

MISSISSIPPI  
BOARD OF TRUSTEES  
OF STATE  
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK  
August 18, 2016



# **FINAL BOARD BOOK OUTLINE**

## **IHL Board Meeting**

August 18, 2016, 9:00 a.m.

IHL Board Room  
3825 Ridgewood Rd.  
Jackson MS, 39211

## **CALL TO ORDER**

## **PRAYER**

Trustee J. Walt Starr

## **INTRODUCTION OF GUESTS**

## **MINUTES**

June 16, 2016 Regular Board Meeting Minutes  
August 8, 2016 Special Called Board Meeting Minutes

## **PRESENTATIONS**

Fiscal Year 2016 IHL Energy Update  
Mr. John Hardy, IHL System Energy Management Council, Chair

## **CONSENT AGENDAS**

Trustee Doug Rouse

### **FINANCE**

1. MSU- Request for Approval to Enter into a Purchase Agreement with Concur Technologies, Inc.....	1
2. MSU-Request for Approval to Enter into a Contractual Agreement with CPI Group, LLC.....	2
3. MSU-Request for Approval to Enter into a Service Agreement with Qualified Staffing, Inc. ....	4
4. MSU- Request for Approval to Enter into a Purchase Agreement with Formations, Inc. ....	5
5. MSU- Request for Approval to Enter to Continue Lease Agreement with Lewko Properties, LLC.....	7
6. MSU-Request for Approval to Enter into a Purchase Agreement with LKC Creative, LLC.....	9
7. MSU-Request for Approval to Enter into a Lease Agreement with Mississippi State University Research and Technology Corporation.....	10
8. MSU-Request for Approval to enter into a Services Agreement with Southwest Airlines, Co. ....	12
9. MSU-Request for Approval to Amend an Agreement with Springer Customer Service Center, LLC. ....	14
10. UM-Request for Approval to Enter into a Health Contract with Aetna Student Health.....	16
11. UM-Request for Approval to Enter into a Contractual Services Agreement with Northwest Mississippi Community College for The University of Mississippi -DeSoto Campus. ....	17
12. UMMC-Request for Approval to Enter into a Purchase Agreement with Covidien Sales, LLC ....	19
13. UMMC- Request for Approval to Enter into a Lease Agreement with Gulf Auto Care, Inc.....	21
14. UMMC-Request for Approval to Enter into an Agreement with Medtronic USA, Inc. ....	21
15. UMMC-Request for Approval to Enter into an Agreement with the Mississippi Health Information Network.....	24
16. UMMC-Request for Approval to Enter into an Agreement with Provation Medical, Inc. ....	26
17. UMMC-Request for Approval to Enter into a Lease Agreement with River Oaks Hospital, LLC d/b/a Merit Health River Oaks (MHRO). ....	29
18. UMMC-Request for Approval to Enter into a Conversion and License Agreement with Skytron, LLC ....	32
19. UMMC-Request for Approval to Enter into an Agreement with Viracor-IBT Laboratories, Inc. ....	35
20. USM- Request for Approval to Enter into An Agreement with Oceaneering International, Inc. ....	37

21. USM- Request for Approval to Enter into a Lease Agreement with Oxiten USA, LLC .....	38
22. USM-Request for Approval to Enter into a Lease Agreement with University Mall, LLC .....	39

## **REAL ESTATE**

### Approval of Initiations of Projects/Appointments of Professionals

#### *IHL Projects*

1. ASU – IHL 201-252 – Morris-Boykin Renovation, Proposed Design Professional – Durrell Design Group, LLC .....	3
2. UM – IHL 207-393 – Triplett Alumni Center Additions, Proposed Design Professional – Eley Guild Hardy Architects – Jackson, P.A. ....	4
3. UM – IHL 207-415 – Golf Practice Facility Renovation, Proposed Design Professional – Pryor Morrow PC .....	6
4. UM – IHL 207-421 – Jackson Avenue Center Safe Room, Proposed Design Professional – Shafer & Associates Architects.....	7
5. UM – IHL 207-422 – North Lane Parking – Drive Modifications, Proposed Design Professional – A2H, PLLC .....	8
6. UM – IHL 207-424 – Faster Hall First Floor Modifications, Proposed Design Professional – Cooke Douglass Farr Lemons Architects & Engineers, P.A. ....	10

### Approval of Budget Increases and/or Changes of Scope/Funding Source(s)

#### *Bureau of Building Projects*

7. MUW – GS 104-187 – Demonstration School Pre-Plan, Proposed Design Professional – Pryor & Morrow Architects .....	11
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#### *IHL Projects*

8. USM– IHL 208-334 – Cochran Center Theatre, Proposed Design Professional – Albert & Associates Architects .....	13
9. UMMC – IHL 209-553 – Interventional Radiology Renovation, Proposed Design Professional –JBHM Architects P.A. ....	14

## Approvals of Other Real Estate Requests

10. ASU – Naming of the Fine Arts Building as “Joyce Johnson Bolden Fine Arts Building” .....	16
11. MSU – IHL 205-279 – Exterior Design Approval of Dudy Noble Field-Polk DeMent Stadium Addition and Renovation, Design Professional – Wier Boerner Allin Architecture .....	17
12. MSU – Exterior Design Approval of Delta Gamma Sorority House, Design Professional – Pryor & Morrow Architects and Engineers, P.A. ....	19
13. MSU – Exterior Design Approval of Lamba Chi Fraternity House, Design Professional – Eley Guild Hardy Architects .....	21
14. MSU – Exterior Design Approval of Wetland Education Theater, Design Professional – Native Habitats, Inc. ....	22
15. MSU – Delete from Inventory and Demolish –Building #1139.....	23
16. MUW – Naming of the Art and Design Building as “Summer Hall” .....	24
17. MUW – Naming of the Demonstration School Building as “Turner Hall” .....	24

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1. ASU – Approval to Contract with Ware   Immigration as Outside Counsel .....	1
2. JSU – Approval to Renew its Contract with Armstrong Law as Outside Counsel .....	3
3. JSU – Approval to Renew Contract with Ware   Immigration as Outside Counsel .....	4
4. MSU – Approval to Modify Contract with Jones Walker, LLP as Outside Counsel .....	6
5. UM – Approval of University of Mississippi Employees to Serve on the University of Mississippi Research Foundation Board of Directors .....	6
6. UMMC – Approval of Simms Strategies, LLC as Federal Lobbying Consultant.....	7
7. UMMC – Approval to Amend Contract with Butler Snow, LLP as Outside Counsel.....	7

## **PERSONNEL**

1. Employment (MUW, UMMC) .....	1
2. Change of Status (MSU).....	1
3. Tenure (UMMC).....	1
4. Emeritus Status (USM).....	1
5. Other Action (UM) .....	2

## **REGULAR AGENDAS**

### **FINANCE**

Trustee Christy Pickering

1. UM – Request for Approval to Initiate Bond Process for Indoor Tennis Facility Funded with Educational Building Corporation for a Promissory Note of \$8 Million Through the Ole Miss Athletics Foundation, Submit Financial Advisor’s Report, and Name Financial Professional ..... 1
2. UMMC – Request for Approval to Enter into a Master Agreement and Software Management Services Agreement with CareFusion Solutions, LLC. .... 3
3. UMMC – Request for Approval Enter into a Services Agreement with Cochlear Americas..... 6
4. UMMC – Request for Approval Enter into a Services Agreement with Infor Us, Inc ..... 7
5. UMMC– Request for Approval to Enter into a Pricing Agreement with MED-EL Corporation..... 13
6. UMMC – Request for Approval to Enter into an Agreement with The Mississippi Hospital Association ..... 14

### **REAL ESTATE**

Trustee Hal Parker

#### **Approval of Budget Increases and/or Changes of Scope/Change of Funding Source**

##### ***Bureau of Building Projects***

1. MSU – GS 113-141 – Animal and Dairy Science (ADS) and Poultry Complex - Proposed Design Professional – McCarty Architects P.A. .... 2

##### ***IHL Projects***

2. UMMC – IHL 209-551- Main Pharmacy Renovations 2014 – Proposed Design Professional – The McCarty Company..... 4

#### **Approval of Other Real Estate Requests**

3. SYSTEM – Approval of Facility Needs Request for 2017 Legislative Session ..... 6

## **LEGAL**

Trustee Alan Perry

1. MSU – Request for Approval of the Formation and Affiliation of New Non-Profit Research Corporation: Mississippi State University ASSURE Research and Development Corporation ..... 1
2. ASU – Approval to Settle IHL Self-Insured Workers’ Compensation Claim No. 55-32212 ..... 8
3. JSU – Approval to Settle Tort Claim No. 65-1125-1 ..... 8
4. SYSTEM – Request for Approval for First Reading of Amendment to Policy 801.13 Withholding of Pay ..... 9
5. SYSTEM – Request for Approval for First Reading of Modification to Board Policy 301.0513 Appearances Before the Board ..... 9

## **INFORMATION AGENDAS**

Commissioner Glenn F. Boyce

### **ACADEMIC AFFAIRS**

1. SYSTEM- Annual Report on Post-Tenure Review ..... 1
2. SYSTEM- Annual Report on Faculty Tenure ..... 2
3. SYSTEM- Approval of Degrees to be Conferred in August 2016 ..... 2

### **FINANCE**

1. DSU – Request For Approval to Initiate Bond Process to Issue Educational Building Corporation Revenue Refunding Bonds ..... 1
2. MSU –Request For Approval To Enter Into Service Agreement with Ge Healthcare ..... 1

### **REAL ESTATE**

- SYSTEM- Real Estate Items Approved Subsequent to the June 16, 2016 Board Meeting
- Jackson State University ..... 2
  - Mississippi State University ..... 3
  - Mississippi Valley State University ..... 7
  - University of Mississippi ..... 9
  - University of Mississippi Medical Center ..... 15
  - University of Southern Mississippi ..... 18

## **LEGAL**

1. SYSTEM – Report of Payments to Outside Counsel .....1
2. UMMC – Emergency Approval to Contract with R. Michael Bolen as Outside Counsel .....5
3. USM – Emergency Approval to Contract with Dornan Law Offices, PLLC as Outside Counsel .....5

## **ADMINISTRATION/POLICY**

1. SYSTEM – Commissioner’s Notification of Approval.....1

### **ADDITIONAL AGENDA ITEMS IF NECESSARY**

### **OTHER BUSINESS/ANNOUNCEMENTS**

### **EXECUTIVE SESSION IF DETERMINED NECESSARY**

### **ADJOURNMENT**



MISSISSIPPI  
BOARD OF TRUSTEES  
OF STATE  
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

June 16, 2016 Regular Board Meeting  
August 8, 2016 Special Called Board Meeting

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
June 16, 2016**

**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 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 23, 2015, to each and every member of said Board, said date being at least five days prior to this June 16, 2016 meeting. At the above-named place there were present the following members to wit: Mr. Tom Duff, Dr. Ford Dye, Mr. Shane Hooper, Dr. Alfred E. McNair, Jr., Mr. Chip Morgan, Mr. Hal Parker, Mr. Alan Perry, Ms. Christine Pickering (by phone), Dr. Douglas Rouse, Mr. C.D. Smith and Dr. J. Walt Starr. Mrs. Karen L. Cummins was absent. The meeting was called to order by Dr. Doug Rouse, President. Trustee Dye introduced Father Joe Tonos from Oxford to give the opening prayer.

**INTRODUCTION OF GUESTS**

- President Rouse welcomed the Student Government Association Officers: Meghan Vogelsang, SGA Student Activities & Services Chair at Delta State University; Faith Ambrose, SGA Executive Parliamentarian at Jackson State University; Alexis Moore, SGA at Jackson State University; Roxanne Raven, SGA President at Mississippi State University; and Kortney Haymore, SGA President at Mississippi Valley State University.
- Mr. Marcus Thompson, Chief Administrative Officer, introduced Mrs. Kerri Paul, Director of Development and Community Engagement at IHL. Mrs. Paul's primary responsibility is to raise funds for the *Ayers* private endowment.
- Mr. Bill LaForge, President of Delta State University, thanked Dr. Butch Caston for serving as the interim Vice President of Student Affairs at DSU. The new Vice President will be Dr. Vernell Bennett from Kentucky State University.

**ANNOUNCEMENT**

- Trustee Karen Cummins will be released from the hospital and going home today. President Rouse wished her a speedy recovery after her surgery.
- On behalf of the trustees, President Rouse wished Trustee C.D. Smith a happy birthday.

**APPROVAL OF THE MINUTES**

On motion by Trustee Dye, seconded by Trustee McNair, with Trustee Cummins absent and not voting and Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on May 19, 2016.

**CONSENT AGENDAS**

**MINUTES OF THE BOARD OF TRUSTEES OF  
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June 16, 2016**

On motion by Trustee Smith, seconded by Trustee McNair, with Trustee Cummins absent and not voting and Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the following Consent Agendas, as amended.

**FINANCE**

1. **MSU** – Approved the request to enter into a new services contract on behalf of its Early Years Network (EYN) with Darwin Global, LLC, a Florida Limited Liability Company d/b/a Smart Horizons for the purpose of providing online education and training courses to childcare provider participants of the EYN credential programs. The term of this agreement will be upon approval by both parties to May 31, 2019 with the option to renew for additional three (3) year terms by written modification upon signature of both parties. The requested contract amount is \$961,875. We anticipate 500 participants for the 2015-16 fiscal year but are requesting approval for a contract amount that can expand as demand changes. Thus, we are requesting approval for a total contract amount that is 25% greater than our estimate. If we begin to approach the 125% mark, we will return to the IHL Board for additional approval. Payment will be issued on a monthly basis upon receipt of an invoice based on actual services rendered. The contract will be funded through the Mississippi Early Childhood Service System (EYN) grant funded by the Division of Early Childhood Care and Development, Mississippi Department of Human Services. 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 a new services contract on behalf of its National Strategic Planning and Analysis Research Center (NSPARC) with Itransition, Inc. d/b/a A1QA to significantly increase the amount of quality assurance performed under its research and development activities related to information systems in order to attract and maintain research funding opportunities. The term of this agreement will begin July 1, 2016 and end on June 30, 2019. Contract may be renewed for two consecutive one-year periods upon written agreement of both parties. The total contract cost is up to \$2,163,200. Payment will be issued on a monthly basis upon receipt of time and material invoice reviewed and approved by a contract administrator. The time and material invoice is based on the actual services rendered. The contract will be paid through the NSPARC Service Center Fund. 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 renew a contract with United Healthcare Insurance Company for health insurance plans which cover MSU students. This is a group rate student health insurance contract which fully complies with the requirements of the Affordable Care Act. The contract will be annual, from August 1, 2016, to July 31, 2017. The contract amount varies depending upon the number of students who elect to purchase the insurance. However, a fair estimate based upon last year's amount is approximately \$948,000. 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 an agreement with Southwest Airlines Co. for charter flights for the Ole Miss 2016 Football season. This agreement will begin September 4, 2016, and end November 12, 2016. The contract amount will be \$550,200 and billed in five installments. Funds are available from Athletics Department Operating Funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

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5. **UMMC** – Approved the request to enter into an agreement with CannonDesign Architecture and Engineering, P.C. for advisory services related to the creation of a facilities master plan as required under IHL Policy 903 Planning and Funding Requests. The term of the agreement is for approximately one (1) year, commencing on or about June 17, 2016 through approximately July 1, 2017. The total contract cost for the services will not exceed \$750,000. The agreement 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.
6. **UMMC** – Approved the request to enter into an agreement and accompanying Statement of Work (SOW) with CapsuleTech, Inc. for implementation of CapsuleTech's Medical Device Information System at UMMC's Grenada facility and for continued use at UMMC's Jackson facility. The purpose of this agreement is to provide UMMC continued license and support of the Capsule SmartLinx device integration software at the Jackson facility and it allows UMMC to purchase Capsule SmartLinx device integration software, hardware, support and maintenance for same, along with professional services related thereto, for the Grenada facility. The term of the agreement is for three (3) years – July 1, 2016 through June 30, 2019. The total contract amount is estimated to be \$749,743.24. A breakdown of costs is included in the bound *June 16, 2016 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.
7. **UMMC** – Approved the request to enter into an agreement with HealthCare Connections, Inc. (HCI) for temporary and/or permanent laboratory professional personnel. The purpose of this agreement is to assist UMMC in finding qualified histotechnologist and histotechnicians for its Department of Surgical Pathology. This agreement will allow UMMC to meet its short term and long term staffing needs. The term of the agreement is for five (5) years – July 1, 2016 through June 30, 2021. The total estimated contract amount will be \$6,000,000. This amount is estimation only and UMMC is not required to spend a certain amount with HCI and will only utilize the placement/recruitment as needed to fill staffing needs. 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 amend the agreement with with INO Therapeutics, LLC d/b/a Ikaria for the INOtherapy System and related services. The purpose of this amendment is to extend the term of the agreement for an additional year and update the cost associated with the continuance of the agreement. This amendment will allow UMMC the authority to continue purchasing the INOMAX gas and use of the INOtherapy system. The term of this amendment will be one (1) year beginning on July 1, 2016, and ending June 30, 2017. The total term of the agreement will be five (5) years beginning July 1, 2012, and ending June 30, 2017. The estimate cost of this amendment is \$2,612,499.96. Since UMMC built in an additional cost to cover any potential overages with amendment one (1), the total overall requested amount is \$12,100,000. 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 a cargo facility lease agreement with the Jackson Municipal Airport Authority (JMAA) and to make prepayments on a monthly basis, as well as vehicle parking charges for employees, as applicable, in accordance with IHL Board Policy 707.03 Approval of Prepayment for Goods or Services. The purpose of the lease is to provide office and storage space for components of the Mississippi State Department of Health's (MSDH) State Medical Response System (SMRS), which includes safety and security for

