

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
September 19, 2014

MISSISSIPPI
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MINUTES FOR:

August 21, 2014 Regular Board Meeting

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
August 21, 2014**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 26, 2013, to each and every member of said Board, said date being at least five days prior to this August 21, 2014 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. Aubrey Patterson, President, and opened with prayer by Trustee Hal Parker.

INTRODUCTION OF GUESTS

- President Patterson welcomed the Student Government Association Officers: Zackeus Johnson, SGA President of Alcorn State University; Keonte Turner, SGA President of Jackson State University; Brett Harris, SGA President of Mississippi State University; Davis Rogers, SGA President of the University of Mississippi; and Jeffrey George, SGA President of the University of Southern Mississippi.
- Dr. Carolyn Meyers, President of Jackson State University, introduced Dr. Mary M. White who was appointed the Interim Vice President for Advancement.
- Dr. William Bynum, President of Mississippi Valley State University, introduced Dr. Kathy Stromile Golden who was recently appointed the Associate Vice President for Academic Affairs.

APPROVAL OF THE MINUTES

On motion by Trustee Pickering, seconded by Trustee Blakeslee, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on June 19, 2014 and July 17, 2014.

PRESENTATION

- Mr. J.D. Hardy, Chair of the IHL System Energy Council Management Council and Associate Director of Engineering Services at Mississippi State University, gave a presentation on the IHL System Energy Management – FY 2014 Update.

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CONSENT AGENDA

On motion by Trustee Pickering, seconded by Trustee Dye, 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 STM Charters, Inc. to provide charter air transportation for the MSU men’s basketball team during the 2014-15 season. The agreement will begin on the date it is signed by both parties and will end on the date of the last flight. The total cost of the agreement will be \$534,623. STM Charters will apply a fuel surcharge in the amount by which the cost of fuel exceeds \$5.00 per US gallon and bill MSU separately. 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 STM Charters, Inc. to provide charter air transportation for the MSU women’s basketball team during the 2014-15 season. The agreement will begin on the date it is signed by both parties and will end on the date of the last flight. The total cost of the agreement will be \$288,235. STM Charters will apply a fuel surcharge in the amount by which the cost of fuel exceeds \$5.00 per US gallon and bill MSU separately. 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.
3. **MSU** – Approved the request to enter into an agreement with Nelnet Business Solutions, Inc. to provide support for student billing, PCI-compliant credit card processing, and eCheck processing for tuition and other services provided by the university. Nelnet will ensure that ongoing, operational needs are met with regard to student billing and payment collection. In addition, Nelnet will ensure credit card transactions are processed in a manner that is compliant with PCI rules and regulations. The term of the agreement is five years starting on the date the agreement is signed by both parties. The total cost of the five-year agreement is \$597,000. QuikPay and Commerce Manager have a monthly fee of \$8,700 and Cashiering has a monthly fee of \$1,200. The agreement will be funded as an offset to institutional investment income derived from investing excess operating funds. The agreement which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.
4. **UM** – Approved the request to enter into a contract with Total Production Services, LLC (TPS) to provide production of video board broadcasts and/or production/engineering of internet streaming broadcast of Ole Miss Athletics home games. This agreement shall be for a term of three (3) years with an option to renew the Agreement for an additional term of three (3) years upon either party giving notice one hundred and twenty (120) days prior to the termination date. The contract amount is estimated to fall in the range of \$420,000 - \$460,000 per year. Over a three year period, this contract is expected to amount to \$1.29 million to \$1.38 million based on

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an estimated 97 games annually. The exact amount to be determined based on actual future team schedules. A breakdown of the estimates is included in the bound *August 21, 2014 Board Working File*. This contract will be funded by the University of Mississippi Athletics Department's operating funds. 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 an agreement with Lake City Investigations & Collections Agency, Inc. for debt collection services for UMMC Grenada. The term of the agreement is for three (3) years, September 1, 2014 through August 31, 2017. The total estimated collection cost for the three (3) year contract term is \$601,489.14. UMMC estimates a recovery of \$2,405,956.56 over the term of the agreement. The estimated amount collected for Year 1 of the agreement is based on previous collection amounts. An increase of 3% in the amount collected is anticipated for Year 2 and Year 3 and included in the totals. Collection fees payable to Lake City range from 21% to 30%. A breakdown of the estimated costs based on an average collection fee of 25% is included in the bound *August 21, 2014 Board Working File*. 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.
6. **UMMC** – Approved the request to amend the agreement with Crothall Laundry Services, Inc. for the provision of on-site laundry management services. The term of the amendment becomes effective November 1, 2014 and will extend the original term of the agreement by twelve (12) months or through October 31, 2015. The total cost of the amendment to extend the term of service is \$280,008.24. This will increase the total estimated contract cost from \$830,270.04 to \$1,110,278.64. 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 Siemens Medical Solutions USA, Inc. for comprehensive maintenance, service and repair of Siemens imaging equipment currently owned by UMMC. This is a comprehensive agreement for scheduled maintenance and/or unscheduled repair services for 26 pieces of Siemens imaging equipment currently owned by UMMC. The term of the agreement is for five (5) years, September 1, 2014 through August 31, 2019. The total estimated contract cost for the five (5) year term is \$8,113,908. This amount includes a total estimated service cost of \$7,376,280 plus a 10% contingency fee of \$737,628 to cover additional options provided for under the agreement that UMMC does not elect to include at this time as well as any unanticipated costs that UMMC may incur related to the agreement. 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 KARL STORZ Endoscopy-America, Inc. for surgical scope repair and exchange services for the 175 STORZ rigid and flexible endoscopes used in UMMC's four (4) surgical suites. KSEA will provide UMMC with loaner scope(s) for use while the UMMC instruments are being repaired. This exchange program will help to prevent delays in surgical procedures. The term of the agreement is for three (3)

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years, September 1, 2014 through August 31, 2017. The total estimated contract cost for the three (3) year term is \$600,000. UMMC anticipates paying \$200,000 annually for service. This cost estimate is based on historical repair costs. 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. **UMMC** – Approved the request to enter into an agreement with Lumedx Corporation for Cardiovascular IT data management. The agreement is for software licenses, related software support and maintenance and, professional services related to software installation, implementation and training in the use of the product. The Lumedx Cardiology software suite of applications is used to document UMMC Cardiology procedures. The term of the agreement is five (5) years, September 1, 2014 through August 31, 2019. The total cost of the agreement is \$836,093.50. UMMC will pay \$723,019.50 for software licenses, maintenance and support and, \$113,074.00 for professional services related to the installation and implementation of the software as well as training in the use of the product. 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.
10. **UMMC** – Approved the request to enter into a uniform rental service agreement with Cintas Corporation (Cintas) for uniforms worn by employees throughout UMMC. The Department of Finance and Administration, Office of Purchasing, Travel, and Fleet Management has contracted with Cintas for the provision of uniforms to state agencies. The initial term of the agreement is three (3) years, with two (2) automatic one (1) year renewal terms, for a total contract term of five (5) years. The agreement will begin October 1, 2014, and end September 30, 2019. The contract amount is estimated to be \$1,326,037.63 for the five (5) year term. A breakdown of the estimated charges is included in the bound *August 21, 2014 Board Working File*. The contract will be funded by general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
11. **UMMC** – Approved the request to enter into a rental agreement with Bio-Rad Laboratories, Inc. ("Bio-Rad") to rent a Bio-Plex 2200 System, EVOLIS Microplate Processor, and related equipment, as well as purchase reagent consumables and service for the systems. The Bio-Plex and EVOLIS systems are utilized to provide diagnostic laboratory testing, including testing for Lupus, Rubella, Syphilis, Hepatitis, HIV, and Tuberculosis. Additionally, the EVOLIS system is open-channel testing equipment that can run assays from manufacturers other than Bio-Rad as needed. The term of the contract is one (1) year with four (4) automatic one (1) year renewals. The start date of the agreement will be the "go-live date," which is the date that the equipment has been installed, calibrated, and tested sufficiently for operation in accordance with federal regulations. The equipment will be installed while UMMC personnel are trained at Bio-Rad's facilities. The go-live date will not exceed 60 days after the installation date. UMMC expects the agreement to extend from October 1, 2014, through September 30, 2019. Once the go-live date has been determined, UMMC will update the IHL staff. The contract amount is estimated to be

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\$1,906,293.56 for the five (5) year term. A breakdown of the estimated charges is included in the bound *August 21, 2014 Board Working File*. The contract 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.

12. **UMMC** – Approved the request to enter into a Master Agreement and Order Form with McKesson Health Solutions, a division of McKesson Technologies, Inc. (McKesson) for its InterQual and Care Enhance Review Manager Enterprise (CERMe) proprietary software suite, clinical content, and application service provider (ASP) services. The InterQual product and services will allow UMMC to enhance the quality and consistency of clinical decision-making for non-physician reviewers. McKesson's InterQual is relied upon for utilization management and case management to appropriately apply level-of-care assessments and medical necessity guidance to patients being admitted to the hospital, as well as continued stay review for accurate and prompt insurance company reimbursement. The Board also approved the request to prepay the annual costs of the products and services in advance each year of the agreement, as required by McKesson, pursuant to the Board Policy 707.03 Approval of Prepayment for Goods or Services. The term of the contract will be five (5) years from September 25, 2014, through September 24, 2019. The total cost of the contract is \$682,871.79. The cost consists of McKesson's InterQual and CERMe software, clinical content, and application service provider (ASP) services and license fees. A breakdown of annual prepayments is included in the bound *August 21, 2014 Board Working File*. The contract will be funded by general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
13. **UMMC** – Approved the request to enter into an agreement with Advance Medical Designs, Inc. to create, maintain, and manage UMMC's operating room turnover pack (packs) inventory. Turnover packs are packs of general materials, such as sterile disposable sheets, bio-hazardous bags, disposable arm board covers and the like, which are needed to prepare an operating room for a surgical case. Having prepackaged sterile trays saves time between surgical cases by making these necessary items available in one package as opposed to retrieving all items separately. The agreement is for a term of three (3) years, beginning September 1, 2014 and continuing until August 31, 2017. The estimated total cost of the agreement is \$578,712.96. The estimated total cost breakdown is included in the bound *August 21, 2014 Board Working File*. The contract will be funded by hospital patient revenue. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
14. **USM** – Approved the Use Permit and Host-Tenant Agreement between the NASA Stennis Space Center (SSC) and the Board of Trustees of Mississippi Institutions of Higher Learning (IHL) for the University of Southern Mississippi for the Center of Higher Learning and Related University Activities. The purpose of the agreement is to continue the relationship between NASA SSC, IHL and USM to actively cooperate and participate in a multi-university, interdisciplinary academic program called the SSC Center of Higher Learning in order to meet present and future

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higher education needs of SSC employees and the surrounding communities. These agreements will expire upon the expiration of the Space Act which is September 25, 2017 or until the completion of all obligations of the parties, whichever comes first. Funds are available from State of Mississippi Appropriations for Center of Higher Learning and education and general funds of the USM Department of Marine Sciences. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

REAL ESTATE

15. **JSU** – Approved the initiation of **GS 103-283, Campus Mechanical Improvements**, and the appointment of Engineering Resource Group, Inc. as the design professional. The project will include the installation of Smart Meters on several buildings, cooling towers, new chillers, pumps, economizers and energy management software. The project will also allow the university to replace and/or upgrade the old deteriorated mechanical systems in the selected buildings on campus. The proposed project budget is \$1,053,736.76. Funds are available from HB 1701, Laws of 2010 (\$1,053,736.76).
16. **MSU** – Approved the initiation of **IHL 205-277, Russell Street Pedestrian and Bicycle Path**, and the appointment of a design professional using the “Request for Qualifications” method. The project shall consist of constructing pedestrian facilities along Russell Street from Lampkin Street to Highway 12 in Starkville, Mississippi. The project will include restriping of Russell Street to accommodate bicycles, and improvements to the intersection of Highway 12 and Russell Street to accommodate pedestrian and bicycle movements safely. The proposed project budget is \$1,082,961. Funds are available from Transportation Alternative Program Funds through MDOT (\$1,082,961).
17. **UM** – Approved the initiation of **IHL 207-382, South Campus New Storm Water Drainage Phase I**, and the appointment of Engineering Solutions, Inc. as the design professional. The existing storm water drainage system that collects and distributes storm water runoff from the south half of campus has exceeded has not been of sufficient size to serve the expansion of campus facilities over the last several decades. The scope of this project includes all work necessary to install new underground piping and culverts from the Hill Drive/Manning Way intersection to Jeanette Phillips Drive, to bypass the southernmost portion of the drainage system that currently runs under the Track & Field Facility. The proposed project budget is \$1,478,553. Funds are available from Internal R&R (\$1,478,553).
18. **UM** – Approved the initiation of **IHL 207-384, Vaught Hemingway Stadium—West Skybox Renovation**, and the appointment of a design professional using the “Request for Qualifications” method. This project will be separated from the scope of work referenced in the IHL 207-377, UM Athletics Facility Improvements project that was initiated with the Board of Trustees on February 20, 2014. The scope of the project is mostly to the interior of the west stand known as the West Skyboxes at Vaught Hemingway Stadium. A major goal of the project is improving life-safety in the building. The design professional will assist the university in determining the

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project budget and produce design/construction documents for the scope determined. The university will submit subsequent agenda items to confirm the design professional after the selection process and to increase the budget as required to reflect the established scope of work. The proposed project budget is \$500,000. Funds are available from Self-Generated Intercollegiate Athletic Revenues (\$500,000).

19. **UM** – Approved the initiation of **IHL 207-387, Track Facility Restoration**, and the appointment of a design professional using the “Request for Qualifications” method. During the last twelve months, small holes and cracks appeared around the perimeter of the track. A sonar survey revealed large cavities under the track and infield caused by a deteriorated storm drain pipe. The storm drain pipe will be removed from service with an alternative route being taken under Hill Drive and through the new parking lot on Jeanette Phillips Drive. When this stabilization work is complete, the track renovation project may begin. The work will involve filling, compacting, and stabilizing all sub-soils at the track facility, and completely replacing the rubber track and adjacent surfaces. The proposed project budget is \$3,961,210. Funds are available from Internal R&R (\$3,961,210).
20. **UM** – Approved the initiation of **IHL 207-388, FedEx—Starnes Renovation**, and the appointment of AECOM as the design professional. This project will be separated from the scope of work referenced in the IHL 207-377 UM Athletics Facility Improvements project that was initiated with the Board of Trustees on February 20, 2014. The project will be re-initiated and will continue with AECOM as the design professional as well as establish the project budget as reflected in the finalized scope of work. The FedEx-Starnes Academic Excellence Center currently serves as the primary support location for Rebel Student athletes. Expansion of the Academic program will require additions to the facility. The project will not move beyond the design stage until the university returns to the Board of Trustees for approval to issue UM EBC bonds for the project. The proposed project budget is \$3,274,472. Funds are available from Self-Generated Intercollegiate Athletic Revenues (\$1,214,829.11) and UM EBC bond proceeds (\$2,059,642.89) – pending approval.
21. **UM** – Approved the initiation of **IHL 207-389, Vaught-Hemingway Stadium—North End Zone**, and the retention of AECOM as the design professional. This project will be separated from the scope of work referenced in the IHL 207-377 UM Athletics Facility Improvements project that was initiated with the Board of Trustees on February 20, 2014. The project will be re-initiated and will continue with AECOM as the design professional as well as establish the project budget as reflected in the finalized scope of work. The project will construct a new end zone seating bowl to replace the existing bleacher section and will incorporate 24 rows of general seating and two rows of wheelchair seating with ADA compliant sightlines accommodating approximately 9,200 Rebel fans. A new ceremonial plaza will replace the existing asphalt parking lot and islands creating a space for the 'Wall of Champions'. The project will not move beyond the design stage until the university to the Board of Trustees for approval to issue UM EBC bonds for the project. The proposed project budget is \$26,384,382. Funds are

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available from Self-Generated Intercollegiate Athletic Revenues (\$9,788,605.72) and UM EBC bond proceeds (\$16,595,776.28) – pending approval.

22. **UM** – Approved the initiation of **IHL 207-390, Vaught-Hemingway Stadium—South End Zone**, and the retention of AECOM as the design professional. This project will be separated from the scope of work referenced in the IHL 207-377 UM Athletics Facility Improvements project that was initiated with the Board of Trustees on February 20, 2014. The project will be re-initiated and will continue with AECOM as the design professional as well as establish the project budget as reflected in the finalized scope of work. The South End Zone will become the focus of the premium seating scope and expansion comprised of the following: club seats, general concourse upgrades, and thirty new suites boxes at the upper concourse level. The project will not move beyond the design stage until the university returns to the IHL Board for approval to issue UM EBC bonds for the project. The proposed project budget is \$14,422,273. Funds are available from Self-Generated Intercollegiate Athletic Revenues (\$5,350,663.28) and UM EBC bond proceeds (\$9,071,609.72) –pending approval.
23. **UM** – Approved the initiation of **IHL 207-391, Jackson Avenue Center Phase II Renovation**, and the appointment of a design professional using the “Request for Qualifications” method. The project consists of the renovation of approximately 41,500 square feet of the 95,000 square foot Old Walmart Building now known as the Jackson Avenue Center. This is the remaining area of the building that was not renovated in the 2012 renovation project. The renovation project will provide a new location for the University Testing Center, multipurpose rooms, office/flex space and support spaces. New HVAC, plumbing, and electrical systems will be provided and new restrooms will be constructed to accommodate the occupation of this area. The proposed project budget is \$5,500,000. Funds are available from Internal R&R (\$5,500,000).
24. **ASU** – Approved the request to grant two utility easements to BellSouth Telecommunications LLC, d/b/a AT&T Mississippi to construct, operate, maintain, add, and/or remove such systems of communications, facilities, standby generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages upon, over, and under a portion of the lands described in Deed Book 6U, page 294, Claiborne County, Mississippi records, and to the fullest extent the Grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property in the County of Claiborne, Mississippi for Alcorn Drive and Dumas Street. The property descriptions are included in the bound *August 21, 2014 Board Working File*. The rights as described in the easements and to have and to hold the easements unto BellSouth Telecommunications, LLC d/b/a AT&T Mississippi and its parent and its parent’s indirect and direct affiliates, subsidiaries, agents, attorneys, employees, officers, directors, servants, insurance carriers, successors and assigns until such time as Grantor may terminate as described in the easements. The Attorney General’s Office has reviewed and approved these easements.

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25. **MSU** – Approved the exterior design of the proposed Phi Mu Sorority House. The Board of Trustees approved the exterior renderings for the Phi Mu Sorority House in June of 2013. Since that time, the project scope has changed from a new facility to an addition and renovation of the existing facility. A copy of the revised rendering is included in the bound *August 21, 2014 Board Working File*.
26. **MSU** – Approved the request to delete Building #1449 from inventory which is a residence located at Prairie. The residence is in poor condition and no longer serves the mission of the MSU Experiment Station. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the IHL Office of Real Estate and Facilities.
27. **MSU** – Approved the request to name the High Performance Computing Collaboratory as the “Malcolm A. Portera High Performance Computing Center”. Dr. Portera became the 16th president of MSU on January 1, 1998, and served through 2001. He is a graduate of Mississippi State, having received a bachelor’s degree in general science in 1969. Dr. Portera was a constant champion of the university’s NSF Engineering Research Center for Computational Field Stimulation, which evolved into today’s High Performance Computing Collaboratory and was located in what is now the HPC2 Building.
28. **MSU** – Approved the request to name the Agricultural and Biological Engineering Building as the “J. Charles Lee Agricultural and Biological Engineering Building”. Dr. Lee became the 17th president of Mississippi State University in January 2003, having already served for the previous year as interim president. He continued as president until April 2006. Throughout his presidency, he was a staunch advocate for the Division of Agriculture, Forestry and Veterinary medicine and its role in teaching, research and service. The Agricultural and Biological Engineering Building was initiated and completed during his administration.
29. **MSU** – Approved the request to name the original campus at Meridian, located at 1000 Highway 19th North, the “College Park Campus of MSU Meridian” and to name the downtown location, which occupies the 2200 block on 5th Street, the “Riley Campus of MSU Meridian.” The downtown location now includes the MSU Riley Center; the Newberry Building, which houses the MSU Division of Business; and the Kress Building, which is being renovated to house the Kinesiology program. All of the properties were donated to the university and renovated with the assistance of the Riley Foundation of Meridian.
30. **MSU** – Approved the request to rename the Kress Building in downtown Meridian as the “I. Alfred Rosenbaum Building”. Mr. Rosenbaum served on the Board of Trustees for Riley Memorial Hospital and subsequently as manager of the investment portfolio of the Riley Foundation, from its beginning in the late 1990’s until his retirement in 2010. The Kress Building in downtown Meridian was donated to MSU by the Riley Foundation and is to be renovated with foundation support to house the kinesiology program and a branch library of MSU Meridian. Mr. Rosenbaum was a Meridian businessman, civic leader, philanthropist and veteran who died in March 2012 at the age of 91.

