC's mission to improve healthcare for all Mississippians.

Scope of Work: UMMC will lease GLMC and its operations. The proposal is for the two parties to enter into an initial Agreement to Lease and a Management Support Services Agreement whereby UMMC will perform administrative and management support services starting on September 1, 2013. At the conclusion of this initial agreement, a subsequent Lease Agreement will go into effect on January 1, 2014.

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Term of contract: The initial Agreements will be for four (4) months from September 1, 2013 through December 31, 2013. The succeeding Lease Agreement will operate for a term of up to fifty (50) years, to include an initial term of twenty (20) years from January 1, 2014 through December 31, 2033, with three (3) renewal terms of ten (10) years each. UMMC is requesting approval for all fifty (50) years, which will run through December 31, 2063.

Termination Options: The termination clauses for the initial Agreement to Lease are as follows prior to 12-31-2013 (Closing Date):

- By the mutual written consent of GLMC and UMMC;
- By UMMC in the event that the conditions set forth in Section 9 of the Agreement to Lease (Conditions Precedent to Obligations of Tenant) are not satisfied or waived by the Closing Date, unless such satisfaction shall have been frustrated or made impossible by any act or failure to act of UMMC;
- By GLMC in the event that the conditions set forth in Section 10 of the Agreement to Lease (Conditions Precedent to Obligations of Landlord) shall not have been satisfied or waived by the Closing Date, unless such satisfaction shall have been frustrated or made impossible by any act or failure to act of GLMC;
- By UMMC in accordance with Sections 7.4 or 7.5 of this Agreement to Lease (Casualty and Supplements to Schedules).
- By either party in the event consent of any regulatory authority or third party required for consummation of this Agreement and the other transactions contemplated hereby shall have been denied by final, non-appealable action of such authority or if any action taken by such authority is not appealed within the time limit for appeal, or any legal judgment, order or proceeding permanently restraining, enjoining or otherwise prohibiting the consummation of this Agreement shall have become final and non-appealable.

The long-term Lease Agreement may be terminated for the following:

- Termination for casualty or condemnation

Contract Amount: UMMC has proposed leasing GLMC for the amount of their existing long-term debt, approximately \$35.5 million as of September 1, 2013. This includes principal payments of \$24.34 million, with the remainder being interest costs paid over the full debt term. Annual long-term debt payments will range between \$1.785 million and \$2.139 million. GLMC's current debt obligation has a variable interest rate component. First Southwest, who serves as UMMC's financial advisor on this transaction is supportive of this relationship, but is recommending that GLMC convert the current debt instrument into a fixed rate issue in the near future. It is estimated that it will take 6 to 18 months to identify and implement a fixed-rate refinancing debt structure.

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In addition, UMMC will be responsible for the following:

- A rental payment equal to the annual property insurance premiums for the leased property.
- Should future decisions dictate that GLMC issue additional capital improvement debt, UMMC's annual rent will be mutually adjusted to augment GLMC's retirement of the new debt.
- At its own expense, UMMC will maintain all parts and equipment of the Leased Facility in good order and repair.
- UMMC will also be responsible for all utilities that arise out of the operation, possession or use of the leased Facility.
- During the management period, UMMC will also assume all obligations, covenants and agreements for existing leases of GLMC, or has the right to negotiate new leases subject to separate approval of the IHL Board in accordance with board policy.
- UMMC will also be responsible for all utilities that arise out of the operation, possession or use of the leased Facility.
- During the management period, UMMC will also assume all obligations, covenants and agreements for existing leases of GLMC, or has the right to negotiate new leases subject to separate approval of the IHL Board in accordance with board policy.

UMMC is expected to contribute approximately \$10 to \$12 million initially to serve as working capital for the newly leased operations. Once the lease begins operation, these funds will be fully recouped as soon as patient revenues are earned and received.

During the management period of these agreements, UMMC will be paid \$26,000 per month by GLMC in consideration for the UMMC's provision of management services. This provision will end upon the execution of the long-term Lease Agreement.

Funding Source for Contract: The agreements will be funded by patient revenues.

Contractor Selection Process: UMMC was selected as the lessee through an RFP process conducted by the Grenada County Board of Supervisors and GLMC.

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Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of all other Land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The Agreement to Lease, Management Support Agreement and Lease between UMMC and Grenada County, MS / Grenada Lake Medical Center (GLMC) 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 §903(B), Legislative Funding Requests

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

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

Board Policy §904(A), Board Approval

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

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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.

APPROVAL OF OTHER REAL ESTATE REQUESTS

1. SYSTEM – Approval of Facility Needs Request for the 2014 Legislative Session

Request: Board approval is requested for the prioritized lists of proposed funding needs for the 2014 Legislative Session as prepared by each individual institution. These lists of campus priorities were developed in the same manner as last year's lists, with each university determining the top ten ranking priorities of their respective campus. A copy of the prioritized funding needs is located on page(s) 3-6. IHL is seeking approval in accordance with Board Policy §903(B), Legislative Funding Requests, which requires the preparation and submittal of an annual request for capital improvements and repair and renovation for approval by the Board prior to its submission to the Legislature.

Staff Recommendation: Board staff recommends approval of this item.

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**Facilities Needs Requests for FY 2015
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University	University Priority	Project Description	Request Per Project	Total By University
ASU	1	Technology Classroom Building	\$16,975,000	
	2	ADA Modifications	\$10,850,000	
	3	Campus Security Project	\$8,137,500	
	4	General Repair and Renovations	\$7,260,000	
	5	Infrastructure Upgrades	\$3,255,000	
	6	Campus Improvements	\$8,680,000	
	7	ASU Academic Convocation Center (Pre-Plan)	\$250,000	
	8	Walter Washington Administration Hall Renovations (Pre-Plan)	\$250,000	
	9	K.L. Simmons Hall Renovations (Pre-Plan)	\$250,000	
	10	J.D. Boyd Library Renovations (Pre-Plan)	\$250,000	
				\$56,157,500
DSU	1	Court of Governors/Hill Apartments Fire Suppression	\$1,300,000	
	2	Student Union Renovation	\$32,614,639	
	3	Ward Hall Renovation	\$4,080,095	
	4	Road Improvements	\$1,600,000	
	5	Campus Demolitions	\$1,046,800	
	6	Zeigel Hall (Pre-Plan)	\$300,000	
	7	Wellness Center Renovation (Pre-Plan)	\$350,000	
	8	Zeigel Hall Renovation	\$5,052,000	
	9	Wellness Center Renovation	\$8,500,000	
	10	Compliance	\$7,703,500	
				\$62,547,034
JSU	1	Dansby Hall Replacement Phase I	\$9,000,000	
	2	General Repair and Renovation	\$7,000,000	
	3	Land Acquisition Phase V	\$5,000,000	
	4	Old Industrial Arts Building Renovation	\$2,000,000	
	5	Blackburn Language Arts Building	\$2,000,000	
	6	College of Education & Human Development	\$12,500,000	
	7	J.Y. Woodard Building	\$2,000,000	
	8	Rosa McCoy Building (UPA)	\$2,000,000	
	9	F.D. Hall Music Center	\$7,000,000	
	10	Campus –Wide Infrastructure Improvement Phase I	\$3,000,000	
				\$51,500,000

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University	University Priority	Project Description	Request Per Project	Total By University
MSU	1	Addition to Mitchell Memorial Library	\$6,788,128	
	2	Civil and Environmental Engineering Complex	\$14,000,000	
	3	Fire Suppression Systems (Classroom Sprinklers)	\$2,736,500	
	4	ADA Accessibility	\$2,396,000	
	5	Roof Repairs	\$2,223,725	
	6	Water Infiltration Repairs	\$1,714,500	
	7	Fire Alarm Systems Replacement	\$1,828,000	
	8	HVAC Systems Replacements	\$2,569,750	
	9	Addition to Sanderson Center	\$14,284,498	
	10	Energy Management Controls	\$2,503,500	
				\$51,044,601
MSU/DAFVM	1	ADS/Food Science, Nutrition & Health Promotion Complex	\$20,480,000	
	2	Blackjack Forest and Wildlife Research Facility	\$3,333,750	
	3	Exterior & Interior R&R- Forest Products Complex	\$2,587,000	
	4	Dorman Hall Lab & Common Space Renovation	\$3,983,500	
	5	Food Science, Nutrition and Health Promotion Complex Renovation	\$11,030,000	
	6	Bost Extension Center/Technology Addition	\$8,560,000	
	7	Mississippi Horse Park Expansion	\$8,462,000	
	8	Crosby Arboretum Education Center	\$1,961,500	
	9	Delta Research & Extension Center Repair and Renovation	\$1,500,000	
	10	Floral Shop: 1 st Floor and Basement Renovation	\$756,000	
				\$62,653,750
MUW	1	ADA Code Compliance and Campus Safety	\$3,000,000	
	2	Fant Memorial Library	\$8,884,000	
	3	Campus R&R Projects	\$2,712,500	
	4	Keirn & Taylor Halls Demolition	\$1,302,000	
	5	Fant Hall Renovation	\$325,500	
	6	Demonstration Renovation	\$200,000	
	7	Shattuck Hall	\$5,175,000	
	8	Old Pohl Gym Renovation	\$325,500	
	9	Campus Streetscape	\$1,593,106	
	10	Education and Human Sciences Renovation	\$325,500	
				\$23,843,106

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University	University Priority	Project Description	Request Per Project	Total By University
MVSU	1	Fire Suppression System Upgrades	\$2,000,000	
	2	College Hall I Renovation	\$5,200,000	
	3	Academic Skills Redesign	\$4,500,000	
	4	Student Union Complex Renovation and Expansion	\$7,626,000	
	5	Fine Arts Center Renovation and Expansion	\$7,626,000	
	6	Chilled Water Loop Expansion	\$7,000,000	
	7	O.P. Lowe Building Renovations	\$3,500,000	
	8	Carpenter Hall Renovation	\$3,500,000	
	9	Campus Gas System Upgrades Phase I	\$3,500,000	
	10	R.W. Lackey Center Renovation	\$3,500,000	
				\$47,952,000
UM	1	Garland Hedleston Mayes Renovation	\$16,000,000	
	2	South Campus Recreation Facility and Transportation Hub	\$20,000,000	
	3	Data Center Renovation	\$15,000,000	
	4	Johnson Commons East	\$6,500,000	
	5	Electrical Hazards	\$3,500,000	
	6	Various Roofs	\$3,000,000	
	7	New Science Building	\$40,000,000	
	8	Vardaman Hall	\$3,000,000	
	9	Somerville Hall	\$5,500,000	
	10	Archives Building	\$16,000,000	
				\$132,000,000
UMMC	1	Medical School Renovation/New Building	\$30,500,000	
	2	Central Core Support Office	\$9,362,130	
	3	SHRP Expansion	\$14,222,700	
	4	East Central Mechanical Plant	\$8,508,450	
	5	Pedestrian Bridge & Utility Loop Expansion	\$6,758,959	
	6	Hospital Area Renovation	\$22,901,019	
	7	Women's Dorm Renovation	\$4,605,207	
	8	Campus Mechanical Phase I	\$1,761,066	
	9	2013 Roof Repair	\$313,072	
	10	Campus Mechanical Phase II	\$1,302,253	
				\$100,234,856

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University	University Priority	Project Description	Request Per Project	Total By University
USM	1	Fire Protection – Cedar Brook Apartments	\$300,000	
	2	Printing Center Renovation	\$3,000,000	
	3	Southern Hall Restoration and Renovation	\$9,000,000	
	4	General Repair and Renovation –Hattiesburg Campus	\$4,000,000	
	5	Joseph Greene Hall Renovation	\$9,000,000	
	6	Campus Restoration & Academic Enhancement – Gulf Park	\$2,000,000	
	7	College of Business Pre-Plan & North Campus Master Planning – Gulf Park	\$315,000	
	8	Harkins Hall Renovation	\$7,000,000	
	9	Payne Center Expansion – (Pre-Plan)	\$750,000	
	10	Music, Theater, and Performing Arts Facility – (Pre-Plan)	\$1,750,000	
				\$37,115,000
ERC	1	Structural Repairs/Water Infiltration	\$2,400,000	
	2	Primary Campus Electrical Service Replacement	\$1,650,000	
	3	Replace Hot/Chilled Mechanical Water Lines	\$600,000	
	4	ADA Code Compliance	\$2,000,000	
	5	Exterior Handicap Ramps	\$145,000	
	6	Re-roof Paul B. Johnson Building	\$550,000	
	7	Replace Stairs at Parking Garage	\$280,000	
	8	Parking Lot Re-Paving	\$550,000	
	9	Window Replacement	\$900,000	
	10	Pre-Plan Paul B. Johnson Building Renovation	\$350,000	
				\$9,425,000
				\$634,472,847

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2. MSU –Approval of Ground Lease to the City of Starkville for the Construction of a Parking Garage

Project Request: As part of the development of the Mill at MSU Conference Center, Mississippi State University requests approval to lease approximately 1.67 acres of to the City of Starkville for 10 years for the construction of an approximately 450 space parking garage. Mississippi State University further request approval to allow the Commissioner and Board President to approve any changes to the contract which are required by the project lenders and which do not change the essential terms of the contract without further Board approval. Any changes which do impact the essential terms of the contract will be submitted to the Board for consideration.