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UMMC's mobile field hospital and a training location for the State Medical Assistance Team (SMAT) medical and logistical staff. This building represents the only facility with adequate space and access to an airport facility for aeromedical transport and access to the Mississippi Air National guard resources for disaster management planning purposes. The space enhances UMMC's ability to perform assigned duties and responsibilities in Emergency Support Function 8 of the State of Mississippi Comprehensive Emergency Plan. The initial term of the lease is one (1) year from July 1, 2016, through June 30, 2017. Upon the expiration of the initial term, the lease will automatically renew for two (2) successive one (1) year renewal terms. UMMC requests approval for the three (3) year term, including all renewals. The total estimated cost of the three (3) year lease agreement is \$720,030. This estimate includes rental cost per square foot of \$7.00 or \$18,742.50 per month and an electricity surcharge of \$1,200 per month. UMMC has included \$1,050 for potential badge fees and an additional \$1,050 contingency for parking. A breakdown of costs is included in the bound *June 16, 2016 Board Working File*. UMMC will pay the lease; however, MSDH will reimburse UMMC the cost of the lease agreement via federal grant funds received from the Center for Disease Controls Public Health Emergency Preparedness (PHEP) program and the Department of Health and Human Services' Hospital Preparedness Program (HPP). 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 new Lease Agreement with Jackson State University to lease 240 parking spaces located on the grounds of the Mississippi Veterans Memorial Stadium (Stadium) in Lots C and D in Jackson, Mississippi. The parking spaces are utilized by UMMC faculty, staff, and students. The term of the contract will be thirty (30) months from July 1, 2016, to December 31, 2018. Upon expiration of the initial term, the contract includes an optional renewal term of five (5) years, from January 1, 2019, through December 31, 2023. The contract term is set to coincide with the expiration of the primary parking lease, which is set to expire on December 31, 2018, and which also has a five (5) year optional renewal term, through December 31, 2023. The total contract amount is \$180,000 for the initial term of thirty (30) months and the renewal term of five (5) years. During the initial term and renewal term, the monthly rate is \$2,000. 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 Insight Health Corporation (Insight) to provide a mobile MRI unit on site at its Grenada facility to be used while the installation of a new permanent MRI unit is placed. The purpose of the contract is to provide a mobile MRI unit to our facility during the downtime for renovation and installation of a new permanent MRI unit at Grenada. This is not a mobile unit that will be brought to Grenada on occasion, rather this mobile unit will remain at Grenada, until the renovations and installation of the new MRI is complete. The agreement will allow Grenada to provide continued care in a timely manner, while maintaining adequate reimbursement for the radiology department and the hospital. The term of this agreement is one (1) year beginning July 1, 2016 and ending June 30, 2017. The total estimated cost of this agreement is \$271,665. A breakdown of costs is included in the bound *June 16, 2016 Board Working File*. The cost of this agreement will be paid for 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.
12. **UMMC** – Approved the request to amend two agreements with PAR Excellence Systems, Inc., as follows: 1.) amend to the license and installation agreement to add new technology to the

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schedule of licensed products and 2.) amend to the support services agreement to add support for new technology as needed. The purpose of these amendments is to add new technology onto the existing agreement schedules. The amendments will allow UMMC to purchase technology and related support for the newer technology for expansion of the system into needed areas throughout the hospital. The Par Excellence System is a weight based system that is currently used at UMMC to manage stock levels, fluctuations, and replenishment of medical supplies such as gauze, syringes, etc. The system uses scales for each bin to determine current quantity on hand of any items at any given time by matching the weight of the bin with the weight of the items loaded in the database. Based on the weight the system will automatically calculate the need to replenish items. Through an interface with UMMC's accounting/supply chain system, Lawson, an order to replenish will process. This allows the storage rooms to have an adequate stock of supplies at all times. In addition, this system is interfaced with EPIC, UMMC's electronic health record, to help aid in appropriately billing supplies. The term of the amendments is one (1) year, five (5) months, each beginning July 1, 2016 and running through the original terms. There is no additional cost associated with the amendments. The total estimated cost remains at \$778,177.74. The agreement will be funded by hospital patient revenues. 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 QlikTech, Inc. (Qlik) for the purchase of various Qlik software license, information technology hardware, maintenance and support of same, along with training and consulting services. Qlik is the only provider of an associative in-memory business intelligence platform, known as the Qlik Analytics Platform, with Epic integration. This agreement will expand the deployment across the organization to enable employees at additional levels to leverage data to drive innovative decisions that improve health sciences, research, and business administration. The UMMC Center for Informatics and Analytics (CIA) uses Qlik to build analysis applications based on end user criteria and identified data sources for the divisions throughout the organization. This agreement is effective upon date of last signature, which is expected to be before or on July 1, 2016 and will be effective until June 30, 2019. The total estimated cost of the agreement will be \$1,870,251.34. 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. **UMMC** – Approved the request to enter into an agreement with Steris Corporation (Steris) to service, maintain, and repair fifty six (56) pieces of infection prevention equipment, which includes sterilizers, washers, and disinfectors. The contract is needed to provide scheduled preventative maintenance inspections as well as unscheduled repair services for the above mentioned pieces of infection prevention equipment. The infection prevention equipment is utilized to clean and sterilize patient care equipment and instruments. It is essential for patient safety that the infection prevention equipment be maintained in safe working order according to the manufacturer's recommendations. The contract is for five (5) years beginning August 1, 2016 and ending July 31, 2021. The cost of the contract is \$1,723,872.39. The cost breakdown is included in the bound *June 16, 2016 Board Working File*. The funding source for this agreement will be hospital patient care revenue. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
15. **UMMC** – Approved the sublease agreement with Wesley Health System, LLC. (Merit) for the lease of 3,000 square feet of space located at 2109 Hardy Street, Hattiesburg, Mississippi for use by the Children's of Mississippi to operate a full-time pediatric specialty clinic. The Board also

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approved the request to make prepayments on a monthly basis in accordance with IHL Board Policy 707.03 Approval of Prepayment for Goods or Services. The clinic will provide several services to the area including Cardiology, Pulmonary, Rheumatology, Hematology/Oncology, Child Development, Genetics, Nephrology, Gastroenterology, Endocrinology and Telehealth. These services are either not available in the Hattiesburg area; or, are only available on a limited basis. The term of the agreement will be for thirty-six (36) months beginning July 1, 2016 through June 30, 2019. The total contract cost is \$211,500. The cost breakdown is included in the bound *June 16, 2016 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.

16. **USM** – Approved the request to enter into a contract with Mythics, Inc. for annual Oracle software support and maintenance and to make multi-year prepayments at the beginning of each contract year in accordance with IHL Board Policy 707.03 Approval of Prepayment for Goods or Services. Oracle includes PeopleSoft Modules and Oracle Database products. PeopleSoft is the university's primary enterprise solution. The initial term of the contract is three (3) years beginning August 1, 2016, through July 31, 2019. Although not guaranteed, two (2) additional one-year renewals are possible if mutually agreed upon for a potential maximum contract length of five (5) years. The total contract cost for the initial three years is estimated at \$2,258,114.48. Payment will be issued on an annual basis upon receipt of an invoice prior to July 31st of each contract year. Years 4 and 5 are optional dependent upon whether the two one-year renewals are executed. A tentative estimate (based on the three percent escalation used in years 1 through 3), inclusive of those two additional years brings the potential contract total to \$3,878,965.63. Prior to any renewal period, approval would be sought from Mississippi Information Technology Services for the increase in commitment via an amended CP1. 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.
17. **USM** – Approved the request to renew a contract with United Healthcare Insurance Company for health insurance plans which cover USM students. The purpose of this group insurance plan is to allow students who need affordable health insurance coverage to have access to comprehensive coverage at a reasonable cost which is lower than rates available to them on an individual basis. The contract will be annual, from on or about August 15, 2016, to August 17, 2017 with an option to renew annually. The contract amount varies depending upon the number of students who elect to purchase the insurance. Total premium payments in FY 2017 will be approximately \$1,573,659. This insurance program is funded by direct bursar billings to students; fringe benefit charges build into externally funded contracts and grants; auxiliary funds; and, institutional funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

**REAL ESTATE**

18. **MVSU** – Approved the appointment of Shafer & Associates as the design professional for **GS 106-257, Edna Horton Renovations** project. MVSU used the Request for Qualifications (RFQ) selection process for the design professional. The university initiated this project with the Board as GS#106-249 on October 15, 2015. The Bureau of Building has subsequently changed the project number to GS #106-257. This project will address reconfiguration of interior walls, new HVAC and plumbing systems, Life safety components, and some interior millwork and finishes.

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Abatement of asbestos, lead base paint, and mold will be included if necessary. Exterior work will include the replacement of all windows, doors, brick veneer, and roof. The proposed project budget is \$8,476,079.55. Funds are available from SB 2844, Laws of 2015 (\$976,079.55) and HB 1729, Laws of 2016 (\$7,500,000).

19. **MVSU** – Approved the appointment of Architecture South as the design professional for **GS 106-258, Academic Skills TI (Phase III) Renovation**. MVSU used the Request for Qualifications (RFQ) selection process for the design professional. This project will re-program the use of space and redesign the building's interior to house academic units that were originally relocated due to critical deferred maintenance and building system issues. Phase III proposes to complete the first floor renovations, renovate and furnish the auditorium, and reconfigure and renovate the second floor to house the academic units that were originally housed in this building. The proposed project budget is \$3.5 million. Funds are available from SB 2906, Laws of 2015 (\$3,500,000).
20. **MSU** – Approved the initiation of **IHL 205-283, Pre-Plan Addition and Renovation of Humphrey Coliseum**, and the appointment of Dale Partners as the design professional. The project will include preplanning documents through design development for the addition and renovation of the Humphrey Coliseum on the campus of Mississippi State University. The renovations and/or additions must incorporate sustainable design requirements and adhere to the MSU campus master plan and MSU's Design and Construction standards. The project budget for preplanning has been established at \$200,000. The university will return to the board for a budget increase and scope clarification once these are determined. Funds are available from MSU Athletic Department Funds (\$200,000).
21. **UMMC** – Approved the appointment of HDR Architecture, Inc. as the design professional for the **IHL 209-555, Children's of Mississippi Expansion** project. The University used the Request for Qualifications (RFQ) selection process for the design professional. This current project is for design services only for a new bed tower for the expansion of the existing NICU and Critical Care beds. Design services will also include renovations of backfill spaces and a new pediatric outpatient facility on a site located in Madison, Mississippi owned by UMMC. The university will return to the board for a budget increase and scope clarification once these items are clearly defined and additional project funds are available. The proposed project budget is \$6 million. Funds are available from Philanthropic Gifts (\$6,000,000).
22. **UMMC** – Approved the initiation of **IHL 209-556, Renovation of 4th Floor C-Wing**, and the appointment of Cooke Douglass Farr Lemons as the design professional. The University used the Request for Qualifications (RFQ) selection process for the design professional. The project will renovate the fourth (4th) floor of the Children's Circle (C-Wing) to provide offices and support space for Batson Children's Hospital administration. The renovation will include demolition of the current space; upgrades to the mechanical and electrical systems; bringing the space up to current codes and implementing UMMC standards for finishes, office sizes, etc. The proposed project budget is \$3,193,668. Funds are available from UMMC – Building Improvement Funds (\$3,193,668).
23. **UMMC** – Approved the initiation of **IHL 209-557, Med-Com / PES Renovations**, and the appointment of Canizaro Cawthon Davis as the design professional. The University used the Request for Qualifications (RFQ) selection process for the design professional. This project will renovate the existing Med-Com area and relocate UMMC's Rapid Track service. The relocation of Rapid Track will allow Psychiatric Evaluation Services to occupy the vacated space. This



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renovation will take place in and adjacent to the existing Emergency Department. It will provide needed space for UMMC to care for patients who are admitted to the ER and may need psychiatric services. The proposed project budget is \$2,868,925. Funds are available from UMMC – Building Improvement Funds (\$2,868,925).

24. **JSU** – Approved the request to increase the budget for **GS 103-281, Alexander Center Renovation Phase III**, from \$1,400,000.00 to \$2,018,827.06, for an increase of \$618,827.06. The Board also approved the following funding sources to the project to allow for the budget increase: SB 2197, Laws of 2002; SB 2988, Laws of 2003; SB 2010, Laws of 2004; SB 3100, Laws of 2011 and HB 1701, Laws of 2010. The project is currently in the bidding phase. This is the first budget escalation request made for this project by the university. The increased budget will cover the updated construction costs which will allow the university to establish an acceptable contingency fund for the project. Bids for the project were received on May 26, 2016 and the apparent low bidder exceeded the current approved budget. Funds are available from SB 2906, Laws of 2015 (\$1,400,000); GS #103-234 ADA Compliance Phase II-B (\$437,994.69) [SB 3100, Laws of 2011, SB 3197, Laws of 2002 and HB1701, Laws of 2010]; GS #103-261 Dansby Hall Replacement (\$118,809.44) (SB 2010, L’04 and HB 1701, L’10); GS #103-267 Alexander Center Renovation Phase I \$20,550.58 (SB 3100, L’11) and GS #103-275 Administration Tower Exterior Waterproofing \$41,472.35 (HB 1701, L’10 and SB 3100, L’11).
25. **USM** – Approved the request to increase the budget for **GS 108-281 Greene and Chain Renovations**. The budget will increase from \$7,000,000.00 to \$11,500,000.00, for an increase of \$4,500,000.00. In addition, University of Southern Mississippi requested approval to change the scope of the project and to add Deepwater Horizon (BP) Insurance proceeds as funding sources to the project to allow for the budget increase. Additional funds for the project have been received from the Deepwater Horizon (BP) Insurance proceeds. The additional funds will allow the project scope to include a new roof, new windows, elevator upgrades for ADA compliance, new auditorium seating, and new commercial food lab addition.
26. **USM** – Approved the request to reduce the scope of the **GS 108-332 Pride Field Turf and Fencing** project. The reduction will include removing the construction of the Band Director’s Tower from the project. This reduction in scope will allow the project to remain within the limits of the construction budget without a budget increase. The current project budget and funding sources will remain the same. The project will include the renovation of the existing Pride Field with artificial turf and perimeter fencing. This project will provide a new area for the “Pride of Mississippi Marching Band” to practice that simulates the current field conditions of the football stadium. Upon completion, USM Recreational Sports will utilize this newly renovated area for various intramural sports and their events.
27. **USM** – Approved the request to **Delete from Inventory and Demolish –Building #622**. Building #622, located at 2306 W 4th Street in Hattiesburg is an abandoned warehouse in poor condition and no longer serves the mission of the university. The structure has been vacant for over five (5) years and is unsightly to the campus. The space will be used for future parking expansion for the university.

**LEGAL**

28. **MSU** – Approved the request to modify a contract with the law firm of STITES & HARBISON, PLLC to provide services necessary for obtaining patents for designs, processes, products and other patentable materials developed in connection with the University. The contract was

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modified by modification #1 in March 2016, to remove Connie Ding as an approved attorney and add Sean Ritchie as her replacement, at a rate of \$240 per hour. This modification #2 will extend the term of the contract for one (1) year or through June 30, 2017. All other provisions of the Agreement for Legal Services dated July 1, 2015, shall remain in effect, with hourly rates ranging from \$95.00 - \$320, and the total amount payable shall not exceed \$100,000. The Attorney General has approved this request.