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31. **MSU** – Approved the request to rename the Newberry Building as the “Robert B. Deen, Jr., Building”. The Newberry Building in downtown Meridian was donated to the university by the Riley Foundation and was renovated to house the Business Division of MSU Meridian with foundation support. Robert B. Deen, Jr., of Meridian helped establish and organize both the Phil Hardin Foundation in 1964 and the Riley Foundation in 1998, and served both foundations as a founding member, officer, director, and legal advisor. He is currently the president and chairman of the Riley Foundation. Mr. Deen has made significant contributions during his long career through his practice of law and his leadership in a wide range of philanthropic and community organizations.
32. **MSU** – Approved the request to name the track and field and cross country area as the “Mike W. Sanders Track and Field Complex”. (The designated area would include, but not rename, Carl Mattox Stadium and W.O. Spencer Track.) Mr. Sanders pledged \$500,000 in support of the MSU men’s and women’s track and field and cross country teams in October 2013, bringing his total giving in support of these programs to more than \$1 million. This support helped make MSU track and field facilities among the best in the country, with new locker rooms, updated training and rehabilitation areas, seating improvements at Carl Maddox Stadium, and improved aesthetics of the W.O. Spencer Track.
33. **UMMC** – Approved the request to sole source the HVAC Controls for the **IHL 209-549, Hospital Main Lab Serology & Virology Renovation** project to Johnson Controls as an extension of the existing controls system located in the main hospital to insure the operational integrity of the existing building system. The project will provide for a general renovation and upgrade of approximately 3,200 square feet of laboratory space in order to comply with CAP Inspection recommendations. Adjacent Blood Lab space is being relocated to provide for the needed expansion and rearrangement of services. General construction, plumbing, HVAC and electrical upgrades to services will be involved along with new Laboratory casework and equipment upgrades. The estimated value of the existing Johnson Controls EMCS is approximately \$760,000. The probable cost of the project EMCS modifications is \$69,500 for an 9.1% modification. According to IHL and Bureau of Building EMCS procurement protocol for existing systems, the EMCS can and should be procured by single source procurement since the portion of the work related to the new renovation is less than 25% of the existing system. The proposed project budget is \$1,720,000. Funds are available from UMMC SSA (Shared Services Administration) Building Improvement (\$1,720,000). The Attorney General’s Office has reviewed and approved this item.
34. **USM** – Approved the request to purchase residential property located at 204 and 208 North 35th Avenue, Hattiesburg, Mississippi adjacent to the Hattiesburg campus in Forrest County, Mississippi from Henry W. McMillan, Jr. and Nancy Merle McMillan in the amount of \$200,000. The 204 North 35th Avenue property located on Lots 17 and 18 consists of a single family residence built in 1955 with +/- 1,698 square feet of living area and is located on approximately 0.34 acres. The 208 North 35th Avenue property located on Lots 19 and 20

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consists of a single family residence built in 1935 with +/- 1,286 square feet of living area and is located on approximately 0.34 acres. Upon acquisition, the university plans to demolish the existing structures on these lots and turn them into grass lots to be used for future expansion and/or parking. The university received two independent property appraisals. The average of the two appraisals is \$211,500. The university is purchasing the property for \$200,000 which is less than the property's appraised value. The university also has a tentative closing date of on or before September 2, 2014 or upon an earlier or later date as agreed upon by both parties. A Phase I Environmental Site Assessment has been conducted on the property. No recognized environmental conditions are evident at the subject property. The EDR report listed no regulatory findings for the subject property. A copy of the property description and all legal documentation are on file with the IHL Office of Real Estate and Facilities. Funds are available from Internal Funds for property acquisition (\$200,000). The Attorney General's Office has reviewed and approved this item.

LEGAL

35. **JSU** – Approved the request permission to contract with David Ware & Associates, L.L.C. d/b/a Ware|Gasparian as outside counsel to perform services necessary in preparing labor certification applications, immigration applications, immigration petitions, and provide immigration related services on behalf of the university for its employees who seek temporary or permanent residence status, as well as providing other related services. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The term of this contract will be August 23, 2014 through May 31, 2015. The maximum amount payable under this contract is \$50,000. The Attorney General has approved this request. The labor certification fees payable under the contract would be as follows:

Nonimmigrant Petitions and Processes

H-1B petition \$1500.00

H-1B extension or amendment petitions \$1000.00

TN petition or border/consulate processing \$1500.00

TN extension petition \$1000.00

E-3 petition or consular processing \$1500.00

E-3 extension petition \$1000.00

O-1 petition \$4000.00

O-1 extension or amendment petition \$1500.00

Change of status or extension of status for dependents (I-539) no additional charge

J-1 waiver (IGA or hardship) \$6,000.00

J-1 waiver (Conrad) \$6,000.00

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Permanent Residence Process with Labor Certification: Faculty

\$2000.00 “Special Handling” labor certification (must be paid by University*)

\$1500.00 Additional fee if audited.

\$2500.00 Immigrant petition

\$1500.00 Adjustment of status and related applications (I-765, I-131, etc.) for employee

\$750.00 Adjustment of status and related applications, each spouse or child

\$2500.00 if position must be re-advertised

**U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees*

Permanent Residence Process with Labor Certification: Non-Faculty

\$3000.00 Labor certification (must be paid by University)

\$1500.00 Additional fee if audited

\$2500.00 Additional fee if subject to supervised recruitment

\$2500.00 Immigrant petition

\$1500.00 Adjustment of status and related applications (I-765, I-131, etc.) for employee

\$750.00 Adjustment of status and related applications, each spouse or child

**U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees*

Permanent Residence Process: Outstanding Professors and Researchers

\$6000.00 Immigrant petition (high involvement: active role in drafting and collecting

\$4000.00 Immigrant petition (low involvement: only edit and make suggestions for letters)

\$1500.00 Adjustment of status and related applications for employee

\$750.00 Adjustment of status and related applications, each spouse or child

Since labor certification is not required, employees may pay all fees

Permanent Residence Process: National Interest Waiver

\$6000.00 Immigrant petition

\$1500.00 Adjustment of status and related applications by employee

\$750.00 Adjustment of status and related applications each spouse or child

Since labor certification is not required, employees may pay all fees

Employee’s legal fees in all cases may be paid in monthly installments, to be arranged with attorney.

36. **JSU** – Approved the request to contract with Armstrong Law Firm as outside counsel to provide services as needed in preparing labor certification applications, immigration applications, immigration petitions, and provide immigration related services on behalf of the university for its employees who seek temporary or permanent residence status, as well as providing other related services. The term of this Agreement shall commence on August 22, 2014 and shall expire no later than one year thereafter. The maximum amount payable under this contract is \$50,000. The Attorney General has approved this request. The fees payable under the contract would be as follows:

Nonimmigrant Petitions and Processes

H-1B petition

\$1500.00

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| | |
|--|-----------|
| H-1B extension or amendment petitions | \$1000.00 |
| TN petition or border/consulate processing | \$1500.00 |
| TN extension petition | \$1000.00 |
| E-3 petition or consular processing | \$1500.00 |
| E-3 extension petition | \$1000.00 |
| O-1 petition | \$4000.00 |
| O-1 extension or amendment petition | \$1500.00 |

Change of status or extension of status for dependents (I-539) no additional charge

| | |
|------------------------------|------------|
| J-1 waiver (IGA or hardship) | \$6,000.00 |
| J-1 waiver (Conrad) | \$6,000.00 |

Permanent Residence Process with Labor Certification: Faculty

| | |
|-----------|--|
| \$2000.00 | “Special Handling” labor certification (must be paid by University*) \$2500.00 if position must be re-advertised |
| \$1500.00 | Additional fee if audited. |
| \$2500.00 | Immigrant petition |
| \$1500.00 | Adjustment of status and related applications (I-765, I-131, etc.) for employee |
| \$750.00 | Adjustment of status and related applications, each spouse or child <i>*U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees</i> |

Permanent Residence Process with Labor Certification: Non-Faculty

| | |
|-----------|--|
| \$3000.00 | Labor certification (must be paid by University) |
| \$1500.00 | Additional fee if audited |
| \$2500.00 | Additional fee if subject to supervised recruitment |
| \$2500.00 | Immigrant petition |
| \$1500.00 | Adjustment of status and related applications (I-765, I-131, etc.) for employee |
| \$750.00 | Adjustment of status and related applications, each spouse or child <i>*U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees</i> |

Permanent Residence Process: Outstanding Professors and Researchers

| | |
|-----------|---|
| \$6000.00 | Immigrant petition (high involvement: active role in drafting and collecting letters) |
| \$4000.00 | Immigrant petition (low involvement: only edit and make suggestions for letters) |
| \$1500.00 | Adjustment of status and related applications for employee |
| \$750.00 | Adjustment of status and related applications, each spouse or child <i>Since labor certification is not required, employees may pay all fees</i> |

Permanent Residence Process: National Interest Waiver

| | |
|-----------|--|
| \$6000.00 | Immigrant petition |
| \$1500.00 | Adjustment of status and related applications by employee |
| \$750.00 | Adjustment of status and related applications each spouse or child <i>Since labor certification is not required, employees may pay all fees</i> |

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37. **MSU** – Approved the request to modify and extend a contract with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones Walker L.L.P., located at 190 E. Capitol Street, Suite 800, Jackson, MS 39201, to provide services necessary in connection with the issuance of bonds for the financing of the construction and acquisition of buildings for Mississippi State University. The initial contract entered into on August 25, 2010 was modified by Modifications #1, #2, and #3 to extend the term until August 24, 2012, August 24, 2013, and August 24, 2014, respectively. Proposed Modification #4 will extend the term until August 24, 2015 and replace Alveno Castilla with Ronald A. Bell under Section V. “Specific Attorneys.” The payment terms of the Agreement for Legal Services will remain at the rate of \$1.15 for each \$1000 of bonds issued by the EBC plus any out of pocket expenses, not to exceed \$4,000, for both fixed rate and variable rate interest bearing bonds. All other provisions of the Agreement for Legal Services dated August 25, 2010 shall also remain in effect. The Attorney General has approved this request.
38. **UMMC** – Approved the request to contract with Baker, Donelson, Bearman, Caldwell and Berkowitz, PC as outside counsel, to advise on environmental related issues. The contract period will be November 1, 2014 through October 31, 2015. The hourly rate is \$210.00 per hour up to and not to exceed a total maximum contract amount of \$100,000. The Attorney General has approved this request.
39. **UMMC** – Approved the request to contract with Bradley Arant Boult Cummings, LLP as outside counsel to advise on healthcare regulatory and compliance matters, healthcare administrative hearings and general healthcare related matters. The contract period will be September 1, 2014 through August 31, 2015. The hourly rate is \$215 per hour up to and not to exceed a total maximum contract amount of \$100,000. The Attorney General has approved this request.
40. **UMMC** – Approved the request to contract with Butler, Snow, O’Mara, Stevens and Cannada, PLLC to advise on intellectual property matters, healthcare regulatory and compliance matters, healthcare administrative hearings, human resource issues and commercial and general matters. The contract period will be December 1, 2014 through November 30, 2015. The hourly rate is \$245 per hour up to and not to exceed a total maximum contract amount of \$150,000. The Attorney General has approved this request.
41. **UMMC** – Approved the request to contract with Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. as outside counsel to advise the Medical Center Educational Building Corporation (EBC) on legal issues concerning bond financing and compliance with IRS regulations regarding tax-exempt bonds, and other related matters. The contract period will be November 1, 2014 through October 31, 2015. The hourly rate is \$225 per hour up to and not to exceed a total maximum contract amount of \$50,000. The Attorney General has approved this request.
42. **UMMC** – Approved the request to contract with Stites and Harbison, PLLC as outside counsel to perform services necessary for obtaining patents for designs, processes, products and other

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patentable materials developed in connection with the University of MS Medical Center. The contract period will be November 1, 2014 through October 31, 2015. The hourly rate is \$320 per hour up to and not to exceed a total maximum contract amount of \$100,000. The Attorney General has approved this request.

43. **USM** – Approved the request to contract with George E. Estes, III, and Estes and Estes, P.A., to represent USM in various real estate transactions by performing real estate closings and related transactions pertaining to the purchases by USM of property near the Gulf Park campus situated at Long Beach and the Gulf Coast Research Laboratory campus situated in Ocean Springs. Services to be rendered include the closings, performing title examinations, preparing closing documents, recording deeds of conveyance, and paying all associated recording fees. It is anticipated that the university will have a minimum of two closings with the possibility of a maximum of five closings during the fiscal year ending June 30, 2015. It is expected that each closing will cost the university approximately \$1,000. The maximum amount budgeted for payment under the contract is \$5,000. The attorney’s average hourly rate, depending on services rendered, is \$150. The Attorney General has approved this request.
44. **USM** – Approved the request to renew the employment contract of 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 per hour for attorneys and \$65 per hour for the time expended by paralegals with a maximum amount payable under the contract of \$40,000. The approval will be for the period of time beginning on September 1, 2014, and expiring on August 31, 2015. The Attorney General has approved this request.
45. **USM** – Approved the request to contract with Stephen K. Thomas, Hattiesburg, MS, as outside counsel to perform real estate services for multiple real estate closings. It is anticipated that the university will have a minimum of two closings with the possibility of a maximum of ten closings during the fiscal year ending June 30, 2015. The closings will be for purchases of property near the Hattiesburg campus. It is expected that each closing will cost the university approximately \$1,000. The maximum amount budgeted for payment under the contract is \$10,000. The attorney’s average hourly rate, depending on services rendered, is \$150. The Attorney General has approved this request.
46. **USM** – Approved the request to contract with Ware | Gasparian, Attorneys at Law, as outside counsel to provide services as needed in preparing labor certification applications and permanent residence process on behalf of the university for its professors, researchers, and employees who seek permanent residence status and to further provide other related services relating to immigration and naturalization at the university’s request. The terms of this contractual

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agreement will be for the period of time from September 1, 2014, through June 30, 2015, for a maximum amount payable of \$20,000 during the contract term. The Attorney General has approved this request. The proposed schedule of legal fees for academia are as indicated below:

Nonimmigrant Petitions and Processes

| | |
|---|-----------|
| H-1B petition | \$1500.00 |
| H-1B extension or amendment petitions | \$1000.00 |
| | |
| TN petition or border/consulate processing | \$1500.00 |
| TN extension petition | \$1000.00 |
| | |
| E-3 petition or consular processing | \$1500.00 |
| E-3 extension petition | \$1000.00 |
| | |
| O-1 petition | \$4000.00 |
| O-1 extension or amendment petition | \$1500.00 |
| | |
| Change of status or extension of status for dependents (I-539) no additional charge | |
| | |
| J-1 waiver (IGA or hardship) | \$6000.00 |
| J-1 waiver (Conrad) | \$6000.00 |

Permanent Residence Process with Labor Certification: Faculty

| | |
|-----------|---|
| \$2000.00 | “Special Handling: labor certification (must be paid by University*) <i>\$2500.00 is position must be re-advertised</i> |
| \$1000.00 | Additional fee if audited |
| \$2500.00 | Immigrant petition |
| \$1500.00 | Adjustment of status and related applications (I-765, I-131, etc.) by employee |
| \$750.00 | Adjustment of status and related applications each spouse or child |
| | <i>*U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees</i> |

Permanent Residence Process with Labor Certification: Non-Faculty

| | |
|-----------|---|
| \$3000.00 | Labor certification (must be paid by University) |
| \$1500.00 | Additional fee if audited |
| \$2500.00 | Additional fee is subject to supervised recruitment |
| \$2500.00 | Immigrant petition |
| \$1500.00 | Adjustment of status and related applications (I-765, I-131, etc.) by employee |
| \$750.00 | Adjustment of status and related applications each spouse or child |
| | <i>*U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees</i> |

Permanent Residence Process: Outstanding Professors and Researchers

| | |
|-----------|--|
| \$7000.00 | Immigrant petition |
| \$1500.00 | Adjustment of status and related applications by employee |
| \$750.00 | Adjustment of status and related applications each spouse or child |
| | <i>Since labor certification is not required, employees may pay all fees</i> |

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Permanent Residence Process: National Interest Waiver

\$7000.00 Immigrant petition

\$1500.00 Adjustment of status and related applications by employee

\$750.00 Adjustment of status and related applications each spouse or child

Since labor certification is not required, employees may pay all fees

Employee's legal fees in all cases may be paid in monthly installments, to be arranged with attorney

47. **System** – Approved the new inter-agency agreement for the provision of legal services for fiscal year 2015, between IHL and the Attorney General's Office. No terms of the new contract are changing from last year's contract except for the total amount increasing from \$402,907.87 to \$415,679.30 due to salary adjustments for Attorney General's staff at IHL. A copy of the agreement is included in the bound *August 21, 2014 Board Working File*.

48. **PERSONNEL REPORT**

EMPLOYMENT

Mississippi State University

- Craig D. Capano; Professor and Director, Building Construction Science; **hired with tenure**; salary of \$136,500.00 per annum, pro rata; E&G Funds; effective July 1, 2014
- Barry Kopetz; Professor and Head, Music; **hired with tenure**; salary of \$132,000.00 per annum, pro rata; E&G Funds; effective August 1, 2014
- Charles E. Webster; Associate Professor, Chemistry; **hired with tenure**; salary of \$88,000.00 per annum, pro rata; E&G Funds; effective August 16, 2014
- Jeff Dean; Professor and Head, Biochemistry, Molecular Biology, Entomology and Plant Pathology; **hired with tenure**; salary of \$150,000.00 per annum, pro rata; E&G Funds; effective August 16, 2014

Mississippi Valley State University

- Renardo A. Hall; Associate Vice President for Student Affairs, Dean of Students; salary of \$95,000 per annum, pro rata; E&G funds; effective June 23, 2014

University of Mississippi

- Nosa Egiebor; Senior International Office, Executive Director of the Office of Global Engagement, Professor of Chemical Engineering; **hired with tenure**; salary of \$185,000 per annum, pro rata; E&G funds; effective August 1, 2014

University of Southern Mississippi

- Karen S. Coats; Dean, Graduate School and Professor, Biological Sciences; **hired with tenure**; salary of \$175,000 per annum, pro rata; E&G funds; effective August 1, 2014

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Delta State University

(Rehired retirees making more than \$20,000 who are on contract during FY2015)

- Dr. Kent Wyatt; *former position:* President; *re-employment position:* President Emeritus; re-employment period - July 1, 2014-June 30, 2015; 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, 2014-June 30, 2015; 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, 2014-June 30, 2015; annual salary of \$24,693.
- Gloria Brister; *former position:* Chair of Speech and Hearing Sciences and Assistant Professor; *re-employment position:* Assistant Professor, Emeritus, re-employment period - July 1, 2014-June 30, 2015; annual salary of \$40,000.
- James Robinson; *former position:* Professor of History; *re-employment position:* Adjunct Instructor in History, re-employment period - July 1, 2014-June 30, 2015; annual salary of \$40,000.
- 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 – July 1, 2014-June 30, 2015; annual salary of \$50,000.