Purpose: The City of Starkville will lease approximately 1.67 acres of land for 10 years to construct an approximately 450 space parking garage. At the expiration of the lease, the parking garage will become the property of Mississippi State University. The university will incur no cost for the parking garage. The City of Starkville is building an approximately \$8,000,000 parking garage with Community Development Block Grant Funds.

Property Description: The property is located on Lot5 which is a parcel of land containing 1.67 acres more or less and being a part of Block 31 of the Starkville Land Company subdivision as platted and recorded in the Oktibbeha Chancery Clerk's office in Plat Book 1 at Page 15 (Slide 8).

Terms of Lease: The lease is between Mississippi State University of Agriculture and Applied Sciences (MSU) and the City of Starkville, Mississippi for a period of ten (10) years for 1.67 acres. The City of Starkville is obligated to construct a parking garage containing approximately 450 spaces on the Real Property in accordance with plans and specifications approved by MSU, within two (2) years following the date that is the latter of: (i) the effective date of the lease; or (ii) the date of the City's receipt of written approval by MSU of the plans and specifications. No construction shall begin until MSU approves the plans and specifications in writing. After submittal of the plans and specifications, MSU shall have thirty (30) days to either approve of or request changes to the plans and specifications. To the extent MSU does not request changes to the plans and specifications, such requested changes shall not cause the total cost of the project to exceed \$8,000,000 available for the project from Community Development Block Grant Funds.

At the expiration of the term, the City of Starkville shall surrender the Real Property in the improved and renovated condition required by the lease. The City

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of Starkville's obligation to observe or perform this covenant shall survive the expiration or other termination of this lease. Should the City of Starkville fail to remedy any break within the time period contained, MSU shall have the right to terminate this lease after thirty (30) days written notice to the City of Starkville.

Mississippi State University 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 ground lease 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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APPROVAL OF LEGISLATIVE LIAISONS

The following requests for Board approval of various university/system employees as legislative liaisons are made in order to comply with Board Policy 201.0506 Political Activity:

1. ASU – APPROVAL OF MARCUS WARD AS LEGISLATIVE LIAISON

Alcorn State University requests approval of Marcus Ward as its legislative liaison.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. DSU – APPROVAL OF DR. MICHELLE ROBERTS AS LEGISLATIVE LIAISON

Delta State University requests approval of Dr. Michelle Roberts as its legislative liaison.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. MSU – APPROVAL OF JOHN A. TOMLINSON AS LEGISLATIVE LIAISON

Mississippi State University requests approval of John A. Tomlinson as its legislative liaison.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. MVSU – APPROVAL OF DR. ALFRED RANKINS, JR. AS LEGISLATIVE LIAISON

Mississippi Valley State University requests approval of Dr. Alfred Rankins, Jr. as one of its legislative liaisons.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

5. MVSU – APPROVAL OF DANIELLE BLACKWELL AS LEGISLATIVE LIAISON

Mississippi Valley State University requests approval of Danielle Blackwell as one of its legislative liaisons.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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6. UM – APPROVAL OF PERRY SANSING AS LEGISLATIVE LIAISON

The University seeks approval of Mr. Perry Sansing, Associate General Counsel and Special Assistant to the Chancellor for Governmental Affairs, as its legislative liaison.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

7. UMMC - APPROVAL OF TARA MOUNGER AS LEGISLATIVE LIAISON

The University of Mississippi Medical Center requests approval of Tara Mounger as one of its legislative liaisons.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

8. UMMC - APPROVAL OF CANDICE WHITFIELD AS LEGISLATIVE LIAISON

The University of Mississippi Medical requests retroactive approval of Candice Whitfield as one of its legislative liaisons for 2013, and requests approval of Ms. Whitfield as a legislative liaison for the coming year.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

9. USM – APPROVAL OF CHAD DRISKELL AS LEGISLATIVE LIAISON

The University of Southern Mississippi requests approval of Chad Driskell as its legislative liaison.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

10. SYSTEM – APPROVAL OF KIM GALLASPY AS LEGISLATIVE LIAISON

The Executive Office requests approval of Kim Gallaspy as its legislative liaison

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

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APPROVAL OF NON-EMPLOYEE IN-STATE LOBBYISTS

Board Policy 201.0506 Political Activity requires annual Board approval of the use of all outside lobbyists which will perform lobbying activities within the State of Mississippi on behalf of any of the institutions prior to an institution contracting therewith. In addition, Board Policy 201.0506 requires that the Board approve the actual contract with such a lobbyist. The request for approval must include disclosure of all other clients represented by the proposed lobbyist, as well as the specific source of funding to be used for payment of the lobbyist, including expenses. The request must indicate whether funding is to be derived from state general funds or self-generated funds. Further, the contractual agreement with such an outside lobbyist to conduct in-state lobbying must provide that the agreement is either terminable at will, or it must contain a provision that provides that such contract may be terminated by IHL or the client institution if IHL or the institution determines that a new client of the lobbyist creates a conflict. Lastly, board policy requires that such lobbyists are required to apprise the Commissioner regarding lobbying activities related to IHL or any individual IHL institution, and to coordinate those activities within system strategies and processes prescribed by the IHL Board. In response to the various requirements of Board Policy 201.0506 regarding the approval requirements in order to use an outside lobbyist for lobbying activities within the State of Mississippi, the institutions have submitted the following for the Board's consideration.

11. MSU – APPROVAL OF CORNERSTONE GOVERNMENT AFFAIRS, LLC AS IN-STATE LOBBYING CONSULTANT

Mississippi State requests approval of a one-year contract with Cornerstone Government Affairs, LLC, for assistance in pursuing government affairs and business objectives, including monitoring and lobbying of legislation of interest to Mississippi State during the regular session of the Mississippi Legislature, and additional services throughout the year. The contractual flat fee is \$40,000. The fee will be paid with private funds by the MSU Foundation. Cornerstone's client list is shown immediately below, and the proposed contract is below the client list.

Client List: Cornerstone Government Affairs, LLC

American Diabetes Association	Atlanta, GA
Community Mental Health Centers	Mississippi
Huntington Ingalls Shipbuilding	Pascagoula, MS
ITC Holdings	Novi, MI
Kool Smiles	Cincinnati, OH
Mississippi Association of Supervisors	Jackson, MS
Mississippi Economic Council	Jackson, MS

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Mississippi Power Company	Gulfport, MS
Mississippi State University	Starkville, MS
Nissan North America	Canton, MS
Novartis Vaccines and Diagnostics	Washington, DC
Oracle, Inc.	Reston, VA
Parents' Campaign	Jackson, MS
Ridgeland, MS (City of)	Ridgeland, MS
Save the Children	Washington, DC

Service Agreement

(CORNERSTONE GOVERNMENT AFFAIRS)
(MISSISSIPPI STATE UNIVERSITY)

CORNERSTONE GOVERNMENT AFFAIRS, LLC, a limited liability company duly organized under the laws of the District of Columbia, and doing business as CORNERSTONE GOVERNMENT AFFAIRS (hereafter referred to as "CORNERSTONE") with its Mississippi place of business at 188 East Capitol Street, Suite 910, Jackson, MS 39201, does contract with MISSISSIPPI STATE UNIVERSITY (hereinafter referred to as "MS STATE"), whose principal office is P.O. Box 6018, Mississippi State, MS 39762 to provide consultant services for the period of twelve (12) months, commencing November 1, 2013 and ending October 31, 2014.

SCOPE: In its capacity as a consultant, CORNERSTONE led by Camille Scales Young, shall make its best effort to assist in pursuit of its government affairs and business objectives. MS STATE shall determine the nature of these objectives with the advice and assistance of CORNERSTONE and Camille Scales Young. Specifically the assistance in the monitoring and lobbying of legislation of interest to MS STATE during the Regular Session of the Mississippi Legislature and numerous additional services throughout the year.

CORNERSTONE with the cooperation of MS STATE will conduct an extensive inventory of MS STATE's resources; develop the concept for agreed-upon initiatives; create a theme for these initiatives; formulate a comprehensive plan for the initiatives; prepare the outline of a proposal for the initiatives; assist in the preparation of supporting documentation for the initiatives; develop meetings with key elected and appointed officials and staff; develop legislative strategies to support the initiatives; serve as liaison to state government agencies as necessary; and monitor and report on government programs relevant to the initiatives and other possible arenas of interest to MS STATE.

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CORNERSTONE will apprise the Commissioner of IHL regarding lobbying activities related to MS STATE and will coordinate those activities within system strategies and processes prescribed by the IHL Board.

It is understood that CORNERSTONE cannot undertake to verify all facts supplied to it by MS STATE or related entities or all factual matters included in materials prepared or used by CORNERSTONE and approved by MS STATE or related entities.

NON-DELEGATION: Neither party shall assign any of its rights or delegate any of its duties or obligations under this Agreement without the express written consent of the other party.

PAYMENTS: Payment shall be made to CORNERSTONE beginning November 1, 2013 and ending October 31, 2014, on a contractual flat fee of forty thousand dollars (\$40,000). Invoices of ten thousand dollars (\$10,000) will be rendered each quarter and payment shall be made within 45 days. The total fee includes overhead expenses such as any long distance telephone charges, telecopy charges, photocopying charges and postage. Federally appropriated funds may not be used to pay for any services provided or expenses incurred under this contract.

All fees to CORNERSTONE for services will be due and payable on the dates specified herein. All balances not paid 45 days after the due dates specified herein will bear interest at the rate of one percent (1%) per month until paid.

TERMINATION AT WILL: Should MS State desire to terminate this contract for any reason, it may do so at any time. Payments will be prorated through the date of termination.

COMPLIANCE WITH IHL POLICY 201.0506: During the term of this contract, CORNERSTONE will apprise the IHL Board, through the Commissioner, of all new clients after engaging the client.

EMPLOYMENT: CORNERSTONE represents and warrants that it will ensure its compliance with the Mississippi Employment Protection Act, Section 71-11-1, et seq of the Mississippi Code Annotated (Supp 2008), and will register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work within the State of Mississippi. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. CORNERSTONE agrees to maintain records of such compliance and, upon request of the State and approval of the Social Security

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Administration or Department of Homeland Security, where required, to provide a copy of each such verification to the State. CORNERSTONE further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. CORNERSTONE understands and agrees that any breach of these warranties may subject CORNERSTONE to the following: (a) termination of this Agreement and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to CORNERSTONE by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1) year, or (c) both. In the event of such termination/cancellation, CORNERSTONE would also be liable for any additional costs incurred by the State due to contract cancellation or loss of license or permit."

INDEMNIFICATION: CORNERSTONE agrees to indemnify and hold harmless MS STATE from and against any and all losses, claims, damages, legal fees, expenses or liabilities that MS STATE may incur based upon information, representations, reports, data or releases made by CORNERSTONE or its authorized agent or representative MS STATE did not expressly approve, or that CORNERSTONE materially changed or altered after MS STATE's approval; or that CORNERSTONE used in a negligent or reckless manner. This paragraph shall survive the termination of this agreement and shall continue to bind both parties.

CORNERSTONE shall be responsible, at its own expense, for complying with any state law and/or regulation governing lobbying, including, but not limited to any law or rule requiring registration of or the filing of public disclosure reports by lobbyists, which law or rule applies by reason of any service to be performed or activity to be conducted.