29. **UM** – Pending approval by the Attorney General, the Board approved the request to renew its contract for professional services with the law firm of Armstrong Teasdale LLP as outside counsel for the provision of legal services in the area of engineering and physical sciences patent applications and related intellectual property issues. Attorneys Erin Florek and Adam Wuller will be the primary attorneys performing work for the University. The contract originated June, 2011. The term of the proposed contract extension is from July 1, 2016 through June 30, 2017. Hourly rates range from \$250-\$450 for principals, \$175 for Associates, and \$150 for paralegals. These rates are increased for some of the attorneys who may do work under the contract, but at least \$100/hour below the Firm's customary rates. Total expenditures will not exceed \$100,000.
30. **UM** – Pending approval by the Attorney General, the Board approved the request to renew its contract for professional services with the law firm of Butler Snow LLP as outside counsel for the provision of legal services in the areas of intellectual property, regulatory, taxation and other commercial transactions. The contract originated in November 2007. The term of the proposed contract extension is July 1, 2016 through June 30, 2017. The blended hourly rate under the contract will be \$240.00 per hour for all attorneys, including patent work and \$95.00 per hour for all legal assistants. These rates are unchanged from last year and are competitive with or less than those charged by similarly qualified attorneys. Total expenditures will not exceed \$100,000.
31. **UM** – Pending approval by the Attorney General, the Board approved the request to renew its contract for professional services with the law firm of Evans Petree, PC as outside counsel to advise and represent the University with respect to construction matters, including but not limited to construction and design professional contracts, public procurement, potential bid protests, and other matters related to design, construction, and project management and related disputes. Joseph T. Getz will be the primary attorney performing work for the University. The contract originated in March, 2013. The term of the proposed contract is from July 1, 2016 to June 30, 2017. The proposed fees are unchanged from last year as indicated below:
- |                           |                         |
|---------------------------|-------------------------|
| Partners                  | \$265 to 295 per hour   |
| Associates                | \$175 to \$225 per hour |
| Paralegals                | \$95 to \$110 per hour  |
| Clerks                    | \$50.00 per hour        |
| Research and copy charges | At cost                 |
- Total expenditures will not exceed \$40,000 during this contract term.
32. **UM** – Pending approval by the Attorney General, the Board approved the request to renew its contract for professional services with the New York law firm of HersHKovitz & Associates, LLC ("HersHKovitz") as outside counsel so that Eugene RZucidlo, an attorney practicing with HersHKovitz, may continue to assist the University with pharmaceutical and natural products patent applications and related intellectual property and commercialization issues. Mr. RZucidlo is one of a few patent lawyers in the world who is also a natural products chemist, and the University has worked with Mr. RZucidlo on the most challenging natural products patents for

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many years. Mr. Rzucidlo's hourly rate is \$595 per hour, which is the same as the University paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is from July 1, 2016 to June 30, 2017, and total expenditures will not exceed \$250,000.

33. **UM** – Pending approval by the Attorney General, the Board approved the request to renew its contract for legal services with the law firm of Jones Walker LLP as outside counsel for the provision of legal services in the area of intellectual property issues. Services will be provided to the University by Whit Rayner, Andrew Harris, and any other attorney with the firm whose specialized knowledge is required in such representation. The hourly rate for these services will remain unchanged at \$245. The term of the proposed contract is from July 1, 2016 to June 30, 2017, and total expenditures will not exceed \$60,000.
34. **UM** – Pending approval by the Attorney General, the Board approved the request to renew its contract for legal services with the law firm of Mayo Mallette PLLC as outside counsel so that it may continue to assist the University with the Blackburn Estate as well as real estate matters. The hourly rate for these services will remain unchanged at \$165 for Principals, \$135 for Associates, and \$65 for Paralegals. The proposed contract extension term is from July 1, 2016 to June 30, 2017, and total expenditures will not exceed \$60,000.
35. **UM** – Pending approval by the Attorney General, the Board approved the request renew its contract with the law firm of Stites & Harbison as outside counsel for the provision of legal services in the area of pharmaceutical patent applications and intellectual property issues. Richard Myers will be the primary attorney performing work for the University. Mr. Myers' hourly rate remains at \$320, with other professionals who may work on University matters billing between \$95 and \$320 per hour. These rates remain unchanged from last year and are less than the rates of similarly qualified patent attorneys, and substantially below the firm's customary rates. The term of the proposed contract is from July 1, 2016 to June 30, 2017, and total expenditures will not exceed \$100,000.
36. **UM** – Approved the request to renew its contract for professional services with the law firm of Ware | Immigration, as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This 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 terms of this contractual agreement will be from July 1, 2016 to June 30, 2017, and total expenditures will not exceed \$100,000 during the contract term. The proposed fixed fees are based upon the schedule approved by the IHL in the context of Ware/Gasparian's representation of USM in February 2013: Partners \$250, Associates \$150, and Paralegals \$100.

**Schedule of Legal Fees for Academia**

**Nonimmigrant Petitions and Processes**

H-1B	\$1,500
H-1B extension of amendment petitions	\$1,000
TN petition or border/consulate processing	\$1,500
TN extension petition	\$1,000
E-3 petition or consular processing	\$1,500

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O-1 petition	\$4,000
O-1 extension or amendment petition	\$1,500
Change of status or extension of status of dependents (I-539) no additional charge	
J-1 waiver (IGA or hardship)	\$6,000
J-1 waiver (Conrad)	\$6,000

**Permanent Residence Process with Labor Certification: Faculty**

\$2,000	“Special Handling” labor certification (must be paid by University*) \$2500 if position must be re-advertised
\$1,000	Additional fee if audited
\$2,500	Immigrant petition
\$1,500	Adjustment of status and related applications (I-765, I-131, etc) by employee
\$750	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 fee.*

**Permanent Residence Process with Labor Certification: Non-Faculty**

\$3,000	Labor certification (must be paid by University*)
\$1,500	Additional fee if audited
\$2,500	Additional fee if subject to supervised recruitment
\$2,500	Immigrant petition
\$1,500	Adjustment of status and related applications (I-765, I-131, etc) by employee
\$750	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 fee.*

**Permanent Residence Process: Outstanding Professors and Researchers**

\$7,000	Immigrant petition
\$1,500	Adjustment of status and related applications by employee
\$750	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**

\$7,000	Immigrant petition
\$1,500	Adjustment of status and related applications by employee
\$750	Adjustment of status and related applications each spouse or child

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

37. **USM** – Approved the request to enter into a contract with the law firm of Bryan, Nelson, Schroeder, Castigliola & Banahan, P. A., as outside counsel to perform services as necessary and render legal advice and recommendations in the practice areas of admiralty and maritime law, including but not limited to all matters involving navigable waters, vessels at sea, and all similar interests of the University arising out of or related to the University’s ownership and operation of watercraft, any associated facilities or activities, and the University’s activities in and around navigable waters and coastal areas. The scope of services would include advice and assistance with contracts, leases and other commercial agreements, as well as litigation related to any of the activities described herein. The request includes the use of any and all attorneys employed by the firm, at the discretion of the firm, whose expertise and experience is required to assist in the representation of the University pursuant to the agreement. The hourly rate to be charged will be \$195.00 per hour for attorneys and \$90.00 per hour for the time expended by paralegals. In addition to payment of attorneys’ fees, the attorney will be entitled to reimbursement for all reasonable, customary and necessary out-of-pocket expenses related to the representation. The

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approval will be for a period of time beginning on July 1, 2016 and expiring June 30, 2017. The maximum amount budgeted for payment for legal fees pursuant to this agreement would be \$25,000.00. The Attorney General has approved this request.

38. **USM** – Approved the request to renew the employment contract of Butler Snow LLP as outside counsel to perform services as necessary in the practice areas of taxation, intellectual property and commercial matters, including trademark, copyright and patent matters; commercial and regulatory matters and litigation, including but not limited to disputes with the Federal Emergency Management Agency (FEMA); human resource matters, faculty, student, personnel and employment issues, general administrative matters, general legal advice, and investigations at the request of the University in matters involving various legal issues. The hourly rate to be charged will be \$240.00 per hour for all attorneys in all legal matters and \$95.00 per hour for legal assistants. In addition to payment of attorneys' fees, the attorney will be entitled to reimbursement for all reasonable, customary and necessary out of pocket expenses related to the representation. The approval will be for a period of one year from July 1, 2016 through June 30, 2017. The total amount payable for attorneys' fees, pursuant to the arrangement, shall not exceed \$60,000.00 for the contractual period. The Attorney General has approved this request.
39. **USM** – Approved the request to renew the employment contract of 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 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 period from July 1, 2016 until June 30, 2017. It is expected that each closing will cost the University approximately \$1,000.00. The maximum amount budgeted for payment under the contract is \$5,000.00. The attorney's average hourly rate, depending on services rendered, is \$150.00. In addition to payment of attorneys' fees, the attorney will be entitled to reimbursement for all reasonable, customary and necessary out-of-pocket expenses related to the representation. The Attorney General has approved this request.
40. **USM** – Approved the request to renew the employment contract of Mary Ann Connell, Cal Mayo and the firm of Mayo Mallette PLLC, 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, affiliation agreements, naming agreements and policies, Title IX, NCAA compliance, disability law, and athletics. The request includes the use of any and all attorneys employed by the firm, at the discretion of Mary Ann Connell and Cal Mayo, whose experience and expertise is required to assist in the representation of the University pursuant to the agreement. The hourly rate to be charged will be \$165.00 per hour for attorneys and \$65.00 per hour for the time expended by paralegals with a maximum amount payable under the contract of \$40,000.00. In addition to payment of attorneys' fees, the attorney will be entitled to reimbursement for all reasonable, customary and necessary out of pocket expenses related to the representation. The approval will be for a period of time beginning on July 1, 2016 and expiring on June 30, 2017. The request has been approved by the Attorney General.

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41. **USM** – Approved the request to renew the employment contract of Richard & Thomas 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 five closings during the period from July 1, 2016, until June 30, 2017. The closings will be for purchases of property near the Hattiesburg campus. It is expected that each closing will cost the University approximately \$1,000.00. The maximum amount budgeted for payment under the contract is \$10,000.00. The attorney's average hourly rate, depending on services rendered, is \$150.00. In addition to payment of attorneys' fees, the attorney will be entitled to reimbursement for all reasonable, customary and necessary out of pocket expenses related to the representation. Fees and expenses will be paid from the University general funds. The request has been approved by the Attorney General.
42. **USM** – Approved the request to to renew the contract for Ware|Immigration, 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 agreement authorizes the Law Firm to assign any and all attorneys employed by the Law Firm who, at the discretion of the Law Firm, can provide the experience and expertise necessary to effectively represent the University in all matters set forth in the description of services to be provided. In addition to the fees reflected on the Schedule of Legal Fees, the University may seek general legal advice on immigration matters. For non-scheduled legal fees, attorneys' advice will be billed on an hourly basis. David Ware's hourly rate is \$300.00 and all other attorneys will be billed at the hourly rate of \$200.00. The terms of this contractual agreement will be for the period of time from July 1, 2016 through June 30, 2017, for a maximum amount payable of \$25,000 in legal fees during the contract term. The request has been approved by the Attorney General. The proposed fees are as indicated below:

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$1500.00
H1B 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 if position must be re-advertised</i>

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\$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

*\*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 Certifications: 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 relation applications (i-765, I-131, etc.) by Employee
\$750.00	Adjustment of status 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

\$7000.00	Immigration petition
\$1500.00	Adjustment of status and related applications by employees
\$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

\$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.*

43. **USM** – Approved the request to to renew the employment contract of attorney William Wessler, as outside counsel, to perform services necessary and render legal advice, recommendations, and representation to the University in the practice area of bankruptcy. As full and complete compensation for the services to be provided, the University will pay the attorney \$200.00 per hour for time expended in the representation of the University. In addition to payment of attorneys' fees, the attorney will be entitled to reimbursement for all customary and necessary out of pocket expenses related to the representation. The total amount of attorneys' fees budgeted for payment is \$5,000.00. The approval will be for a period of time beginning from July 1, 2016 to June 30, 2017. The request has been approved by the Attorney General.
44. **USM** – Approved the 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, as required by Board Policy 201.0506 Political Activity. W.T. Consultant's lobbyist/firm client list and the proposed agreement are included in the bound *June 16, 2016 Board Working File*.
45. **MSU** – Approved an agreement between the university and Cornerstone Government Affairs, LLC, for assistance in the university's pursuit of its in-state government affairs and business objectives, including monitoring and lobbying of legislation of interest to MSU during the regular session of the Legislature and other services throughout the year. Cornerstone will apprise the Commissioner of IHL of its lobbying activities related to MSU and coordinate those

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activities within system strategies and processes prescribed by the IHL Board. The requested contract amount is \$50,000.00, and will be paid with private funds. Following is Cornerstone's client list and proposed Agreement. Cornerstone's client list and the proposed agreement are included in the bound *June 16, 2016 Board Working File*.

46. **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 *June 16, 2016 Board Working File*.
47. **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 proposed contract are in the bound *June 16, 2016 Board Working File*.
48. **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's client list and proposed contract are in the bound *June 16, 2016 Board Working File*.
49. **MSU** – Approved the request for Federal Solutions, LLC, to continue to lobby on behalf of the university outside the State of Mississippi in accordance with Board Policy 201.0506 Political Activity.
50. **UM** – Approved the request for BGR Governmental Affairs, LLC, a Washington, D.C. based firm, to continue to assist in managing their federal governmental affairs and to represent their interests before federal executive branch agencies and congressional offices and committees in accordance with Board Policy 201.0506 Political Activity.
51. **USM** – Approved the request to continue the agreement with Cassidy & Associates, Inc., in Washington, DC, to provide federal relations services to obtain federal funding to support our infrastructure and research programs and to provide consultation, advice and assistance with regard to our annual federal appropriations requests in the amount of \$13,000 monthly and reasonable reimbursement of travel expenses funded by indirect cost recoveries committees in accordance with Board Policy 201.0506 Political Activity.

**PERSONNEL REPORT**

52. **EMPLOYMENT**

**Delta State University**

- Dr. Vernell Bennett; Vice President for Student Affairs; salary of \$142,500 per annum, pro rata; E&G funds; effective July 1, 2016

**Mississippi State University**



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- Judith L. Bonner; Provost and Executive Vice President of Academic Affairs; salary of \$375,000 per annum, pro rata from E&G funds and \$25,000 per annum, pro rata from MSU Foundation funds; effective July 1, 2016
- Angus Dawe; Professor and Head, Biological Sciences; salary of \$150,000 per annum, pro rata; E&G funds; **hired with tenure**; effective July 16, 2016

**University of Mississippi**

- Kiese Laymon, M.F.A.; Professor of English and Creative Writing; salary of \$118,000 per annum, pro rata; E&G funds; **hired with tenure**; effective August 18, 2016
- Deborah Mower, Ph.D; Professor of Philosophy and Mr. and Mrs. Alfred Hume Bryant Lectureship in Ethics ; salary of \$100,000 per annum, pro rata; E&G funds; **hired with tenure**; effective August 18, 2016
- Gregg Roman, Ph.D; Chair and Professor of Biology; salary of \$150,000 per annum, pro rata; E&G funds; **hired with tenure**; effective July 1, 2016

***Rehired retirees below make more than \$20,000 and are on contract during FY 2017***

**Delta State University**

- Dr. Kent Wyatt; *former position*: President; *re-employment position*: President Emeritus; re-employment period - July 1, 2016-June 30, 2017; 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, 2016-June 30, 2017; annual salary of \$22,604.
- Gloria Brister; *former position*: Chair of Speech and Hearing Sciences and Assistant Professor; *re-employment position*: Assistant Professor, Emeritus, re-employment period - July 1, 2016-June 30, 2017; annual salary of \$40,000.
- James Robinson; *former position*: Professor of History; *re-employment position*: Adjunct Instructor in History, re-employment period - July 1, 2016-June 30, 2017; 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, 2016-June 30, 2017; annual salary of \$50,000.
- Kathleen Lott; *former position*: Teacher, Cleveland School District; *re-employment position*: Project Director, Math and Science Partnership, re-employment period – July 1, 2016-June 30, 2017; annual salary of \$29,000.
- Elizabeth Belenchia; *former position*: Teacher, Cleveland School District; *re-employment position*: Co-Project Director, Math and Science Partnership, re-employment period – July 1, 2016-June 30, 2017; annual salary of \$28,000.
- Dorothy Sykes; *former position*: Sunflower County Consolidated School District; *re-employment position*: Director, Kellogg Grant, re-employment period – July 1, 2016-June 30, 2017; annual salary of \$30,000.

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- Michael L. Putnam; *former position:* Lowndes County School District; *re-employment position:* Director, Delta School Leadership Pipeline Project/Adjunct Instructor, re-employment period – July 1, 2016-June 30, 2017; annual salary of \$80,000.
- Darlene Breaux; *former position:* Assistant to Dean of Research; *re-employment position:* Academic Affairs Developmental Officer re-employment period - July 1, 2016-June 30, 2017; annual salary of \$30,000.