Mississippi University for Women

(Rehired retirees making more than \$20,000 who are on contract during FY2015)

- Rita Hinton; *former position:* Professor of Philosophy; *re-employment position:* Professor of Philosophy; *re-employment period:* August 18, 2014 to December 22, 2014; salary of \$27,705

Mississippi Valley State University

(Rehired retirees making more than \$20,000 who are on contract during FY2015)

- Betty Farmer, *former position:* Assistant Professor; *re-employment position:* Part-time Instructor; *re-employment period:* August 18, 2014 to May 11, 2015; salary of \$22,000
- Ronald Love, *former position:* Director, Continuing Education; *re-employment position:* Part-time Associate Professor; *re-employment period:* August 18, 2014 to May 11, 2015; salary of \$30,000
- Raymond Williams, *former position:* Professor; *re-employment position:* Professor; *re-employment period:* August 18, 2014 to May 11, 2015; salary of \$33,101.50

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CHANGE OF STATUS

Mississippi State University

- Timothy N. Chamblee, *from* Director and Associate Professor, Office of Institutional Research and Effectiveness; salary of \$121,210.00 per annum, pro rata; E&G Funds; *to* Assistant Vice President, Director, and Associate Professor, Office of Institutional Research and Effectiveness; salary of \$126,210.00 per annum, pro rata; E&G Funds; effective July 1, 2014.
- Frederick W. Broyles; *from* Assistant Vice President, Student Affairs; salary of \$163,230.00 per annum, pro rata; E&G Funds; *to* Interim Vice President, Student Affairs; salary of \$183,230.00 per annum, pro rata; E&G Funds; effective August 1, 2014.

University of Southern Mississippi

- Ellen M. Weinauer, *from* Director of Interdisciplinary Studies and Associate Professor, Department of English; salary of \$76,860 per annum, pro rata; E&G funds; *to* Dean, Honors College and Associate Professor, Department of English, salary of \$95,000 per annum, pro rata; E&G funds; effective July 1, 2014.

TENURE

Mississippi State University

- Li Zhang, Associate Professor, MSU Libraries; effective July 1, 2014 (*12-month contract*)
- Craig D. Capano, Professor and Director, Building Construction Science; effective July 1, 2014 (*New hire with tenure; 12 month contract*)
- Barry Kopetz, Professor and Head, Music; effective August 1, 2014 (*New hire with tenure; 12 month contract*)
- Charles E. Webster, Associate Professor, Chemistry; effective August 16, 2014 (*New hire with tenure; 9 month contract*)
- Jeff Dean, Professor and Head, Biochemistry, Molecular Biology, Entomology and Plant Pathology; effective August 16, 2014 (*New hire with tenure; 12 month contract*)

University of Southern Mississippi

- Karen S. Coats, Dean, Graduate School and Professor, Biological Sciences; effective August 1, 2014 (*New hire with tenure; 12 month contract*)

SABBATICAL

Mississippi State University

(Correction to salary and date approved March 2014)

From: Michael E. Brown, Professor of Geosciences, from salary of \$76,417 per annum, pro rata; E&G Funds; to salary of \$38,208 for sabbatical period; E&G Funds; effective August 16, 2014 to December 31, 2014; professional improvement

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To: Michael E. Brown, Professor, Geosciences, from salary of \$77,945 per annum, pro rata; E&T funds to salary of \$38,973 per annum, pro rata; E&G funds; August 16, 2014 to December 31, 2015; professional improvement.

University of Southern Mississippi

(Correction to date approved June 2014)

From: Christopher Campbell, Professor of Mass Communication and Journalism, *from* salary of \$107,784 per annum, pro rata; E&G Funds; *to* salary of \$59,880 for sabbatical period; effective January 1, 2015 to May 19, 2015; professional development

To: Christopher Campbell, Professor of Mass Communication and Journalism, *from* salary of \$107,784 per annum, pro rata; E&G Funds; *to* salary of \$59,880 for sabbatical period; effective August 18, 2014 to December 31, 2014; professional development

EMERITUS STATUS

University of Mississippi Medical Center

(Effective July 1, 2014)

- Rodney Baker, Ph.D.; Professor Emeritus of Pharmacology and Toxicology
- Jerry Farley, Ph.D.; Professor Emeritus of Pharmacology and Toxicology

University of Southern Mississippi

(Effective July 1, 2014)

- Vivien C. Carver; Professor Emerita of Public Health

FINANCE AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Owens, seconded by Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to add Jackson State University's request for approval of a lease agreement for a residential facility shown as agenda item #6 below. Prior to the Board taking up item #1, Trustee Aubrey Patterson recused himself from voting by leaving the room before there was any discussion or a vote regarding same. After Trustee Patterson left the room, on motion by Trustee Dye, seconded by Trustee Pickering, with Trustee Patterson absent and not voting and Trustee Robinson participating by phone, all remaining Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda. On motion by Trustee Perry, seconded by Trustee Blakeslee, 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 Pickering, with Trustee Robinson participating by phone, all

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Trustees legally present and participating voted unanimously to approve agenda item #3. 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 agenda item #4. 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 item #5. On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #6.

1. **UMMC** – Approved the request to enter into a lease agreement with Journal, Inc. to lease 5,924 square feet of clinical space in Tupelo, MS. The purpose of this lease is to provide full-time clinical office space for pediatric subspecialty consultation for patients in the Tupelo area. Several UMMC pediatric subspecialists will work from the clinic and include, but are not limited to, an endocrinologist and a cardiologist. In addition, additional UMMC pediatric subspecialists will rotate in and out of the clinic on a more temporary basis. The term of the agreement is for five (5) years, September 1, 2014 through August 31, 2019. The total cost for the five (5) year lease term is \$466,811.20. UMMC will pay \$93,362.24 annually for the lease of the property (\$15.76 per square foot). The current 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.
2. **UMMC** – Contingent upon approval by the Attorney General’s Office, the Board approved the request to amend its current license and support agreement with Epic Systems Corporation. This amendment is to convert the non-exclusive license agreement to a perpetual license and extend maintenance and support services for five (5) years. By converting the license to perpetual, the license is in effect until either party terminates such license pursuant to the termination clause provided in the Epic License and Support agreement effective August 23, 2014. The services, which were originally provided for one year, post go-live and automatically renewed thereafter, will be from September 1, 2014 through August 31, 2019. The cost of the conversion to perpetual license will be \$1,814, 670 and the five (5) year maintenance cost is estimated to be \$18,657,177.01. The agreement will be funded by patient revenues. The Attorney General’s approval is contingent upon receipt of a revised CP-1 from ITS after its August 2014 Board meeting. A copy of the agreement is on file at the Board Office.
3. **UMMC** – Approved the request to amend the current license and support agreement with Epic Systems Corporation for the addition of new Epic modules and various interfaces. The Board also approved a waiver to allow advanced payment, pursuant to Board Policy 707.03 Approval of Prepayment for Goods or Services, of post-live visits that Epic will make after these modules/interfaces are in place. This advanced payment is expected to reduce the post-live charges, which UMMC would otherwise incur, by fifty percent (50%). This amendment provides for: 1) Four new Epic modules to include: Wisdom General Dentistry Module, Othropaedic Module, Blood Product Administration Module, and Audio/Video Integration Module; 2) Various interfaces; 3) Additional licenses for Cache, which UMMC already has; 4)

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Implementation/training services necessary for the optional modules/interfaces; and 5) Post-live visits to UMMC in an effort to optimize UMMC's implementation of these new modules/interfaces. The term of the license will be perpetual from the effective date of this amendment, which is expected to be August 23, 2014. The services/maintenance of the products will begin after go-live of the product and expire August 22, 2019. The amendment cost is estimated to be \$2,154,781. The cost breakdown is included in the bound *August 21, 2014 Board Working File*. 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.

4. **USM** – Approved the request to amend the Residency and Out-of-State Tuition Waiver Policy in the Military category. The other categories will remain effective with no changes. The effective categories and the proposed amendment to the Military category which is shown in italics are all listed below. USM estimates that the change will attract 20 additional students adding additional tuition revenue of \$140,000 in the first year. The Attorney General's Office reviewed the proposed policy amendment and recommends no changes. The following out-of-state waiver categories are currently authorized, in addition to those in existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission to USM of timely and adequate proof of having met the applicable criteria. The Board approved these categories at its January 2013 meeting and they were effective beginning in Fall 2013. Only newly enrolled students were eligible at that time. Students receiving a waiver during their first year must remain enrolled full-time, must maintain a specified GPA, and must continue to meet the additional criteria making them eligible to automatically renew the waiver. A) Military – Eligible applicants who are engaged in or honorably discharged from active duty in the United States Armed Services *including academically eligible current or surviving spouse and dependent children, including stepchildren*, would receive a waiver of the non-resident surcharge. B) Academic Achievement in Strategic Markets – Students who meet strategic enrollment criteria in targeted markets would have non-resident surcharges waived. Students must have earned a minimum high school grade point average and a minimum ACT/SAT score and reside in strategic geographic markets such as west Florida, Birmingham and south Alabama, Baton Rouge and south Louisiana, and Houston, Texas suburbs. C) Special Talent in the Fine and Performing Arts – Students, who by their auditions or body of work show special talent, may be granted a waiver of non-resident charges. D) Legacies – Children and grandchildren of USM graduates, who meet admissions requirements and parent(s) (or grandparents) have been paid members of the Alumni Association for ten or more years or are Lifetime Members, will be granted a waiver of non-resident charges. E) Graduate Assistants – Graduate students who are employed by USM as graduate assistants will be granted a waiver of non-resident charges.
5. **USM** – Approved the request to enter into a contract with Aramark Educational Services, LLC, for operations of athletic concessions. The purpose of the agreement is to provide for concessions at all athletic venues and events and seeks to improve upon services already in place

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by investing in infrastructure and equipment upgrades through capital investment. The term of the contract will be eight (8) years from August 31, 2014, through June 30, 2022. It is estimated that the concessions agreement will generate over \$1.3 million in revenue from commissionable sales and a guaranteed \$200,000 for capital improvements. The contract is a revenue-generating concession contract. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

6. **JSU** – Approved the request to enter into a lease agreement for a residential facility to provide housing for JSU students with REDUS Mississippi, LLC (REDUS). Lease payments will be due on the first of each month; therefore, the Board also approved the request to make prepayments in accordance with Board Policy 707.03 Approval of Prepayment for Goods or Services. The purpose of the agreement is to provide student housing for the upcoming Fall semester to meet the expected 290 bed deficit. The Palisades contains 144 apartment units which can provide a maximum of 444 beds. REDUS will lease all of the Palisades to JSU along with the accompanying adjacent grounds and parking area. The contract term will commence upon signature and end on August 31, 2015. It may be extended for a one year term under the same terms and conditions to end on August 31, 2016. The maximum contract amount for the first term is \$1,908,288. Of this amount, \$869,357.28 will be derived from lease payments. The remaining \$1,038,930.72 will be maintained as a reserve “for the purpose of funding any expense incurred to make repairs required to maintain the Premises as deemed necessary by University and agreed upon by Landlord.” Should the optional second year term be used, the total maximum contract will be for \$3,816,576 over two years. A breakdown of costs is included in the bound *August 21, 2014 Board Working File*. A third party financial analyst, Comer Capital Group, has determined the fair market rental value of Palisades for JSU. The financial advisor determined that the maximum amount of consideration payable by JSU under the proposed lease does not exceed the fair market rental value of the subject property. The agreement will be funded by auxiliary funds revenue. 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 C.D. Smith, Chair

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

1. **System** – Approved the Facility Needs Request for the 2015 Legislative Session which prioritizes funding needs by each individual institution. The list 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. (See Exhibit 1.)

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LEGAL AGENDA

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Blakeslee, seconded by Trustee Cummins, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #1 - #10 as submitted on the Legal Agenda. On motion by Trustee Rouse, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #11 - #14. On motion by Trustee Rouse, seconded by Trustee Smith, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #15 - #17. On motion by Trustee Rouse, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to move agenda items #18 and #21 to the Executive Session Agenda.

1. **ASU** - Approved the request for Marcus Ward to serve as the legislative liaison for the university in compliance with Board Policy 201.0506 Political Activity.
2. **DSU** - Approved the request for Dr. Michelle Roberts to serve as the legislative liaison for the university in order to comply with Board Policy 201.0506 Political Activity.
3. **MSU** - Approved the request for John A. Tomlinson to serve as the legislative liaison for the university in compliance with Board Policy 201.0506 Political Activity.
4. **MUW** - Approved the request for Nora Miller to serve as one of the legislative liaisons for the university in compliance with Board Policy 201.0506 Political Activity.
5. **MVSU** - Approved the request for La Shon F. Brooks to serve as one of the legislative liaisons for the university in order to comply with Board Policy 201.0506 Political Activity.
6. **UM** - Approved the request for Mr. Perry Sansing, Associate General Counsel and Special Assistant to the Chancellor for Governmental Affairs, to serve as the legislative liaison for the university in compliance with Board Policy 201.0506 Political Activity.
7. **UMMC** - Approved the request for Tara Mounger to serve as one of the legislative liaison for the university in compliance with Board Policy 201.0506 Political Activity.
8. **UMMC** - Approved the request for Candice Whitfield to serve as one of the legislative liaisons for the university in compliance with Board Policy 201.0506 Political Activity.
9. **USM** - Approved the request for Chad Driskell to serve as the legislative liaison for the university in compliance with Board Policy 201.0506 Political Activity.
10. **SYSTEM** - Approved the request for Kim Gallaspy to serve as the legislative liaison in compliance with Board Policy 201.0506 Political Activity.
11. **MSU** – Approved 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 \$50,000.

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The fee will be paid with private funds by the MSU Foundation. Cornerstone's client list and the proposed contract are included in the bound *August 21, 2014 Board Working File*.

12. **MUW** – Approved a one-year contract with Corporate Relations Management (CRM) of Canton, Mississippi, to provide in-state lobbying and government relations consulting services. The contractual flat fee is \$30,000. The fee will be paid with private funds by the MUW Foundation. CRM's client list and the proposed contract are included in the bound *August 21, 2014 Board Working File*.
13. **USM** – Approved the request 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 \$48,000 annually and reasonable reimbursement of travel expenses funded by self-generated funds. Capitol Resources' client list and the proposed contract are included in the bound *August 21, 2014 Board Working File*.
14. **USM** – Approved the request 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 and reimbursement of reasonable expenses funded by self-generated funds. Joe Gill Consulting's client list and the proposed contract are included in the bound *August 21, 2014 Board Working File*.
15. **MSU** – Approved the request for Federal Solutions, LLC, to continue to lobby on behalf of the university outside the State of Mississippi in compliance with Board Policy 201.0506 Political Activity.
16. **UM** - Approved the request 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 in compliance with Board Policy 201.0506 Political Activity.
17. **USM** - Approved the request for Cassidy & Associates, Inc., in Washington, D.C., to continue to lobby on behalf of the university outside the State of Mississippi in compliance with Board Policy 201.0506 Political Activity.
18. **JSU** – Settlement of the IHL Self-Insured Workers' Compensation Claim No. 55-34525-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
19. **UMMC** – Settlement of the IHL Self-Insured Workers' Compensation Claim No. 55-22533-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
20. **UMMC** – Settlement of Tort Claim No. 1958 Maci Grace Massey. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
21. **UMMC** – Settlement of Tort Claim No. 1913 Demi Anderson. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

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ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

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 agenda item #1 as submitted on the Administration/Policy Agenda. Agenda item #2 was approved as shown below.

1. **System** – The Board authorized President Aubrey Patterson to name a trustee to serve as a representative to the Mississippi Commission for Volunteer Service (MCVS) with voting rights in accordance with Miss. Code § 43-55-1 et seq. The next representative will serve from October 2014 to September 2016.
2. **System** – On motion by Trustee Hooper, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to re-appoint Trustee C.D. Smith to serve on the newly-constituted Postsecondary Education Financial Assistance Board as the representative for the IHL Board of Trustees. Trustee Smith's four-year term will begin on July 1, 2014 and end on June 30, 2018.

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to appoint Dr. Al Rankins, President of Alcorn State University, to serve on the newly-constituted Postsecondary Education Financial Assistance Board as the institutional representative. Dr. Rankins' three-year term will begin on July 1, 2014 and end on June 30, 2017.

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

ACADEMIC AFFAIRS

1. **System** – Annual Report on Faculty Tenure. In 2007–2008, IHL institutions hired 231 tenure track faculty members. As of the 2013–2014 academic year, 144 (62%) were awarded tenure from the 2007–2008 cohort. A detailed breakdown by institution is included in the bound *August 21, 2014 Board Working File*.
2. **System** – In accordance with Board Policy 403.0103 Post-Tenure Review, the 2013 post-tenure review report is presented to the Board for information. In 2012–2013, 99% of full-time faculty received an annual evaluation. Seventeen (17) faculty members were triggered for a post tenure review. Six (6) faculty members are participating in a faculty development plan. A detailed breakdown by institution is included in the bound *August 21, 2014 Board Working File*.
3. **System** – In accordance with Board Policy 510 Awarding of Degrees and in lieu of a July Board meeting, the Commissioner granted approval to award degrees in August, 2014 at the levels below, provided each candidate has met all degree requirements.