AVAILABILITY OF FUNDS: It is expressly understood and agreed that the obligation of MS STATE to proceed under this agreement is conditioned upon the availability and receipt of funds by MS STATE to specifically perform the obligations set forth for MS STATE under this agreement.

CONTROLLING LAW: This contract shall be governed by and construed in accordance with the laws of the State of Mississippi, without giving consideration to its conflicts of laws, provisions, and any litigation with respect thereto shall be brought in the courts of Mississippi.

This agreement contains the entire understanding between the parties. It may be changed only by written agreement signed by the parties.

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In witness whereof the authorized representatives of MS STATE and CORNERSTONE do hereby execute this contract.

CORNERSTONE GOVERNMENT AFFAIRS,
LLC

Date: _____

Geoff J. Gonella
President

MISSISSIPPI STATE UNIVERSITY

Date: _____

President

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

12. USM – APPROVAL OF CAPITOL RESOURCES, LLC AS IN-STATE LOBBYING CONSULTANT

The University of Southern Mississippi requests approval to continue the agreement with Capitol Resources LLC, in Jackson, MS, to provide state lobbying and government relations and consulting services in Mississippi in the amount of \$60,000 annually plus the reasonable reimbursement of travel expenses. The contract would be funded by self-generated funds. The client list for Capitol Resources is listed below and the proposed contract is shown below the client list.

Client List – Capitol Resources 2013

Comcast Cable
Corrections Corporation of America
Create Foundation
Enerkem
Ergon, Inc.
Foundation for Public Broadcasting in MS
General Electric Company
Government Consultants, Inc.
Gulf States Toyota
Horne CPAs
Ingalls Shipbuilding
K-12, Inc.

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Kansas City Southern
Lorillard Tobacco Company
Magnolia Health Plan
MedStat EMS
MISSCO Corporation
MS Academy of Physician Assistants
MS Alliance for Boys & Girls Clubs, Inc.
MS Coalition for Interior Design
MS Consumer Finance
MS Counselors Association
MS Independent Pharmacies Association
MS Museum of Natural Science Foundation
MS Optometric Association
MS Primary Health Care Association
Polaris
Sanderson Farms, Inc.
Southern Beverage Company, Inc.
Tellus Operating Group, LLC
The Louis Berger Group, Inc.
The Regional Medical Center at Memphis
The Stephen Group
Thompson Engineering
Toyota Motor – North America, Inc.
UHS of Delaware Inc. – Parkwood
United States Chamber of Commerce
University of Southern Mississippi
Youth Villages
Dr. Rodney Bennett
University of Southern Mississippi
118 College Drive #5001
Hattiesburg, MS 39406-0001

**Re: University of Southern Mississippi
Governmental Relations-Mississippi 2014**

Dear Dr. Bennett,

On behalf of Capitol Resources, LLC, thank you very much for giving us the opportunity to continue to assist you in representing the state-related political interests of the University of Southern Mississippi (USM). Our Capitol Resources' team looks

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forward to working with you and assisting you in achieving USM's legislative objectives in Mississippi.

Please make sure that the following reflects your understanding of our objectives and efforts on behalf of the University of Southern Mississippi (USM). Through your direction, we will provide comprehensive lobbying and government relations efforts in Mississippi, focusing on but not limited to the following objectives:

- Strategic planning in conjunction with USM and the state Institutions of Higher Learning (IHL)
- Policy advocacy in the Mississippi Legislature, particularly on committees and issues dealing with funding, capital projects, IHL, K-12 education, technology development, hurricane recovery, and marine resources
- Policy advocacy and monitoring of relevant issues within the Executive Branch
- Partnership and strategic alliance development, both within various agencies and departments of state government, as well as within the private sector focusing on:
 - USM in relation to broader education policy, i.e. teacher training, K-12, college preparation, etc.
 - USM research application and support within the private sector, particularly in South Mississippi
 - USM in relation to workforce development
- Timely reports to USM leadership in the form of
 - Bill-status e-mail reports
 - Telephone and e-mail reports as required by the posture of legislation
 - Post-session reports and other reports as requested and required
- Exhaustive monitoring of legislation, relevant committee hearings and floor debates
- Identifying and securing potential legislative sponsors for USM-supported legislation and assistance with bill drafting
- Defensive monitoring within a broad spectrum of government agencies
- Assistance to USM administration, alumni and supporters in communication with key legislators at appropriate times
- Compliance with all registration and reporting laws
- Off-session strategy planning and legislative contacts, attendance at appropriate USM events
- Communications and messaging as appropriate
- USM may, when the interests of USM so require, terminate this agreement in whole or in part if Capitol Resources, LLC, takes on a client that is in conflict with USM. Written notice of all new clients is required to be given to USM no less than ten (10) days notice prior to the effective date of adding the client. Capitol Resources, LLC, shall further disclose all new clients to the IHL Board,

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through the Commissioner, as required by IHL Board Policy 201.0506 (3). In addition, Capital Resources, LLC, shall apprise the Commissioner regarding lobbying activities within system strategies and processes prescribed by the IHL Board.

- USM may, when the interests of USM so require, terminate this agreement in whole or in part for convenience of USM. Written notice of the same is required to be provided by USM and shall allow no less than ten (10) days notice prior to the effective date of termination.
- USM shall pay Contractor within 45 days of receipt of each invoice received from Contractor upon review and confirmation by USM that such payments and all portions thereof are due, justified and warranted based on services received by USM in accordance with §31-7-305(2), Mississippi Code of 1972.
- It is expressly understood and agreed that the obligation of USM to proceed under this agreement is conditioned upon the availability and receipt of funds by USM to specifically perform the obligations set forth for USM under this agreement.
- Contractor represents and warrants that it will ensure its compliance with the Mississippi Employment Protection Act, Section 71-11-1, et seq of the Mississippi Code Annotated, and will register and participate in the status verification system for all newly hired employees. The term “employee” as used herein means any person that is hired to perform work within the State of Mississippi. As used herein, “status verification system” means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor agrees to maintain records of such compliance and, upon request of the State and approval of the Social Security Administration or Department of Homeland Security, where required, to provide a copy of each such verification to the State. Contractor further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. Contractor understands and agrees that any breach of these warranties may subject Contractor to the following: (a) termination of this Agreement and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to Contractor by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1) year, or (c) both. In the event of such termination/cancellation, Contractor would also be liable for any additional costs incurred by the State due to contract cancellation or loss of License or Permit.
- This contract shall be governed by and construed in accordance with the laws of the State of Mississippi, excluding its conflicts of law provisions, and any

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litigation with respect thereto shall be brought in the courts of this state. Contractor shall comply with applicable federal, state, and local laws and regulations. If a court determines that any provision of this contract is not enforceable against USM, the Contractor agrees that the individual signing this agreement on behalf of USM is not personally responsible or liable for any of the obligations and duties contained herein.

Capitol Resources will provide state government relations and consulting services in Mississippi to the University of Southern Mississippi for a consulting retainer fee of Sixty Thousand Dollars (\$60,000.00) a year, payable in monthly installments for each month of fiscal year 2014. For accounting and reporting purposes Twelve Thousand Dollars (\$12,000.00) shall cover our routine consulting services and Forty-Eight Thousand Dollars (\$48,000.00) will pay for our direct lobbying services to USM. This payment schedule allows us to provide USM our comprehensive state government relations services. Our total fee includes all of the consulting and lobbying services routinely provided by Capitol Resources, LLC, to manage and implement your objectives. It is our understanding that the fee does not include any extraordinary expenses such as travel, and that we will seek your approval prior to incurring any of these types of expenses.

If this engagement letter meets with your approval, please indicate your acceptance by signing the enclosed letters and returning one copy for our files. If you should have any questions, please do not hesitate to call me at (601) 948-6020 or (601) 497-4646.

We sincerely appreciate the opportunity to continue our association with you on behalf of the University of Southern Mississippi and achieving your legislative objectives.

Sincerely,
CAPITOL RESOURCES, LLC

Clare L. Hester
Partner

On behalf of the **University of Southern Mississippi**, I accept the terms set forth in this letter.

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BY: _____

POSITION: _____

DATE: _____

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

13. USM – APPROVAL OF JOE GILL CONSULTING LLC AS IN-STATE LOBBYING CONSULTANT

The University of Southern Mississippi requests approval to continue the agreement with Joe Gill Consulting LLC, in Ocean Springs, MS, to provide state lobbying and government relations and consulting services in Mississippi pertaining to the Gulf Coast Research Laboratory in an amount not to exceed \$38,000 annually plus the reimbursement of reasonable expenses. The contract would be funded by self-generated funds. The client list of Joe Gill Consulting is shown immediately below and the proposed contract is as set out below the client list.

Client List - Joe Gill 2013

The City of Ocean Springs
The Jackson County Board of Supervisors
Mississippi Justice Court Judges Association
Jackson County Emergency Communications District (911)
The University of Southern Mississippi

CONTRACT FOR PROFESSIONAL SERVICES

This agreement is made by and between the University of Southern Mississippi's Gulf Coast Research Laboratory, hereinafter referred to as "GCRL", and Joe Gill Consulting LLC, hereinafter referred to as "JGC", according to the following terms:

1. PURPOSE:

GCRL desires to engage the service of professional personnel, familiar with the governmental structure, the governmental procedural procedures, and the politics of the State of Mississippi.

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2. SCOPE OF SERVICES:

JGC shall provide services for GCRL in an expedient and satisfactory manner for any or all of the following:

Specific:

- A. Represent GCRL budget to the Mississippi Legislature as a registered lobbyist.
- B. Initiate "Line Item Funding" for Marine Education Center.
- C. Coordinate Legislative Initiatives with the Dept. of Marine Resources.
- D. Coordinate activities with GCRL Legislative liaison Chad Driskell.
- E. Secure Coastal Delegation support/approval for coastal activities.
- F. Environmental Consulting on all GCRL properties.

General:

- A. Build broader legislative support from GCRL Alumni and others.
- B. Look for new initiatives/collaborations.
- C. Coordinate with Coastal GCRL Alumni (potential sources of support).
- D. Investigate opportunities for other Budget Line Items.
- E. Other matters that GCRL may assign to JGC.

The assignment of additional matters shall be in writing setting forth what services are to be performed. JGC shall perform no services without the aforesaid written authority.

3. PERIOD OF PERFORMANCE:

The term of this contract shall be July 1, 2013 or upon approval of the IHL Board until June 30, 2014. The contract may be modified and/or extended by mutual agreement of the parties hereto.

4. LIMITATIONS:

This agreement is limited in scope to the above Specific and General items as listed.

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5. CONSIDERATION:

As consideration for performance of this contract, the GCRL agrees to pay JGC for services rendered as follows: Up to \$38,000.00 for fiscal year 2014, as services are provided. These payments shall be divided into monthly installments.

6. EXPENSES:

Reasonable expenses as preapproved by the GCRL shall also be paid to JGC.

7. METHOD OF PAYMENT:

Payment shall be made upon receipt of a monthly requisition for payment for JGC.

8. STAFF ASSISTANCE:

It is understood that JGC will act in conjunction with GCRL and GCRL will provide all technical data required to support JGC.

9. TERMINATION:

GCRL may, when the interests of GCRL so require, terminate this agreement in whole or in part if JGC takes on a client that is in conflict with GCRL or USM. Written notice of all new clients is required to be given to GCRL no less than ten (10) days prior to the effective date of adding the client.

Either party on notice to the other party may terminate this contract. On notice of termination by GCRL, JGC shall cease all work in connection with this project and GCRL shall pay JGC all consideration through the date of termination. On notice of termination by JGC, JGC shall deliver all work in progress to GCRL, whereupon JGC shall have no further obligation to GCRL, except the conditions set forth in the confidentiality provision of this Agreement.

10. CONFIDENTIAL INFORMATION:

JGC shall not at any time during the term of this Agreement, directly or indirectly, disclose, publish, or divulge to any person any proprietary, secret, or confidential information of GCRL or any other information obtained in connection with this Agreement. Upon termination or expiration of this Agreement, JGC shall

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promptly deliver or return to GCRL all materials of a proprietary, secret or confidential nature that have been delivered to or may then be in the possession or control of JGC. JGC and GCRL agree that the provisions of this Section shall survive the termination or expiration of this Agreement by one (1) year.