**Mississippi University for Women**

- Clara Hurd; *former position:* Nursing Instructor; *re-employment position:* Instructor of Nursing, Tupelo; *re-employment period:* July 1, 2016 to June 30, 2017; annual salary of \$31,470
- Debbie Ricks; *former position:* Project Director for Navigating Educational Opportunities in Nursing; *re-employment position:* Instructor of Nursing, Tupelo; *re-employment period:* July 1, 2016 to June 30, 2017; annual salary of \$34,900
- Elaine Evans; *former position:* Professor of Accounting; *re-employment position:* Instructor of Accounting; *re-employment period:* August 22, 2016 to December 21, 2016; salary of \$20,193
- Bobby Fuller; *former position:* High School Principal; *re-employment position:* Instructor of Education; *re-employment period:* August 22, 2016 to May 19, 2017; salary of \$27,275
- Linda Mills (formerly Linda Cox); *former position:* BSN Program Director; *re-employment position:* Instructor of Nursing, Tupelo; *re-employment period:* July 1, 2016 to June 30, 2017; salary of \$38,395

**Mississippi Valley State University**

- Betty Farmer; *former position:* Assistant Professor; *re-employment position:* Assistant Professor; *re-employment period:* August 15, 2016 to May 15, 2017; annual salary of \$22,000
- Roy Hudson; *former position:* Professor; *re-employment position:* Assistant Professor; *re-employment period:* August 15, 2016 to May 15, 2017; annual salary of \$20,000
- John Johnson; *former position:* Director of Mass Transit; *re-employment position:* Special Assistant to the Project Director; *re-employment period:* August 15, 2016 to May 15, 2017; annual salary of \$37,380
- Ronald Love; *former position:* Director of Continuing Education; *re-employment position:* Associate Professor; *re-employment period:* August 15, 2016 to May 15, 2017; annual salary of \$30,000
- Vincent Venturini; *former position:* Chair, Department of Social Work; *re-employment position:* Visiting Professor; *re-employment period:* August 15, 2016 to May 15, 2017; annual salary of \$22,463

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- Harvey Wardell; *former position*: Men's Assistant Basket Ball Coach and Instructor; *re-employment position*: Assistant Professor; *re-employment period*: August 15, 2016 to May 15, 2017; annual salary of \$22,500
- Raymond Williams; *former position*: Professor; *re-employment position*: Professor; *re-employment period*: August 15, 2016 to May 15, 2017; annual salary of \$33,102
- Robert Wilson; *former position*: Teacher, Greenwood Public Schools; *re-employment position*: Director, Institute for Effective Teaching Practices; *re-employment period*: August 15, 2016 to May 15, 2017; annual salary of \$34,806

**53. SEPARATION OF EMPLOYMENT**

**IHL Executive Office – The University Press of Mississippi**

- Leila W. Salisbury, Director; resignation effective June 30, 2016

**54. CHANGE OF STATUS**

**IHL Executive Office – The University Press of Mississippi**

- Craig Gill; *from* Assistant Director and Editor-in-Chief; salary of \$81,182 per annum, pro rata; General funds; *to* Director; salary of \$130,000 per annum, pro rata; General funds; effective July 1, 2016

**University of Southern Mississippi**

- Casey Maugh Funderburk; *from* Interim Associate Provost for Gulf Park and Associate Professor of Speech Communication; salary of \$120,000 per annum, pro rata; E&G Funds; *to* Associate Provost for Gulf Park and Associate Professor of Speech Communication; salary of \$130,000 per annum, pro rata; E&G Funds; effective May 10, 2016

**55. TENURE (*promotions where noted*)**

**Jackson State University**

(*Nine-month contracts effective August 11, 2016*)

- Fengxiang Han, Associate Professor, Department of Chemistry
- Nadia Bodie-Smith, *promotion* to Associate Professor, Department of Speech, Communication and Theater
- Mark Geil, *promotion to* Associate Professor, Department of Art
- Jana Talley, *promotion* to Associate Professor, Department of Mathematics and Statistical Science
- Brandi L. Turner, *promotion* to Associate Professor, Department of Communicative Disorders
- Lomarsh Roopnarine, *promotion* to Professor, Department of History

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**Mississippi State University**

*(Twelve-month contract effective July 1, 2016)*

- Jinwu Ye, Associate Professor, Department of Physics and Astronomy

**Mississippi Valley State University**

*(Correction to title approved May 2016)*

From: Daniel Trent; Associate Professor, Department of Engineering Technology

To: Daniel Trent; Assistant Professor, Department of Engineering Technology

56. **SABBATICAL**

**Jackson State University**

- Maury D. Granger; Professor of Economics, College of Business; *from* salary of \$107,876 per annum, pro rata; E&G Funds; *to* salary of \$53,938 for sabbatical period; E&G Funds; effective August 1, 2016 to December 31, 2016; professional development.
- Byron Orey; Professor of Political Science, College of Liberal Arts; *from* salary of \$90,510 per annum, pro rata; E&G Funds; *to* salary of \$45,255 for sabbatical period; E&G Funds; effective August 11, 2016 to December 31, 2016; professional development.
- Loren White; Associate Professor of Meteorology, College of Science, Engineering and Technology; *from* salary of \$60,279 per annum, pro rata; E&G Funds; *to* salary of \$30,140 for sabbatical period; E&G Funds; effective August 16, 2016 to May 1, 2017; professional development.

57. **EMERITUS STATUS**

**University of Southern Mississippi**

- Mary Beth Farrell; Instructor Emerita of History
- Frank R. Moore; University Distinguished Professor Emeritus of Biological Sciences

**FINANCE AGENDA**

Presented by Trustee Christy Pickering, Chair

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

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Pickering, seconded by Trustee Hooper, with Trustee Cummins absent and not voting and Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #4. A motion was made by Trustee Pickering, seconded by Trustee Smith, to approve agenda item #5. After discussion, the motion was withdrawn. On motion by Trustee Perry, seconded by Trustee Smith, with Trustee Cummins absent and not voting and Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to **table** agenda item #5 until the next meeting.

1. **SYSTEM** – Approved the Operating Budgets for the fiscal year ending 2017. Included as supplemental information as required by the *Ayers* Settlement Agreement, Board Policy 704.02 Athletic Budget Approval and reporting, and Board Policy 703.04 Policy Guidelines Subsection E. are: Fiscal Year 2016-2017 *Ayers* Budgets, Fiscal Year 2016-2017 Athletic Budgets, and Fiscal Year 2016-2017 E&G Scholarships, Fellowships & Tuition Waivers. (See Exhibit 1.)
2. **SYSTEM** – Approved the FY 2017 proposed funding priorities for the 2018 Legislative Budget Requests. (See Exhibit 2.)
3. **MSU** – Request to enter into a service agreement with GE Healthcare to purchase the necessary upgrades to the University's MRI machine and to enter into a service and maintenance agreement for the machine. To enable the machine to continue to be used for research and diagnostic purposes, this machine must be upgraded. Upgrading the machine before the end of June will result in the upgrade cost being approximately \$450,000. On or after July 1, 2016, this cost will escalate to be in excess of \$1,200,000. In addition to the upgrade fee, the University will pay approximately \$12,000 per month in service and maintenance fees. These fees will continue to be paid by fees collected by the University for the use of the MRI machine. The purchase agreement will provide for payments over 5 years. The service and maintenance is terminable at the end of the 5 year term, however, the parties have the option to extend the agreement for an additional 5 years. This extension allows for MSU to continue paying the same rate for service and maintenance fee for years 5-10. The total contract amount is \$1,848,095. The total upgrade fee is \$440,647.60. The service and maintenance fee is \$11,803.17 per month. The agreement is being reviewed by the Legal Staff. Final approval of this item is delegated to the Commissioner pending recommendation of Legal Staff
4. **UM** – Approved the Authorizing Resolution regarding assignment of the parking facilities and a multi-purpose arena (Pavilion) ground leases and lease agreements to the University of Mississippi Educational Building Corporation (UMEBC). The resolution authorizes amendments to the existing Pavilion at Ole Miss and parking garage leases in a manner that transfers liability risk and insurable interest from the Ole Miss Athletics Foundation (OMAF) to the UMEBC. OMAF will assign its rights under the leases to UMEBC so that OMAF has no property rights in the real estate. UMEBC will assign its rights to receive lease payments from the University to OMAF, which can apply the payments to debt service under the financing agreements. The University's ultimate obligations under the leases will remain unchanged. The leasehold deed of trust from OMAF to Regions will be cancelled. These changes are expected to produce estimated annual insurance premium savings in the range of \$200,000 - \$400,000. The amended lease contracts provide for a primary lease term of five years upon execution and will automatically renew for successive one-year terms unless either party submits an advance written notice of termination 180 days prior to the then-current term. At the end of the leases, the Pavilion and parking garage will become the property of the University. The original primary terms commenced on November 26, 2013. Pursuant to the financing agreements entered into in

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November 2013, Mississippi Business Finance Corporation issued bonds purchased by Regions Bank and Regions Capital Advantage, Inc. The proceeds have been loaned to OMAF to fund construction of the Pavilion and parking structure. Currently, the outstanding principle is approximately \$74.4 million (sum of two series combined) for the Pavilion and \$12.3 million for the parking garage. The Pavilion debt service is scheduled through November 2020 and November 2033, and the parking garage debt service is scheduled through December 2025. The leases provide for the University to make rental payments to OMAF equal to the debt service. Funds generated from the Forward Together fundraising campaign, including priority seating and philanthropic gifts, as well as university cash flows are being used to service the debt. The authorizing resolution and amended leases which have been reviewed and approved by the Attorney General's Office are on file in the IHL Board Office.

5. **UMMC** – Approved request to amend a contractual services agreement with Power Wellness Management, LLC This amendment will change the management fee structure from a flat monthly fee to a monthly fee based upon number of locations. Additionally, the amendment will shift responsibility for software and related hardware from UMMC to Power Wellness. The shifting of this responsibility will save UMMC approximately \$300,000 per year. Power Wellness will take over responsibility for the purchase of software and related hardware used for the business operations of the centers. Power Wellness will be paid a per Center management fee of \$4,600 as opposed to a flat fee of \$12,000. This amendment will be co-terminus with the agreement. The maximum term for the contract will expire on December 31, 2024. This amendment will change the monthly base management fee from \$12,000 to \$4,600 per Center (with five Centers currently operating, the monthly fee will be \$23,000). The five year total for the initial term is changing from \$720,000 to approximately \$1,182,000. If UMMC elects to renew for an additional five-year term, the total base management fees will be approximately \$2,562,000 for the ten-year term. The contract also provides for an additional incentive fee which is calculated as 12% of the Monthly Net Operating Income (defined as Gross Revenues less Operating Expenses excluding management fees, debt service, depreciation, and capital replacements) depending on the success of the centers. UMMC has estimated that the incentive fees will total \$506,333.48 over a ten-year term. UMMC requests approval in an estimated do not exceed amount of \$3,068,333.48. A breakdown of costs is included in the *June 16, 2016 Board Working File*. The agreement has been reviewed and approved by the Attorney General's Office and is on file in the Board Office.

**LEGAL AGENDA**

Presented by Trustee Alan Perry, Chair

Trustee Alan Perry recused himself from voting on item #1 by leaving the room before there was any discussion or a vote regarding the same. After Trustee Perry left the room, on motion by Trustee Dye, seconded by Trustee Hooper, with Trustees Cummins and Perry absent and not voting and Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Legal Agenda. On motion by Trustee Hooper, seconded by Trustee McNair, with Trustees Cummins and Perry absent and not voting and Trustee Pickering

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participating by phone, all Trustees legally present and participating voted unanimously to move agenda items #2 and #3 to the Executive Session Agenda.

1. **UMMC** – Request to amend its 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. This modification will increase the hourly rate from \$215 to \$245 per hour effective October 1, 2015, and will increase the maximum amount payable under the contract by \$75,000 to a new total maximum contract amount of \$175,000. The current contract term is October 1, 2015 through September 30, 2016. All other provisions of the current contract remain the same. The Attorney General has approved this request.
2. **JSU** – Settlement of IHL Self-Insured tort case number 65-1971-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)**
3. **UMMC** – Settlement of IHL Self-Insured Worker's Compensation Claim No. 55-34742-. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)**

**INFORMATION AGENDA**

Presented by Commissioner Glenn F. Boyce

**REAL ESTATE**

1. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the June 16, 2016 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 1.)**

**LEGAL**

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

**ADMINISTRATION/POLICY**

3. **SYSTEM** – The following items have been approved by the Commissioner on behalf of the Board and are available for inspection at the Board Office.
  - a. **MSU** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On May 17, 2016, Commissioner Glenn F. Boyce approved the new Ground Lease Agreement between Mississippi State University and the Zeta Tau Alpha Fraternity House Corporation and the MSU Chapter of Zeta Tau Alpha for Lot #5 of Sorority Hill Subdivision. A property description is on file at the Board Office. This is a fifty year lease beginning upon receipt of all required approvals and execution by all parties. The IHL Associate Commissioner for Legal Affairs has 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part

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that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On May 25, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement between Mississippi State University and Paul Larsen for a facility in Michigan to be used for conducting a field research project. The leased facility will be for equipment storage, staff housing, and office space. The total cost of the contract is \$98,700. Prepayment of \$2,100 will be issued on a monthly basis as specified in the lease agreement. Funds are available from an externally funded grant from the Michigan Department of Natural Resources. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

- c. **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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On May 17, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement between the University of Mississippi and Harold Reed for the lease of vacant land for use as an outdoor acoustic research testing site. The initial term of the lease is for one year from June 1, 2016 through May 31, 2017 with an option for three annual renewals at a cost of \$300 per month payable in advance on the first of each month. This lease rate for year one is \$3,600. If all renewals are exercised the total would be \$14,400. Funds are available from University facilities and administration funds. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- d. **UM** – In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, “the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board.” On May 25, 2016, Commissioner Glenn F. Boyce approved the 2016-2017 Parking and Traffic Rules and Regulations for the University of Mississippi. A copy of the document is on file at the Board Office.

**ACADEMIC AFFAIRS  
COMMITTEE REPORT  
Wednesday, June 15, 2016**

The meeting was called to order by Chairman Ford Dye at approximately 4:15 p.m. The Committee discussed several requests for authorization to plan new degree programs.

NOTE: Pursuant to IHL Board Policy 301.0510, “A quorum for the transaction of business shall be a minimum of eight members of the Board. For committees, a quorum shall be a majority of the members.” Miss Code Ann., §25-41-1 provides that notice of any meetings shall be provided at least



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five days prior to the date of the scheduled meeting. The Academic Affairs Committee meeting was added as a revision to the schedule, therefore, it cannot be conducted as a teleconference meeting. Trustees Pickering and Smith joined the meeting by teleconference for discussion purposes only. Neither trustee voted on any items.

On motion by Trustee Dye, seconded by Trustee McNair, with Trustees Cummins and Hooper absent and not voting and Trustees Pickering and Smith participating by phone but not voting, all Committee members legally present and allowed to participate voted unanimously to approve the requests to plan the following new degree programs.

1. UM – Bachelor of Science in Biomedical Engineering degree
2. USM – Bachelor of Science in Computer Engineering degree
3. USM – Bachelor of Science in Ocean Engineering degree

By consensus, the meeting adjourned.

The following Committee members attended the meeting: Dr. Ford Dye (Chair), Mr. Tom Duff, Dr. Alfred McNair, Mr. Chip Morgan, Mr. Hal Parker, Mr. Alan Perry, Dr. Doug Rouse, and Dr. Walt Starr. Mrs. Karen Cummins and Mr. Shane Hooper were absent. Mrs. Christy Pickering and Mr. C.D. Smith participated in the discussion by phone but did not vote on any items.

**HEALTH AFFAIRS  
COMMITTEE REPORT  
Wednesday, June 15, 2016**

The meeting was called to order by Chairman Doug Rouse at approximately 3:00 p.m. The following items were discussed.

NOTE: Pursuant to IHL Board Policy 301.0510, “A quorum for the transaction of business shall be a minimum of eight members of the Board. For committees, a quorum shall be a majority of the members.”

The following Committee members attended the meeting: Dr. Doug Rouse (Chair), Mrs. Karen Cummins (by phone), Mr. Tom Duff, Dr. Ford Dye, Dr. Alfred McNair, Mr. Alan Perry, and Dr. Walt Starr. Committee members Mr. Shane Hooper, Mr. Chip Morgan, Mr. Hal Parker, Mrs. Christy Pickering, and Mr. C.D. Smith were absent.

**ANNOUNCEMENTS**

- President Rouse invited the university presidents to report on current activities on their campuses.

**EXECUTIVE SESSION**

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

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determine whether or not to declare an Executive Session. On motion by Trustee Smith, seconded by Trustee Starr, with Trustees Cummins and Pickering absent and not voting, all Trustees legally present and participating voted unanimously **to enter into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of two state university litigation matters and  
Discussion of one state university personnel matter.

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

On motion by Trustee Hooper, seconded by Trustee Smith, with Trustees Cummins and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 65-1971-1 styled as *Chalontae Scott vs. JSU, et al.*, as recommended by counsel.

On motion by Trustee Smith, seconded by Trustee Hooper, with Trustees Cummins and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Workers' Compensation Case No. 55-34742-1 styled as *James Lamberth vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Hooper, seconded by Trustee Dye, with Trustees Cummins and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to issue Dr. Jeffrey Vitter a new employment contract to start July 1, 2016 and to continue for four years.