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| Institution | Degree to be Conferred | Number | Subtotal | Total | |
|-------------------------------------|---|---------------|-----------------|--------------|--|
| Mississippi State University | | | | | |
| | <i>College of Agriculture and Life Sciences</i> | | | | |
| | Bachelor of Science | 12 | | | |
| | Master of Science | 19 | | | |
| | Doctor of Philosophy | 1 | | | |
| | | | 32 | | |
| | <i>College of Architecture, Art, and Design</i> | | | | |
| | Bachelor of Fine Arts | 1 | | | |
| | Bachelor of Science | 4 | | | |
| | | | 5 | | |
| | <i>College of Arts and Sciences</i> | | | | |
| | Bachelor of Arts | 28 | | | |
| | Bachelor of Science | 51 | | | |
| | Bachelor of Social Work | 1 | | | |
| | Master of Arts | 5 | | | |
| | Master of Public Policy and Administration | 2 | | | |
| | Master of Science | 65 | | | |
| | Doctor of Philosophy | 8 | | | |
| | | | 160 | | |
| | <i>College of Business</i> | | | | |
| | Bachelor of Business Administration | 31 | | | |
| | Master of Business Administration | 14 | | | |
| | Doctor of Philosophy | 2 | | | |
| | | | 47 | | |
| | <i>College of Education</i> | | | | |
| | Bachelor of Science | 37 | | | |
| | Master of Arts in Teaching | 1 | | | |
| | Master of Arts in Teaching Secondary | 3 | | | |
| | Master of Science | 17 | | | |
| | Master of Science Instructional Technology | 1 | | | |
| | Educational Specialist | 7 | | | |
| | Doctor of Philosophy | 8 | | | |
| | | | 74 | | |
| | <i>Bagley College of Engineering</i> | | | | |
| | Bachelor of Science | 16 | | | |
| | Master of Science | 11 | | | |
| | Master of Engineering | 4 | | | |
| | Doctor of Philosophy | 10 | | | |
| | | | 41 | | |
| | <i>College of Forest Resources</i> | | | | |
| | Bachelor of Science | 1 | | | |
| | Master of Science | 5 | | | |
| | Doctor of Philosophy | 4 | | | |

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| Institution | Degree to be Conferred | Number | Subtotal | Total | |
|---|---|---------------|-----------------|--------------|--|
| | | | 10 | | |
| | <i>Adkerson School of Accountancy</i> | | | | |
| | Bachelor of Accountancy | 4 | | | |
| | Master of Professional Accountancy | 3 | | | |
| | Master of Taxation | 2 | | | |
| | | | 9 | | |
| | | | | 378 | |
| Mississippi University for Women | | | | | |
| | <i>Undergraduate</i> | | | | |
| | Bachelor of Arts | 12 | | | |
| | Bachelor of Fine Arts | 3 | | | |
| | Bachelor of Music | 2 | | | |
| | Bachelor of Science | 40 | | | |
| | Bachelor of Science in Nursing | 305 | | | |
| | Bachelor of Teaching | 1 | | | |
| | | | 363 | | |
| | <i>Graduate</i> | | | | |
| | Master of Education | 3 | | | |
| | Master of Fine Arts | 1 | | | |
| | Master of Science | 4 | | | |
| | Master of Science in Nursing | 36 | | | |
| | | | 44 | | |
| | | | | 407 | |
| University of Mississippi | | | | | |
| | <i>Undergraduate</i> | | | | |
| | <i>College of Liberal Arts</i> | | | | |
| | Bachelor of Arts | 194 | | | |
| | Bachelor of Fine Arts | 2 | | | |
| | Bachelor of Music | 1 | | | |
| | Bachelor of Science | 5 | | | |
| | | | 202 | | |
| | <i>School of Engineering</i> | | | | |
| | Bachelor of Science in Chemical Engineering | 3 | | | |
| | Bachelor of Science in Civil Engineering | 1 | | | |
| | Bachelor of Science in Computer Science | 3 | | | |
| | Bachelor of Science in Geological Engineering | 3 | | | |
| | Bachelor of Science in Mechanical Engineering | 5 | | | |
| | Bachelor of Engineering | 1 | | | |
| | Bachelor of Science | 5 | | | |
| | | | 21 | | |

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| Institution | Degree to be Conferred | Number | Subtotal | Total | |
|--------------------|--|---------------|-----------------|--------------|--|
| | <i>School of Education</i> | | | | |
| | Bachelor of Arts in Education | 5 | | | |
| | | | 5 | | |
| | <i>School of Pharmacy</i> | | | | |
| | Pharmaceutical Sciences | 116 | | | |
| | | | 116 | | |
| | <i>School of Business</i> | | | | |
| | Bachelor of Business Administration | 171 | | | |
| | | | 171 | | |
| | <i>School of Accountancy</i> | | | | |
| | Bachelor of Accountancy | 73 | | | |
| | | | 73 | | |
| | <i>School of Applied Sciences</i> | | | | |
| | Bachelor of Science in Criminal Justice | 44 | | | |
| | Bachelor of Science in Exercise Science | 27 | | | |
| | Bachelor of Science | 69 | | | |
| | Bachelor of Social Work | 99 | | | |
| | Bachelor of Arts in Parks and Recreation Mgmt. | 10 | | | |
| | Bachelor of Paralegal Studies | 8 | | | |
| | | | 257 | | |
| | Bachelor of Arts in Journalism | 2 | | | |
| | Bachelor of Science | 1 | | | |
| | | | 3 | | |
| | <i>General Studies</i> | | | | |
| | Bachelor of General Studies | 74 | | | |
| | | | 74 | | |
| | <i>Graduate School</i> | | | | |
| | Master of Accountancy | 32 | | | |
| | Master of Arts | 23 | | | |
| | Master of Business Administration | 29 | | | |
| | Master of Criminal Justice | 4 | | | |
| | Master of Education | 48 | | | |
| | Master of Health Care Administration | 2 | | | |
| | Master of Science | 15 | | | |
| | Master of Social Work | 7 | | | |
| | Master of Taxation | 8 | | | |
| | Specialist in Education | 25 | | | |
| | Doctor of Philosophy | 41 | | | |
| | | | 234 | | |
| | <i>Law School</i> | | | | |
| | Juris Doctor | 4 | | | |
| | Master of Laws | 3 | | | |
| | | | 7 | | |

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| Institution | Degree to be Conferred | Number | Subtotal | Total | |
|---|---|--------|----------|-------|-------------|
| | | | | 1163 | |
| University of Mississippi Medical Center | | | | | |
| | <i>Undergraduate</i> | | | | |
| | Bachelor of Science in Nursing | 74 | | | |
| | Bachelor of Health Sciences | 22 | | | |
| | | | 96 | | |
| | <i>Graduate/Professional</i> | | | | |
| | Master of Health Informatics and Information Management | 4 | | | |
| | Master of Health Sciences | 4 | | | |
| | Master of Science in Nursing | 6 | | | |
| | Master of Science | 2 | | | |
| | Doctor of Nursing Practice | 1 | | | |
| | Doctor of Philosophy | 11 | | | |
| | Doctor of Physical Therapy | 4 | | | |
| | Doctor of Occupational Therapy | | | | |
| | Doctor of Dental Medicine | 1 | 32 | | |
| | | | | 129 | |
| Total | | | | | |
| | | | | | 2077 |

REAL ESTATE

4. **System** – The Board received the Real Estate items that were approved by the Board staff subsequent to the June 19, 2014 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 2.)

LEGAL

5. **System** – The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 3.)
6. **System** - Trustee Dr. Douglas Rouse, as Board Legal Committee Chair, has approved on behalf of the Board the hiring of attorneys Keith Parsons and Aileen Thomas of Jones Walker law firm as outside counsel for the purpose of reviewing the Continuing Disclosure Agreement filings of the Board related to its Educational Building Corporation bond offering statements. This review is being conducted in response to the SEC’s Municipalities Continuing Disclosure Cooperation (MCDC) Initiative. They will (1) compile a list of required continuing disclosure documents to be filed with each outstanding EBC bond issue, (2) review the SEC’s EMMA website to confirm timely and complete continuing disclosure filings, (3) prepare a recommendation about actions to be taken to self-report any potential failures to make *material* filings, and (4) prepare a recommendation about potential enhancements to Board policy to clarify responsibility and

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oversight of continuing disclosure matters. The hourly rate will be \$225 for attorneys and \$65 for paralegal services with a maximum amount payable under the contract of \$7000.

7. **UM** - 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 to represent the University's interest before the legislative and executive branches of state government for the period of October 1, 2014 through September 30, 2015.
8. **UMMC** - Pursuant to Board Policy 1103 Request for Legal Opinions from the Attorney General, the IHL Board Legal Committee Chair granted permission to request an official opinion from the Attorney General regarding whether UMMC may expend funds to provide litigation defense to local hospitals included in its telemedicine network, which are co-defendants in a patent infringement case. Board Policy 1103 requires that all such requests approved by the Legal Committee Chair be reported to the full Board as an information item at its next meeting. **(See Exhibit 4.)**

ADMINISTRATION/POLICY

9. **MVSU** – On July 17, 2014, the IHL Board voted to delegate to Trustee Alan Perry, Chairman of the Finance Committee, and Commissioner Hank Bounds the authority to 1) approve the final modular housing purchase contract, 2) approve any needed lease agreement for temporary student housing, and 3) approve any necessary prepayments required by the purchase contract for modular housing, and by any lease agreement for the provision of temporary student housing. Approval will be contingent upon the Attorney General's approval and additional due diligence by Board Staff. Under this authority, on July 25, 2014 Chairman Perry and Commissioner Bounds approved the request to enter into a lease agreement with Chawla Enterprises, Inc. d/b/a Roadway Inn of Greenwood for the rental of the Roadway Inn located at 401 Highway 82 West, Greenwood, Mississippi 38930 for the housing of students during the Fall 2014 term. MVSU will lease 50 rooms of the Roadway Inn property beginning August 22, 2014. MVSU has until September 10, 2014 to reduce the number of rooms leased. Roadway Inn will provide the use of the fitness/exercise facility on the property, including cable television and internet service, maintenance of the roof, exterior of building, operation and repair of the heating and cooling system, elevators, electrical systems, safety equipment, plumbing, and scheduled maid, custodial and on-site maintenance service. The term of the agreement is from August 22, 2013 to September 30, 2014, with an option to extend for up to two (2) terms of up to one (1) year each at the same rate. MVSU is not asking to extend beyond the 40 day term. The total cost of the 40 day term is \$78,000 for 50 rooms. Should MVSU exercise its option to reduce the number of leased rooms by September 10, 2014, the contract amount will be reduced accordingly. The contract which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

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10. **MVSU** – On July 17, 2014, the IHL Board voted to delegate to Trustee Alan Perry, Chairman of the Finance Committee, and Commissioner Hank Bounds the authority to 1) approve the final modular housing purchase contract, 2) approve any needed lease agreement for temporary student housing, and 3) approve any necessary prepayments required by the purchase contract for modular housing, and by any lease agreement for the provision of temporary student housing. Approval will be contingent upon the Attorney General’s approval and additional due diligence by Board Staff. Under this authority, on July 25, 2014 Chairman Perry and Commissioner Bounds approved the request to enter into a purchase agreement with Palomar Modular Buildings, LLC (PMB), for the purchase of modular dormitory buildings to house students during the academic years 2015 and 2016, while renovations are completed on existing housing facilities. The housing units will be located on a tract of land on MVSU’s campus. The term of the agreement commences upon signing and expected completion date being 3rd week of September 2014. The total cost of the purchase agreement is \$993,536 plus any taxes, fees or permits. A deposit of \$397,414.40 or 40% of the contract amount is payable at the time of the order. An additional payment of \$496,768.00 or 50% is due immediately upon completion of production of the units at PMB’s plant. The final payment of \$99,353.60 is due when the work has been completed or accepted for occupancy. The current agreement will be funded by auxiliary funds revenue. The contract which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.
11. **System** – The following items have been approved by the Commissioner on behalf of the Board and are available for inspection at the Board Office.
 - a. **DSU** – 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 11, 2014, the Commissioner approved a ground lease agreement between Delta State University (Lessor), the IHL Board of Trustees (Lessor) and the Delta State University Foundation, Inc. (Lessee). The agreement allows Lessee to contract with Global Synthetics Environmental, LLC for the installation of artificial grass at Parker Field on the university’s main campus in Cleveland, MS. Upon execution of the parties, the lease term will run approximately two and one-half months or until on or about August 31, 2014. Lessee will pay a nominal rent fee of \$1.00 for the use of the property. The Executive Office legal staff have reviewed and approved the contract documents.
 - b. **MSU** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On July 8, 2014, the Commissioner approved the request by MSU on behalf of its Northern Gulf Institute (NGI) to enter into a lease agreement with Mississippi State University Research & Technology Corporation (RTC). This agreement is for the lease of approximately 4,372 square feet to be used by NGI as office, meeting, and classroom space at the Stennis Space Center. As

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background, NGI is a cooperative institute led by MSU that is made up of five academic institutions and the National Oceanic and Atmospheric Administration (NOAA). The institute conducts research of natural and human impacts on the ecosystem of the northern Gulf of Mexico. The lease term will run for approximately three (3) months, ending on or about September 30, 2014. MSU will pay \$5,898.60 per month, or a prorated amount thereof, for the lease of the space. The total estimated cost for the lease term is \$17,695.80. In addition to rent costs, MSU will be responsible for telephone and internet services. RTC, as Lessor, will provide utilities and janitorial services. This agreement is funded in part by federal USDA grant funds and in part by university funds. The Executive Office legal staff have reviewed and approved the contract documents.

- c. **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 July 16, 2014, the Commissioner approved the renewal of a lease agreement with the United States of America (USA) acting by and through the Agricultural Research Service. This agreement is for the lease of approximately 12.37 acres of land on MSU’s South Mississippi Branch Experiment Station, Coastal Research and Extension Center in Pearl River County, MS. The acreage will be used by the USA for cultivation and agricultural research purposes. The lease term will run for a twelve (12) month period, October 1, 2014 through September 30, 2015 and may be extended for an additional twelve (12) month period upon a ninety (90) day notice to the Lessor and subsequent approval of the Commissioner. The USA will pay MSU a nominal rent fee of \$1 yearly and government personnel will maintain the leased acreage. The Executive Office legal staff have reviewed and approved the contract documents.
- d. **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 July 16, 2014, the Commissioner approved the request to addend/extend the current lease agreement with Brico Properties, LLC and Brian Moore Realty, LLC (Brico). This agreement is for the lease of approximately 785 square feet that is being used as administrative office space for the Excel by 5 Project which is affiliated with The Early Childhood Institute at MSU. An extension to the current lease with Brico for this space was approved by the Commissioner in August 2013 for a twelve (12) month period, January 1, 2014 - December 31, 2014. The proposed addendum will extend the agreement for twelve (12) months or through December 31, 2015 with an option to extend for another twelve (12) month period. MSU will continue to pay \$930 monthly for the lease of the space. The total cost for a two (2) year extension is \$23,640. The Executive Office legal staff have reviewed and approved the contract documents.

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- e. **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 July 16, 2014, the Commissioner approved the renewal of a lease agreement with the United States of America (USA) acting by and through the USDA Agricultural Research Service. This agreement is for the lease of 1.61 acres of land at the MSU Delta Branch Experiment Station in Stoneville, MS. The property also serves as the site for the USDA Mechanization Unit building. The building is used as storage space for USDA owned mechanical equipment. Upon execution by the parties, the lease term will run for a twelve (12) month period, October 1, 2014 through September 30, 2015, and may be extended for an additional twelve (12) month period upon mutual agreement of the parties and subsequent approval of the Commissioner. The USA will pay MSU a nominal rent fee of \$1 yearly and will provide all necessary upkeep of the premises. The Executive Office legal staff have reviewed and approved the contract documents.
- f. **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 July 16, 2014, the Commissioner approved the renewal of a lease agreement with the United States of America (USA) acting by and through the Agricultural Research Service. This agreement is for the lease of approximately 30.7 acres of land on the McNeill sub-unit of MSU’s South Mississippi Branch Experiment Station, Coastal Research and Extension Center in Pearl River County, MS. The acreage will be used by the USA for the cultivation and research of small fruits, vegetables and ornamental vegetation. The lease term will run for a twelve (12) month period, October 1, 2014 through September 30, 2015 and may be extended for an additional twelve (12) month period upon a thirty (30) day notice to the Lessor and subsequent approval of the Commissioner. The USA will pay MSU a nominal rent fee of \$1 yearly and will maintain the cultivated acreage. The Executive Office legal staff have reviewed and approved the contract documents.
- g. **MSU** – In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, “the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board.” On August 4, the Commissioner approved the Traffic Rules and Regulations for the Campus and Streets of Mississippi State University.
- h. **MVSU** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On June 25, 2014, the Commissioner approved the request for a revision to the Auxiliary Enterprises Budget for Fiscal Year 2014. The revision is needed because of

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Contractual Services costs associated with off-campus housing for students. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the August 21, 2014 Board Working File.

- i. **MVSU** – 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 21, 2014, the Commissioner approved of a lease agreement with the City of Tchula (“Lessor”). This agreement is for the lease of office and parking space at the Robert G. Clark Municipal Complex. The space will be used as satellite office space and parking in connection with MVSU’s Mass Transit Program. The lease will run for a five (5) year period, or through June 30, 2019. MVSU will pay \$4,500 per year for the space for a total cost of \$22,500 for the five (5) year period. The agreement is through the Mississippi Department of Transportation 5311 Rural Public Transportation grant. The Executive Office legal staff have reviewed and approved the contract documents.
- j. **UM** – 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 12, 2014, the Commissioner approved a lease agreement with Bobby Jordan (“Lessor”). The agreement is for the lease of space located at 379 CR 202, Abbeville, MS to house the machine shop utilized by the Mississippi Mineral Resources Institute (MMRI). The machine shop is used by MMRI for the fabrication, construction, maintenance and storage of various tooling and research equipment used in its operations. The lease has been reviewed and approved by the Mississippi Department of Finance and Administration. The lease will run for a five (5) year period, July 1, 2014 through June 30, 2019. UM will pay \$900 per month for the lease of the space. The total cost for the lease term is \$54,000. The agreement is funded by MMRI’s state budget allocation. The Executive Office legal staff have reviewed and approved the contract documents.
- k. **UM** – 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 12, 2014, the Commissioner approved the extension of a lease agreement with Delta Farms, LLC (“Lessor”). This extension will allow for the continued leasing of space in Grenada, Mississippi for the University of Mississippi – Grenada campus. Due to insufficient office and classroom space at the Holmes Community County campus in Grenada, this location has provided overflow office and classroom space for UM – Grenada. The lease extension has been reviewed and approved by the Mississippi Department of Finance and Administration. The lease term continues for an additional two (2) year period, July 1, 2014 through June

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30, 2016. UM will continue to pay \$975 per month for the lease of the space. The total cost for the two (2) year extension is \$24,400. The agreement is funded by university funds designated for the UM – Grenada campus. The Executive Office legal staff have reviewed and approved the contract documents.

- l. **UM** – 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 7, 2014, the Commissioner approved a lease agreement with Towne Center Properties, LLC (“Lessor”). The agreement is for the lease of office space for core staff of Mississippi Building Blocks, a program administered by the Barksdale Reading Institute. The lease has been reviewed and approved by the Mississippi Department of Finance and Administration. The lease will run for a one (1) year period, July 1, 2014 through June 30, 2015. UM will pay \$12,290 for the one (1) year lease term. The agreement is through a grant from the Mississippi Department of Education. The Executive Office legal staff have reviewed and approved the contract documents.
- m. **UM** – 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 30, 2014, the Commissioner approved a multi-year automobile lease with Belk Ford, Inc. d/b/a Oxford Toyota (Toyota) for one of two vehicles. (The second vehicle lease is shown below.) This agreement is for the lease of a vehicle to be used by the employees of the Barksdale Reading Institute (Institute) for travel to local schools. The lease term will run for a three (3) year period, from on or about July 31, 2014 through July 30, 2017. UM will pay \$3,606 annually for the lease of the automobile. The total cost for the lease term is \$10,818. The lease is funded by a gift from Jim Barksdale to the Institute. The Executive Office legal staff have reviewed and approved the contract documents.
- n. **UM** – 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 30, 2014, the Commissioner approved a multi-year automobile lease with Belk Ford, Inc. d/b/a Oxford Toyota (Toyota) for a second vehicle. (The first vehicle lease is shown above.) This agreement is for the lease of a vehicle to be used by the employees of the Barksdale Reading Institute (Institute) for travel to local schools. The lease term will run for a three (3) year period, from on or about July 31, 2014 through July 30, 2017. UM will pay \$3,606 annually for the lease of the automobile. The total cost for the lease term is \$10,818. The lease is funded by a gift from Jim Barksdale to the Institute. The Executive Office legal staff have reviewed and approved the contract documents.

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- o. **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 July 8, 2014, the Commissioner approved a DFA State Contract with Pitney Bowes, Inc. (Pitney Bowes) for mailing equipment and services. The term of the agreement is five (5) years, on or about July 1, 2014 through June 30, 2014. UMMC will pay \$2,821.92 quarterly for equipment and service. The total cost for the five (5) year term is \$56,438.40. The agreement is funded by general funds. The Executive Office legal staff have reviewed and approved the contract documents.
- p. **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 July 8, 2014, the Commissioner approved an amendment to its current lease agreement with Eye Center of Natchez, Inc. (Natchez). (As background, the original agreement was approved by the Commissioner on April 7, 2014.) The agreement is for the lease of medically equipped and furnished clinical space in the Eye Center of Natchez facility located at 10 Vision Lane, Natchez, MS. The area will be used by UMMC Ophthalmology physicians for the provision of specialized care to patients in this area of the State. UMMC physicians will be on-site six (6) days annually (1 day every other month) for patient consultation and supervision. The agreement is for a five (5) year period and will run through March 31, 2019. Natchez, as Lessor, provides utilities, and, customary maintenance for the building, grounds and parking lot. The purpose of the amendment is to increase the daily rental cost for the space from \$275 to \$550. As a result, the total estimated contract cost is increased from \$8,250 to \$16,500. The Executive Office legal staff have reviewed and approved the contract documents.
- q. **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 July 8, 2014, the Commissioner approved a revenue generating lease agreement with Justice A. Gondwe, M.D. (Lessee). The agreement is for the lease of 1,352 square feet of medical office space in the Physician’s Office Building located at 965 Avent Drive, Grenada, MS. The space will be used by Dr. Gondwe for the Grenada Adult Health Care Clinic. The lease will run for a three (3) year period, commencing on or about July 1, 2014 through June 30, 2017. In return for the lease of the designated space, UMMC will make a payment of \$10,816 annually. The total revenue generated for the lease term is \$32,488. UMMC, as Lessor, will provide fire and casualty insurance, water, and, customary maintenance for the building, grounds, parking lot and landscape. The Executive Office legal staff have reviewed and approved the contract documents.