11. PAYMENT

GCRL shall pay JGC within 45 days of receipt of each invoice received from JGC upon review and confirmation by GCRL that such payments and all portions thereof are due, justified and warranted based on services received by GCRL in accordance with §31-7-305(2), Mississippi Code of 1972.

12. AVAILABILITY OF FUNDS

It is expressly understood and agreed that the obligation of GCRL to proceed under this agreement is conditioned upon the availability and receipt of funds by GCRL to specifically perform the obligations set forth for GCRL under this agreement.

13. E-VERIFY

JGC represents and warrants that it will ensure its compliance with the Mississippi Employment Protection Act, Section 71-11-1, et seq of the Mississippi Code Annotated, and will register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work within the State of Mississippi. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. JGC agrees to maintain records of such compliance and, upon request of the State and approval of the Social Security Administration or Department of Homeland Security, where required, to provide a copy of each such verification to the State. JGC further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. JGC understands and agrees that any breach of these warranties may subject JGC to the following: (a) termination of this Agreement and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to JGC by an agency, department or governmental

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entity for the right to do business in Mississippi for up to one (1) year, or (c) both. In the event of such termination/cancellation, JGC would also be liable for any additional costs incurred by the State due to contract cancellation or loss of License or Permit.

14. APPLICABLE LAW

This contract shall be governed by and construed in accordance with the laws of the State of Mississippi, excluding its conflicts of law provisions, and any litigation with respect thereto shall be brought in the courts of this state. JGC shall comply with applicable federal, state, and local laws and regulations. If a court determines that any provision of this contract is not enforceable against GCRL, JGC agrees that the individual signing this agreement on behalf of GCRL is not personally responsible or liable for any of the obligations and duties contained herein.

15. NOTICE TO IHL BOARD OF TRUSTEES

In addition to the notice to GCRL of all new JGC clients under Section 9, JGC shall, in accordance with IHL Board Policy 201.0506 (3), apprise the IHL Board, through the Commissioner, of all new clients after engaging the client or clients. Under Policy 201.0506 (3), JGC shall also apprise the Commissioner regarding lobbying activities related to IHL or any individual IHL institution and shall coordinate those activities within system strategies and processes prescribed by the Board.

16. CHANGES:

The GCRL may, from time to time, require a change in the "Services" JGC is to perform hereunder. Such changes, including any increase or decrease in the amount of consideration, which are mutual agreed upon, shall be incorporated in written as amendments to this contract.

IN WITNESS HEREOF, the GCRL, and JGC have executed this contract as of the _____ day of _____, 2013.

Gulf Coast Research Laboratory

By: _____
The University of Southern Mississippi

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By: _____

AND

Joe Gill Consulting, LLC

By: _____
Joseph I. Gill, Jr., Chief Executive Officer

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

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APPROVAL OF NON-EMPLOYEE OUT-OF-STATE LOBBYISTS

Board Policy 201.0506 Political Activities requires IHL Board approval annually of all outside lobbyists which are to perform lobbying activities outside the State of Mississippi on behalf of any of our institutions prior to an institution contracting therewith. Therefore, the following requests for approval to use various federal lobbyists are submitted for your consideration:

14. MSU – APPROVAL OF FEDERAL SOLUTIONS, LLC AS FEDERAL LOBBYING CONSULTANT

Mississippi State University requests approval for Federal Solutions, LLC, to continue to lobby on behalf of the university outside the State of Mississippi.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

15. UM – APPROVAL OF BGR GOVERNMENTAL AFFAIRS AS FEDERAL LOBBYING CONSULTANT

The University of Mississippi and the University of Mississippi Medical Center seek approval for BGR Governmental Affairs, LLC, a Washington D.C. based firm, to continue to lobby on behalf of UM and UMMC outside the State of Mississippi.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

16. USM – APPROVAL OF CASSIDY & ASSOCIATES, INC. AS FEDERAL LOBBYING CONSULTANT

The University of Southern Mississippi requests approval for Cassidy & Associates, Inc., in Washington, DC, to continue to lobby on behalf of USM outside the State of Mississippi.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

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APPROVAL OF AFFILIATION AGREEMENTS

17. MSU - APPROVAL OF PROPOSED AFFILIATION AGREEMENT BETWEEN MISSISSIPPI STATE UNIVERSITY AND MSU RESEARCH AND TECHNOLOGY CORPORATION

MSU requests approval to enter into an Affiliation Agreement between Mississippi State University and Mississippi State University Research and Technology Corporation ("MSU-RTC"). MSU-RTC is a non-profit entity that was created and exists pursuant to Section 37-147-15 of the Mississippi Code Annotated (1972). This agreement is designed to govern the relationship between the University and MSU-RTC by setting forth the terms and conditions under which the University will provide certain support and services for the MSU-RTC and MSU-RTC will provide certain support and services for and on behalf of the University. The term of the agreement will be from September 1, 2013 through August 31, 2017.

**AGREEMENT
BETWEEN
MISSISSIPPI STATE UNIVERSITY
AND
MISSISSIPPI STATE UNIVERSITY RESEARCH AND TECHNOLOGY
CORPORATION**

THIS AGREEMENT ("Agreement") is entered into as of the ____ day of _____, 2013, by and between MISSISSIPPI STATE UNIVERSITY ("University") and MISSISSIPPI STATE UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATION ("MSU-RTC").

WHEREAS, the University is an institution of higher education, and an agency of the State of Mississippi; and

WHEREAS, the MSU-RTC is a 501(c)(3), non-profit corporation formed and approved pursuant to Mississippi Code Annotated Section 37-147-15, the purpose of which is to promote, develop and administer enterprises arising from research and technology innovations in order to take advantage of opportunities of scientific, educational and economic development on behalf of the University; and

WHEREAS, the President of the University (hereinafter referred to as the "President") believes that it is in the best interest of the University for MSU-RTC to provide support to the University and desires to engage the services of the MSU-RTC in accordance with the terms

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and conditions more fully set forth herein below; and

WHEREAS, the University has the authority and right to enter into this agreement subject to the Institutions of Higher Learning Board of Trustees (the "Board" or "IHL") Policy 301.0806 (the "Policy");

NOW, THEREFORE, in consideration of the premises, and the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. Relationship of Parties. The MSU-RTC is a non-profit corporation created pursuant to Section 37-147-15 of the Mississippi Code Annotated (1972). In accordance with its Articles of Incorporation, the MSU-RTC is to be administered and operated for the benefit of the University. However, the MSU-RTC is not a subsidiary of the University and is not controlled by the University. The Board of Directors of the MSU-RTC is entitled to make all decisions regarding the business and affairs of the MSU-RTC. Moreover, the assets of the MSU-RTC are the exclusive property of the MSU-RTC and do not belong to the University.
2. MSU-RTC Services. During the term of this Agreement, the MSU-RTC shall be responsible for conducting on behalf of the University, as specifically requested by the University, research-related contracting, intellectual property rights assignment, licensing and management, property development and management, and related services ("Services"). MSU-RTC shall consult with and coordinate with the University regarding the MSU-RTC's means and methods for providing such Services. In its operations and in performing services for the University, the MSU-RTC shall comply with all applicable state and federal law. The services performed by MSU-RTC shall include, but not be limited to:
 - A. Promote, develop and administer enterprises arising from research or technological innovations in order to take advantage of opportunities of scientific, educational and economic development.
 - B. To manage assigned University intellectual properties and related University assets.
 - C. To receive and hold on behalf of the University equity interests in licenses of intellectual properties.
 - D. Own, manage, develop, plan, design, and sub-lease property associated with the Thad Cochran Research, Technology & Economic Development Park and other University owned or controlled properties utilized for research and economic development purposes.

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- E. Accept, manage, hold and administer research contracts, grants, and gifts at the request of the University.
 - F. Manage all funds in its control in a fiscally sound and prudent manner.
 - G. Such other duties as the University may reasonably request as necessary or desirable to effectively conduct the research and economic development programs, services and mission of the University.
3. University Obligations. For all services rendered by the MSU-RTC under this Agreement, and in consideration of the agreements of the MSU-RTC contained herein, the University shall, at no additional cost to the MSU-RTC, during the term of this Agreement:
- A. Provide to the MSU-RTC all personnel necessary for the performance of its duties under this Agreement; such personnel shall be selected, hired and discharged by the University; the compensation of such personnel, together with all fringe benefits, employment taxes, and other costs thereof, shall be set and paid by the University; all such personnel shall be under the full supervision and control of the University and shall for all purposes be considered employees of the University.
 - B. Provide offices, furnishing and equipment, utilities, and other support for the MSU-RTC as necessary and appropriate for the performance of the services required hereunder.
 - C. Reimburse the MSU-RTC for certain reasonable business expenses, which the MSU-RTC may incur on the University's behalf.
4. Financial Statements. The MSU-RTC shall maintain financial and accounting records in accordance with Generally Accepted Accounting Principles, which records shall be maintained separately from the records of the University. These financial records shall be audited annually by a Certified Public Accounting firm engaged for that purpose by the MSU-RTC and approved by the IHL. These statements shall contain such detail as the IHL Board may from time to time require. The MSU-RTC shall submit annual audited financial statements for inclusion in the State of Mississippi's Comprehensive Annual Financial Report ("CAFR") as determined by the IHL Board's Associate Commissioner of Finance and Administration and the external auditing firm hired to perform the annual IHL system audit to the President and to the IHL, along with a list of MSU-RTC officers and directors by October 15 of each year. A request for approval of the CPA firm shall be submitted to the IHL Board on an annual basis not later than three months prior to the

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end of the MSU-RTC's fiscal year for which the audit will be conducted unless approval is specifically granted for multiple years.

5. Confidential Records. Certain information and contracts maintained in furtherance of the MSU-RTC's activities and other services is recognized to be the property of the MSU-RTC and as such is confidential whether in paper or electronic format. To the extent information shared with the University may be protected from disclosure, the University will notify the MSU-RTC before disclosure to afford the University and the MSU-RTC an opportunity to take all necessary action to protect such information under available statutory exceptions if disclosure would result in a breach of confidentiality or public disclosure of confidential, or private information. If requested by the University, the MSU-RTC shall provide any and all information relating to the operation or management of the MSU-RTC or any funds contributed to, received by, expended by, or managed by the MSU-RTC. The University shall take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances. Such inspection rights are also extended to IHL acting upon its minutes; however, it is understood the appropriate extent of any disclosure or other use of the information is in the discretion of IHL and, further, any decision to release any personal, commercial, or proprietary information shall be made by IHL, acting upon its minutes.
6. Grant and Gift Receipting and Ownership. All grants and gifts made to the University but managed by the MSU-RTC shall be accounted for and ownership maintained by the University. All grants and gifts made to the MSU-RTC shall be accounted for and ownership maintained by the MSU-RTC. However, checks made payable to the University will be transferred to the MSU-RTC if a grant or gift agreement or expectancy exists between the grantor/donor and the MSU-RTC. If a check is made payable to the University and no grant or gift agreement or expectancy exists between the MSU-RTC and the grantor/donor, the grantor/donor will be contacted to clarify his intent. The intent expressed by the grantor/donor will control the delivery and ownership of the funds. The MSU-RTC shall only accept or solicit grants or gifts for the benefit of the University that are consistent with the University's mission, goals and objectives.
7. Independent Contractor. It is understood and agreed that the MSU-RTC, its officers, employees, and agents, if any, shall act solely in the capacity of an independent contractor and not as employees of or agents for the University.
8. MSU-RTC Funding. The MSU-RTC, with the consent of the University, which consent shall not be unreasonably withheld, may use a percentage of the assessed fees for the Services provided to support its operations.