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

**ADJOURNMENT**

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

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

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**EXHIBITS**

- |           |                                                                                                            |
|-----------|------------------------------------------------------------------------------------------------------------|
| Exhibit 1 | Real Estate items that were approved by the IHL Board staff subsequent to the June 16, 2016 Board meeting. |
| Exhibit 2 | Report of the payment of legal fees to outside counsel.                                                    |

# EXHIBIT 1

June 16, 2016

## **SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE May 19, 2016 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 101-294 – Utility Infrastructure**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Award of Construction Contract**

Board staff approved the Award of Contract in the amount of \$2,328,276.00 to the apparent low bidder, Metro Mechanical, Inc.

Approval Status & Date: APPROVED, April 28, 2016

Project Initiation Date: April 14, 2010

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Metro Mechanical, Inc.

Project Budget: \$2,598,273.94

### **2. ASU- Easement and Construction Agreement – Highway 55 Upgrade and Repair**

**Approval Request #1 (INTERIM):** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C. D. Smith, Chair of the Real Estate and Facilities Committee on May 4, 2016 to approve the Easement and Construction Agreement with MDOT for certain improvements to State Route 552 and to construct a recreational parking lot and vehicle parking on or near the university's campus. This project is being funded (approx.. \$4,000,000.00) and constructed entirely by MDOT and will provide improved access to ASU's campus from State Hwy 552 as well as much needed vehicular parking and a new RV parking lot near the ASU football stadium.

Interim Approval Status & Date: APPROVED, May 4, 2016

Project Initiation Date: April 29, 2016

Design Professional: MDOT

General Contractor: N/A

Total Project Budget: \$4,000,000.00

# EXHIBIT 1

June 16, 2016

## DELTA STATE UNIVERSITY

### 3. DSU– GS 102-237 – Caylor White Walters Phase IV Auditorium

**NOTE: This is a Bureau of Building project**

#### **Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$13,065.12 and seventy (70) additional days to the contract of Sullivan Enterprises, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 12, 2016

Change Order Description: Change Order #1 includes the following items: contract time adjustment; controls package pricing adjustments from approved controls vendor.

Change Order Justification: These changes were due to circumstances regarding the contract extension for Merit Construction as the owner requested that Sullivan Enterprises, Inc. not occupy the site until the previous contractor completes their work; the controls package from the approved controls vendor had to be adjusted as requested by the using agency.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$13,065.12.

Project Initiation Date: August 19, 2010

Design Professional: Architecture South, P.A.

General Contractor: Sullivan Enterprises, Inc.

Phased Project Budget: \$1,261,847.63

Total Project Budget: \$8,221,162.87

### 4. DSU– GS 102-255 – Central Mechanical Plant Phase II

**NOTE: This is a Bureau of Building Project**

#### **Approval Request #1: Change Order #3**

Board staff approved Change Order #3 in the amount of \$131,088.00 and sixty (60) additional days to the contract of Acey Mechanical, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 12, 2016

Change Order Description: Change Order #3 includes the following: additional work to upgrade the backup chiller at Ewing Hall; replacing pumps at three (3) buildings; and sixty (60) days to the contract.

Change Order Justification: These changes were requested by the using agency to upgrade the existing chiller in Ewing Hall to bring it up to 100% capacity in the event the chiller goes down; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$230,724.35.

Project Initiation Date: August 15, 2013

Design Professional: ERG

General Contractor: Acey Mechanical, LLC

# EXHIBIT 1

June 16, 2016

Project Budget: \$2,000,000.00

## 5. DSU– GS 102-285 – Campus Paving

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #2**

Board staff approved Change Order #2 in the credit amount of \$5,918.63 and zero (0) additional days to the contract of APAC Mississippi. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, April 25, 2016

Change Order Description: Change Order #2 includes the following items: to eliminate excavation and full depth pavement reconstruction of Kethley Hall parking lot; to mill the existing asphalt at the curb line and provide hot mix asphalt overlay of the parking lot; and to install geotextile prior to the overlay to prevent reflective cracking.

Change Order Justification: These changes were due to latent conditions resulting in alternate construction.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$103,044.96.

Project Initiation Date: September 18, 2014

Design Professional: Civil Solutions Services, Inc.

General Contractor: APAC Mississippi

Project Budget: \$2,350,000.00

## 6. DSU– GS 102-260 – Preplan Zeigel Hall

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Design Development Documents**

Board staff approved the Design Development Documents as submitted by Architecture South. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status and Date: APPROVED, May 2, 2016

Project Initiation Date: February 21, 2013

Design Professional: Architecture South

General Contractor: TBA

Preplan Project Budget: \$350,000.00

# JACKSON STATE UNIVERSITY

## 7. JSU– GS 103-275 – Administration Tower Exterior Waterproofing

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #4**

Board staff approved Change Order #4 in the credit amount of \$17,640.00 and seven (7) additional days to the contract of Coleman Hammons Construction Company, Inc.

# EXHIBIT 1

June 16, 2016

Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 11, 2016

Change Order Description: Change Order #4 includes the following items: to provide credit to the owner for unused assumptions; and two hundred sixty (260) days to the contract.

Change Order Justification: These change orders were due to latent conditions; additional one hundred fifty-six (156) days for material delays, ninety (90) occupancy relocation delays; and fourteen (14) exterior work delays due to campus safety concerns as requested by the contractor.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$103,762.80.

Project Initiation Date: April 18, 2013

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

General Contractor: Coleman Hammons Construction Company, Inc.

Project Budget: \$2,804,452.00

## 8. **JSU– GS 103-278 – School of Engineering Phase II**

**NOTE: This is a Bureau of Building project**

### **Approval Request #1: Change Order #4**

Board staff approved Change Order #4 in the amount of \$11,082.60 and three (3) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 11, 2016

Change Order Description: Change Order #4 includes the following items: additional material to provide the bent plate necessary for installation of the plywood soffit; additional work & materials required to modify the structural steel; and three (3) days to the contract.

Change Order Justification: These added materials were required as the necessary plates were not indicated on the drawings; and additional days for work as indicated herein due to additional work required to align the new and existing roof lines at the connector.

### **Request #2: Change Order #5**

Board staff approved Change Order #5 in the amount of \$8,453.46 and zero (0) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 11, 2016

Change Order Description: Change Order #5 includes the following items: additional work and materials to revise the power, communications, and finishes at the Visualization Lab.

Change Order Justification: These change orders were requested by the using agency to upgrade their equipment.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$53,215.58.

Project Initiation Date: February 21, 2013

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

# EXHIBIT 1

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General Contractor: Thrash Commercial Contractors, Inc.  
Project Budget: \$8,600,000.00

## 9. JSU– GS 103-281 – Alexander Center Renovation PH II

**NOTE: This is a Bureau of Building project**

### **Approval Request #1: Change Order #3**

Board staff approved Change Order #3 in the amount of \$90,160.99 and forty-five (45) additional days to the contract of Flagstar Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 13, 2016

Change Order Description: Change Order #3 includes the following items: add six (6) wall rails & upgrade the building plaque; replace the deteriorated lobby desk to match the new one; add extended solid surface window stools; add four (4) interior signs; add caulking to eight (8) existing exterior control joints; add furr-downs over exposed conduits & ductwork; add security devices at six (6) entry doorways; replace deteriorated finishes at existing ramp & steps; add rough-in with cabling & controls for eight (8) security cameras; add gypsum wallboard around the shower units;; delete interior storefront walls in the main lobby; and forty-five (45) days to the contract.

Change Order Justification: These change orders were due to changes in requirements or recommendations by governmental agencies i.e. revisions in building codes, safety or health regulations, controls on materials specified; latent job site conditions; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$86,288.19.

Project Initiation Date: October 17, 2013

Design Professional: Foil-Wyatt Architects & Planners, PLLC

General Contractor: Flagstar Construction Company, Inc.

Project Budget: \$8,310,000.00

## MISSISSIPPI STATE UNIVERSITY

## 10. MSU– IHL 205-278 – MSU NSPARC Data Center

### **Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by Dale Partners Architects, P.A., design professional.

Approval Status & Date: APPROVED, May 13, 2016

### **Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, May 13, 2016

Project Initiation Date: November 20, 2014

Design Professional: Dale Partners Architects, P.A.

General Contractor: TBD

Project Budget: \$4,650,000.00



# EXHIBIT 1

June 16, 2016

## MISSISSIPPI VALLEY STATE UNIVERSITY

### 11. MVSU– GS 106-237 – Harrison Renovation

**NOTE: This is a Bureau of Building project**

#### **Approval Request #1: Change Order #6**

Board staff approved Change Order #6 in the amount of \$122,461.80 and thirty-six (36) additional days to the contract of Evan Johnson & Sons Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 5, 2016

Change Order Description: Change Order #6 includes the following items: Additional floor patch; change the existing heads in three (3) rooms from upright to flex drops; unclog pipes in the aquatic building; custom carpet changes for carpet tile; roll-up door leaf replacement; switch to overhead closures; add a duct detector; repair clogged pipes; change back to vct in lieu of carpet tile; credit for masonry work; and thirty (36) days to the contract.

Change Order Justification: These change orders were due to latent job site conditions; errors and omissions in plans and specifications; user/owner requested modifications; thirty (30) days to correct entry error and six (6) days due to weather.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$533,212.42.

Project Initiation Date: January 20, 2011

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

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$20,025,000.00

## UNIVERSITY OF MISSISSIPPI

### 12. UM– IHL 207-372.1 – South Campus Recreation Facility and Transportation Hub DEMO

#### **Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by JBHM Architects, P.A.

Approval Status & Date: APPROVED, April 22, 2016

#### **Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, April 22, 2016

Project Initiation Date: November 21, 2013

Design Professional: JBHM Architects, P.A.

General Contractor: TBD

Phased Project Budget: \$1,291,879.50

Total Project Budget: \$32,000,000.00

# EXHIBIT 1

June 16, 2016

## **13. UM– IHL 207-382 – South Campus New Storm Water Drainage Phase I**

### **Approval Request #1: Change Order #2**

Board staff approved Change Order #2 in the amount of \$100,676.09 and ninety-three (93) additional days to the contract of Colom Construction Company, Inc.

Approval Status & Date: APPROVED, May 25, 2016

Change Order Description: Change Order #2 includes the following items: transitional culvert form work; structural concrete footer; security fencing; equipment mobilized on the project during idle work period; credit on base bid; and ninety-three (93) days to the contract.

Change Order Justification: These change orders were due to errors and omissions in the plans and specifications; user/owner requested modifications; credit due to the contractor not reconstructing slope and sod pending additional work that would not require this work and additional days for work as indicated herein.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$160,726.82.

Project Initiation Date: August 21, 2014

Design Professional: Engineering Solutions, Inc.

General Contractor: Colom Construction Company, Inc.

Project Budget: \$2,200,000.00

## **14. UM– IHL 207-383 – Gillom Sports Center – New Additions and Renovations**

### **Approval Request #1: Award of Construction Contract**

Board staff approved the Award of Contract in the amount of \$7,811,300.00 to the apparent low bidder, Zellner Construction Services, LLC.

Approval Status & Date: APPROVED, April 25, 2016

Project Initiation Date: June 19, 2014

Design Professional: Pryor & Morrow Architects and Engineers

General Contractor: Zellner Construction Services, LLC.

Project Budget: \$13,800,000.00

## **15. UM – IHL 207-389 – Vaught-Hemingway Stadium North End Zone**

### **Approval Request #1: Change Order #5**

Board staff approved Change Order #5 in the amount of \$241,111.70 and zero (0) additional days to the contract of Roy Anderson Corporation.

Approval Status & Date: APPROVED, May 2, 2016

Change Order Description: Change Order #5 includes the following items: Starnes Building demolition modifications; mortar to be tuck-pointed; delete the soda dispensers; aluminum bleacher upgrades; existing seating bowl column/raker beam repairs; add storm lines at south end zone; add a sump pump to the grease trap line in the kitchen to the sanitary line tie-in point; adding a waterproof traffic coating on the floor in the concourse space & seating bowl, sealing & filling pipe penetrations, and sealing open expansion joints; elimination of an existing video board replaced by stud infill & a metal panel; removal of an existing running track; credit for deletion of bell tower construction;

# EXHIBIT 1

June 16, 2016

delay in the installation of sheet piling in the existing stadium; and repair to a broken sanitary line leaving the kitchen at the south end zone.

Change Order Justification: These change orders were due to errors and omissions in the plans and specifications; latent job site conditions; user/owner requested modifications; and credit for deletion of soda dispensers that will be provided by a vendor and the decision not to construct the bell tower (alternate #3) in the bid documents.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$789,876.10.

Project Initiation Date: August 21, 2014

Design Professional: AECOM

General Contractor: Roy Anderson Corporation

Project Budget: \$30,593,713.00

## **16. UM– IHL 207-392 – North Parking Structure**

### **Approval Request #1: Award of Construction Contract**

Board staff approved the Award of Contract in the amount of \$29,251,000.00 to the apparent low bidder, B.L. Harbert International, LLC.

Approval Status & Date: APPROVED, April 22, 2016

Project Initiation Date: September 26, 2014

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

General Contractor: B.L. Harbert International, LLC

Phased Project Budget: \$33,750,000.00

Total Project Budget: 34,550,000.00

## **17. UM – IHL 207-409 – Croft Institute – Building Envelope Corrections**

### **Approval Request #1: Change Order #3**

Board staff approved Change Order #3 in the amount of \$98,700.00 and ninety (90) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, May 5, 2016

Change Order Description: Change Order #3 includes the following items: rebuild/reinstall and restore interior spaces & finishes at the east end of the building; reinforcement and support of three (3) beams at the top of the east wall; construction of cripple/support wall on top of the concrete masonry unit; provide and install new building signage lettering; and ninety (90) days to the contract.

Change Order Justification: These change orders were due to required wall reconstruction work; reinforcement and support of beams & existing rafters; new signage lettering to replace existing & deteriorated letters; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$468,562.68.

Project Initiation Date: October 15, 2015

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: Barnes & Brower, Inc.

Project Budget: \$1,250,000.00

# EXHIBIT 1

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## **18. UM – IHL 207-411 – Oxford-University Stadium (Swayze Field) Addition & Renovation PH I**

### **Approval Request #1: Schematic Design Documents**

Board staff approved the Schematic Design Documents as submitted by Cooke Douglas Farr Lemons, LTD.

Approval Status & Date: APPROVED, May 5, 2016

### **Approval Request #2: Waiver of Design Development Documents**

Board staff approved the Waiver of Design Development Documents as submitted by Cooke Douglas Farr Lemons, LTD.

Approval Status & Date: APPROVED, May 5, 2016

Project Initiation Date: October 15, 2015

Design Professional: Cooke Douglas Farr Lemons, LTD

General Contractor: TBD

Project Budget: \$5,000,000.00

## **UNIVERSITY OF SOUTHERN MISSISSIPPI**

## **19. USM– IHL 210-243 – Marine Education Center**

### **UNAPPROVAL Request #1: Award of Construction Contract**

Board staff did not approve the Award of Contract in the amount of \$13,295,000.00 to the apparent low bidder, Starks Contracting Company, Inc.

Approval Status & Date: NOT APPROVED, May 10, 2016

Project Initiation Date: September 26, 2014

Design Professional: Lake Flato Architects

General Contractor: Starks Contracting Company, Inc.

Total Project Budget: \$16,115,660.00

## **EDUCATION AND RESEARCH CENTER**

## **1. ERC– GS 111-052 – Structural & Subsurface Repair**

**Approval Request #1 (INTERIM):** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on May 12, 2016 to approve the budget increase.

Interim Approval Status & Date: APPROVED, May 12, 2016

Project Initiation Date: November 21, 2013

Design Professional: JBHM

General Contractor: Gregory Construction Services, Inc.

Total Project Budget: \$3,563,570.87

## EXHIBIT 2

June 16, 2016

### 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 Brunini, PLLC (statements dated 4/18/16 and 5/17/16) from the funds of Mississippi State University. (These statements, in the amounts of \$6,238.01 and \$11,310.28, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 17,548.29**

Payment of legal fees for professional services rendered by Jones|Walker (statement dated 3/30/16) from the funds of Mississippi State University. (This statement, in the amount of \$3,859.50, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 3,859.50**

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 5/1/16) from the funds of Mississippi State University. (These statements, in the amounts of \$1,000.00 and \$2,000.00, represent services and expenses in connection with immigration/labor certifications.)

**TOTAL DUE.....\$ 3,000.00**

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 5/5/16) from the funds of the University of Mississippi. (This statement, in the amount of \$216.00, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 216.00**

Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 5/6/16) from the funds of the University of Mississippi. (This statement, in the amount of \$13,816.31, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 13,816.31**

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 1/4/16, 3/1/16, 5/1/16 and 5/1/16) from the funds of the University of Mississippi. (These statements, in the amounts of \$2,000.00, \$14.72, \$1,000.00 and \$17.44, respectively, represent services and expenses in connection with immigration/labor certifications.)