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- r. **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 July 8, 2014, the Commissioner approved a revenue generating lease agreement with Kevin Whalley, M.D. (Lessee). The agreement is for the lease of 1,696 square feet of medical office space in the Physician’s Office Building located at 965 Avent Drive, Grenada, MS. The space will be used by Dr. Whalley for the practice of orthopedics. The lease will run for a three (3) year period, commencing on or about June 1, 2014 through June 30, 2017. In return for the lease of the designated space, UMMC will receive a payment of \$13,568 annually. The total revenue generated for the lease term is \$40,704. UMMC, as Lessor, will provide fire and casualty insurance, water and, customary maintenance for the building, grounds, parking lot and landscape. The Executive Office legal staff have reviewed and approved the contract documents.
- s. **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 July 8, 2014, the Commissioner approved a lease agreement with the Jackson State University. The agreement is for the lease of 240 parking spaces at the Veteran’s Memorial Stadium for use during a period of construction on the UMMC main campus. Due to the construction of the Translational Research Building, Parking Garage C, and the new School of Medicine, UMMC will lose currently available parking spaces for staff and students for approximately two (2) years. The lease will run for an initial one (1) year period and may be renewed for a subsequent one (1) year period upon written notice by either party. UMMC will pay \$24,000 yearly for the parking spaces. The total cost for a two (2) year term is \$48,000. The agreement will be funded by general funds. The Executive Office legal staff have reviewed and approved the contract documents.
- t. **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 July 8, 2014, the Commissioner approved an amendment to the current lease agreement with Eye Clinic of Meridian, PLLC (Meridian). (As background, the original agreement was approved by the Commissioner on April 7, 2014.) The agreement is for the lease of medically equipped and furnished clinical space in the Eye Clinic of Meridian facility located at 1301 20th Avenue, Meridian, MS. The area will be used by UMMC Ophthalmology physicians for the provision of specialized care to patients in this area of the State. UMMC physicians will be on-site one (1) day per month for patient consultation and supervision. The agreement is for a five (5) year period and will run through March 31, 2019. Meridian, as Lessor, provides utilities, and, customary maintenance for the building, grounds and parking lot. The purpose of the amendment is to increase the daily

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rental cost for the space from \$275 to \$550. As a result, the total estimated contract cost is increased from \$16,500 to \$33,000. The Executive Office legal staff have reviewed and approved the contract documents.

- u. **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 25, 2014, the Commissioner approved the revisions to the On Campus Budget (Hattiesburg Campus) and the Off Campus Budget (Gulf Coast Campus) for Fiscal Year 2014. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the August 21, 2014 Board Working File.
- v. **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 June 12, 2014, the Commissioner approved a revenue generating lease agreement with Tidal Energy Marketing (U.S.), LLC (Tidal Energy). This agreement is for the lease of approximately 150 square feet of office space in USM’s Accelerator Building. The proposed lease is for Space No. 208 which will be used by Tidal Energy to pursue the marketing and commercialization of energy products. 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 \$5,000 or, a total of \$25,000 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.
- w. **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 8, 2014, the Commissioner approved a lease agreement with United Methodist Ministry with Children & Families, Inc. d/b/a Methodist Children’s Homes (“Lessor”). This agreement is for the lease of “Magnolia Home” property which is located on Lessor’s main campus in Jackson, Mississippi. The facility will be used as office and/or classroom space by the Early Oral Intervention graduate program which is directed by the USM Department of Speech and Hearing Sciences. The lease term will run for a twelve (12) month period, approximately August 1, 2014 through July 31, 2015. USM will pay \$8,000 for the lease of the property. In addition to rent costs, USM will be responsible for telephone, janitorial and internet

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services. This agreement will be funded internally. The Executive Office legal staff have reviewed and approved the contract documents.

- x. **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 8, 2014, the Commissioner approved a 2nd amendment to the current revenue generating lease agreement with SciGenesis, LLC. Under the amendment, SciGenesis will increase their lease space in USM’s Accelerator Building by 205 square feet for a total rental of 1,117 square feet of laboratory space. The amount of rent received by USM will increase by \$3,000 yearly for a total annual rent payment of \$25,800. This is a one year agreement which renews automatically for additional one year terms unless terminated by either party upon sixty (60) days written notice. 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.
- y. **USM** – In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, “the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board.” On August 4, the Commissioner approved the Traffic and Parking Regulations 2014-2015 for the Gulf Park campus.
- z. **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 August 7, 2014, the Commissioner approved the final revisions to the On Campus Budget (Hattiesburg Campus) and Off Campus Budget (Gulf Coast Campus) for Fiscal Year 2014. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the August 21, 2014 Board Working File.
- aa. **System** – On July 10, 2014, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning April 1, 2014 and ending June 30, 2014. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of these reports will be maintained in the IHL Department of Finance and Administration.

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ANNOUNCEMENTS

1. Commissioner Bounds made the following announcements.
 - a. The IHL Board Retreat will be held September 18-20 at Longleaf Plantation in Purvis, MS. A brief Board meeting may be held to handle essential items.
 - b. Trustee Doug Rouse's birthday is next Tuesday, August 26.
 - c. Trustee C.D. Smith was elected the 2014-2015 Treasurer of the Public Education Forum of Mississippi. The Public Education Forum of Mississippi is a non-profit, non-partisan education policy research group created by a broad cross-section of business, education and political leaders in Mississippi. Founded in 1989, the Forum is committed to being the leading independent force for public education in the state.
 - d. Dr. Glenn Boyce has joined our office as the Associate Commissioner for Academic and Student Affairs. He served as president of Holmes Community College for many years. He has served as co-chair of the Education Achievement Council and has been instrumental in much of the work we have done to ensure a seamless transition for students when they transfer from community colleges and to our universities.
 - e. Dr. Glenn Boyce and Trustee Christy Pickering will lead a Task Force on sexual violence on campus that will include representatives from all the campuses. This is an issue that campuses across the country are facing. They have been tasked with looking at what we can do to help prevent sexual violence on campus and also ensure that we have the proper procedures in place to assist victims and investigate the charges in a thorough and fair manner.
2. President Aubrey Patterson announced that Commissioner Hank Bounds is being honored on September 30, 2014 for his dedication and contributions to improving public education in Mississippi by the Mississippi Association of Partners in Education (MAPE). President Patterson encouraged the trustees to attend.
3. President Patterson invited the university presidents to report on current activities on their campuses.

**REAL ESTATE
COMMITTEE REPORT**

August 20, 2014

The Committee was brought to order by Chairman C.D. Smith. The following item was discussed/voted upon.

1. On motion by Trustee Smith, seconded by Trustee Cummins, all Committee members legally present and participating voted unanimously to approve the Facility Needs Request for the 2015 Legislative Session which prioritizes funding needs by each individual institution. The list of

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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.

2. On motion by Trustee Pickering, seconded by Trustee Cummins, all Committee members legally present and participating voted unanimously to adjourn.

The following Committee members were in attendance: C.D. Smith (Chair), Karen Cummins, Bob Owens, Hal Parker and Christy Pickering. Other Trustees attending the meeting were Ed Blakeslee, Dr. Ford Dye, Alan Perry, and Dr. Doug Rouse.

**HEALTH AFFAIRS
COMMITTEE REPORT**

August 20, 2014

The Committee was brought to order by Chairman Aubrey Patterson. The following items were discussed/voted upon.

1. **EXECUTIVE SESSION**

On motion by Trustee Perry, all Committee Members legally present and participating voted unanimously to close the meeting to determine whether or not is should declare an Executive Session. On motion by Trustee Blakeslee, seconded by Trustee Dye, all Committee Members 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 hospital records and
Discussion of a real estate matter.

The committee discussed hospital records at one of the state universities. **No action was taken.**

The committee discussed a real estate matter at one of the state universities. **No action was taken.**

On motion by Trustee Blakeslee, seconded by Trustee Perry, all Committee members legally present and participating voted unanimously to return to Open Session.

2. **ADJOURNMENT**

On motion by Trustee Perry, seconded by Trustee Dye, all Committee members legally present and participating voted unanimously to adjourn.

The following Committee members were in attendance: Aubrey Patterson (Chair), Ed Blakeslee, Dr. Ford Dye, Shane Hooper, Alan Perry, and Dr. Doug Rouse. Other Trustees attending the meeting were Karen Cummins, Bob Owens, Hal Parker, Christy Pickering and C.D. Smith.

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**EXECUTIVE SESSION
August 21, 2014**

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 is 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 four university litigation matters at two public universities,
Discussion of three personnel matters at two public universities, and
Discussion of one personnel matter at the Board Office.

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

The Board discussed a personnel matter at one of the public universities. **No action was taken.**

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 the settlement of the Tort Claim No. 1958 styled as *Maci Grace Massey vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the Tort Claim No. 1913 styled as *Demi Anderson vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Rouse, seconded by Trustee Dye, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Self-Insured Workers' Compensation claim No. 55-34525-1 styled as *Bertha Crowley vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Hooper, seconded by Trustee Blakeslee, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Self-Insured Workers' Compensation claim No. 55-22533-1 styled as *Georgina Felder vs. JSU, et al.*, as recommended by counsel.

The Board discussed a personnel matter at one of the public universities. **No action was taken.**

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On motion by Trustee Perry, seconded by Trustee Smith, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the appointment of Dr. Mark Keenum, President of Mississippi State University, to the Board of Directors of the new Foundation for Food and Agricultural Research.

On motion by Trustee Patterson, seconded by Trustee Blakeslee, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to extend Commissioner Hank Bounds' contract for an additional four years, to award a 3% salary increase, and to bestow a \$15,000 car supplement/allowance effective September 1, 2014.

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

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson 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

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EXHIBITS

- Exhibit 1 Facility Needs Request for the 2015 Legislative Session.

- Exhibit 2 Real Estate items that were approved by the IHL Board staff subsequent to the June 19, 2014 Board meeting.

- Exhibit 3 Report of the payment of legal fees to outside counsel.

- Exhibit 4 Letter requesting an official opinion from the Attorney General regarding whether UMMC may expend funds to provide litigation defense to local hospitals included in its telemedicine network, which are co-defendants in a patent infringement case.

EXHIBIT 1



Facilities Needs Requests for FY 2016 2015 Legislative Session

| University | University Priority | Project Description | Request Per Project | Total By University |
|------------|---------------------|--|---------------------|---------------------|
| ASU | 1 | Technology Classroom Building | \$7,975,000 | |
| | 2 | ADA Modifications | \$10,850,000 | |
| | 3 | New Student Union (Pre-Plan) | \$250,000 | |
| | 4 | Campus Safety Project | \$8,137,500 | |
| | 5 | Whitney Renovations (Pre-Plan) | \$250,000 | |
| | 6 | Infrastructure Upgrades | \$3,255,000 | |
| | 7 | Campus Improvements | \$8,680,000 | |
| | 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 | |
| | | | | \$40,147,500 |
| DSU | 1 | Zeigel Hall Renovations | \$6,647,500 | |
| | 2 | Walter Sillers Coliseum | \$5,425,000 | |
| | 3 | Pre-Plan Court of Governors | \$350,000 | |
| | 4 | Preservation of MDAH buildings | \$1,627,500 | |
| | 5 | Hill Apartments Renovations | \$2,170,000 | |
| | 6 | Campus Roofing Repairs | \$1,085,000 | |
| | 7 | ADA Compliance Issues | \$1,898,750 | |
| | 8 | Student Union Renovations | \$21,700,000 | |
| | 9 | Pre-Plan Wyatt Gym/Wellness Center | \$350,000 | |
| | 10 | Wyatt Gym/Wellness Center | \$9,765,000 | |
| | | | | \$51,018,750 |
| JSU | 1 | College of Education & Human Development | \$12,500,000 | |
| | 2 | Rose E. McCoy Auditorium Renovation | \$2,000,000 | |
| | 3 | General Repair and Renovation | \$3,000,000 | |
| | 4 | Stewart Hall Renovation | \$7,500,000 | |
| | 5 | Old Industrial Arts Building Renovation | \$2,000,000 | |
| | 6 | J.Y. Woodard Building | \$2,000,000 | |
| | 7 | Campus Parking Structure Phase I | \$5,000,000 | |
| | 8 | F.D. Hall Music Center Renovation | \$7,000,000 | |
| | 9 | Land Acquisition Phase V | \$5,000,000 | |
| | 10 | Blackburn Language Arts Building Renovation | \$5,000,000 | |
| | | | | \$51,000,000 |



EXHIBIT 1



| University | University Priority | Project Description | Request Per Project | Total By University |
|------------|---------------------|---|---------------------|----------------------|
| MSU | 1 | Engineering and Science Complex | \$14,000,000 | |
| | 2 | Music Department Building | \$11,358,500 | |
| | 3 | Renovation & Addition of McCarthy Gym | \$42,801,690 | |
| | 4 | Renovation of Howell Hall | \$18,709,000 | |
| | 5 | Renovation of Magruder Hall | \$9,446,717 | |
| | 6 | Renovation of George Hall | \$4,910,728 | |
| | 7 | Renovation of Etheredge Hall | \$14,685,422 | |
| | 8 | Renovation of Carpenter Hall | \$15,451,956 | |
| | 9 | Renovation of the Industrial Education Building | \$16,297,400 | |
| | 10 | Renovation of Walker Engineering | \$17,530,384 | |
| | | | | \$165,191,846 |
| MSU/DAFVM | 1 | ADS/Food Science, Nutrition & Health Promotion Complex | \$12,100,000 | |
| | 2 | Blackjack Forest and Wildlife Research Facility | \$3,605,000 | |
| | 3 | Exterior & Interior R&R- Forest Products Complex | \$2,833,250 | |
| | 4 | Dorman Hall Lab & Common Space Renovation | \$4,338,250 | |
| | 5 | Food Science, Nutrition and Health Promotion Complex Renovation | \$12,150,000 | |
| | 6 | Bost Extension Center/Technology Addition | \$9,413,750 | |
| | 7 | Mississippi Horse Park Expansion | \$9,430,000 | |
| | 8 | Crosby Arboretum Education Center | \$2,183,500 | |
| | 9 | Delta Research & Extension Center Repair and Renovation | \$1,827,500 | |
| | 10 | Floral Shop: 1 st Floor and Basement Renovation | \$926,750 | |
| | | | | \$58,808,000 |
| MUW | 1 | Fant Memorial Library | \$2,500,000 | |
| | 2 | Keirn & Taylor Halls Demolition | \$2,270,000 | |
| | 3 | Campus R&R Projects | \$705,750 | |
| | 4 | Demonstration Renovation (Pre-Plan) | \$200,000 | |
| | 5 | Physical Plant Warehouse | \$624,250 | |
| | 6 | Culinary Arts (Pre-Plan) | \$200,000 | |
| | 7 | Shattuck Hall (Pre-Plan) | \$150,000 | |
| | 8 | Fant Hall Renovation (Pre-Plan) | \$325,000 | |
| | 9 | Old Pohl Gym Renovation (Pre-Plan) | \$200,000 | |
| | 10 | Cromwell Communications (Pre-Plan) | \$200,000 | |
| | | | | \$7,375,000 |



EXHIBIT 1



| University | University Priority | Project Description | Request Per Project | Total By University |
|------------|---------------------|---|---------------------|----------------------|
| MVSU | 1 | Fire Suppression System Upgrades | \$2,000,000 | |
| | 2 | Academic Skills Redesign | \$6,000,000 | |
| | 3 | Student Union Complex Renovation and Expansion | \$14,876,000 | |
| | 4 | Ratcliff Hall | \$8,451,433 | |
| | 5 | R.W. Lackey Center Renovation | \$7,100,000 | |
| | 6 | Fine Arts Center Renovation and Expansion | \$7,626,000 | |
| | 7 | O.P. Lowe Building Renovations | \$6,500,000 | |
| | 8 | Carpenter Hall Renovation | \$3,500,000 | |
| | 9 | Chilled Water Loop Expansion | \$7,000,000 | |
| | 10 | Campus Gas System Upgrades Phase I | \$3,500,000 | |
| | | | | \$66,553,433 |
| UM | 1 | Johnson Commons East | \$7,600,000 | |
| | 2 | Somerville Hall | \$5,500,000 | |
| | 3 | Vardaman Hall | \$3,000,000 | |
| | 4 | Data Center Renovation | \$15,000,000 | |
| | 5 | South Campus Recreation Facility and Transportation Hub | \$20,000,000 | |
| | 6 | New Science Building | \$40,000,000 | |
| | 7 | Peabody Hall | \$6,500,000 | |
| | 8 | Northwest Campus Mechanical Plant | \$13,000,000 | |
| | 9 | Archives Building | \$16,000,000 | |
| | 10 | Jackson Avenue Center Phase I & II | \$11,000,000 | |
| | | | | \$137,600,000 |
| UMMC | 1 | Central Core Support Office | \$9,642,634 | |
| | 2 | SHRP Expansion | \$14,624,790 | |
| | 3 | East Central Mechanical Plant | \$8,761,442 | |
| | 4 | Pedestrian Bridge & Utility Loop Expansion | \$6,956,456 | |
| | 5 | Hospital Area Renovation | \$23,560,227 | |
| | 6 | Women's Dorm Renovation | \$4,743,363 | |
| | 7 | Campus Mechanical Phase I | \$1,813,897 | |
| | 8 | Campus Mechanical Phase II | \$1,341,321 | |
| | 9 | Physical Facilities Shop Complex | \$9,392,860 | |
| | 10 | Hospital Main O.R. Suite Renovations | \$6,775,890 | |
| | | | | \$87,612,970 |



EXHIBIT 1



| University | University Priority | Project Description | Request Per Project | Total By University |
|------------|---------------------|---|---------------------|-----------------------------|
| USM | 1 | General R&R –All Campuses | \$6,000,000 | |
| | 2 | Bolton Hall Renovation | \$3,000,000 | |
| | 3 | Southern Hall Restoration and Renovation (Pre-Plan) | \$225,000 | |
| | 4 | Nursing Building-Gulf Park | \$750,000 | |
| | 5 | Harkins Hall Renovation (Pre-Plan) | \$225,000 | |
| | 6 | College of Business Pre-Plan & North Campus Master Planning – Gulf Park | \$315,000 | |
| | 7 | Fritzsche-Gibbs Hall Renovation (Pre-Plan) | \$250,000 | |
| | 8 | Kennard Washington Hall Renovation | \$6,000,000 | |
| | 9 | General Classroom Building | \$15,000,000 | |
| | 10 | Theater & Dance Building-Expansion | \$7,000,000 | |
| | | | | \$38,765,000 |
| ERC | 1 | Primary Campus Electrical Service Replacement | \$1,700,000 | |
| | 2 | Replace Hot/Chilled Mechanical Water Lines | \$650,000 | |
| | 3 | ADA Code Compliance/Handicap Ramps | \$2,250,000 | |
| | 4 | Re-roof Paul B. Johnson Building | \$575,000 | |
| | 5 | Energy Conservation Measures | \$1,000,000 | |
| | 6 | Elevator Replacement | \$2,500,000 | |
| | 7 | Replace Stairs at Parking Garage | \$300,000 | |
| | 8 | Parking Lot Re-Paving | \$600,000 | |
| | 9 | Window Replacement | \$1,000,000 | |
| | 10 | Pre-Plan Paul B. Johnson Building Renovation | \$350,000 | |
| | | | | \$10,925,000 |
| | | | | <u>\$714,997,499</u> |

Note: All projects in bold represent life safety and/or ADA code compliance projects.



EXHIBIT 2

August 21, 2014

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE June 19, 2014 BOARD MEETING SUBMISSION DEADLINE

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

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

ALCORN STATE UNIVERSITY

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

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$5,992.00 and three (3) additional days to the contract of Flagstar Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 16, 2014

Change Order Justification: Change Order #2 is necessary to reconfigure the ductwork at the second floor, to revise the HVAC supply to the IT room and to provide credit for using Grace Bituthene liquid membrane in place of Dow sealant at term bars for the Grace Perma-barrier through wall flashing, and additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$6,953.24.