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9. Term of Agreement and Termination. Subject only to the provisions for termination as hereinafter set forth, the initial term of this Agreement shall begin on September 1, 2013, and end on August 31, 2017, and shall continue thereafter from year to year.
- A. The University may terminate this Agreement without cause with thirty (30) days written notice to the MSU-RTC and with the prior approval of the IHL, acting upon its minutes.
 - B. The University may terminate this Agreement for cause, without notice to the MSU-RTC but with notice to the IHL and prior approval of the IHL, acting upon its minutes.
 - C. The MSU-RTC may not terminate this Affiliation Agreement without the consent of the President and the IHL.
 - D. Upon termination and non-renewal of this Agreement: (1) the MSU-RTC shall cease to use and shall not assign or delegate the authority to use the University's name or registered marks or logos to any person or entity without the written approval of the President; (2) the MSU-RTC shall remit any and all unrestricted funds held for the benefit of the University to such entity as designated in writing by the President on behalf of the University; (3) the MSU-RTC shall move any restricted funds held for the benefit of the University to such entity as designated in writing by the President on behalf of the University; (4) the MSU-RTC shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to such entity as designated by the President; and, (5) the MSU-RTC shall work in concert with the University to provide the University or its designee with records and materials of the MSU-RTC as are necessary to continue the business and/or wind up the affairs of the MSU-RTC.
 - E. MSU and MSU-RTC expect there to exist a cooperative relationship between them. In the event that the MSU President determines that the relationship with MSU-RTC is detrimental to the well-being of MSU, the MSU President has the authority, pursuant to Miss. Code Ann. 37-147-15(2), to remove a director or director(s) from the MSU-RTC Board of Directors at any time, with or without cause.
10. Notices. Any notice, request, demand, or other communication permitted to be given hereunder shall be in writing and shall be deemed to be duly given when personally delivered to an officer of the MSU-RTC or the President of the University, as the case may be, when delivered by electronic mail, or when deposited in the United States

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mails, by certified or registered mail, return receipt requested, postage prepaid, at the respective addresses of the MSU-RTC and the University as shown below, or to such other address as either party shall designate by written notice to the other:

As to the University:
President
Mississippi State University
P.O. Box 6018
Mississippi State, MS 39762

As to the MSU-RTC:
President
Mississippi State University Research & Technology Corporation
100 search Boulevard, Suite 105
Starkville, MS 39759

11. Assignment. Neither this Agreement nor any interest herein may be assigned, transferred, or conveyed in whole or in part.
12. Applicable Law. This Agreement shall be construed, interpreted and the rights and duties of the parties determined in accordance with the laws of the State of Mississippi.
13. Reportable Events and Notices.
 - A. The MSU-RTC President shall promptly notify the President and the IHL, in writing, if any of the following events ("Reportable Events") occur:
 - i. The MSU-RTC has materially breached any of its contractual obligations under the Agreement;
 - ii. The MSU-RTC has materially failed to properly receive, apply, manage, or disburse any funds or has materially failed to properly comply with any binding instructions from the source of those funds relating to those funds;
 - iii. The MSU-RTC has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;
 - iv. There has been a failure by the MSU-RTC or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the MSU-RTC;

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- v. Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the MSU-RTC or upon its status as a tax exempt organization; or
 - vi. The MSU-RTC has contracted with or entered into any business or pecuniary relationship with any of its Board members, other than a full time employee of the MSU-RTC, or any entity controlled directly or indirectly by the Board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of Fifty Thousand Dollars (\$50,000) in any calendar year. The previous sentence creates a duty for the MSU-RTC to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.
- B. The President of the MSU-RTC shall submit to the President and the IHL a signed certification statement annually, before June 30 of each year, which affirmatively states that the MSU-RTC has examined its business transactions occurring during its fiscal year ending within the prior calendar year, and that to the best of its knowledge, there is no evidence that any Reportable Events occurred, other than those which have been duly reported to the President and the IHL, as required above. The President of the MSU-RTC shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the MSU-RTC President will immediately notify, in writing, the President of the University.

14. Miscellaneous.

- A. The parties acknowledge that the MSU-RTC has, and the MSU-RTC agrees to keep in effect, a conflict-of-interest policy that complies with all requirements of Miss. Code Ann. §79-11-269 (1972), as amended, entitled "Conflict of Interest Transaction".
- B. The President of the University shall make all necessary reports to the Commissioner of Higher Education concerning supplemental compensation or salary supplements made by the MSU-RTC to employees of the University. No form of additional compensation for the President or any IHL system office employee may be underwritten or increased by the MSU-RTC without prior approval of the IHL Board. This provision does not apply to transfers from the MSU-RTC to the University for items such as professorships, chairs, and other programmatic support that are paid directly to the university and included in its annual budget.
- C. The maximum period of time for which the MSU-RTC shall enter into contracts for

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professional, advisory, or other personal services shall be six (6) years.

- D. A waiver by either party of any of the terms and conditions of this Agreement in any instance shall not be deemed or construed to be a waiver of such term or condition for the future, or any subsequent breach thereof, or of any other term and condition of this Agreement.
- E. This Agreement supersedes a similar agreement between the MSU-RTC and the University.
- F. If any provisions of this Agreement shall, for any reason, be held violate of any applicable law, and so much of said Agreement is held to be unenforceable, then the invalidity of such specific provision shall not be held to invalidate any other provisions, which shall remain in full force and effect.
- G. The headings of the several Sections herein are inserted for convenience of reference only and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.
- H. This agreement shall apply to any and all entities owned or controlled by the MSU-RTC, with the exception of a special purpose entity created for the sole and specific purpose of utilization as a financing vehicle for the private financing of university auxiliary facilities by a private developer using the alternate dual-phase design-build privately financed construction method, as specially authorized by Miss. Code Ann. Section 37-101-41, et seq. (1972), as amended. Should the use/purpose of any such special purpose entity change, the MSU-RTC will comply with any and all provisions of the affiliation agreement between the University and the entity owning or controlling the special purpose entity.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

Dr. Mark E. Keenum
President
MISSISSIPPI STATE UNIVERSITY

Dr. David Shaw
President
Mississippi State University Research and
Technology Corporation

Date: _____

Date: _____

STAFF RECOMMENDATION: The Attorney General's Office has reviewed and approved this Agreement. Board staff recommends approval of this item.

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APPROVAL OF PROPOSED SETTLEMENTS

**18. MSU – APPROVAL TO SETTLE IHL SELF-INSURED WORKERS’
COMPENSATION CLAIM**

The IHL Self-Insured Workers’ Compensation Program is seeking Board approval for settlement of Claim No. 55-0003848-1 at Mississippi State University

STAFF RECOMMENDATION: Board staff recommends approval of this item.

**19. UM – APPROVAL TO SETTLE IHL SELF-INSURED WORKERS’
COMPENSATION CLAIM**

The IHL Self-Insured Workers’ Compensation Program is seeking Board approval for settlement of Claim No. 55-0003924-1 at the University of Mississippi.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

20. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1871 James McGrew.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

21. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1706 Pearlie Lang.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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22. UM – APPROVAL OF UNIVERSITY OF MISSISSIPPI EMPLOYEES TO SERVE ON THE UNIVERSITY OF MISSISSIPPI RESEARCH FOUNDATION BOARD OF DIRECTORS

Pursuant to IHL Board Policy 301.0806 B. University Foundation / Affiliated Entity Activities, IHL Board approval is required in order for a university employee to serve as a voting member of a university affiliated foundation or alumni association.

The University of Mississippi requests approval to allow Tom Eppes, Chief Communications Officer and Noel Wilkin, Associate Provost and Professor of Pharmacy Practice to serve as voting members on the University of Mississippi Research Foundation Board of Directors. These two university employees will replace two other university employees who are rotating off the Board. The IHL Board granted approval for the two university employees rotating off of the Foundation Board to serve as voting members.

This would continue to provide the University with four (4) voting members on the Board. The primary function of this Board is to provide leadership for the development of university owned land for Insight Park. Because it is university land, it is important that the university maintain a high degree of control, particularly during the early stages of development.

The University of Mississippi Research Foundation is organized and operates for scientific, literary, charitable, and educational purposes exclusively for the benefit of the University of Mississippi.

The Chancellor recommends that the Board grant approval to allow Tom Eppes and Noel Wilkin to serve as voting members of the University of Mississippi Research Foundation board of Directors.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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APPROVAL OF PROPOSED CHANGES TO BOARD POLICIES

23. SYSTEM – REQUEST FOR FINAL APPROVAL OF PROPOSED CHANGES TO BOARD POLICIES 201.0302 AND 201.0303 AND TO BOARD BYLAW 301.0510

Final approval is requested regarding the below indicated proposed changes to Board Policies 201.0302 and 201.0303 and to Bylaw 301.0510. The changes are proposed for clarity and consistency. These proposed policy changes were approved for first reading at the June 2013 Board meeting.

201.0302 PROCEDURES FOR CHANGING BOARD POLICIES AND ADOPTING NEW POLICIES

The adoption of new policies or changing existing policies is solely the responsibility of the Board. It is important that sufficient time be given to permit further study and to give interested parties an opportunity to react; therefore, no new policies nor policy revisions introduced for the first time shall be adopted until a subsequent meeting. A vote in favor of adopting new policies or changing existing policies for first reading shall require the affirmative vote of at least seven members of the Board. A vote in favor of the final approval of a new policy or of changes to existing policies shall also require an affirmative vote of at least seven members of the Board. The Board may temporarily approve a policy to meet emergency conditions. However, discussion and a final vote must be taken before the policy shall be formally adopted.

(BT Minutes, 5/90; 1/98; 3/2011)

201.0303 PROCEDURES FOR ALTERING, AMENDING OR REPEALING BOARD BYLAWS OR ADOPTING NEW BYLAWS

These bylaws may be altered, amended or repealed and new bylaws may be adopted ~~by a majority vote of~~ with a vote in favor of same by at least seven members of the Board at any regular Board meeting or at any special Board meeting when the proposed amendment has been set out in the notice of such meeting.

(BT Minutes, 5/90; 1/98; 3/2011)

301.0510 MEETING RULES OF ORDER

Meetings of the Board and its committees shall be conducted in accordance with controlling statutes and applicable bylaws, regulations, or policies. In the absence of such statutes, bylaws, regulations, or policies, meetings shall be conducted in accordance

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these rules and *Robert's Rules of Order*. The Board's Meeting Rules of Order are as follows:

A. Presiding Officer

The President of the Board shall be the presiding officer at official Board functions. In his or her absence, the Vice President of the Board shall preside. In the absence of both, the President of the Board may appoint a President Pro Tempore to preside at a Board function. For committee meetings, the chair of the subject committee shall be the presiding officer. In his or her absence, the President of the Board, who is an ex officio member of all committees, shall preside.

B. Convening Meetings

The Board and its committees shall convene at the times and places announced by public notice and as required by law, policy, or Board action.

C. Quorums, Agenda, Rulings of the Presiding Officer, and Delay

1. Quorums

A quorum for the transaction of business shall be a minimum of eight members of the Board. For committees, a quorum shall be a majority of the members. No business may be transacted without the presence of a quorum.

2. Agenda

The agenda for each Board and committee meeting shall be submitted to the members and published by the Office of the Commissioner of Higher Education prior to each meeting. Proposed agenda items arriving after the deadline for submission to the Commissioner may only be added by a two-thirds (2/3) vote of the members present. This requirement will apply to consideration of all agenda items including recommendations by Board committees in instances where agenda items relating to such recommendations are not submitted prior to the deadline.

The formal agenda will consist of items submitted on behalf of the various institutions and the Board offices. The deadline for the submission of agenda items by the institutions shall be set by the Commissioner. A

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Board member may notify the Commissioner that an item should be placed on the agenda. Unless otherwise specified on the face of an agenda item, the submission of an agenda item for Board approval by an Institutional Executive Officer or the Commissioner reflects the Institutional Executive Officer's or Commissioner's determination that: (1) the proposed action is authorized by all applicable laws, (2) all requirements of State law and Board policy relating thereto have been met prior to submission of the item, and, (3) adequate funds are available and have been identified for any expenditures authorized thereunder. The form of agenda items will be determined by the Commissioner. The deadline for submission of agenda items by a member of the Board that are to be included on an agenda shall be two days before the date of official meeting. The Commissioner may refer agenda items to appropriate Board committees for consideration. However, no committee's approval is required before Board consideration of any agenda item or matter.

Agenda Item Placement

The presiding officer may move items up or down the agenda with a two-thirds (2/3) vote by the members present.

3. Delay of Board Consideration

Any member may request a delay in consideration of an agenda item from one meeting to the next, but no agenda item may be so delayed more than once by any member. Such a request shall not be granted if there is a vote to proceed by the lesser of (a) two-thirds (2/3) of the members legally present or (b) by seven (7) Board members legally present.