**TOTAL DUE.....\$ 3,032.16**

Payment of legal fees for professional services rendered by Bradley|Arant (statement dated 3/15/16) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$9,040.50, represents services and expenses in connection with general legal advice.)

## EXHIBIT 2

June 16, 2016

**TOTAL DUE.....\$ 9,040.50**

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 3/2/16, 4/7/16, 4/20/16 and 4/20/16) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,993.50, \$588.00, \$3,332.00 and \$7,811.06, respectively, represent services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 15,724.56**

Payment of legal fees for professional services rendered by Jones|Walker (statement dated 4/14/16) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$337.50, represents services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 337.50**

Payment of legal fees for professional services rendered by Watkins & Eager (statement dated 3/9/16) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$9,908.25, represents services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 9,908.25**

Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 5/6/16) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$231.00, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 231.00**

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 5/1/16) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$1,500.00, \$1,500.00, \$1,000.00, \$13.89, \$47.44 and \$16.11, represent services and expenses in connection with immigration/labor certifications.)

**TOTAL DUE.....\$ 4,077.44**

### **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 (statement dated 4/12/16) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patents: "Therapeutics for Breathing Disorders" - \$768.00.)

**TOTAL DUE.....\$ 768.00**

## EXHIBIT 2

June 16, 2016

Payment of legal fees for professional services rendered by Stites & Harbison (statement dated 3/22/16) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Process and Catalysts for Converting Biomass/Municipal Solid Wastes (MSW) Derived Nitrogen-Rich Syngas to Liquid Hydrocarbon Mixtures" - \$788.50.)

**TOTAL DUE.....\$ 788.50**

Payment of legal fees for professional services rendered by Valauskas|Corder (statement dated 4/15/16) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Blue Stain System" - \$2,447.50.)

**TOTAL DUE.....\$ 2,447.50**

Payment of legal fees for professional services rendered by HersHKovitz & Associates (statements dated 5/16/16, 5/16/16, 5/20/16 and 5/20/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$785.58; "Compositions containing Delta-9-THC-Amino Acid Esters and Process of Preparation" - \$1,870.03; "Highly Selective Sigma Receptor Ligands" - \$1,796.60 and "Compositions containing Delta-9-THC-Amino Acid Esters and Process of Preparation" - \$3,171.30, respectively.)

**TOTAL DUE.....\$ 7,623.51**

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 9/25/15, 9/25/15, 10/26/15, 12/17/15, 12/17/15, 1/11/16, 3/15/16, 3/24/16, 4/12/16, 4/26/16, 5/2/16 and 5/9/16) 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" - \$2,219.50; "Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks" - \$1,256.00; "Urban –Covalent Attachment of Bacteriophages to Polymeric Surfaces" - \$120.00; "Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks" - \$432.00; "Urban –Covalent Attachment of Bacteriophages to Polymeric Surfaces" - \$4,425.73; "Urban –Covalent Attachment of Bacteriophages to Polymeric Surfaces" - \$241.73; "Interleukin -17A-USM" - \$7,552.00; "Urban –Covalent Attachment of Bacteriophages to Polymeric Surfaces" - \$670.00; "Urban –Covalent Attachment of Bacteriophages to Polymeric Surfaces" - \$117.06; "Lockhead –Oil Dispersant Patent" - \$542.00; "Trademark Application for the Centennial Anniversary" - \$1,510.00 and "Trademark Application for the Centennial Anniversary" - \$960.00, respectively.)

**TOTAL DUE.....\$ 20,046.02**

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
August 8, 2016**

**BE IT REMEMBERED**, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special called teleconference meeting held at the Board Office in Jackson, Mississippi, at 10:00 a.m. At the above-named place there were present the following members to with: Dr. Douglas Rouse (by phone), Mr. C.D. Smith (by phone), Dr. Walt Starr (by phone), Mr. Tom Duff, (by phone), Dr. Ford Dye (by phone), Mr. Chip Morgan (by phone), Mr. Shane Hooper (by phone), Dr. Alfred McNair (by phone), Mr. Alan Perry (by phone) and Ms. Christy Pickering (by phone). The meeting was called to order by Dr. Douglas Rouse, President.

**In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss a financial matter and a prospective real estate transaction at one of the public universities.**

**FINANCE AGENDA**

Presented by Trustee Dr. Douglas Rouse

On motion by Dr. Alfred McNair, seconded by Mr. C.D. Smith, with Trustee Cummins absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda.

1. **JSU**– Approved request to enter into an aviation charter service agreement with Gavin Travel Agency to arrange charter flights to Las Vegas, Nevada for the football team and the band to attend the first football game of the 2016 season versus the University of Nevada at Las Vegas (UNLV). Additionally, JSU request the Board’s approval of a waiver to allow advanced payment, pursuant to IHL policy 707.03 *Approval of Prepayment for Good or Services*, in accordance with the terms of the agreement. The purpose of this contract is to appoint Gavin Travel Agency as the authorized agent (broker) for JSU to arrange charter flights for JSU’s football team and band to attend the 2016 football game versus UNLV in Las Vegas, Nevada. Gavin Travel Agency will be responsible for acting as JSU’s (Client’s) agent in arranging flights through an air carrier chosen by the Agency. Gavin Travel Agency will not operate the flights which Client authorizes Gavin Travel Agency to book on their behalf. The Carriers have sole responsibility, liability and control of all aspects of the aircraft charter services provided to Client, including without limitation, aircraft availability and pricing, the commencement and termination of scheduled flights, the operation, regulation condition and safety of the flight, passengers, baggage and cargo and other people and events associated with air travel, such as crew performance and catering services. JSU will be responsible for providing scheduled payments, advanced payment information, and advanced passenger information that may be required by the Transportation Security Administration’s Secure Flight program. Also, JSU agrees to abide by the terms and conditions of the Air Carrier’s contract. The contract shall commence on the date of execution August 8<sup>th</sup>, 2016. The length of the contract coincides with the dates of the flight being contracted. The departure flight date August 30, 2016, and the return flight date is September 1, 2016. The total cost of the contract is \$368,900, which will be due upon execution of the contract. Costs associated with Federal Excise Tax, Segment fees, Passenger Facility Charges, and standard beverage services are included in the cost of the contract. Additional fees and costs may be assessed under the agreement which include unanticipated fees associated with passenger screening, tax charge increases, and optional skycap



**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
August 8, 2016**

service. The agreement also allows for a fuel price surcharge if the cost of actual fuel prices incurred for a charter flight is greater than the base fuel charge allowed for this agreement which is \$2 per gallon. This contract will be funded with Auxiliary Funds.

**ADJOURNMENT**

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

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

# CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
**CONSENT AGENDA**  
**FINANCE**  
**August 18, 2016**  
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**1. MSU-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH CONCUR TECHNOLOGIES, INC.**

**Agenda Item Request:** Mississippi State University (MSU) requests approval to enter into a contract with **Concur Technologies, Inc.** for the purchase of an electronic travel expense management tool that will allow for the effective and efficient submittal and processing of travel requests, travel booking, and travel reimbursements. The approval will be contingent upon MSU's receipt of a CP-1 from the Mississippi Department of Information Technology Services.

**Contractor's Legal Name:** Concur Technologies, Inc.

**History of Contract:** MSU had previously purchased and attempted to implement the Travel and Expense Module from Ellucian. It was felt this product would provide the efficiencies of electronic processing of travel requests, approvals and payments while easily integrating with MSU's financial package which is also supported by Ellucian. After several years of difficulty in implementation, we felt we were getting close to being able to go live campus wide. We then found that the software program on which the TEM was based had been sold and was no longer going to be supported within the next year or so. Ellucian has come forward with a new travel module which was developed by another firm, Chrome River. The Chrome River product has similar functionality to the original TEM program and is being used by a few users. We were not pleased with our original experience with the Ellucian product so we conducted research on the market place. MSU has found that Concur developed a comprehensive travel expense management tool that has been in place for a number of years. This tool is currently used by a large number of national and international corporations as well as a good number of institutions of higher learning. The tool has functionality that far exceeds that of the Chrome River product.

**Specific Type of Contract:** Travel Services contract

**Purpose:** MSU desires to have an electronic travel expense management tool that will allow for the effective and efficient submittal and processing of travel requests, travel booking, and travel reimbursements.

**Scope of Work:** Contractor will provide an electronic travel expense management tool that will allow for the effective and efficient submittal and processing of travel requests, travel booking, and travel reimbursements

**Term of Contract:** 36 months from the effective date

**Termination Options:** The continuance of the Contract with MSU is based upon the availability of funds. Therefore, this contract can be cancelled by MSU with thirty (30) days'

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notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.

The Contract may be terminated by either party upon the occasion of a Force Majeure event.

**Contract Amount:** Initial Costs are estimated to be \$85,230 plus pre-production fees of \$5,901.89 per month during production which is estimated at 6 months. Annual costs are \$199,143.72 per year, for a total cost estimated at \$718,072.50. There is a possibility it could take longer to implement or there could be additional costs if we need additional assistance.

**Funding Source for Contract:** The initial cost will be paid from the VP of Budget and Planning, these funds are available. The ongoing costs will be paid from the revenue received from the MSU Procurement Card program.

**Contractor Selection Process:** MSU will be using a cooperative contract established by the University of Houston and approved by Mississippi Department of Information technology services.

**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. The Attorney General's Office recommends approval of the agreement contingent upon MSU's receipt of a CP-1 from the Mississippi Department of Information Technology Services. Board staff recommendation is contingent upon Attorney General's approval of this item.

**2. MSU-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL AGREEMENT WITH CPI GROUP, LLC.**

**Agenda Item Request:** MSU is requesting to enter into a contract for Temporary Staffing Services. This will be the Primary contract and will be the **CPI Group, LLC**.

**Contractor's Legal Name:** **CPI Group, LLC**

**History of Contract:** MSU has occasion to use temporary staffing services to provide staffing on an as needed basis. In the past, each department determined when they needed these services and entered into agreements individually. It was determined MSU could create efficiencies by having a master contract by which all departments would be able to obtain

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
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temporary staffing services. This is the first attempt at a campus wide contract for this purpose.

**Specific Type of Contract:** This services contract will provide temporary staff for clerical, maintenance, landscape, and janitorial positions when and where needed.

**Purpose:** To provide departments with a quick, easy and economical way to obtain staffing on a temporary basis.

**Scope of Work:** The contract will provide Temporary Staffing Services as described in the RFP for the Starkville campus and, as available in the various locations, other MSU locations.

**Term of Contract:** The contract will begin upon signing by both parties and will be for 1 year with an option to renew for up to 4 additional 1 year periods.

**Termination Options:** Either party may terminate the agreement for breach of contract.

The contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days' written notice to the breaching party.

MSU may terminate the contract for Contractor's failure to comply with the Mississippi Employment Protection Act. Either party may terminate upon the occurrence of a Force Majeure event.

**Contract Amount:** The amount of the contract will depend on the usage. In reviewing prior fiscal years it is anticipated this contract may be worth about \$1,000,000 per year. It is anticipated the total 5 year cost would not exceed \$7,000,000.

**Funding Source for Contract:** This agreement will be funded through general funds.

**Contractor Selection Process:** MSU received six proposals in response of RFP 16-27 Temporary Staffing Services for MSU.

The evaluation team determined that Qualified Staffing and CPI Group would both be acceptable from a technical perspective. Since the CPI Group had the lower cost to MSU, and since it was determined the proposals were virtually equal from a technical perspective,

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the evaluation team decided to award the Primary Contract to The CPI Group and to award the Secondary Contract to Qualified Staffing.

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

**3. MSU-REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH QUALIFIED STAFFING, INC.**

**Agenda Item Request:** MSU is requesting to enter into a contract for Temporary Staffing Services. This will be the Secondary contract and will be with **Qualified Staffing, Inc.**

**Contractor's Legal Name:** **Qualified Staffing, Inc.**

**History of Contract:** MSU has occasion to use temporary staffing services to provide staffing on an as needed basis. In the past, each department determined when they needed these services and entered into agreements individually. It was determined MSU could create efficiencies by having a master contract by which all departments would be able to obtain temporary staffing services. This is the first attempt at a campus wide contract for this purpose.

**Specific Type of Contract:** This services contract will provide temporary staff for clerical, maintenance, landscape, and janitorial positions when and where needed.

**Purpose:** To provide departments with a quick, easy and economical way to obtain staffing on a temporary basis. The Secondary contract is in place for those instances where the primary contractor is unable to meet the needs of the department.

**Scope of Work:** The contract(s) will provide Temporary Staffing Services as described in the RFP for the Starkville campus and, as available in the various locations, other MSU locations.

**Term of Contract:** The contract will begin upon signing by both parties and will be for 1 year with an option to renew for up to 4 additional 1 year periods.

**Termination Options:** Either party may choose not to renew at the end of each annual period.

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The continuance of the Contract with MSU is based upon the availability of funds. Therefore, this contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.

MSU may terminate the Contract for Contractor's failure to comply with the Mississippi Employment Protection Act.

The Contract may be terminated by either party upon the occasion of a Force Majeure event.

**Contract Amount:** The amount of the contract will depend on the usage. In reviewing prior fiscal years it is anticipated the total use of the temp staff contract may be worth about \$1,000,000 per year. It is anticipated the total 5 year cost would not exceed \$7,000,000. We would anticipate this contract to be a small portion of that.

**Funding Source for Contract:** This agreement will be funded through general funds.

**Contractor Selection Process:** MSU received six proposals in response of RFP 16-27 Temporary Staffing Services for MSU.

The evaluation team determined that Qualified Staffing and CPI Group would both be acceptable from a technical perspective. Since the CPI Group had the lower cost to MSU, and since it was determined the proposals were virtually equal from a technical perspective, the evaluation team decided to award the Primary Contract to The CPI Group and to award the Secondary Contract to Qualified Staffing.

**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.*

**4. MSU-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH FORMATIONS, INC.**

**Agenda Item Request:** Mississippi State University requests approval to accept the bid provided by Formations, Inc. for the fabrication of the MSU Libraries' -Ulysses S. Grant

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Presidential library Museum. Formations, Inc. will fabricate and install the exhibits for the Grant Museum

**Contractor's Legal Name:** Formations, Inc.

**History of Contract:** This is the first contract with Formations, Inc.

**Specific Type of Contract:** Contract for museum exhibit fabrication and installation services

**Purpose:** The agreement provides for hiring Formations, Inc. to fabricate and install the Grant exhibits spaces which includes coordinating with the Cast Figure manufacturer and the Audio/Video contractor.

**Scope of Work:** Formations, Inc. will provide exhibit fabrication and installation for the Grant Museum located in the Mitchell Memorial Library on the MSU Starkville, MS campus.

**Term of Contract:** This agreement shall commence on the effective date and shall continue until such time as all services have been rendered and paid for.

**Termination Options:** Either party may choose not to renew at the end of each annual period.

The continuance of the Contract with MSU is based upon the availability of funds. Therefore, this contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.

MSU may terminate the Contract for Contractor's failure to comply with the Mississippi Employment Protection Act.

The Contract may be terminated by either party upon the occasion of a Force Majeure event.

**Contract Amount:** Formations, Inc. has provided a quote in the amount of \$948,379.

**Funding Source for Contract:** Funding for this project was previously secured and approved by IHL under IHL# 205-282 MSU Library Exhibit Space. Funding sources for project include:



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- a. EBC Bonds: \$1,300,000 (Note: Funds in the amount of \$1,300,000; SB 3100 Laws of 2011, were transferred to the new classroom building which allows \$1,300,000 in EBC Bonds to be transferred to this Project.)
- b. University Funds
- c. Mississippi State University Foundation: \$185,450
- d. University Library Funds \$735,254

**Contractor Selection Process:** Formations, Inc. was one of several vendors that submitted responses to MSU's RFP. The RFP was issued on May 26, 2016 and officially opened on July 6, 2016. The vendor responses were reviewed by a committee and based on the evaluation Formations Inc. was determined to be the second lowest price and was rated near the top in the areas of Firm Profile, Past Experience, Key Personnel, and Work Plan. Formations scored 84.61 points out of a possible 100.

**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.*

**5. MSU-REQUEST FOR APPROVAL TO CONTINUE LEASE AGREEMENT WITH LEWKO PROPERTIES, LLC.**

**Agenda Item Request:** Mississippi State University requests approval to continue its lease with **Lewko Properties, LLC** on a building located at 800 Louisville Street, Suite A, Starkville, MS 39759. The building will be used for storing Library materials that need to be archived in a secure, climate controlled location. MSU is also requesting authority to pay in advance as that is the standard for this industry.

**Contractor's Legal Name:** **Lewko Properties, LLC**

**History of Contract:** MSU first entered into a 3 year agreement with Lewko Properties, LLC beginning July1, 2013. This agreement extends the agreement for another 5 years.