Project Initiation Date: August 18, 2011

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

General Contractor: Flagstar Construction

Project Budget: \$8,200,000.00

Approval Request #2 (Interim Approval): Change in Funding Source

In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by C.D. Smith, Chair of the Real Estate and Facilities Committee on May 27, 2014, approving a change in the funding source of this project.

Interim Approval Status & Date: APPROVED, May 27, 2014

Change in Funding Source Justification: By adding SB 2851, Laws of 2013 appropriation funds to the project, it will allow the university to expend its appropriated funds and avoid losing these funds that would otherwise expire on June 30, 2014.

Project Initiation Date: August 18, 2011

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

General Contractor: Flagstar Construction

Project Budget: \$8,200,000.00

EXHIBIT 2

August 21, 2014

2. ASU– GS 101-294 – Utility Infrastructure (Fire Suppression)

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,118,000 to the apparent low bidder, Sullivan Enterprises, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, June 4, 2014

Project Initiation Date: March 21, 2013

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Sullivan Enterprises, Inc.

Project Budget: \$1,222,720.00

JACKSON STATE UNIVERSITY

3. JSU– GS 103-267 – Alexander Center Renovation Phase I

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$26,516.46 and zero (0) additional days to the contract of Coleman Hammons Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 21, 2014

Change Order Justification: Change Order #2 is necessary to extend the distance to connect to the existing fire main, infill existing expansion joint in community baths, add steel beams at slab opening for elevator shaft, move two existing chill water lines, replace the existing inoperable exhaust fan in the penthouse, add suspended acoustical ceiling in stairwells to cover exposed mechanical ductwork & piping, add hardi-board panels inside of windows at site baths to cover wall framing, substitute copper water pipes with heavy duty piping, delete 15 exit signs not required, reduce the vanity counter length, delete 1 lavatory in the community baths, and additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$129,328.11.

Project Initiation Date: June 16, 2011

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Coleman Hammons Construction Company, Inc.

Project Budget: \$7,084,000.00

MISSISSIPPI STATE UNIVERSITY

4. MSU– GS 105-341 – Hand Lab – Life Safety Upgrades

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$752,844.00 to the apparent low bidder, Dynamic Fire Protection, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, June 13, 2014

Project Initiation Date: November 19, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Dynamic Fire Protection, LLC

Project Budget: \$1,100,000.00

EXHIBIT 2

August 21, 2014

5. MSU – GS 105-351 – YMCA Renovation

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Belinda Stewart Architects, P.A. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Staff Approval Date: APPROVED, June 9, 2014

Project Initiation Date: August 15, 2013

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: TBD

Project Budget: \$9,800,000.00

6. MSU– GS 113-130 – Necropsy Renovation

Approval Request #1: Change Order #14

Board staff approved Change Order #14 in the amount of \$22,533.25 and forty (40) additional days to the contract of T.L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #14 is necessary to paint the existing burgundy FRP doors and frames, provide & install battery powered sensor faucets, install an additional access panel to access the electrical boxes above the ceiling, install a dry pipe sprinkler system in the data room, replace doors with a new frame, doors & hardware, fireproof only the north & west interior walls, provide 120V AC power to the hydraulic lift heater in the hydraulic pump room, furnish & install new regulators for the incinerator & the water heater, install copper pipe & fittings for future hose reels at the incinerator area, and additional days for weather delays and work as indicated herein.

Total Project Change Orders and Amount: Fourteen (14) change orders for a total amount of \$868,390.94.

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

7. MSU – IHL 205-255 – Arbor Hall

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the **credit amount** of \$69,121.89 and twenty-nine (29) additional days to the contract of Harrell Contracting Group, LLC.

Approval Status & Date: APPROVED, May 30, 2014

Change Order Justification: Change Order #1 is necessary to change the site water, substitute Aquatherm faser piping for chill/heating piping, provide 60” ADA showers in lieu of 48”, hollow metal doors, 16 key security box in lieu of 96 key, replace old firewater line, pond descope, large media wall allowance adjustment, add fire dampers & access panels, add tube steel support for curtain wall, media wall electrical credit, best core allowance adjustment, FCU 1 & 2 and supply grilles size change, add access panels for air vents at the top of CH/HW riser, HVAC controls allowance adjustment, added tube steel at wing stair CW, added brick relief plate to beams, added brick relief angle, kitchen cabinet revisions, re-route sanitary sewer, small media wall allowance adjustment, revised beam modification, access control for 12 doors, re-route dryer vents, irrigation system re-design, re-route duct work & change supply grill in basement, add

EXHIBIT 2

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steel & decking, install cable tray in communication rooms, add floor stops for bathroom doors, replace roller shades fabric to blackout in RA units, add roller shades, provide elevator blankets, waterproof coating for RD balconies, add retainer wall east side of transformer pad, ADA striping at Rice parking lot, add retainer wall south side of building, concrete paving at bike racks, raise catch basins, additional exhaust louvers, brick allowance, add tree drains, provide power at building #1, and power to new relocated irrigation controller, pull & repair AT&T phone lines, provide light & switch for a storage room, historic house relocation allowance, replace lift station impellers, add lateral handrails, and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total **credit amount** of \$69,121.89.

Project Initiation Date: November 18, 2010

Design Professional: LPK Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Project Budget: \$46,809,592.00

UNIVERSITY OF MISSISSIPPI

8. UM- IHL 207-341 – Thad Cochran Natural Products Center – Phase II

Approval Request #1: Change Order #7

Board staff approved Change Order #7 in the amount of \$91,594.19 and fourteen (14) additional days to the contract of Carothers Construction, Inc.

Approval Status & Date: APPROVED, June 4, 2014

Change Order Justification: Change Order #7 is necessary due to field conditions to support the brick at the parapet of the existing auditorium, relocation of several buss plugs, credit for deletion of gas manifolds, door frame revisions, power for dampers, blocking at laboratory casework, relocation of electrical receptacles, additional framing & sheetrock, additional casework & sliding glass window, installation of studs and insulation at the laboratory cross walls, topping out stud walls at the gas & communication rooms, acrylic block filler at the electrical & mechanical room walls, changes to the expansion joints & masonry flashing at existing buildings, revised haul route & storm drain at All American Drive and additional days for weather delays and work as indicated herein.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$282,712.19.

Project Initiation Date: May 20, 2010

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

General Contractor: Carothers Construction, Inc.

Project Budget: \$40,000,000.00

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

Approval Request #1: Change Order #3

Board staff approved Change Order #3 in the amount of \$4,473.00 and two (2) additional days to the contract of Carothers Construction, Inc.

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #3 is necessary to credit for deletion of aisle lighting, re-size med zone gas valve, revision of existing footing conditions, and additional days for work as indicated herein.

EXHIBIT 2

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Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$56,981.00.

Project Initiation Date: February 16, 2012

Design Professional: Barlow Eddy Jenkins/CDFL – A Professional Association

General Contractor: Carothers Construction, Inc.

Project Budget: \$18,000,000.00

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

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the amount of \$4,697.64 and five (5) additional days to the contract of D. Carroll Construction, LLC.

Approval Status & Date: APPROVED, May 22, 2014

Change Order Justification: Change Order #5 is necessary to install necessary relays & smoke detectors for the pre-action panel at the new elevator shaft that was installed under the Phase I contract but did not include all connections/devices, and additional days for work as indicated herein.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$548,959.57.

Project Initiation Date: August 16, 2012

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

General Contractor: D. Carroll Construction, LLC

Project Budget: \$7,800,000.00

11. UM – IHL 207-370 – Turner Center Basement Renovation

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$47,842.31 and twenty-eight (28) additional days to the contract of D. Carroll Construction, LLC.

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #1 is necessary to correct & redistribute unforeseen existing electrical conduit discovered below grade in the men's faculty shower area, install solid surface countertop & mirrors in women's hair drying area to accommodate blow dryers, change door type, install carpet in Aquatic Director's office, hardwire & provide plumbing for bathing suit dryers, change flooring in Sumba room from rubber flooring to hardwood flooring, add unitstrut system at ceiling height in Zumba room to accommodate new workout equipment, add epoxy flooring and to paint existing ductwork in locker area, change flooring from vinyl sheet to carpet in outdoor offices, change bulbs from regular fluorescent to black light bulbs, and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$47,842.31.

Project Initiation Date: March 21, 2013

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

General Contractor: D. Carroll Construction, LLC

Project Budget: \$1,500,000.00

12. UM – IHL 207-373 – Faser Hall Second floor Skills Lab

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$22,177.60 and twenty-one (21) additional days to the contract of Anco Construction, Inc.

EXHIBIT 2

August 21, 2014

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #1 is necessary to credit the remaining balance of \$30.00 in allowance for Building Management Controls Allowance, add for asbestos removal, adding ball valves to 2nd floor area to allow the floor to be shut off from the rest of the building and additional days for work as indicated herein.

Approval Request #2: Change Order #2

Board staff approved Change Order #2 in the amount of \$7,274.20 and zero (0) additional days to the contract of Anco Construction, Inc.

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #2 is necessary to add a fire damper, relocating eight conduit pipes to allow mechanical ductwork to be installed, raising conduit to fit above the new ceiling, and additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$29,451.80.

Project Initiation Date: August 15, 2013

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

General Contractor: Anco Construction, Inc.

Project Budget: \$1,500,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

13. UMMC – IHL 209-539 – Lexington Hospital Renovations

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$3,280,000.00 to the apparent low bidder, Flagstar Construction.

Approval Status & Date: APPROVED, June 16, 2014

Project Initiation Date: January 20, 2011

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

General Contractor: Flagstar Construction

Project Budget: \$4,479,107.00

14. UMMC – IHL 209-544A – Contract I Site Work/Equipment Procurement – Translational Research Center

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$4,937,000.00 to the apparent low bidder, Evan Johnson & Sons Construction, Inc.

Approval Status & Date: APPROVED, June 10, 2014

Project Initiation Date: November 17, 2011

Design Professional: Foil Wyatt Architects and Planners

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$43,032,000.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

15. USM – GS 108-267 – College of Business Building

Approval Request #1: Change Order #13

Board staff approved Change Order #13 in the amount of \$100,732.74 and thirteen (13) additional days to the contract of Hanco Corporation. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

EXHIBIT 2

August 21, 2014

Approval Status & Date: APPROVED, May 22, 2014

Change Order Justification: Change Order #13 is necessary to add power to the 1st floor auditorium fixed seats, revisions to kitchen including adding a door & frame, sink and a water heater, changes to the security camera rough-in locations, changes to light fixtures, adding electrical circuits at five air handling unit locations, adding walls for wench cable protection in one room, and additional days for work as indicated herein.

Approval Request #2: Change Order #14

Board staff approved Change Order #14 in the amount of \$141,900.84 and sixteen (16) additional days to the contract of Hanco Corporation.

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #14 is necessary for mechanical ductwork revisions, adding cable TV drops, adding electrical rough-ins for two automatic door operators and four card readers, adding structural steel to support precast panels at the west porch roof area, adding receptacles for access control power supplies at various locations, changing the length of a fixture, and additional days for work indicated herein.

Total Project Change Orders and Amount: Fourteen (14) change orders for a total amount of \$1,041,220.61.

Project Initiation Date: March 2, 2005

Design Professional: Eley Guild Hardy Architects-Jackson, P.A./Studio South Architects, PLLC – A Joint Venture

General Contractor: Hanco Corporation

Project Budget: \$34,000,000.00

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

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$353,128.00 and zero (0) additional days to the contract of Harrell Contracting Group.

Approval Status & Date: APPROVED, May 21, 2014

Change Order Justification: Change Order #2 is necessary to deduct for alternate vanity light, elevator finish credit, ductbank work to avoid adjacent project & meet shutdown date, structural plates at walls, change doors in laundry areas, add shrubbery next to football practice field, add fluid applied flashing around window openings, additional sheetrock to form an enclosure for the plenums on one floor, add furring behind bedroom vanity, add suspended gypsum board ceiling in a room, add copper flashing at window sills, add plastic sheet wall protection at wet wall of clinic restrooms, door & louver revisions at central plant, add termination bar at typical window flashing, head & sill, revised paving limits for maintenance access, revise electrical feeders & quad receptacles, add balance of fluid applied flashing at curtain wall, storefront & louvers, omit false windows at exterior face of end walls, add catwalk structure, grating & railing around the new cooling towers, and add structural framing.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$308,345.00.

Project Initiation Date: April 15, 2010

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

General Contractor: Harrell Contracting Group

Project Budget: \$55,600,000.00

EXHIBIT 2

August 21, 2014

17. USM– IHL 208-313 – Fine Arts Complex Tornado Repairs & Renovations – PH II

Approval Request #1: Change Order #1

Board staff approved Change Order #5 in the amount of \$20,999.99 and zero (0) additional days to the contract of B.W. Sullivan Building Contractor, Inc.

Approval Status & Date: APPROVED, June 9, 2014

Change Order Justification: Change Order #1 is necessary for allowance of practice rooms, music library units/cabinets, deduct for orchestra pit & stage rigging in Mannoni, allowance for stage curtains in Mannoni, deduct for stage curtains in Marsh Hall, deduct to replace & upgrade stage lighting in Mannoni, add for stage lighting dimmer upgrades & card access to a door in Marsh Hall, HVAC energy management control systems, work to complete installation of the floor box for the organ at the Marsh Hall stage, complete exterior cleaning of Marsh, Mannoni and Hurst, add the card access, electrical work to stage projector in Mannoni, install conduit & wire to projector screen in Marsh Hall, electrical work in student performance venue, stage area in Marsh Hall & stage areas in Mannoni, change specified drinking fountains with bottle filler to bi-level drinking fountains with bottle filler, refinish organ cabinetry on stage in Marsh Hall and add VCT to nine practice rooms in Marsh Hall..

Total Project Change Orders and Amount: One (1) change order for a total amount of \$20,000.99

Project Initiation Date: June 4, 2013

Design Professional: Allred Architectural Group

General Contractor: B.W. Sullivan Building Contractor

Project Budget: \$5,402,302.84

18. USM – IHL 210-243 – Marine Education Center – Cedar Point

Approval Request #1: Contract Documents

Board staff approved **Contract Documents** as submitted by Lake/Flato Architects, design professional.

Approval Request #2: Advertise

Board staff approved **request to advertise for receipt of bids.**

Approval Status & Date: APPROVED, June 9, 2014

Project Initiation Date: August 21, 2008

Design Professional: Lake/Flato Architects

General Contractor: TBD

Project Budget: \$13,205,000.00

EXHIBIT 3

August 21, 2014

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 Baker, Donelson, Bearman, Caldwell and Berkowitz (statement dated 3/10/14) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$22,642.68, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 22,642.68

Payment of legal fees for professional services rendered by Kitchens, Hardwick and Ray (statements dated 5/1/14, 5/12/14, 5/12/14 and 5/13/14) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,713.00, \$825.00, \$2,937.00 and \$2,491.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 10,966.50

Payment of legal fees for professional services rendered by Armstrong Law (statement dated 5/20/14) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$5,000.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 5,000.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/5/14, 3/31/14, 4/25/14 and 5/30/14) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$8,295.87, \$5,000.00, \$744.00 and \$3,736.55, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 17,776.42

Payment of legal fees for professional services rendered by Mayo Mallette (statements dated 6/6/14 and 7/3/14) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$214.50 and \$66.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 280.50

EXHIBIT 3

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Payment of legal fees for professional services rendered by Ware/Gasparian (statements dated 6/18/14 and 6/21/14) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$4,000.00 and \$1,650.00, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 5,650.00

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/22/14, 5/22/14, 6/16/14, 6/16/14, 6/16/14 and 6/16/14) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Steele-Penmetsa- Water Repellant Solids Non. Prov." - \$336.00; "Steele- Solid Heat Carrier Pyrolysis Reactor" - \$72.00; "Alcohol Esterification (Condensor Train)" - \$2,352.60; "Weed- Pelvic Floor Strength Assessment Device" - \$790.00; "Steele- Solid Heat Carrier Pyrolysis Reactor" - \$72.00 and "Method for Transformation of Cotton and Organogenic Regeneration" - \$192.00.)

TOTAL DUE.....\$ 3,814.60

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/28/14) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Registration- Miss. State Banner" - \$308.75; "Registration- Hail State" - \$763.75; "MSU-Patent Functional Enhancement of Antimicrobials" - \$261.25; "Occidiofungin, a Unique Antifungal Glycopeptide" - \$688.75; "Oral Vaccination of Fish with Live Attenuated Edwardsiella ictaluri Vaccines" - \$570.00; "Crape Myrtle Plant Named (Neshoba)" - \$926.25; "Crape Myrtle Plant Named (Pascagoula)" - \$807.50; "Crape Myrtle Plant Named (Sequoyah)" - \$760.00; "Crape Myrtle Plant Named (Shumaka)" - \$902.50; "Crape Myrtle Plant Named (Tishomingo)" - \$736.25; "National Filing from Occidiofungin PCT Application-China" - \$2,123.00; "Berbent Bermudagrass Trademark" - \$268.75; "MSU Oxime Therapeutics European National Application" - \$912.50; "Molecular Design and Chemical Synthesis of Pharmaceutical Ligands and Pharmaceutical Analogs" - \$1,092.50; "Gate Driver for a Normally Off or Normally On SiCJFET Using Convolution as a Means for Continuous Two-Pulse Drive" - \$278.75; "A Method and Device for Converting Turbulent Flow Kinetic Energy into Electrical Energy" - \$65.00; "Novel Catalysts and Process for Liquid Hydrocarbon Fuel Production" - \$207.50; "Improving Rice Nutrition and Taste via Disruption of Grain Starch Crystalline, Fortification Treatment and Recrystallization" - \$540.00; "Method for Rearing and Harvesting Black Soldier Flies" - \$255.00; "Error-Prone PCR (EPPCR) Reverse Genetics Generating Influenza Library for Phenotype Selection" - \$427.50 and "Methods for Influenza Antigenic Drift Detection" - \$427.50.)

TOTAL DUE.....\$ 13,323.00

EXHIBIT 3

August 21, 2014

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/16/14, 7/9/14 and 7/9/14) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Process and Catalysts for Converting Biomass/Municipal Solid Wastes (MSW) Derived Nitrogen-Rich Syngas to Liquid Hydrocarbon Mixtures" - \$374.50; "Methods of Synthesizing Graphene from a Lignin Source" - \$5,242.92 and "Novel Catalysts and Process for Liquid Hydrocarbon Fuel Production" - \$1,189.50, respectively.)

TOTAL DUE.....\$ 6,806.92

Payment of legal fees for professional services rendered by Armstrong Teasdale (statements dated 3/25/14, 3/25/14 and 6/11/14) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Systems and Methods for Underwater Reconnaissance" - \$199.99; "New Application of Hot Melt Extrusion Technology" - \$4,290.00 and "Systems and Methods for Underwater Reconnaissance" - \$4,468.80, respectively.)

TOTAL DUE.....\$ 8,958.79

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/22/14) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Stuttering Inhibition Device Patent" - \$96.00 and "Complexes and Compounds for Light Emitting Applications" - \$1,920.00.)

TOTAL DUE.....\$ 2,016.00

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statement dated 4/1/14) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: "Highly Molecular Weight Polysaccharide Fraction from Aloe Vera with Immunostimulatory Activity" - \$2,065.00.)

TOTAL DUE.....\$ 2,065.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 2/19/14, 2/19/14, 2/19/14, 2/19/14, 5/16/14, 5/19/14, 5/19/14 and 5/19/14) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Gas Separating Membranes" - \$1,104.50; "Stabilized Formulation of Triamcinolone Acetonide" - \$1,420.00; "Methods for Detecting Humans" - \$450.50; "Highly Purified Amphotericin-B" - \$1,287.50; "Methods for Detecting Vibration and Sounds Signature of Human Footsteps" - \$306.00; "Highly Purified Amphotericin-B" - \$128.00; "Stabilized

Formulation of Triamcinolone Acetonide" - \$1,696.00 and "Stabilized Formulation of Triamcinolone Acetonide" - \$1,266.07, respectively.)