D. Motion to Suspend Policies, Bylaws or Rules

A member may move to suspend any policies, bylaws or rules. A motion to suspend shall state the matter of business to be considered, must be properly seconded, and shall fail without a vote in favor of same by at least seven members ~~unless a majority of the Board votes in favor of suspension.~~

(BT Minutes, 5/90; 2/98; 11/2005; 4/2012)

STAFF RECOMMENDATION: Board staff recommends approval of this item.

INFORMATION AGENDAS

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1. SYSTEM – ANNUAL REPORT ON FACULTY TENURE

In 2006–2007, IHL institutions hired 203 tenure track faculty members. During the 2012–2013 academic year, 118 (58%) were awarded tenure from the 2006–2007 cohort.

Institution	IHL System Tenure-Track Faculty		
	Number of Tenure Track Faculty Hired in 2006-07 Cohort	Received Tenure 2012-2013	
		Percent from the Cohort	Percent based on number that applied
Alcorn State University	9	77%	100%
Delta State University	6	17%	100%
Jackson State University	14	63%	66%
Mississippi State University	59	61%	100%
Mississippi University for Women	3	67%	80%
Mississippi Valley State University	10	50%	62%
University of Mississippi	38	68%	96%
University of Mississippi Medical Center	16	63%	100%
University of Southern Mississippi	48	52%	80%
IHL System Totals	203	58%	87%

2. SYSTEM – ANNUAL REPORT ON POST-TENURE REVIEW

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

In accordance with Board policy, the 2012 post-tenure review report below is presented to the Board for information.

In 2011–2012, 99% of full-time faculty received an annual evaluation. Forty-four (44) faculty members were triggered for a post tenure review. Two (2) faculty members are participating in a faculty development plan.

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Number of Full-time Faculty	Number of Full-time Faculty Evaluated	Number of Tenured Faculty	Number of Tenured Faculty Triggering Post Tenure Review Process	Maximum Length of Faculty Development Plan	Number of Tenured Faculty in Faculty Development Plan	Number of Tenured Faculty Completing Development Plan		Tenured Faculty Separated from Employment as a Result of the Post Tenure Review Process
						Successfully	Unsuccessfully	
Alcorn State University								
154	147	64	0	1 Year	0	0	0	0
Delta State University								
180	177	80	0	3 Years	0	0	0	0
Jackson State University								
352	348	180	0	2 Years	0	0	0	0
Mississippi State University								
1061	1049	484	35	3 Years	0	1	0	0
Mississippi University for Women								
148	146	59	0	3 Years	0	0	0	0
Mississippi Valley State University								
123	123	51	7	3 Years	1	0	0	0
University of Mississippi								
761	743	398	0	3 Years	0	0	0	0
University of Mississippi Medical Center								
811	808	276	1	1 Year	0	0	0	0
University of Southern Mississippi								
673	670	329	1	2 Years	1	0	0	0
IHL System Totals								
4,263	4211	1921	44	N/A	2	1	0	0

ASU – 7 faculty did not receive an evaluation because they had not completed a full academic year
DSU – 3 faculty were one-year appointments
JSU – 1 faculty was on medical leave, 1 faculty passed away, 1 faculty on Sabbatical Leave, and 1 faculty retired
MSU – 9 faculty have left or are leaving the university, 2 faculty are on medical leave, and 1 faculty passed away
MUW – 1 faculty retired and 1 faculty resigned
UM – 2 faculty resigned, 1 faculty retired, 3 administrators receive quadrennial reviews, 12 are 12-month faculty with the National Center for Natural Products Research and reviews are not completed before data submission
UMMC – 1 faculty was on terminal contract, 1 faculty is on non-renewed contract, and 1 faculty is on family medical leave
USM – 2 faculty retired and 1 passed away

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3. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN AUGUST 2013

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

In accordance with Board policy and in lieu of a July Board meeting; on July 9 , 2013 the Commissioner approved Mississippi State University, Mississippi University for Women, University of Mississippi and University of Mississippi Medical Center to award degrees in August, 2013 at the levels below, provided each candidate has met all degree requirements.

Institution	Degree to be Conferred	Number	Subtotal	Total	
Mississippi State University					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	4			
	Bachelor of Science	25			
	Master of Landscape Architecture	1			
	Master of Science	12			
	Doctor of Philosophy	3			
			45		
	<i>College of Architecture, Art, and Design</i>				
	Bachelor of Architecture	1			
	Bachelor of Fine Arts	1			
	Bachelor of Science	6			
			8		
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	41			
	Bachelor of Science	45			
	Bachelor of Social Work	1			
	Master of Arts	7			
	Master of Public Policy and Administration	2			
	Master of Science	60			
	Doctor of Philosophy	4			
			160		

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	<i>College of Business</i>				
	Bachelor of Business Administration	32			
	Master of Business Administration	15			
	Master of Science Information Systems	1			
	Doctor of Philosophy	1			
			49		
	<i>College of Education</i>				
	Bachelor of Science	30			
	Master of Arts in Teaching	1			
	Master of Arts in Teaching Secondary	6			
	Master of Science	23			
	Master of Science Instructional Technology	1			
	Educational Specialist	4			
	Doctor of Philosophy	3			
			68		
	<i>College of Engineering</i>				
	Bachelor of Science	8			
	Master of Science	10			
	Master of Engineering	2			
	Doctor of Philosophy	13			
			33		
	<i>College of Forest Resources</i>				
	Bachelor of Science	1			
	Master of Science	8			
			9		
	<i>College of Veterinary Medicine</i>				
	Bachelor of Science	1			
	Master of Science	1			
	Doctor of Philosophy	1			
			3		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	5			
	Master of Professional Accountancy	1			
	Master of Taxation	2			
			8		
				383	
Mississippi University for Women					
	<i>Undergraduate</i>				
	Bachelor of Arts	11			
	Bachelor of Fine Arts	2			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science	37			
	Bachelor of Science in Nursing	131			
	Bachelor of Teaching	3			
			184		
	Graduate				
	Master of Education	4			
	Master of Fine Arts	1			
	Master of Science	5			
	Master of Science in Nursing	32			
			42		
				226	
University of Mississippi					
	Undergraduate				
	College of Liberal Arts				
	Bachelor of Arts	184			
	Bachelor of Science	8			
			192		
	School of Engineering				
	Bachelor of Science in Chemical Engineering	1			
	Bachelor of Science in Civil Engineering	3			
	Bachelor of Science in Computer Science	1			
	Bachelor of Science in Geological Engineering	7			
	Bachelor of Science in Mechanical Engineering	3			
	Bachelor of Engineering	1			
	Bachelor of Science	1			
			17		
	School of Education				
	Bachelor of Arts in Education	5			
			5		
	School of Pharmacy				
	Pharmaceutical Sciences	107			
			107		
	School of Business				
	Bachelor of Business Administration	141			
			141		
	School of Accountancy				
	Bachelor of Accountancy	79			
			79		
	School of Applied Sciences				
	Bachelor of Science in Criminal Justice	58			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science in Exercise Science	42			
	Bachelor of Science	62			
	Bachelor of Social Work	85			
	Bachelor of Arts in Parks and Recreation Management	14			
	Bachelor of Paralegal Studies	9			
			270		
	<i>School of Journalism and New Media</i>				
	Bachelor of Arts in Journalism	4			
			4		
	<i>General Studies</i>				
	Bachelor of General Studies	56			
			56		
	<i>Graduate School</i>				
	Master of Accountancy	31			
	Master of Arts	22			
	Master of Business Administration	25			
	Master of Criminal Justice	5			
	Master of Education	51			
	Master of Fine Arts	1			
	Master of Music	2			
	Master of Science	14			
	Master of Taxation	5			
	Specialist in Education	10			
	Doctor of Philosophy	28			
			194		
	<i>Law School</i>				
	Juris Doctor	4			
			4		
				1069	
University of Mississippi Medical Center					
	<i>Undergraduate</i>				
	Bachelor of Science in Nursing	71			
	Bachelor of Health Sciences	13			
			84		
	<i>Graduate/Professional</i>				
	Master of Health Sciences	11			
	Master of Science in Nursing	2			
	Master of Science	2			
	Doctor of Nursing Practice	1			
	Doctor of Philosophy	8			
	Doctor of Physical Therapy	8			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Doctor of Occupational Therapy	1			
			33		
				117	
Total					1795

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SYSTEM – NOTIFICATION OF APPROVAL OF TWO UM ITEMS AND ONE USM ITEM IN BETWEEN THE JUNE AND AUGUST 2013 BOARD MEETINGS

At the June 20, 2013 Board meeting, the Board delegated to the Commissioner and Board President the joint authority to approve two (2) UM agenda items and one (1) USM agenda item on behalf of the Board in between the June and August 2013 Board meeting and to require any such approvals to be reported to the Board as information items on the August 2013 Board agenda. In accordance with the above authority, the Commissioner and Board President approved the following items.

- a. **UM** – In July 2013, the Commissioner and Board President approved the request to contract with Aetna Student Health for student health insurance for its graduate assistants and international students. Both groups are required either by university policy or federal immigration law to maintain health insurance. This is a one-year agreement, beginning August 15, 2013 and ending August 14, 2014. Student premiums equal \$1.9 million (est.) annually. Premiums are generally paid by the students; however, UM anticipates supplementing the students cost by about \$700,000 annually with funds coming from E&G sources for graduate assistants for service-time to the university.
- b. **UM** – In July 2013, the Commissioner and Board President approved the request to enter into an agreement with TEXLA to lease apartments for international students enrolled in their Intensive English Program (IEP). These students have historically had a difficult time finding suitable housing (UM residence hall options are already over capacity). UM partnership agreements require that the university provides housing for these students. The student's international status often makes it difficult for them to secure housing in the Oxford market close to campus. This is a one year agreement with (2) one-year renewals that would provide UM off-campus housing for between 200 and 250 IEP students annually. The agreement would begin August 1, 2013 and extend through July 31, 2016 if both renewals are exercised. The annual cost to UM ranges from \$1,136,480 in Year 1 to \$1,205,692 in Year 3. Total costs for all three years would equal \$3,512,746. The breakeven occupancy for Fall and Spring at the annual rate of \$4,800 is 237 students, not including the Summer term which anticipates around 50 students. Summer term students will bring down the occupancy requirement for breakeven in Fall and Spring terms. UM is requesting approval for all three years.
- c. **USM** – In July 2013, the Commissioner and Board President approved the request for the Mississippi Information Technology Services Office, on behalf of USM, to enter into an agreement with ERP Analysts, Inc. to purchase maintenance and support for USM's PeopleSoft Application and Oracle database software. This is a three-year agreement with a total cost to USM of \$2,025,687.82. The MS-ITS Board approved the selection of ERP Analysts, Inc. as vendor at their recent July 18th meeting. Contract negotiations between MS-ITS and the vendor will now take place with a new contract finalized and commencing by August 1st.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
June 20, 2013 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 101-278 – Lanier Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$96,655.10 and sixty-three (63) additional days to the contract of Barnard & Sons Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 17, 2013

Change Order Justification: **Change Order #1** is necessary for removal of pigeon dung, to add masonry window infill's at rooms 234 & 216, removal of asbestos pipe insulation in crawl space, to credit for switching from a hood vent microwave to a countertop type, to install 3 furr downs in lobby 102 at glazed wall system header, to provide plate glass transom panels in lieu of wood panels, to provide vinyl wood planks in lieu of VCT, to replace 15 rusted out dormers & vents with 15 new ones to stop roof leaks, to replace the specified ALA4800 Series prewired aluminum raceway system with a paintable V4000 Series prewired steel raceway system, to credit all new resilient cove base & some new tile base to replace rotten & missing wood trim, to provide 1/4" ceramic tile backer board for floor tile warranty, to replace exterior clay sewer pipe to sidewalk and to repair mud bed in 8 bathrooms.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$96,655.10.

Project Initiation Date: May 14, 2009

Design Professional: Waycaster and Associates

General Contractor: Barnard & Sons Construction

Project Budget: \$1,800,000.00

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2. DSU– GS 102-237 – Caylor White Walters – PH III (REBID)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$74,761.11 and twenty-one (21) additional days to the contract of Panola Construction company, P.A. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 19, 2013

Change Order Justification: **Change Order #1** is necessary to delete exterior cast letters & exterior wall lighting for letters, to demolish houses to provide for lay down area, to provide relocation of existing conduits fed from penthouse to allow installation of new mechanical ductwork, to provide structural repair for existing column & beam connections, to extend existing waterline to tie into the building from site verified location as requested by the architect.