**Specific Type of Contract:** This contract is for a 5-year lease agreement.

**Purpose:** To lease a building from Lewko Properties, LLC for the purpose of storing/archiving Library materials.

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**Scope of Work:** Lewko Properties, LLC will lease the facility to the University Libraries for a period of 5 years with an option to renew upon the expiration of the lease.

**Term of Contract:** This agreement shall commence on September 1, 2016 and end on August 31, 2021.

**Termination Options:** SECTION 11. At the expiration of the tenancy hereby created and any extended term thereof, Lessee shall surrender the leased premises in the same condition as the leased premises were in upon delivery of possession thereto under this Lease, reasonable wear and tear excepted, and damage by unavoidable casualty excepted, and Lessee's obligation to observe or perform this covenant shall survive the expiration or other termination of this lease.

SECTION 19. Force Majeure Termination – If for any reason, such as strike, boycott, war, act of God, labor troubles, riot, delay of commercial carriers, restraint of public authority, martial law, mechanical breakdown or any other reason, similar or dissimilar, beyond the control of the party, and not the result of the negligence or willful misconduct of the party, either party is unable to perform a material obligation under this Agreement, then either party shall have the right, upon written notice to the other party, to suspend the Term and obligations contained in this Agreement while such event of force majeure exists, or, at either party's option, to terminate this Agreement if such event of force majeure continues for longer than twelve (12) months.

**Contract Amount:**

Year 1	Year 2	Year 3	Year 4	Year 5
\$40,568.64	\$40,568.64	\$40,568.64	\$40,568.64	\$40,568.64

**Funding Source for Contract:** The contract will be funded by general funds.

**Contractor Selection Process:** The University Library Administration reviewed a number of facilities but deemed this on the most suitable for its purposes.

**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.

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**6. MSU-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH LKC CREATIVE, LLC.**

**Agenda Item Request:** Mississippi State University requests approval to accept the bid provided by **LKC Creative, LLC** for multimedia design and production services for the MSU Libraries' -Ulysses S. Grant Presidential Library Museum. LKC Creative will develop 5 interactive films that will be utilized in the Museum.

**Contractor's Legal Name:** **LKC Creative, LLC**

**History of Contract:** This is the first contract with LKC Creative, LLC.

**Specific Type of Contract:** Contract for museum exhibit audio/visual production services.

**Purpose:** The agreement provides for hiring LKC Creative LLC to develop 5 interactive films that will be utilized in the U. S. Grant Presidential Library Museum. LKC Creative will curate the content and associated storylines for each of the interactives; produce 5 films; install and test the implementation of the CMS that runs the videos and train staff on how to use the CMS.

**Scope of Work:** The details of the scope of work are included in the attached RFP and vendor response. The vendor has been provided with the specifications that outline all of the details for the exhibits.

**Term of Contract:** This agreement shall commence on the effective date and shall continue until such time as all services have been rendered and paid for, which is expected to be in August 2017.

**Termination Options:** Either party may terminate the agreement for breach of contract.

The contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days' written notice to the breaching party.

MSU may terminate the contract for Contractor's failure to comply with the Mississippi Employment Protection Act.

Either party may terminate upon the occurrence of a Force Majeure event.

**Contract Amount:** LKC Creative LLC has provided a quote in the amount of \$279,970.

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**Funding Source for Contract:** Funding for this project was previously secured and approved by IHL under IHL# 205-282 MSU Library Exhibit Space. Funding sources for project include:

- a. EBC Bonds: \$1,300,000 (Note: Funds in the amount of \$1,300,000; SB 3100 Laws of 2011, were transferred to the new classroom building which allows \$1,300,000 in EBC Bonds to be transferred to this Project.)
- b. University Funds
- c. Mississippi State University Foundation: \$185,450
- d. University Library Funds \$735,254

**Contractor Selection Process:** LKC Creative was one of several vendors that submitted responses to the MSU's RFP. The RFP was issued on May 26, 2016 and officially opened on July 6, 2016. The vendor responses were reviewed by a committee and based on the evaluation LKC Creative was determined to be the second lowest price and was determined fairly equal to the others in most of the areas of Firm Profile, Past Experience, and Work Plan, but was able to provide individual attention to this project and was rated higher in Key Personnel. LKC Creative scored 85.81 points out of a possible 100.

**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.

**7. MSU-REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT WITH MISSISSIPPI STATE UNIVERSITY RESEARCH AND TECHNOLOGY CORPORATION**

**Agenda Item Request:** Mississippi State University requests approval of lease agreement with **Mississippi State University Research and Technology Corporation** for 201 Research Blvd, Ralph Powe building in the Thad Cochran Research, Technology and Economic Development Park for the Early Years Network. MSU is also requesting authority to pay in advance as that is the standard for this industry.

**Contractor's Legal Name:** Mississippi State University Research and Technology Corporation

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**History of Contract:** This is a new lease agreement.

**Specific Type of Contract:** This is a new lease agreement.

**Purpose:** The purpose of the contract is to lease 7,200 square feet to be used for office space for the Early Years Network.

**Scope of Work:** The Lessee agrees to pay sixteen dollars and fifty cents (\$16.50) per square foot to the Lessor for the demised premises at a monthly rate of \$9,900, pursuant to the following described terms and conditions, plus a prorated share of utilities and custodial.

Lessee will, at all times, take good and ordinary care and precaution for the preservation of the demised premises. Lessor shall furnish the following services:

- Dumpster for trash removal,
- Operating fire safety equipment
- Fundamental building security to include access control.

**Term of Contract:** Start Date: September 1, 2016 End date: 12:00 midnight on August 31, 2017.

Upon written agreement of both parties the lease may be renewed upon written approval of both parties for a period of up to twelve (12) months commencing at the expiration of the original term for up to 5 years. Such extension shall be at an annual rental rate agreed to by both parties. The Lessor shall notify the Lessee of any proposed rate increase at least five months prior to the end of the term. Lessee shall notify Lessor of acceptance or rejection of the increase at least three months prior to the end of the term. All other terms and conditions set out herein shall be in effect during the term of the extension.

**Termination Options:** The continuance of the Contract with MSU is based upon the availability of funds. Therefore, this contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.

MSU may terminate the Contract for Contractor's failure to comply with the Mississippi Employment Protection Act.

The Contract may be terminated by either party upon the occasion of a Force Majeure event.

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The contract may be terminated if office space becomes available in any state-owned building.

The contract may be terminated if the demised space is rendered untenable.

**Contract Amount:** The Lessee agrees to pay sixteen dollars and fifty cents (\$16.50) per square foot to the Lessor for the demised premises at a monthly rate of \$9,900, pursuant to the following described terms and conditions, plus a prorated share of utilities and custodial.

Payment will be issued on a monthly basis upon receipt of an invoice based on actual services rendered.

**Funding Source for Contract:** The contract will be funded by general funds and a grant.

**Contractor Selection Process:** This space was selected because it meets the needs of the personnel and programs required.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, 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. Based on Board Policy 707.03, Approval of Prepayment for Goods and Services, Board approval of a prepayment/waiver is required at the same time permission is sought from the Board under Board Policy 707.01. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

**8. MSU-REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH SOUTHWEST AIRLINES CO.**

**Agenda Item Request:** MSU requests approval to enter into a contract with **Southwest Airlines Co.** Southwest will provide air transportation for the football team during the fall of 2016. MSU also requests authority to pay prior to the actual flights. The charter industry requires payment prior to the flight. The agreement is consistent with industry standards.

**Contractor's Legal Name:** Southwest Airlines Co.

**History of Contract:** MSU has a need for charter services to get the men's football team to the appropriate locations for games during the 2016 season. MSU has used this firm previously and has been satisfied with the services.

**Specific Type of Contract:** Aircraft Chartering agreement

**Purpose:** Provide air transportation for Football Team

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**Scope of Work:** Southwest will serve jet aircraft transportation to transport the men's football team. The agreement includes four (4) round trip flights as follows:

- 9/16/16 to 9/17/16 GTR-BTR-GTR
- 9/23/16 to 9/24/16 GTR-PVD-GTR
- 10/13/16 to 10/14/16 GTR-PVU-GTR
- 10/21/16 to 10/22/16 GTR-LEX-GTR

**Term of Contract:** Contract shall commence on the date contract is signed by both parties and terminate on the date of the last flight as set forth in the agreement and shown above.

**Termination Options:** If MSU cancels between 30 and 59 days prior to scheduled departure date, MSU will pay a 20% of total charter price; between 15 and 29 days, MSU will pay 50% of total charter price; and if less than 15 days, MSU will pay 90% of total charter price. A minimum cancellation charge will be \$2,000. Since this agreement provides for a series of roundtrip charter flights and MSU cancels one or more of the flights, but less than total number listed, price for the remaining flights is to be adjusted to reflect actual charges in live and ferry mileages.

The continuance of the Contract with MSU is based upon the availability of funds. Therefore, this contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.

Contractor represents and warrants that it will ensure compliance with the Mississippi Employment Protection Act, Section 71-11-1, et seq. of the Mississippi Code Annotated (Supp. 2008), and shall register and participate in the status verification system for all newly hired employees. The term "employee" as used in this paragraph means any person that is hired to perform work within the State of Mississippi. As used in this paragraph, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor shall maintain records of such compliance and, upon request of the State and approval of the Social Security Administration or Department of Homeland Security, where required, to provide a copy of each such verification to the State. Any person assigned by a Contractor to perform services for MSU shall meet the employment eligibility requirements of all immigration laws of the State of Mississippi. Any breach of these warranties may subject Contractor to the following: (a) termination of this Contract and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to Contractor by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1)

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year, or (c) both. In the event of such termination/cancellation, Contractor may also be liable for any additional costs incurred by MSU or the State due to contract cancellation or loss of license or permit.

The contract may be terminated by either party upon the occasion of an event beyond the control and without the fault or negligence of the party claiming inability to perform its obligations and which party is unable to prevent or provide against by the exercise of reasonable diligence. Such event may include, without limitation, acts of God, riots, governmental condemnation of real property, changes in applicable law, floods, droughts, fires, explosions, terrorism, war, criminal behavior, or other catastrophes causing damage or destruction, in whole or in part, to the equipment or property necessary to perform the contract, or failure or refusal by a regulatory or other agency to act upon or grant permits or licenses.

**Contract Amount:** The costs and payment schedule are set forth as follows: All payments are due on September 1, 2016. The total cost of all payments is \$483,400.

**Funding Source for Contract:** Athletics

**Contractor Selection Process:** MSU has used this firm previously and is satisfied with their costs and services. The costs are consistent with prices paid previously.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of 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.*

**9. MSU –REQUEST FOR APPROVAL TO AMEND AN AGREEMENT WITH SPRINGER CUSTOMER SERVICE CENTER, LLC.**

**Agenda Item Request:** Mississippi State University (MSU) requests approval to subscribe to electronic journals from **Springer Customer Service Center, LLC**. These research-oriented journals are used by MSU faculty, staff and students for educational and research purposes. This request is for retroactive approval.

**Contractor's Legal Name:** Springer Customer Service Center, LLC

**History of Contract:** MSU entered into an agreement with Springer on January 1, 2012. Prior agreements did not reach the \$250,000 threshold requiring IHL approval. This new agreement adjusts the list of journals included in the subscription and updates the pricing to reflect the pricing for January 1, 2016-December 31, 2018. We are requesting permission to



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retroactively approve of this agreement. We had a very difficult time getting the contract terms from the vendor. Once we had the terms, we attempted to negotiate the terms but due to changes within the company and the fact that the company is a European based company made it difficult to get responses.

**Specific Type of Contract:** This is a new agreement.

**Purpose:** The purpose of the agreement is to license access to 68 electronic journals used for educational and research purposes.

**Scope of Work:** Springer will provide all MSU faculty, staff and students with access to 68 journals. During the license term, patrons will have access the current electronic file and retrospective content.

**Term of Contract:** Start date: January 1, 2016. End date: December 31, 2018.

**Termination Options:** In the event Licensee fails to pay the License Fee for an online product and fails to cure such non-payment within 30 days following notice from Springer of the non-payment, Springer may immediately terminate the License Agreement for the respective online product without further notice.

The continuance of the Contract with MSU is based upon the availability of funds. Therefore, this contract can be cancelled by MSU with thirty (30) days' notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.

MSU may terminate the Contract for Contractor's failure to comply with the Mississippi Employment Protection Act.

The Contract may be terminated by either party upon the occasion of a Force Majeure event.

**Contract Amount:**

2016:	\$314,158.63
2017:	\$329,866.56
2018:	\$346,359.88

**Funding Source for Contract:** The contract will be funded by general funds.

**Contractor Selection Process:** These journals are only published by Springer. They are not available by other publishers.

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**Staff Recommendation:** Based on Board Policy 707.01, *Land, Property, and Service Contracts*, Board approval is required prior to execution of 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 Associate Commissioner for Legal Affairs and recommends for Board approval. Board staff recommends approval of this item.

**10. UM-REQUEST FOR APPROVAL TO ENTER INTO A HEALTH CONTRACT WITH AETNA STUDENT HEALTH**

**Agenda Item Request:** The University of Mississippi (UM) requests approval to contract with **Aetna Student Health** for the Graduate Assistant and International student health insurance plan.

**Contractor's Legal Name:** Aetna Student Health (ASH)

**History of Contract:** This is a new agreement. The current policy term expires on August 14, 2016, and this new policy will have an effective date of August 15, 2016, in order to provide continuous coverage. Competitive bids were solicited prior to the current policy. While the current policy may be renewed as is, UM is seeking approval of the new policy offer as some policy terms have been amended to keep premiums at a rate that is affordable for both enrolled students and UM.

**Specific Type of Contract:** Group Health Insurance

**Purpose:** The purpose is to provide group health insurance coverage that complies with the federal Affordable Care Act and immigration law to students who are employed as graduate assistants and to international students. Both categories of student are required by UM to have health insurance – the graduate assistants because of their status as part-time employees and the international students because of federal immigration law requirements. The proposed coverage is optional and students may opt out of the program by showing evidence of other health insurance.

In addition, this program will ensure that students have access to health insurance at rates lower than ones individual students could obtain on the open market. The group rate (annual premium of approximately \$1,980) is substantially lower than the rate for an individual insurance plan. Such plans are very common among universities with doctoral programs, with approximately 80% of peer institutions having a similar institutionally supported insurance program.

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**Scope of Work:** Under the agreement, ASH will provide group insurance coverage to approximately 800 graduate assistants per year and approximately 500 international students (both graduate and undergraduate).

**Term of Contract:** The length of the contract is one (1) year - August 15, 2016 through August 14, 2017.

**Termination Options:** UM will be able to terminate the arrangement at the end of each year. Premium rates are locked in place by a signed binder on an annual basis.

**Contract Amount:** The total premium paid is dependent on the number of student participants. Based on prior year participation rates and projected FY 2017 enrollment forecasts, the estimated FY 2017 net premiums paid are expected to be approximately \$2.1 million. Approximately \$1.4 million of this estimate pertains to graduate assistants, and \$750,000 is estimated for international student premiums.

**Funding Source of Contract:** The insurance program will be funded by several sources – institutional funds, direct billing of student accounts, payroll deductions to students and funds received on behalf of students from externally funded grants and contracts.

Graduate assistant premiums are funded from a combination of all of the available sources while premiums for international students are completely covered by direct student billing.

**Contractor Selection Process:** Aetna was selected through an open bid process following state procurement guidelines prior to FY2014. Although prior Board approval included policy renewal, this submission is being made because policy terms are not identical.

**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.*

**11. UM-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH NORTHWEST MISSISSIPPI COMMUNITY COLLEGE FOR THE UNIVERSITY OF MISSISSIPPI-DESOTO CAMPUS**

**Agenda Item Request:** The University of Mississippi requests approval to enter into a lease contract with **Northwest Mississippi Community College** for the University of Mississippi-DeSoto campus.

**Contractor's Legal Name:** Northwest Mississippi Community College.

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**History of Contract:** The University of Mississippi-DeSoto campus has a twenty-one year partnership with Northwest Mississippi Community College-DeSoto. A one-year lease agreement was completed this past year with the understanding that a five-year lease would be negotiated once a new Chancellor was appointed.

**Specific Type of Contract:** This contract is a lease agreement.

**Purpose:** The purpose of the lease is to provide classroom and office space for academic programs offered at the DeSoto Center for the University of Mississippi-DeSoto campus.

**Scope of Work:** Northwest Mississippi Community College will be responsible for maintaining the DeSoto Center and property as outlined in Sections 4, 14 and 18 of the lease. Northwest Mississippi Community College is responsible for all utilities, security, janitorial services as outlined in Section 5 of the lease.

**Term of Contract:** The term of the lease agreement begins July 1, 2016 and runs through June, 30, 2021.

**Termination Options:** This lease may be terminated for decrease in state funds, in the event space becomes available in a State-owned building, upon an event that renders the building untenable, for noncompliance with State statutes, for default, and upon mutual agreement.