TOTAL DUE.....\$ 7,658.57

EXHIBIT 3

August 21, 2014

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 3/14/14, 3/14/14, 3/14/14, 4/9/14, 4/9/14, 4/18/14 and 7/18/14) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks” - \$47.50; “Urban- Covalent Attachment of Bacteriophages to Polymeric Surfaces” - \$5,498.00; “Lockhead- Oil Dispersant Patent - \$4,058.60; “Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks” - \$72.00; “Urban- Covalent Attachment of Bacteriophages to Polymeric Surfaces” - \$370.00; “Lockhead- Oil Dispersant Patent” - \$240.00 and “Lockhead- Oil Dispersant Patent” - \$288.00, respectively.)

TOTAL DUE.....\$ 10,574.10

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/30/14) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “The Abbey Program/British Studies Program/The Compass Program- Trademark/Copyright” - \$3,871.25; “Compositions for Protection of Skin against Thermal Insult.” - \$855.00; “Application for Registration of D.E.E.P. Comprehension Service Mark” - \$292.50; “Nanoencapsulation of Isocyanates via Aqueous Media” - \$715.00; “Benzophenone/Thiozanthone Derivatives and their Use in Photopolymerizable Compositions” - \$440.00; “Soy Protein-Based Adhesive and Particle Board Patent Fee” - \$900.00; “Section 8 and Section 15 Affidavits and Renewal – Sports Event Security Aware SESA Service Mark Logo” - \$380.00 and “USM/FFC IP Matter” - \$973.75.)

EXHIBIT 4

August 21, 2014

UMMC – REQUEST FOR OFFICIAL OPINION FROM THE ATTORNEY GENERAL

Pursuant to IHL Board Policy 1103, the IHL Board Legal Committee Chair granted permission to request an official opinion from the Attorney General regarding whether UMMC may expend funds to provide litigation defense to local hospitals included in its telemedicine network, which are co-defendants in a patent infringement case. Board Policy 1103 requires that all such requests approved by the Legal Committee Chair be reported to the full Board as an information item at its next meeting. The opinion request letter is set out below.

August 5, 2014

Honorable Jim Hood
Attorney General
550 High Street
Jackson, MS 39201

Re: Request for Official Opinion

Dear General Hood:

As Commissioner of Higher Education, appointed pursuant to Miss. Code Ann. §37-101-7, and in accordance with Miss. Code Ann. §7-5-25, I request your official opinion on the question presented below:

BACKGROUND

Since it was founded, University of Mississippi Medical Center [UMMC] has worked with local hospitals and health care providers across the state to provide health care services. Today, the economic environment of health care has changed to the point that providing health care to citizens of small towns and surrounding communities is more challenging than ever. Small hospitals across this state struggle to keep their doors open; and, in many, on-site medical staffing is not a viable option.

Beginning in the 1990s, following a national trend, UMMC began utilizing communications technology to provide medical care to Mississippi citizens in rural areas and small towns. This provided an economically viable means to deliver medical services from medical center specialists in Jackson to patients being seen in local hospitals across the state.

The trends that made this configuration, referred to as “telemedicine”, a good idea in the 1990s, have continued to a point where presently, telemedicine is a necessary component of providing health care services to the state’s population. There exists in Mississippi a shortage of physicians, especially in certain specialties, including emergency medicine. This physician shortage disproportionately affects small communities and rural areas.

Through telemedicine, citizens in and around the small communities that comprise much of Mississippi can access specialized medical care within their locality. In today’s environment, we view telemedicine as indispensable to fulfillment of UMMC’s statutory mission to provide

EXHIBIT 4

August 21, 2014

medical care to “the people of Mississippi generally” and to serve the indigent persons, as envisioned by Miss Code Ann. §37-115-31. Moreover, the level of care provided through telemedicine often exceeds that attainable at a purely local level, as the knowledge base of UMMC specialists arises from observations and experience only found in a high volume environment, like UMMC.

Currently, a patent infringement case is pending in the United States District Court for the Southern District of Mississippi. Two physicians of UMMC are sued to enjoin further practice of a facet of telemedicine termed “teleemergency” medicine, and several small community hospitals, operating as limited liability companies, are sued as well. Plaintiff seeks injunctive relief in the form of forcing UMMC to purchase costly licensing agreements for future operations, and for damages and attorney’s fees to be assessed against all defendants.¹ The gist of the claim is that the provision of emergency medical care through UMMC’s teleemergency system infringes on a business process patent held by the plaintiff. During the pendency of the litigation, it has become apparent that most of the local hospital-defendants lack the resources to defend themselves. However, UMMC cannot allow these local hospitals to go undefended, because their loss would endanger UMMC’s telemedicine programs, and the benefits provided to Mississippi citizens generally.

Counsel representing UMMC in the matter is willing to undertake representation of the local hospitals, in order to protect all interests involved. There is no divergence of interest, and we believe a united and cohesive defense will enhance the likelihood of all defendants prevailing in this action.

QUESTION

In these circumstances, may UMMC expend funds to provide litigation defense to the local hospitals?

We believe that in these circumstances, it would be entirely appropriate and necessary to protect UMMC’s ability to fulfill its statutory mission, and would be of direct service to the public interest of providing high quality health care to citizens in all segments of the state. We thank you in advance for your consideration of this question.

Sincerely,
Dr. Hank M. Bounds
Commissioner of Higher Education

Cc: James E. Keeton, M.D., Vice Chancellor for Health Affairs, Dean, School of Medicine

Jeffrey A. Walker, General Counsel/Chief Legal Officer, University of Mississippi Medical Center

¹ UMMC physicians are only sued for prospective injunctive relief in the matter of *Emtel, Inc. v. Coastal Family Health Center, Inc., et al.*, No. 3:12CV100TSL-MTP.

CONSENT AGENDAS

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1. JSU-REQUEST APPROVAL TO ENTER INTO A MANAGEMENT AGREEMENT

Agenda Item Request: Jackson State University (JSU) requests approval to enter into an agreement with **CENTERS, LLC** for the operation and management of the Walter Payton Recreation and Wellness Center.

Contractor's Legal Name: **CENTERS, LLC (CENTERS)**

History of Contract: This is a new agreement.

Specific type of contract: Management Agreement

Purpose: The purpose of the agreement is for **CENTERS** to operate and manage the Walter Payton Recreation and Wellness Center.

Scope of Work: **CENTERS** will provide fitness, recreational, intramural, leisure, extramural, and wellness activities to the JSU community through its operation of the Walter Payton Recreation and Wellness Center. **CENTERS** will provide supervision and training of personnel, coordination of programs, advertising, purchasing and sale of products, and maintenance of equipment.

Term of contract: The term of the agreement is three years, nine months starting on October 1, 2014 and ending on June 30, 2018. JSU will have the option to renew the agreement for a subsequent four-year term by providing written notice of such on or before June 1, 2018. Any such renewal will be brought before the Board of Trustees for approval prior to execution.

Termination Options: Termination options include the following:

- by either party upon default by the other party if such default is not cured within thirty days of written notice or if either party initiates bankruptcy or liquidation, becomes bankrupt, makes a general assignment for the benefit of creditors, takes the benefit of any insolvency act, or if a receiver or trustee in bankruptcy is appointed for all or a portion of such other party's property;
- by JSU if (i) **CENTERS** breaches Section 15.4 of the agreement, (ii) **CENTERS** enters into any agreement with a third party in violation of the agreement, (iii) JSU determines that any action, project, activity, or arrangement performed by **CENTERS** caused, causes, or will cause JSU to suffer material adverse publicity or material negative impact on its reputation,

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or (iv) any act of fraud, misappropriation or other dishonesty by CENTERS, its employees or agents;

- by JSU upon 180 days written notice;
- by JSU, if JSU believes that CENTERS’ performance has been substandard. Prior to issuing any notice of default, JSU will document CENTERS’ performance and submit such documentation to CENTERS for review and corrective action. Upon the request of JSU, a review meeting will be called between the parties where instances of alleged substandard performance will be discussed and a plan for corrective action will be developed and implemented. JSU, in its reasonable discretion, will approve, in writing, the plan for corrective action. JSU may terminate the agreement immediately pursuant to Section 15.2 of the agreement if (i) JSU does not agree to the plan developed by CENTERS, (ii) JSU determines that implementation of the corrective plan by CENTERS is substandard, or (iii) JSU determines that CENTERS has failed to implement the corrective plan in a timely manner;
- by JSU in the event of a reduction in funds; and
- by JSU if CENTERS fails to comply with applicable e-verify provisions.

Contract Amount: The total cost of the agreement is approximately \$631,943.59.

JSU will pay a base management fee of \$13,467.00 per month for the first year of the agreement. For each subsequent year of the agreement, the base management fee will increase by three percent over the base management fee for the preceding year. Monthly management fees and yearly management fees for each year of the agreement are shown in the table below.

| | Monthly Management Fee | Yearly Management Fee |
|--------------------|-------------------------------|------------------------------|
| Year 1 – 12 Months | 13,467.00 | 161,604.00 |
| Year 2 – 12 Months | 13,871.01 | 166,452.12 |
| Year 3 – 12 Months | 14,287.14 | 171,445.68 |
| Year 4 – 09 Months | 14,715.75 | 132,441.79 |
| Total | | 631,943.59 |

Funding Source for Contract: Education and General Funds

Contractor Selection Process: JSU’s search for companies with experience in the management of university fitness facilities identified two companies – Core and CENTERS. However, Core only provides consulting services and has no experience in the actual management of university fitness facilities. On the other hand, CENTERS is

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currently providing such services for seven university fitness facilities. Therefore, CENTERS was selected as the contractor.

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.

2. UM – REQUEST APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT

Agenda Item Request: The University of Mississippi (UM) requests approval to enter into a lease agreement with **Joe Poppenheimer Management, LLC** to lease approximately 7,500 square feet of space in Southaven, MS for use by the UM – DeSoto Campus.

Contractor's Legal Name: **Joe Poppenheimer Management, LLC (Lessor)**

History of Contract: This is a new lease agreement although UM has leased space from Lessor since 2007. All prior lease agreements have been approved by the Mississippi Department of Finance and Administration. The proposed agreement will combine the two (2) original lease agreements into one (1) multi-year lease.

Specific Type of Contract: Lease agreement.

Purpose: The purpose of the lease is for the continued provision of office space and graduate seminar classroom space for UM's DeSoto campus in Southaven, MS.

Scope of Work: The scope of work entails leasing 7,500 square feet of space located on Church Road in Southaven, MS. Lessor will provide for water, sewer and waste services and all fees associated with the lighting of the parking lot area. UM is responsible for payment of all other electrical services.

Term of Contract: The term of the agreement is for three (3) years, October 1, 2014 through September 30, 2017.

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

- reduction of funds, and
- by either party for a breach of the terms of the agreement.

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Contract Amount: The total cost for the three (3) year lease term is \$406,440. UM will pay \$135,480 annually for the lease of the property. (\$18.06 per square foot)

Funding Source of Contract: The current agreement will be funded by operating funds budgeted specifically for this campus.

Contractor Selection Process: N/A. This is a current agreement.

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. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

3. USM- REQUEST APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT

Agenda Item Request: The University of Southern Mississippi (USM) requests approval to enter into an agreement with **Fisher Scientific Company, LLC** for science storeroom management and distribution services.

Contractor's Legal Name: **Fisher Scientific Company, LLC (Fisher)**

History of Contract: This is a new agreement although Fisher has managed the scientific storeroom operations at USM since 2009.

Specific Type of Contract: Managed Services Agreement

Purpose: The purpose of the agreement is for Fisher to provide storeroom management, operation and support services for the scientific storeroom at USM's Hattiesburg campus.

Scope of Work: Under the agreement, Fisher will provide the following services with Stockroom Management services being the primary service used by USM. On an as needed basis, Order Management services will be provided.

Stockroom Management Services include:

- critical product identification,
- management of stock levels,

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- receipt, stocking and disbursement of goods,
- inventory and supply replenishment, and
- preparation of inventory reports.

Order management services include:

- order execution and expedition,
- follow-up on backorders, and
- return good authorization.

Term of Contract: The initial term of the agreement is for five (5) years with the option to renew for up to five successive one year periods. USM is requesting approval of a ten (10) year term.

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

- by either party for a material breach of the agreement upon thirty (30) days notice of opportunity to cure,
- in the event either party becomes the subject of insolvency or bankruptcy,
- reduction of funds, and
- by either party for convenience upon sixty (60) days notice prior to the end of the then current term.

Contract Amount: The total estimated cost for the ten (10) year contract term is \$1,055,662.61.

Beginning in Year 2 of the agreement and upon ten (10) days written notice, fees are subject to a possible annual increase. USM estimates an annual 2% increase.

The annual estimated costs including a potential 2% rate adjustment are as follows:

| Year | Yearly Amount | 2% to get yearly increase for next year |
|------|---------------|---|
| 1 | 96,410.00 | 1928.20 |
| 2 | 98,338.20 | 1966.76 |
| 3 | 100,304.96 | 2006.10 |
| 4 | 102,311.06 | 2046.22 |

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| | | |
|----------------------|---------------------|---------|
| 5 | 104,357.28 | 2087.15 |
| 6 | 106,444.43 | 2128.89 |
| 7 | 108,573.32 | 2171.47 |
| 8 | 110,744.79 | 2214.90 |
| 9 | 112,959.69 | 2259.19 |
| 10 | 115,218.88 | |
| 10 Year Total | 1,055,662.61 | |

Funding Source of Contract: The agreement will be funded by general funds.

Contractor Selection Process: USM issued Request for Proposals #14-22, titled “Science Storeroom Management and Distribution Services” in May 2014. Two vendors submitted price proposals as follow.

1. Fisher Scientific Company, LLC - \$96,400 annually
2. VWR International, LLC - \$90,000 annually + some additional financial consideration

USM selected Fisher Scientific as the vendor who would supply the best overall value.

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

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

Board Policy §902, Initiation of Construction Projects

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

Board Policy §904(A), Board Approval

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

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

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

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

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

Board Policy §905(A), Real Estate Management

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

Board Policy §917, Naming Buildings and Facilities

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

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

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

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. DSU – GS 102-257 – Fire Suppression in Various Residence Halls (Court of Governors, Hill Apartments, and Cain-Tatum Hall)

Project Request: Delta State University requests approval to initiate a project, Fire Suppression in Various Residence Halls, and to appoint Atherton Engineers as the design professional.

Proposed Design Professional: Atherton Engineers

Purpose: Delta State University is seeking approval to initiate a project in order to address critical fire suppression issues in the following residence halls: Court of Governors, Hill Apartments, and Cain Tatum Hall. The project will involve installing new fire suppression systems in all three residential facilities which are currently without adequate fire suppression.

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

Project Initiation Date: October 16, 2014

Date of Original Construction: Court of Governors (1970); Hill Apartments (1969); Cain-Tatum Hall (1960)

Date of Last Renovation: Various

Proposed Project Budget:

| | |
|-------------------------------------|------------------------|
| | <i>Estimated</i> |
| Construction Cost: | \$ 1,250,000.00 |
| Architectural and Engineering Fees: | 350,000.00 |
| Misc. Project Costs: | 0.00 |
| Contingency: | <u>150,000.00</u> |
| Total Project Budget | \$ 1,750,000.00 |

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Proposed Funding Source(s): HB 787, Laws of 2014 (\$1,750,000.00)

Staff Recommendation: Board staff recommends approval of this item.

2. DSU – GS 102-259 – Campus Paving

Project Request: Delta State University requests approval to initiate a project, Campus Paving, and to appoint Civil Solutions Services, Inc. as the design professional.

Proposed Design Professional: Civil Solutions Services, Inc.

Purpose: Delta State University is seeking approval to initiate a project in order to design for the paving of campus streets, parking areas, ADA cross walk access, and minor drainage adjustments at curb inlets. DSU has several areas throughout the university campus that are in major need of paving repair.

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

Project Initiation Date: October 16, 2014

Date of Original Construction: Not applicable

Date of Last Renovation: Not applicable

Proposed Project Budget:

| | |
|-------------------------------------|------------------------|
| | <i>Estimated</i> |
| Construction Cost: | \$ 1,450,000.00 |
| Architectural and Engineering Fees: | 350,000.00 |
| Misc. Project Costs: | 0.00 |
| Contingency: | <u>200,000.00</u> |
| Total Project Budget | \$ 2,000,000.00 |

Proposed Funding Source(s): HB 787, Laws of 2014 (\$2,000,000.00)

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3. USM – GS 108-281 – Greene and Chain Renovations

Project Request: The University of Southern Mississippi requests approval to initiate a project, Greene and Chain Renovations, and to appoint Allred Architectural Group as the design professional.

Proposed Design Professional: Allred Architectural Group

Purpose: With the anticipated completion of the new College of Business Building (Scianna Hall) scheduled for early Spring 2015 as well as the relocation of the occupants, the University of Southern Mississippi requests approval to facilitate a fast-track production and project completion for the renovation of Joseph Greene Hall and the third floor, west wing, of the Chain Technology Building. It is anticipated the project will be structured into at least two construction phases. Phase I will involve the interior renovations and modifications of Joseph Greene Hall for all five departments from the College of Health. One of the departments will be vacating the west wing of the Chain Technology Building. Once relocated to Joseph Greene Hall, their former space in Chain Technology Building will then become available for renovations as Phase II.

The University of Southern 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: September 18, 2014

Date of Original Construction: Joseph Greene (1967); Chain Technology (1980)

Date of Last Renovation: Joseph Greene (2004-HVAC); Chain Technology (2010-HVAC)

Proposed Project Budget:

| | |
|-------------------------------------|------------------------|
| | <i>Estimated</i> |
| Construction Cost: | \$ 5,750,000.00 |
| Architectural and Engineering Fees: | 287,500.00 |
| Misc. Project Costs: | 790,000.00 |
| Contingency: | <u>172,500.00</u> |
| Total Project Budget | \$ 7,000,000.00 |

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Proposed Funding Source(s): HB 787, Laws of 2014 (\$5,000,000); SB 3100, Laws of 2011 (\$1,333,100); HB 1641, Laws of 2008 (\$66,900)

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

4. USM – GS 108-264 – Energy Reduction Retrofits

Project Request: The University of Southern Mississippi requests approval to increase the budget for the Energy Reduction Retrofits project. The budget will increase from \$2,200,000.00 to \$2,260,000.00, an increase of \$60,000.00.

Project Phase: Construction Phase

Design Professional: Watkins and O’Gwynn

General Contractor: Johnson Controls Inc.

Purpose/Justification: The project is currently in the construction phase. The project was initiated with the Board on January 21, 2010. This is the second budget escalation request made for this project by the university. The first budget escalation was due to the project bids coming in higher than expected and the university needed to raise the budget from \$2,000,000 to \$2,200,000 to award the project. This budget escalation was approved through Interim Board approval on December 7, 2012 due to the Board not meeting in the month of December. The current budget escalation in the project budget will allow the university to update the IT infrastructure needs to complete the university’s HVAC controls upgrade.

The University of Southern Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval.

Project Initiation Date: January 21, 2010

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Project Budget:

| | Current Budget | Proposed Budget | Amount (+/-) |
|------------------------------------|-------------------------|------------------------|---------------------|
| Construction Costs | \$ 1,693,868.00 | \$ 1,749,068.00 | \$ 55,200.00 |
| Architectural and Engineering Fees | \$ 137,991.31 | \$ 142,791.31 | \$ 4,800.00 |
| Miscellaneous Project Costs | \$ 63,392.00 | \$ 63,392.00 | \$ 0.00 |
| Contingency | \$ 304,748.69 | \$ 304,748.69 | \$ 0.00 |
| | | | |
| Total Project Budget | \$ 2,200,000 .00 | \$ 2,260,000.00 | \$ 60,000.00 |

Funding Source(s): HB 1722, Laws of 2009 (\$2,000,000); HB 246, Laws of 2007 (\$260,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

5. MSU – Naming of the Brown Loam Branch Experiment Station at Raymond the “E.G. (Gene) Morrison Brown Loam Branch Experiment Station”

Project Request: Mississippi State University and its Division of Agriculture, Forestry and Veterinary Medicine request approval to name the Brown Loam Branch Experiment Station at Raymond the “E.G. (Gene) Morrison Brown Loam Branch Experiment Station.”