Total Project Change Orders and Amount: One (1) change orders for a total amount of \$74,761.11.

Project Initiation Date: August 19, 2010

Design Professional: Architecture South, P.A.

General Contractor: Panola Construction Company, Inc.

Project Budget: \$15,715,249.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$104,728.31 and seven (7) 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: May 29, 2013

Change Order Justification: **Change Order #4** is necessary to install a floor leveling product over the center section of the fourth floor and to repair the exterior windows that were severely damage by termites due to latent conditions, to omit the vertical steel at the elevator shaft that was not required.

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Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$1,635,975.84.

Project Initiation Date: June 16, 2011

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

General Contractor: West Brothers Construction, Inc.

Project Budget: \$20,700,000.00

4. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$63,806.62 and twenty-three (23) 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: June 7, 2013

Change Order Justification: **Change Order #9** is necessary to build a new furrdown in to cover the HVAC duct exposed on the wall in the necropsy room, to provide & install materials to relocate the roof drain and to revise gross trimming 120 & add a distilled water system.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$765,559.05.

Project Initiation Date: October 21, 2010

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

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

Project Budget: \$12,197,791.22

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

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on May 22, 2013 **approving the request to appoint/award the project, MSU Lighting Retrofit to Smart Watt Energy, Inc.**

Staff Approval Date: May 22, 2013

Project Initiation Date: May 17, 2012

Design Professional: Smart Watt Energy, Inc.

General Contractor: Smart Watt Energy, Inc.

Project Budget: \$6,500,000

6. MSU– IHL 205-267 – MSU Fresh Food company – Phase Two

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by JH&H 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: May 28, 2013

Project Initiation Date: September 11, 2012

General Contractor: TBA

Project Budget: \$12,500,000

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Belinda Stewart Architects, P.A.

Staff Approval Date: June 14, 2013

Project Initiation Date: January 17, 2013

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: TBA

Project Budget: \$1,100,000

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$45,547.17 and sixty-three (63) 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: May 29, 2013

Change Order Justification: **Change Order #8** is necessary to credit for omitting demolition of existing elevator, additional work at the dumpster/loading area, to lower the furrdowns to the new ceiling height, to credit for omitting carpet & base, additional data/communication plugs, to credit for omitting finishes in deli area, to add seven doors missed by subcontractor, to credit for controls allowance reconciliation, tamper switches, additional electrical outlets, to credit for omitting window sealant work, additional VCT patterns/colors, and to provide access control.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$482,115.03.

Project Initiation Date: August 20, 2009

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

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General Contractor: Evan Johnson & Sons Construction, Inc

Project Budget: \$7,800,000.00

9. UM– IHL 207-341 – Thad Cochran Natural Products Center Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$25,374.00 and eighteen (18) additional days to the contract of Cooke Douglass Farr Lemons Architects, P.A.

Staff Approval Date: June 3, 2013

Change Order Justification: **Change Order #5** is necessary for additional crash rails & corner guards, adding termite treatment, to add eighteen days because of adverse weather conditions, to provide temporary tunnel for emergency evacuation only from exiting door at NCNP 1 to Faser Hall and an additional water line & storm drain revisions.

Total Project Change Orders and Amount: Five (5) change orders for a total **Credit amount** of \$73,689.00.

Project Initiation Date: May 20, 2010

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

General Contractor: Carothers construction, Inc.

Project Budget: \$40,000,000

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$21,274.35 and twelve (12) additional days to the contract of Evan Johnson & Sons Construction, Inc.

Staff Approval Date: June 7, 2013

Change Order Justification: **Change Order #3** is necessary to replace a broken window sash, and to credit for omitting the masonry sealer for the entire project.

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Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$33,902.65.

Project Initiation Date: February 17, 2011

Design Professional: Pryor & Morrow Architects and Engineers

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$8,000,000

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$319,161.37 and one hundred twenty-seven (127) additional days to the contract of Zellner Construction.

Staff Approval Date: June 24, 2013

Change Order Justification: **Change Order #5** is necessary to add additional days for the following scope changes: the installation of the 6,000 lb capacity freight elevator in lieu of the originally specified scissor lift, unforeseen discovery of the existing tectum roof deck for replacement with a metal deck, MEP & structural coordination revisions for grease duct slopes, ceiling height clearances, and vertical duct penetrations in the new kitchen, access control revisions, clarification of structural details for the existing stair infill, to provide for electrical work for the existing elevator, to provide new fixtures & material after determining full extent of required demolition & renovation, to provide for additional work required to prevent water penetration to lower level & additional excavation required for new freight elevator, to provide bottle filling stations in addition to the electric drinking fountains, structural clarification to add structure to modified existing openings, MEP work required for the new loading dock freight elevator as well as modifications to the existing service elevator ventilation required by the revised loading dock plan, required vertical duct size & location, required the modification of existing to joists to allow for the opening size at the needed location, unforeseen field condition discovered after demolition, and the unforeseen office ceiling, height determined by the new duct locations, will cross in front of the window leaving above ceiling space visible from the exterior and the application of an opaque film on the glass to create a spandrel effect.

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Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$1,033,040.29.

Project Initiation Date: May 19, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: Zellner Construction

Project Budget: \$14,500,000.00

12. UM – IHL 207-353 – Coulter Hall Addition and Renovation

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on June 10, 2013 **approving a budget increase** for the Coulter Hall Renovation project. The budget increase was increased from \$15,000,000 to \$18,000,000 for an increase in the amount of \$3,000,000.

Staff Approval Date: June 10, 2013

Project Initiation Date: February 16, 2012

Design Professional: BEJ-CDFL – A Professional Association

General Contractor: TBA

Project Budget: \$18,000,000

13. UM– IHL 205-353 – Coulter Hall Addition and Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by BEJ-CDFL – A Professional Association, 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: June 12, 2013

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Project Initiation Date: September 11, 2012

General Contractor: TBA

Project Budget: \$18,000,000

14. UM– IHL 207-358 – Lewis Hall Academic Heating Modifications

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the **credit amount** of \$9,167.80 and thirty (30) additional days to the contract of Acy Mechanical.

Staff Approval Date: June 7, 2013

Change Order Justification: **Change Order #1** is necessary to credit for control allowance, signage allowance and ceiling revisions, to provide for crawlspace access door, to provide for FCU S/A temperature sensors, to modify O/A cond. unit power wiring and to credit for control laptop computer allowance.

Total Project Change Orders and Amount: One (1) change order for a total **credit amount** of \$9,167.80.

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group

General Contractor: Acy Mechanical

Project Budget: \$1,600,000

15. UM– IHL 207-371 – Stockard Hall Elevator Refurbishment

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Corbett Legge and Associates, PLLC, design professional.

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

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Staff Approval Date: June 7, 2013

Project Initiation Date: March 21, 2013

General Contractor: TBA

Project Budget: \$1,100,000

16. 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 #7** in the amount of \$18,730.80 and eighty (80) additional days to the contract of Flagstar Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 3, 2013

Change Order Justification: **Change Order #7** is necessary to add days due to time lost during Phase I work, to provide a gypsum board wall to enclose med gas piping rising from the subbasement to above the basement level ceiling due to an existing concrete floor beam being wider than the wall above causing the piping to be offset around the beam outside of the wall intended for its enclosure, to provide a gypsum board header near the west end of the space to accommodate lowering of that section of the ceiling to 8'-0" AFF, bottom of the header to be a 7'-10" AFF and the remaining ceiling to be at the specified height of 9'-0" AFF in the temporary waiting area, to provide oxygen & suction outlets in the x-ray diagnostic, E008-1A and CT diagnostic, E008 with zone valves & alarm.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$820,090.94.

Project Initiation Date: November 14, 2007

Design Professional: Dale/Morris Architects, PLLC

General Contractor: Flagstar Construction Company, Inc.

Project Budget: \$11,755,000

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #14** in the amount of \$3,208.00 and ninety (90) additional days to the contract of Fountain Construction Co., Inc.

Staff Approval Date: May 17, 2013

Change Order Justification: **Change Order #14** is necessary to provide cabling to tie cash register at doctors' dining area into Sodexo's System, to provide & install 16 lf of bulkhead in the corridor, to allow increase in the ceiling height, to add 90 days to add coke/ice machine coordination at the doctor's dining area, modification to the doctor's dining serving line & relocation of the electrical, coordination issue regarding the freestyle coke machine versus 10 spicket coke machine, and to install receptacle covers on GFI electrical outlets in the basement kitchen.

Total Project Change Orders and Amount: Fourteen (14) change orders for a total amount of \$144,600.

Project Initiation Date: August 20, 2009

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

General Contractor: Fountain Construction Co., Inc.

Project Budget: \$7,750,000

18. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$38,837.00 and nineteen (19) additional days to the contract of Fountain Construction Company.

Staff Approval Date: June 24, 2013

Change Order Justification: **Change Order #8** is necessary to add days for demolition of existing precast by hand, closing off existing wall cavities and the addition of the metal plate for expansion joint connect, to provide control rooms millwork & electrical changes to include additional under cabinet lighting & outlets, additional days due to inclement

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weather, to remove existing gypcrete in corridor 1126 prior to proper installation of new flooring, and to provide additional light fixtures in the print shop.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$225,641.

Project Initiation Date: February 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects & Engineers, PA

General Contractor: Fountain Construction Company

Project Budget: \$20,182,526.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$377,265.14 and forty-seven (47) additional days to the contract of Hemphill Construction, Inc.

Staff Approval Date: June 24, 2013

Change Order Justification: **Change Order #8** is necessary to provide for cost related to grave removal, installation of electrical manhole planter, motor pool light pole replacement, additional insurance renewal requirements & fence installation, to provide for the reconstruction of the originally planned milling section along Central University Drive due to latent soil conditions, to install additional handicap ramps, to alter the sidewalk configuration near the SHARP building due to the discovered electrical manhole and to install additional handicap ramps into the existing sidewalk, to fill voids between an unmarked existing duct bank & the proposed duct bank, to prepare & sod additional areas due to the discovery of medical waste where slopes were altered and the additional disturbance of areas in the originally planned milling section along Central University Drive, to install additional sleeves beneath North University Drive for future use, and to install curb & gutter in the originally planned milling section along Central University Drive.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$1,057,917.89.

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Project Initiation Date: April 15, 2010

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

General Contractor: Hemphill Construction, Inc.

Project Budget: \$13,750,000

20. 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 #6** in the **credit amount** of \$107,780.20 and zero (0) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: May 29, 2013

Change Order Justification: **Change Order #6** is necessary to install miscellaneous owner-furnished equipment, to credit for exterior signage allowances and stop work allowances.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$61,595.85.

Project Initiation Date: October 21, 2010

Design Professional: Dale Partners Architects, P.A.

General Contractor: Harris Constructors, Inc.

Project Budget: \$5,915,536.00

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21. ERC– GS 111-049 – Road Improvements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3 (Rev. 1)** in the amount of \$593.99 and zero (0) additional days to the contract of Southern Rock, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: May 29, 2013

Change Order Justification: **Change Order #3 (Rev. 1)** is necessary to credit for deletion of prime coat on the base prior to the placement of the asphalt pavement due to the improved conditions of the gravel base material, to provide adjustment of the inlet box due to the location of an underground telephone utility.

Total Project Change Orders and Amount: Seven (3) change orders for a total amount of \$183,655.88.

Project Initiation Date: October 20, 2011

Design Professional: W. L. Burle Engineers, P.A.

General Contractor: Southern Rock, LLC

Project Budget: \$2,551,057.07

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1. 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 Cox & Moore (statements dated 7/23/13) from the funds of Delta State University. (These statements, in the amounts of \$550.00 and \$550.00, represent services and expenses in connection with legal advice - real estate sales: 301 McClain- Cleveland, MS and 314 Shumate Circle- Cleveland, MS.)

TOTAL DUE.....\$ 1,100.00

Payment of legal fees for professional services rendered by Ware/Gasparian (statement dated 6/11/13) from the funds of Mississippi State University. (This statement, in the amount of \$2,000.00, represents services and expenses in connection with labor certification.)