Purpose: Mr. Morrison was born in Utica, Mississippi on August 21, 1927. He was raised on a farm in Hinds County and was a 1945 graduate of Utica Consolidated School. Following graduation he served one and a half years in the United States Army. After attending Hinds Junior College, he transferred to Mississippi State University, where he received a bachelor’s degree in animal husbandry in August 1949. He then accepted a research assistantship at the University of Tennessee and received a master’s degree in animal husbandry in December 1951.

Shortly after graduation, Mr. Morrison was appointed livestock project leader at the Delta Branch Experiment Station in Stoneville. He served in that position from 1952

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until 1956. In 1956 he was appointed superintendent at the 1,700-acre Brown Loam Branch Experiment Station in Raymond. On January 1, 1988 he was promoted to head of the Central Mississippi Branch Stations. On January 1, 1990 he was appointed head of the newly formed Central Mississippi Research and Extension Center. Mr. Morrison retired on June 30, 1992 with more than 40 years of service to MSU. For more than 35 of those years, he had supervisory and programmatic responsibilities at the Brown Loam Branch Experiment Station.

Mr. Morrison's major research emphasis centered on finishing steers on various grain and roughage rations, improving returns on back grounding weanling calves on systems of annual winter pastures, and comparing different forage systems for cow-calf production. Mr. Morrison authored or co-authored more than 70 publications involving beef cattle, sheep, and forage research. He is a member of the American Society of Animal Science, the National Cattlemen's Association, the Mississippi Cattlemen's Association, and the Mississippi Farm Bureau. He is a ruling elder in the Lebanon Presbyterian Church in Learned, Mississippi.

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

Staff Recommendation: Board staff recommends approval of this item.

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Change of Status

ASU

Vivek Bhargave; *from* Interim Dean of Business; salary of \$138,655 per annum, pro rata; E&G Funds; *to* Dean of Business; no salary change; effective July 1, 2014

Babu Patlolla; *from* Interim Dean of Arts and Sciences; salary of \$100,520 per annum, pro rata; E&G Funds; *to* Dean of Arts and Sciences; salary of \$110,000 per annum, pro rata; E&G Funds; effective July 1, 2014

Valerie Thompson; *from* Assistant Vice-President for Professional Development/Readiness; salary of \$69,700 per annum, pro rata; E&G Funds; *to* Dean of University College; salary of \$80,000 per annum, pro rata; E&G Funds; effective July 1, 2014

JSU

Mary M. White; *from* Chair of the Department of Entrepreneurship and Professional Development and Associate Professor; salary of \$102,198 per annum, pro rata; E&G funds; *to* Interim Vice President of Institutional Advancement, Chair of the Department of Entrepreneurship and Professional Development and Associate Professor; salary of \$165,000 per annum, pro rata; E&G funds; effective August 13, 2014.

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1. **DSU – APPROVAL TO AWARD ONE HONORARY DEGREE**

The university requests approval to bestow one honorary degree to Governor William Winter at its December 2014 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

REGULAR AGENDAS

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1. JSU – APPROVAL OF DR. WILLIAM McHENRY AS LEGISLATIVE LIAISON

The following request for Board approval of a university employee as legislative liaison is made in order to comply with Board Policy 201.0506 Political Activity. Jackson State University requests approval of Dr. William McHenry as its legislative liaison

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. JSU – APPROVAL OF WORTH THOMAS d/b/a W. T. CONSULTANTS AS IN-STATE LOBBYING CONSULTANT

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 institution has submitted the following for the Board's consideration.

In accordance with Board Policy 201.0506, *Political Activity*, JSU hereby requests approval of a consultant agreement between Jackson State University, Jackson State University Development Foundation and Worth Thomas of W.T. Consultants, who will provide a full scope of legislative liaison services within the State of Mississippi, with such services designed to achieve the state agency and governmental relations goals of Jackson State University.

Lobbyist/Firm Clients:

1. Altria Client Services, Inc.
2. AT&T
3. American Red Cross

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4. Biosketch
5. Blake Enterprises
6. Cash Depot
7. Jackson State University
8. MS Action for Progress
9. MS Baptist Health Systems, Inc.
10. MS Power
11. Millcreek, MS a division of Acadia Health Co.
12. Senior Care Centers of MS, LLC d/b/a Baptist Adult Day Health Services

Contract Date: To Commence on the date of Execution of the Agreement
September 2014 – June 30, 2015

Contract Amount: \$ 80,000.00
Plus an approved expense reimbursement of \$2,500.00

Source of Funds: **No E & G funds will be used.** All payments to W. T.
Consultants will be made by the Jackson State University
Development Foundation.

GOVERNMENT RELATION SERVICES AGREEMENT

This agreement (“Agreement”) entered into by and between **Worth Thomas dba W.T. Consultants**, (“WTC”), located at 200 South Lamar Street, Post Office Box 774, Jackson, MS 39205 and **Jackson State University (“JSU”), and Jackson State University Development Foundation**, located at 1400 J.R. Lynch Street, Jackson, MS 39217.

1. SCOPE OF SERVICES. WTC agrees to provide consulting services with respect to state agencies and officials within the State of Mississippi to include (without limitation) direct communication with legislators or other officials concerning relevant legislation, as part of JSU exploring the best possible avenues for implementation of its legislative and economic development agenda. Consultant will coordinate all services and activities with the President of Jackson State University, and/or any representative designated by the President. WTC agrees to comply with all laws, registration or any other requirements of any governing body overseeing such Services as performed in this Agreement, including but not limited to, the compliance requirements of the Lobbying Law Reform Act of 1994 as well as Mississippi Code § 37-101-15(d), as well as any by-laws of the Mississippi Institutions of Higher Learning, Board of Trustees. WTC agrees to adhere to the requirements of the Mississippi State Institutions of Higher Learning bylaws, including IHL Board Policy 201.0506(3), as amended and as may be hereafter revised. Specifically, WTC agrees to apprise the IHL Board, through the Commissioner,

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of all new clients after engaging the client or clients. Under Policy 201.0506 (3), WTC 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.

2. REQUIRED FILINGS. WTC shall register as a lobbyist, and file required periodic reports, for JSU with the Secretary of State of Mississippi relating to lobbying laws in Mississippi. WTC will also advise and assist JSU, at its request, in fulfilling all JSU-related reporting as required under State Lobbying laws.

3. TERM OF AGREEMENT. The Term of this Agreement shall commence on the date of execution of this Agreement (_____, 2014) and shall continue in full force to **June 30, 2015**, unless otherwise terminated as provided herein. This Agreement may be renewed for an additional period(s) upon written mutual agreement of both parties.

4. PAYMENT. Compensation for Services performed under this agreement shall be \$80,000.00. WTC will be paid quarterly by the Jackson State University Development Foundation, as follows:

| | |
|--------------------|-------------|
| September 30, 2014 | \$20,000.00 |
| December 31, 2014 | \$20,000.00 |
| March 31, 2015 | \$20,000.00 |
| June 30, 2015 | \$20,000.00 |

5. EXPENSES. WTC will be reimbursed by the Jackson State University Development Foundation for approved reasonable and necessary expenses incurred in performance of services under this Agreement up to a maximum of \$2,500.00. Invoices for expenses reimbursable hereunder shall be rendered monthly in arrears and shall be due within forty-five (45) days of receipt of invoice. WTC agrees to provide reasonable documentation in support of any reimbursement requests.

6. ADDITIONAL TERMS AND CONDITIONS. All terms and conditions that Jackson State University is required to follow by law, relevant Federal Management Circulars, the Code of Federal Regulations, JSU policy, and governing board bylaws must be adhered to by WTC.

7. TERMINATION. Any party may terminate this Agreement upon thirty (30) days prior written notice to the other parties. Upon termination, any payment earned and

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unpaid to WTC shall be paid in full within forty-five (45) days of JSU's receipt of such invoice. Services performed through a portion of a quarter shall be prorated in accordance with the date of termination.

8. REPORTS. Reports shall be submitted to JSU on a continuous basis, including a report at the end of each project period, and a Final Report to be submitted no later than ten (10) days after the initial term of this contract ends, and after any additional terms agreed to between the parties.

9. RELATIONSHIP. The parties understand that WTC is an independent contractor with respect to JSU and not an employee of JSU. This Agreement is neither intended to nor will it be construed as, creating any other relationship, including one of employment, joint venture, or agency.

10. ENTIRE AGREEMENT. This instrument constitutes the entire Agreement of the parties with respect to the subject matter written.

11. CLIENT IDENTIFICATION. WTC represents that it has disclosed a list of its clients as of the date that his Agreement is executed, and WTC agrees to disclose the identity of all new clients which are acquired by WTC during the term of this Agreement (and any extensions thereof) to IHL and JSU. If IHL or JSU determines that a conflict of interest exists in regard to clients of WTC, then JSU may elect to terminate this Agreement by written notification.

12. MISSISSIPPI AGENCY PROVISIONS.

Nondiscrimination. The parties agree to comply with all applicable state and federal laws, rules, and regulations governing equal employment opportunity, immigration, e-verify, and nondiscrimination.

Conflict of Interest. This Agreement is subject to Section 25-4-101 of the Mississippi Code Annotated, as amended. This Agreement may be cancelled if any person significantly involved in the initiating, negotiating, securing, drafting or creating of the Agreement on behalf of the University is an employee, consultant, or agent of any other party to this agreement. Should this Agreement violate a Mississippi Conflict of Interest law, the Agreement may be declared void.

Records. The parties shall retain all records directly relating to this Agreement during the Agreement's term and for a minimum of an additional three (3) years. Further, such records will be available at reasonable times for inspection and audit by University or the State of Mississippi during the term of this agreement and for three (3) years thereafter. A

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copy of the records shall be provided at Jackson State University in Jackson, Mississippi, upon request.

Failure of Legislature to appropriate. If University's performance under this agreement depends upon the appropriation of funds by the Mississippi Legislature, and if the Legislature fails to appropriate the funds necessary for performance, then the University may provide written notice of such non-appropriation and cancel this Agreement without further obligation of the University.

E-Verify. The Parties represent and warrant that each will ensure its compliance with the Mississippi Employment Protection and will register and participate in the status of 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. The Parties agree to maintain records of such compliance and, upon request of the State of Mississippi, to provide a copy of each such verification to the State of Mississippi. The Parties further represent and warrant that any of its employees assigned by such Party to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. The Parties understand and agree that any breach of these warranties may subject the Parties 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, certificate or other document granted to such Party by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1) year, or (c) both.

Mississippi Law. This Agreement shall be governed and construed according to the laws of the State of Mississippi.

In Witness whereof, the parties have executed this Agreement in duplicate counterparts, each of which shall be deemed an original, but both of which shall constitute a single instrument.

WT CONSULTANTS
200 South Lamar Street, Suite 1057
P. O. Box 774
Jackson, MS 39205-0774

JACKSON STATE UNIVERSITY
Office of the President
1400 J.R. Lynch Street
Jackson, MS 39217

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Worth Thomas, Consultant
Tax I.D. Number 16-1655028

Date: _____

Dr. Carolyn W. Meyers, President

Date: _____

JACKSON STATE UNIVERSITY
DEVELOPMENT FOUNDATION

Dr. Mary M. White
Interim Executive Director

Date: _____

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. JSU – APPROVAL OF POLSINELLI SHUGHART PC AS FEDERAL LOBBYING CONSULTANT

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 request for approval to use a federal lobbyist is submitted for your consideration.

JSU hereby seeks approval of a consultant relationship between JSU and Polsinelli Shughart PC, who will provide lobbying services on behalf of the University regarding: (i) the formulation, modification or adoption of federal legislation, rules, regulations, executive orders or any other program, policy or position of the United States government, and/or (ii) the administration or execution of a federal program or policy, designed to achieve the governmental relations goals of the University. JSU represents that this relationship does not involve lobbying within the state of Mississippi or to the Mississippi Legislature, including its various committees.

Lobbyist/Firm: Polsinelli Shughart PC
1152 15th Street, N.W.
Suite 800

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Federal ID#: Washington DC 20005-1723
43-1064260

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Ware/Gasparian (statements dated 3/14/14, 4/1/14, 5/1/14, 5/1/14, 5/1/14, 5/1/14, 5/23/14 and 5/23/14) from the funds of the University of Mississippi. (These statements, in the amounts of \$7,000.00, \$2,500.00, \$4,000.00, \$6,000.00, \$1,500.00, \$6,000.00, \$3,445.00 and \$1,070.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 31,515.00

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell and Berkowitz (statement dated 6/5/14) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$673.44, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 673.44

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 5/27/14) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$8,719.40, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 8,719.40

Payment of legal fees for professional services rendered by Jones Walker (statements dated 5/30/14 and 6/30/14) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$471.50 and \$184.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 656.00

Payment of legal fees for professional services rendered by Kitchens, Hardwick and Ray (statements dated 6/16/14, 6/16/14, 6/16/14, 7/2/14 and 7/2/14) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$759.00, \$2,656.50, \$181.50, \$940.50 and \$5,032.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 9,570.00

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Payment of legal fees for professional services rendered by Watkins and Eager (statements dated 6/25/14 and 6/26/14) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$21,053.75 and \$12,241.64, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 33,295.39

Payment of legal fees for professional services rendered by Bryan/Nelson (statement dated 7/9/2014) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$1,290.10, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,290.10

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 7/23/14 and 7/30/14) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with legal advice regarding the Toxicology Laboratory Building – FEMA Arbitration - \$3,665.78 and *The University of Iowa, et al. vs. The University of Southern Mississippi* - \$72.00, respectively.)

TOTAL DUE.....\$ 3,737.78

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 8/7/14) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$379.50, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 379.50

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 6/16/14, 6/25/14 and 7/18/14) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Wireless Encryption" - \$144.00; "Stuttering Inhibition Device Patent" - \$1,176.00 and "Stuttering Inhibition Device" - \$1,944.00, respectively.)

TOTAL DUE.....\$ 3,264.00

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 7/9/14, 7/18/14, 7/18/14, 7/18/14 and 7/23/14) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Potent Immunostimulatory Polysaccharides Extracts from Microalgae" - \$1,234.27; "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$1,675.00; "Highly Selective Sigma Receptor Ligands Radioligands" - \$3,875.00; "Potent

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Immunostimulants from Microalgae” - \$2,065.00 and “Highly Selective Sigma Receptor Ligands Radioligands” - \$1,850.00, respectively.)

TOTAL DUE.....\$ 10,699.27

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/19/14, 6/19/14, 6/19/14, 6/19/14, 6/19/14, 6/19/14, 7/17/14, 7/17/14 and 7/17/14) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Highly Purified Amphotericin-B” - \$114.23; “Highly Purified Amphotericin-B” - \$1,037.50; “Methods for Detecting Vibration and Sound Signatures of Human Footsteps” - \$1,336.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$582.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$2,149.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$96.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,472.00; “Gas Separating Membranes” - \$57.00 and “Novel Tools for Assessing the Skin Sensitization Potential of Chemicals” - \$3,630.00, respectively.)

TOTAL DUE.....\$ 10,473.73

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 1/14/14, 2/18/14, 4/18/14, 4/18/14, 4/18/14, 5/16/14, 6/18/14, 6/18/14, 6/18/14, 6/18/14, 6/18/14, 6/18/14, 6/18/14 and 6/18/14) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$50.00, \$3,017.50, \$2,246.50, \$889.00, \$3,425.50, \$3,077.00, \$3,270.64, \$870.50, \$497.00, \$657.00, \$384.00, \$7,344.00, \$951.00 and \$177.50, respectively, represent services and expenses in connection with intellectual /property patents.)

TOTAL DUE.....\$ 26,857.14

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 3/19/13, 8/22/13 and 8/7/14) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Urban – Covalent Attachment of Bacteriophages to Polymeric Surfaces” - \$412.50; “Urban – Covalent Attachment of Bacteriophages to Polymeric Surfaces” - \$517.50 and “Trademark Application for the Centennial Anniversary” - \$240.00, respectively.)

TOTAL DUE.....\$ 1,170.00

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1. **MUW – EMERGENCY REPLACEMENT OF EQUIPMENT**

On August 11, 2014, Mississippi University for Women's Executive Head, Dr. Jim Borsig, authorized the emergency replacement of a fan in The Martin Chiller Plant. The August 11, 2014 purchase was to replace a fan for the HVAC system in The Martin Chiller Plant which supplies cold air to five (5) academic building on the MUW campus. The Plant was in the process of replacing a fan when another one unexpectedly failed thereby requiring immediate repair/replacement in order to prevent extensive damage. Total costs for this purchase were \$5,659.00.

This information is being provided to the Board of Trustees in accordance with Miss. Code Ann. § 31-7-13(j) – State Agency Emergency Procedure: In the event such executive head is responsible to an agency board, at the meeting next following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be presented to the board and placed on the minutes of such agency.

Documentation to support the purchase follows.

August 11, 2014

To Whom It May Concern:

The Martin Chiller Plant supplies cold air to five MUW buildings. The plant was undergoing repairs to a fan when another fan unexpectedly failed. If both fans were not repaired immediately, the tower could result in extensive damage. All five buildings are academic buildings and classrooms for our students. Due to the high temperatures we were experiencing it was important to get the HVAC repaired immediately.

If you have any questions, please feel free to contact me at 662-329-7126.

Sincerely,



Jim Borsig

President, MUW



Angie Atkins

Director, Resources Management

Aug. 6. 2014 2:23PM

Columbus Machine and Welding Works,
Inc.
P.O. Box 2403
Columbus, MS 39704

No. 3290 P. 1

Invoice

| | |
|-----------|-----------|
| Date | Invoice # |
| 6/19/2014 | 14832A |

| |
|--|
| Bill To |
| Mississippi University for Women Accounts Payable 1100 College St. MUW-1604 Columbus, MS 39701-5800 |

| |
|--|
| Ship To |
| Purchasing and Receiving 1100 College St. MUW-1628 Columbus, MS 39701-5800 TAX EXEMPT |

| P.O. Number | Terms | Rep | Ship | Via | F.O.B. | Project |
|--------------|-----------|--|-----------|------------|------------|-------------------|
| P1402343 | Net 30 | | 6/19/2014 | CM&W Truck | | |
| Quantity | Item Code | Description | | | Price Each | Amount |
| | Sales | Replace 2 fans in Martin Plant | | | 3,890.34 | 3,890.34 |
| | Labor | 4ea- 2-11/16 pillow block bearings Crane rental and labor | | | 1,768.66 | 1,768.66 |
| Total | | | | | | \$5,659.00 |

JUN 6 2014

| | |
|--------------|--------------|
| Phone # | Fax # |
| 662-328-8473 | 662-328-5274 |

| |
|--|
| Web Site |
| www.columbusmechanicalandwelding... |

REQUEST FOR AUTHORITY TO PURCHASE

TO: Office of Purchasing, Travel,
and Fleet Management
501 North West Street
701 Woolfolk Building, Suite A
Jackson, MS 39201

We hereby request "Authority to Purchase" the following commodity/commodities covered by Purchasing Regulations.
TAB TO CLEAR FIELDS

| QUANTITY | UNIT OF MEASURE | DESCRIPTION | PRICE EACH | TOTAL <small>(Do not use commas)</small> |
|----------|-----------------|-----------------------------------|------------|---|
| 1 | EA | Replace two fans in Marting Plant | 5659.00 | 5659.00 |
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2. 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. **UM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 20, 2014, the Commissioner approved the final revisions to the On Campus Budget, Auxiliary Enterprises Budget and Center for Manufacturing Excellence Budget for Fiscal Year 2014. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budgets but rather reallocations among individual expense categories. A copy of the documents are included in the *September 19, 2014 Board Working File*.
- b. **UMMC** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 25, 2014, the Commissioner approved the final revisions to the Consolidated Budget, School of Dentistry Budget, University Hospital Budget, and Medical Center Service Area Budget for Fiscal Year 2014. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budgets but rather reallocations among individual expense categories. A copy of the documents are included in the *September 19, 2014 Board Working File*.