TOTAL DUE.....\$ 2,000.00

Payment of legal fees for professional services rendered by Evans Petree (statement dated 5/10/13) from the funds of the University of Mississippi. (This statement, in the amount of \$7,310.01, represents services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 7,310.01

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statements dated 4/4/13, 5/3/13 and 6/6/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,848.00, \$3,219.02 and \$1,930.82, respectively, represent services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 6,997.84

Payment of legal fees for professional services rendered by Bradley, Arant, Boult & Cummings (statements dated 5/8/13 and 5/21/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,740.50 and \$1,014.60, respectively, represent services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 2,755.10

Payment of legal fees for professional services rendered by Jones Walker (statement dated 2/27/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$6,063.80, represents services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 6,063.80

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Payment of legal fees for professional services rendered by Kitchens Hardwick (statements dated 6/5/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,056.00, \$1,798.50, \$3,349.50, \$19,899.00 and \$6,066.50, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 32,169.50

Payment of legal fees for professional services rendered by Bryan Nelson (statements dated 5/7/13, 6/10/13 and 7/5/13) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$6,928.00, \$8,028.85 and \$2,002.05, respectively, represent services and expenses in connection with general advice.)

TOTAL DUE.....\$ 16,958.90

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 6/30/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,526.00, represents services and expenses in connection with the general advice - University of Southern Mississippi - J.L. Scott Marine Education Center.)

TOTAL DUE.....\$ 3,526.00

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 6/6/13) from the funds of the University of Southern Mississippi. (This statement, in the amounts of \$2,342.50, represents services and expenses in connection with general advice.)

TOTAL DUE.....\$ 2,342.50

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/28/13 and 6/19/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Live Attenuated Catfish Vaccine" - \$672.50; "Method for Transformation of Cotton and Organogenic Regeneration" - \$127.50; "Heat Recovery Ventilator with Make-up Air Capability" - \$112.50; "Esterification and Bio Oil Upgrading" - \$1,350.00; "Steele- Solid Heat Carrier Pyrolysis Reactor" - \$467.50; "Klink- Glycine Max Resistance" - \$85.00; "Srinivasan- Elusieve Processing CIP Application" - \$497.50; "Indian Patent Application" - \$25.50 and "Srinivasan - Elusieve Processing CIP Application" - \$557.50, respectively.)

TOTAL DUE.....\$ 3,895.50

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Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/20/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Registration - Bulldog Head” - \$71.25; “Registration - Bulldog Head in Miss. State Circle” - \$71.25; “Bulldog with MState” - \$47.50; “Registration - Cowbell in Miss. State Circle” - \$95.00; “Registration - Miss. State Banner” - \$118.75; “Registration - Mississippi State University (words)” - \$95.00; “Registration - Mississippi State University (crest)” - \$71.25; “Registration - MState” - \$118.75; “Registration - Paw Print” - \$71.25; “Registration - Interlocking MS Baseball Trademark” - \$71.25; “MSU- Patent Functional Enhancement of Antimicrobials” - \$2,657.75; “Giant Myscanthis Plant Patent Application” - \$71.25; “Method and System for Estimating Antler, Horn, and Pronghorn Size” - \$1,187.50; “Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminants” - \$2,161.25; “Remote Sensing Imagery Accuracy Analysis Method and Apparatus” - \$1,092.50; “MSU Patent- XOS Production by Autohydrolysis of Corn Fiber Separated from DDGS” - \$926.25; “Phenoxyalkyl Pyridinium Oxime Therapeutics for Treatment of Organophosphate Poisoning” - \$1,766.25; “Oral Vaccination of Fish with Live Attenuated Edwardsiella ictaluri Vaccines” - \$2,342.25; “Crapemyrtle Plant Named (Neshoba)” - \$182.50; “Crapemyrtle Plant Named (Pascagoula)” - \$206.25; “Crapemyrtle Plant Named (Shumaka)” - \$230.00; “Crapemyrtle Plant Named (Tishomingo)” - \$451.25; “Process and Catalyst for Converting Biomass Derived Nitrogen Rich Syngas to Liquid Hydrocarbon Mixture by a Single Stage” - \$125.00; “Using Biochar, a Byproduct from Thermal Chemical Conversion of Biomass, as Container Substrate” - \$427.50; “Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins” - \$1,472.50; “Methods of Viral and Bacterial Antigenic Drift Detection” - \$386.25; “MSU- Oxime Therapeutics- European National Application - \$142.50; “Renewable Electrical Energy from Wind, Water, and Waves using Magnetic Supercapacitors” - \$362.50; “Error-prone PCR (epPCR) Reverse Genetics Generating Influenza Library for Phenotype Selection” - \$552.50 and “Novel Catalysts and Process for Liquid Hydrocarbon Fuel Production” - \$410.00.)

TOTAL DUE.....\$ 26,081.50

Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 4/29/13, 4/29/13, 4/29/13, 4/29/13, 4/29/13, 4/29/13, 5/22/13 and 6/19/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Provisional Wood Preservation System” - \$425.00; “Provisional Blue Stain” - \$26.25; “Flex/Fabric Power Generator” - \$250.00; “Biodiesel” - \$250.00; “Fei Yu- Converting Biomass Derived Nitrogen Rich Syngas” - \$250.00; “Fei Yu-Synthesis Gas Conversion” - \$250.00; “Bio-oil Pretreatment” - \$4,250.00 and “Non-Provisional Patent Application” - \$4,000.00, respectively.)

TOTAL DUE.....\$ 9,675.00

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Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 4/5/13, 4/15/13, 5/2/13, 5/3/13, 5/3/13 and 5/7/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Method of Preparing Delta-9 Tetrahydrocannabinol” - \$7,665.00; “Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,545.50; “8-Aminoquinoline” - \$3,965.00; “Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,566.50; “Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,875.50 and “Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$3,455.00, respectively.)

TOTAL DUE.....\$ 16,617.50

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 4/22/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Highly Purified Amphotericin-B” - \$456.50; “Highly Purified Amphotericin-B” - \$860.00; “Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$2,112.76; “Methods for Detecting Humans” - \$899.58; “Particle Feeder” - \$356.00 and “Stabilized Formulation of Triamcinolone Acetonide” - \$304.00.)

TOTAL DUE.....\$ 4,988.84

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/16/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$38.00, \$547.00, \$162.00, \$1,911.91, \$578.00, \$237.40 and \$2,027.50, represent services and expenses in connection with intellectual property/patents.)

TOTAL DUE.....\$ 5,501.81

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 5/14/13, 6/11/13, 6/17/13, 6/19/13 and 6/19/13) 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” - \$170.00; “Trademark Application for the Centennial Anniversary” - \$2,280.00; “Lockheed - Oil Dispersant Patent” - \$3,170.00; “Photocurable Thiol-Ene Gas Permeability Membranes” - \$94.96 and “Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks” - \$697.50, respectively.)

TOTAL DUE.....\$ 6,412.46

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Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/23/13) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Soy Protein Adhesives and Uses Thereof” - \$1,140.00; “Compositions for Protection of Skin against Thermal Insult” - \$142.50; “Application for Registration of D.E.E.P. Comprehension Service Mark” - \$387.50; “Glycerol Ester-Free Functionalized Vegetable Oil Derivatives and their Latex Compounds” - \$1,235.00 and “Nanoencapsulation of Isocyanates via Aqueous Media” - \$1,890.00.)

TOTAL DUE.....\$ 4,795.00

2. SYSTEM – LOBBYISTS TO CONTRACT WITH UNIVERSITY AFFILIATED ENTITIES

The University of Mississippi Foundation, Inc. plans to renew its contract with Butler, Snow, O’Mara, Stevens & Cannada, PLLC to perform lobbying services within the State of Mississippi.

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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 June 6, 2013, the Commissioner approved the request to enter into a long term lease agreement with Kappa Alpha Chapter of Phi Mu Fraternity House Corporation (Lessee) for the lease property in Sorority Hills Subdivision, Mississippi State University, MS. The land will be used as the site of Lessee’s new sorority house. Upon execution by the parties, the lease term will run for a fifty (50) year period, from on or about June 1, 2013 through May 31, 2063. The agreement may be renewed for an additional period of time upon notice to MSU and the payment of a \$25 rental fee. Lessee will pay MSU a nominal rent fee of \$50. In addition, Lessee is subject to certain requirements and payment of all utility, sewer, landscape, communication, inspection and maintenance services. This agreement may be terminated upon mutual agreement of the parties. The Executive Office legal staff have reviewed and approved the contract documents which are on file at the Board Office.
- 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 June 6, 2013, the Commissioner approved the request to enter into a long term lease agreement with Alpha Delta Pi International Housing, Inc. and the Mississippi State University Chapter of Alpha Delta Pi (Lessee) for the lease of Lot #12, Sorority Hills Subdivision, Mississippi State University, MS. The land will be used as the site of Lessee’s new sorority house. Upon execution by the parties, the lease term will run for a fifty (50) year period, from on or about June 1, 2013 through May 31, 2063. Lessee will pay MSU a nominal fee of \$50 for the lease of the property. In addition, Lessee is subject to certain construction requirements and, payment of all utility, sewer, landscape, communication, inspection and maintenance services. This agreement may be terminated upon mutual agreement of the parties. The Executive Office legal staff have reviewed and approved the contract documents which are on file at the Board Office.
- c. **MSU** - 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 June 17, 2013, the Commissioner approved the request to extend its existing lease agreement with the Mississippi Department of Environmental Quality (MDEQ). This agreement is for the lease of 100 square feet of office space at the MSU Delta Research and Extension Center, located in Stoneville, Mississippi. A lease with MDEQ for this space was previously approved by the Commissioner in March 2012 and entered into for a twelve (12) month period – September 1, 2012 to August 31, 2013. The lease extension will expire August 31, 2014. MSU will receive \$200 monthly for the lease of the space, or, \$2,400 for the twelve (12) month term. The university, as Lessor, will provide utilities, janitorial and maintenance services for the premises. The executive office legal staff have reviewed and approved the contract documents which are on file at the Board Office.

- d. **MUW** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On June 14, 2013, the Commissioner approved the budget revisions to the On Campus and Auxiliary budgets for Fiscal Year 2013. The Executive Office financial staff have reviewed and approved these revisions which are on file at the Board Office. The budget revisions contain no increases in the total budgets but rather reallocations among individual expense categories.
- e. **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 June 14, 2013, the Commissioner approved a Reagent Rental Program (RRP) Attachment with Hologic, Inc. (Hologic) for equipment used in performing genetic serology screening procedures. The Attachment will be governed by the same Sale Agreement that was approved by the IHL Board at the October 2012 meeting. The RRP Attachment is for the provision of molecular equipment to be used by UMMC’s main clinical laboratory for performing genetic screening procedures in an effort to identify those patients who are at risk of developing thrombosis. The lease will run for an initial three (3) year term. At UMMC’s option, the agreement may be extended for two (2) additional one (1) year periods upon sixty (60) days written notice to Hologic, and receipt of Commissioner approval. UMMC will pay \$1,219.75 per month for the lease of the equipment. The total cost for the initial three (3) year term is \$43,911.13. At the end of the lease term

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UMMC has the option of purchasing the equipment at a purchase price of fair market value. The agreement is funded by patient revenues. The Executive Office legal staff have reviewed and approved the documents which are on file at the Board Office.

- 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 July 10, 2013, the Commissioner approved the request to enter into revenue generating lease agreement with Yellowhammer Intellectual Property Group PLLC (Lessee), a technology based company. This agreement is for the lease of approximately 150 square feet of office space in USM's Accelerator Building. The area, Space No. 209, is to be used as office space for Lessee's staff. The lease term will run for an initial one (1) year period beginning on the date the agreement is signed and will be extended for up to four additional one (1) year terms unless written notice of termination is given by either party at least sixty (60) days prior to the end of the then current lease term. In return for the lease of the designated space, USM will receive an annual rent payment of \$3,000 or, a total of \$15,000 for the five (5) year lease term. 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 which are on file at the Board Office.
- g. **USM** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On June 10, 2013, the Commissioner approved the budget revisions to On Campus, Gulf Coast Campus, and Gulf Coast Research Lab budgets for Fiscal Year 2013. The Executive Office financial staff have reviewed and approved these revisions which are on file at the Board Office. The budget revisions contain no increases in the total budgets but rather reallocations among individual expense categories.