**Contract Amount:** The Lessor will be paid \$1,500,000 in total for the demised premises, pursuant to the following schedule:

A: From July 1, 2016 to June 30, 2017 at the rental rate of \$250,000

B: From July 1, 2017 to June 30, 2018 at the rental rate of \$275,000

C: From July 1, 2018 to June 30, 2019 at the rental rate of \$300,000

D: From July 1, 2019 to June 30, 2020 at the rental rate of \$325,000

E: From July 1, 2020 to June 30, 2021 at the rental rate of \$350,000

**Funding Source for Contract:** The funding source for the lease is a portion of the operations budget for the University of Mississippi-DeSoto.

**Contractor Selection Process:** For twenty-one years, the University of Mississippi-DeSoto has operated in the DeSoto Center, which is owned by Northwest Mississippi Community College. The lease agreement, initiated by Northwest, is necessary for the continuation of

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Northwest Mississippi Community College providing classroom and office space for the academic programs offered by the University of Mississippi-DeSoto campus.

**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. Based on Board Policy 707.03, Approval of Prepayment for Goods and Services, Board approval of a prepayment/waiver is required at the same time permission is sought from the Board under Board Policy 707.01. This agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

**12. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH COVIDIEN SALES, LLC**

**Agenda Item Request:** **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a purchase and capital placement agreement with **Covidien Sales, LLC**. (Covidien). This agreement covers the purchase and placement of commodities and equipment related to pulse oximetry monitoring, capnography, and cerebral/somatic monitoring.

**Contractor's Legal Name:** Covidien Sales, LLC

**History of Contract:** While this is a new agreement, UMMC was under an agreement with Somanetics Corporation, now owned by Covidien. The prior agreement was for a five (5) year period, June 8, 2007 through June 7, 2012. Since June 2012, UMMC has continued to purchase commodities from Covidien through its agreement with Vizient, formerly Novation, UMMC's primary Group Purchasing Organization (GPO), without executing an agreement with Covidien. UMMC has been renting the needed monitors from US Medi Equip through its GPO agreement without UMMC having to sign an agreement.

By signing the agreement with Covidien UMMC has determined that it will realize an estimated savings on the purchase of commodities of \$245,277.22 based on its current purchase volume. In addition to the commodities savings UMMC will save approximately \$37,699.20 on the rental of monitors over the eight (8) months of this agreement.

**Specific Type of Contract:** This agreement will allow for the placement of equipment and purchase of commodities related to pulse oximetry monitoring, capnography, and cerebral/somatic monitoring.

**Purpose:** The purpose of this agreement is to allow UMMC to receive discounted pricing for Covidien commodities, to add equipment and upgrade end-of-life capital equipment

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through a purchase commitment program. The commodities and equipment are related to pulse oximetry monitoring, depth of anesthesia monitoring, and cerebral/somatic monitoring to include:

- 30 INVOS 5100C Cerebral Somatic Oximeter Systems with 5 year warranty;
- 2 roll stands for transporting systems when in use; and
- 100 bedside pulse oximetry monitors with a 5 year warranty to monitor oxygen saturation of hemoglobin.

**Scope of Work:** Covidien will:

- Provide pulse oximetry sensors and accessories; capnography sensors and accessories and cerebral/somatic oximetry sensors and accessories to UMMC at the agreed upon contract price;
- Provide equipment to UMMC that will replace patient equipment that has reached the end of its useful life;
- Track purchases made by UMMC and apply purchases of consumables to awards credits program; and
- Provide quarterly reports to UMMC of awards credits earned, issued, and applied to the cost of equipment.

UMMC will:

- Maintain at least eighty-five percent (85%) of oximetry sites as Nellcor-compatible equipment and purchase of Nellcor-brand oximetry sensors and accessories;
- Maintain at least eighty-five percent (85%) of cerebral/somatic oximetry sites as Covidien's INVOS brand cerebral/somatic oximetry equipment and purchase of cerebral/somatic sensors and accessories; and
- Maintain at least eighty-five percent (85%) of all capnography consumables as Covidien's Oridion-brand consumables products. This does not include consumables purchased for use exclusively in the operating room or consumables used with existing pre-configured equipment where Covidien's Oridion Microstream Capnography technology is not available.

**Term of Contract:** The term of this agreement will be eight (8) months, beginning on September 1, 2016 and ending April 30, 2017.

**Termination Options:** This agreement may be terminated as follows:

- By UMMC at any time provided thirty (30) days prior written notice is given;
- When the total award credit is reached;
- By Covidien in the event of UMMC's failure to make a payment due, the insolvency of UMMC, the filing of a petition in bankruptcy of UMMC, the appointment of a receiver for UMMC, or an assignment for the benefit of creditors of UMMC;
- By UMMC for lack of available funding; and

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- Termination of the GPO contract.

**Contract Amount:** The estimated cost of this agreement is \$1,500,905, which is based on historical purchase volume for the consumables. UMMC will purchase the different types of commodities as needed.

**Funding Source of Contract:** This agreement will be funded by hospital patient revenue.

**Contractor Selection Process:** Covidien is a contract provider with Vizient, UMMC's primary Group Purchasing Organization (GPO).

**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.*

**13. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT WITH GULF AUTO CARE, INC.**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of revenue generating lease agreement with **Gulf Auto Care, Inc.** (formerly BP Car Care & Service) for the property located at 352 East Woodrow Wilson Avenue, Jackson, MS 39216, known as the Old Farmer's Market property.

**Contractor's Legal Name:** Gulf Auto Care, Inc. (Gulf Auto Care)

**History of Contract:** The As authorized by Senate Bill No. 2887, Regular Session 2008, UMMC took over the Old Farmer's Market property and all leaseholders at that time from the Department of Finance and Administration. UMMC entered into a lease agreement with BP Car Care on September 1, 2009 with an end date of June 30, 2013. The original lease was renewed for three (3) years with the effective date of September 1, 2013 and ending August 31, 2016. The property's rental rates were confirmed through a survey comparing rates being charged by surrounding operators.

**Specific Type of Contract:** Lease agreement

**Purpose:** This agreement will allow UMMC to lease the property located at 352 East Woodrow Wilson Avenue, Jackson, MS to Gulf Auto Care Inc.

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**Scope of Work:** Under the agreement, Gulf Auto Care is responsible for payment of utilities; janitorial services; routine maintenance and repair; telephone services; waste management services; timely payment of rent; and, for using the premises only for its intended purpose.

**Term of Contract:** The initial term of this agreement is for five (5) years with the option to renew for one (1) additional five (5) year term. The total term of the agreement will be ten (10) years, beginning September 1, 2016 and ending August 31, 2026.

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

- by either party upon thirty (30) days written notice,
- for a failure by Gulf Auto Care to comply with the terms of the lease,
- force majeure, or
- failure by Gulf Auto Care to comply with the federal E-Verify program.

**Contract Amount:** For the initial five (5) year lease period, UMMC will receive a total of \$109,702.04 in revenue.

**Funding Source of Contract:** This is a revenue generating agreement

**Contractor Selection Process:** N/A. This is a revenue generating 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.*

**14. UMMC-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH MEDTRONIC USA, INC.**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an capital equipment placement agreement with **Medtronic USA, Inc.** for the placement of one (1) Visualase 15W Thermal Therapy System (Visualase System) and a purchase agreement for the purchase of the associated implants and disposables. The equipment, implants and disposables are used in neurosurgical procedures to treat brain tumors and epilepsy in adult and pediatric patients.

**Contractor's Legal Name:** Medtronic USA, Inc. (Medtronic)

**History of Contract:** This is a new agreement.



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**Specific Type of Contract:** This is a capital equipment placement and commodity purchase agreement.

**Purpose:** The purpose of this agreement is to allow UMMC to purchase Visualase disposables from Medtronic as well as allow Medtronic to place the Visualase System at UMMC through a capital placement program. Participation to utilize the equipment placement program is covered through a committed purchase of commodities. This technology (equipment and implants) will allow UMMC to perform a new procedure and treat patients we could not treat previously.

**Scope of Work:** Medtronic will provide the following:

- Placement of one (1) Visualase System at no charge;
- Quarterly audits of UMMC disposable purchases to ensure UMMC's compliance;
- Discounted pricing on Visualase disposable for three (3) years; and
- Any necessary repairs and maintenance to the Visualase System at no charge to UMMC.

UMMC will provide the following:

- No charge purchase order for the Visualase 15W Thermal Therapy System for tracking purposes;
- Purchases of the Visualase disposables at a minimum of twenty-five thousand dollars (\$25,000) per quarter or one hundred thousand dollars (\$100,000) per year; and
- Submit a purchase order to Medtronic for the purchase of any disposable products.

**Term of Contract:** The term of this agreement is for three (3) years, commencing on the date of delivery of the equipment. UMMC estimates delivery of the equipment to be no later than October 3, 2016.

**Termination Options:** Termination options include the following:

- by either party at any time upon thirty (30) days' written notice;
- in the event of breach of a material term of the agreement by either party, unless such breach is remedied within the thirty (30) day period between notification of termination and the effective date of the termination;
- in the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC;
- failure by Medtronic to comply with the federal E-Verify Program; and
- if the other party has become insolvent, has filed for bankruptcy, or has been debarred or excluded from participating in federal health care programs.

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- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement, and
- by either party, upon thirty (30) days notice, in the event of a material change in effective control or ownership of the other party.

**Contract Amount:** The estimated cost of this agreement will be \$1,231,560.00. The estimated total cost breakdown is provided below:

	Year 1	Year 2	Year 3	TOTAL
Cost of Disposable	\$11,196	\$11,196	\$11,196	--
Estimated Procedures (20% ↑ per year)	30	36	44	110
Total	<u>\$335,880</u>	<u>\$403,056</u>	<u>\$492,624</u>	<u><b>\$1,231,560</b></u>

**Funding Source for Contract:** This agreement will be funded by hospital patient revenue.

**Contractor Selection Process:** Medtronic was selected as the vendor as a result of invitation for bids (IFB) to provide magnetic resonance imaging laser interspatial thermal therapy system. No other vendors responded to the IFB.

**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.*

**15. UMMC-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE MISSISSIPPI HEALTH INFORMATION NETWORK**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) request the approval to enter into a hospital participation agreement with the Mississippi Health Information Network (MSHIN) for the participation in the health information network that was established among various healthcare providers and provider organizations across Mississippi.

**Contractor's Legal Name:** Mississippi Health Information Network

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**History of Contract:** MSHIN entered into an agreement with Medicity to provide computing services related to the establishment of a health information network (HIN) among various healthcare providers and provider organizations across Mississippi. This HIN is designed to improve patient care and care coordination for patients in Mississippi. This arrangement is particularly valuable during disaster events such as Hurricane Katrina where patients from the Coast may need to obtain healthcare services in other Mississippi locations. UMMC entered into an initial three-year agreement with MSHIN in April 2013. Since the expiration of that contract UMMC has continued to use the service on a month to month basis as a new contract was being negotiated to also include UMMC's Holmes County and Grenada facilities. Upon submission of the revisions UMMC was requesting to MSHIN, UMMC was made aware that MSHIN had revised and consolidated there agreement and policies into a revised hospital participation agreement that MSHIN and UMMC then negotiated.

**Specific Type of Contract:** This is a new agreement to allow for continued participation in the MSHIN.

**Purpose:** This agreement will allow UMMC to participate in data sharing with other health care organizations across the state to improve continuity of patient care and reduce the amount of duplicate testing that may be required from various providers. This agreement will also improve public health surveillance. UMMC will work with MSHIN staff and designees to establish the appropriate secure interfaces for the transfer of data to the Mississippi Department of Health (MDOH) as well as Medicity in order to facilitate electronic reporting and data transfer required for public health reporting and improved continuity of care for Mississippians.

**Scope of Work:** MSHIN will:

- Operate and maintain the Mississippi Health Information Network computer system; and
- Monitor activities of those utilizing the system; UMMC and MSHIN staff will establish the required procedural and technical methodologies to achieve the reporting and data transfer requirements for MSHIN.

UMMC will:

- Be responsible for ensuring access to UMMC's interface engine(s), if any, is compatible with the MSHIN system and meets the system requirements; and
- Maintain reasonable quality control procedure for the accuracy, completeness and quality of the data made available to MSHIN.

**Term of Contract:** The term of this agreement is for three (3) years beginning September 1, 2016 and ending August 31, 2019.

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**Termination Options:** This agreement may be terminate as follows:

- By MSHIN Board with our without cause provided ten (10) days prior written notice;
- By MSHIN if UMMC breaches the terms of the agreement;
- By MSHIN if UMMC's account is more than ninety (90) days past due;
- By MSHIN for non-availability of funding;
- By the MSHIN Board if the system has not been used for 6 months, and
- Failure by MSHIN to comply with the federal E-Verify program.

**Contract Amount:** The cost of this agreement is \$90,300.00 per year. The total cost of the agreement over the term of the contract is \$270,900.00.

**Funding Source for Contract:** This agreement will be funded by hospital patient revenues.

**Contractor Selection Process:** The MSHIN is a state entity that is responsible for maintaining this network.

**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.*

**16. UMMC-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH PROVAION MEDICAL, INC.**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **ProVation Medical, Inc.** for the purchase of software and ongoing technical services for software used in the performance of endoscopic procedures of the gastric tract and tracheobronchial tree. UMMC also requests the Board's approval of a waiver to allow advanced payment, pursuant to IHL policy 707.03 *Approval of Prepayment for Foods or Services*. The agreement calls for partial payment in advance for the license fee.

**Contractor's Legal Name:** ProVation Medical, Inc. (ProVation)

**History of Contract:** This is a new agreement.

**Specific Type of Contract:** Master Software License and Maintenance Agreement

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**Purpose:** Under the agreement, UMMC will purchase the software license and associated technical support for software that will be used for report writing and image capture in the performance of endoscopic procedures of the gastric tract and tracheobronchial tree.

**Scope of Work:** ProVation will:

- provide a limited, non-exclusive, non-transferable, perpetual, revocable, and non-assignable license,
- provide Training and installation of the software, and
- provide maintenance services for the license software: (a) correct reported failures of the Licensed Software to substantially perform in conformance with the Documentation; (b) furnish, at no additional charge updates which ProVation makes generally available to UMMC under maintenance without an additional licensee fee (collectively, "Updates"); however, installation, implementation, and other services or out-of-pocket costs in connection with the Updates are not included in maintenance services; and (c) provide telephone support and/or remote access support per the Support Handbook.

UMMC will:

- allow ProVation reasonably free remote and on-site access to the Licensed Software and to Licensee's systems for the purpose of performing maintenance,
- perform data backups, verify that the backups are successful, and secure the backup data in a location secondary to the server(s) running the Licensed Software,
- pay fees in accordance with the agreement,
- maintain an approved, secure internet connection, with the ability to resolve DNS to enable ProVation to gain remote access to the computer system(s) on which the Licensed Software is installed for diagnostic, error correction, software downloading, error logging and other maintenance purposes, and
- cooperate with ProVation in identifying the cause of any claimed failure of the Licensed Software to perform as expected.

**Term of Contract:** The term of the agreement is for five (5) years - September 1, 2016 through August 31, 2021.

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

- Upon thirty (30) days' notice to UMMC if UMMC materially breaches any provision of the Agreement and does not cure such breach within the thirty (30) day notice period,
- UMMC may terminate this Agreement upon a material breach by the ProVation of any term of this Agreement unless the breach is cured within thirty (30) days of

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receipt of written notice from UMMC setting forth the alleged material breach in reasonable detail (provided that ProVation will not be in breach if it is re-performing services),

- Either party may terminate this Agreement immediately if the other party: (a) becomes unable to pay its debts as they become due; (a) ceases to do business as a going concern; (c) makes an assignment for the benefit of creditors; (d) files a petition in bankruptcy or proceedings in bankruptcy are instituted against it and are not dismissed in thirty days; or (e) has a receiver appointed,
- UMMC may terminate this agreement without cause provided one hundred (120) days written notice is given to the other party,
- Either party may terminate maintenance services at the end of the initial term., or at any time thereafter, by written notice to the other party thirty (30) days prior,
- UMMC may terminate the agreement and the underlying business relationship in the event that ProVation, acting as a business associate, as defined by the Health Insurance Accountability and Portability Act (HIPAA), improperly uses or discloses protected health information in breach of the business associate agreement (BAA),
- UMMC may terminate if it makes the determination that a material condition of performance by ProVation, acting as a business associate, as defined by the HIPAA, has changed or the business associate has breached a material term of BAA,
- Oracle (third party product provider) may terminate UMMC's right to the third party products if UMMC's license to use Oracle is terminated by Oracle, UMMC's right to use ProVation's software is terminated, if UMMC fails to pay annual Oracle support fees, or if UMMC fails to pay maintenance service fees to ProVation,
- Immediately upon notice to UMMC if UMMC (i) fails to pay fee due hereunder within sixty (60) days of its due date, or (ii) breaches any part of this Agreement, and
- A failure by ProVation to comply with the federal E-Verify program.

**Contract Amount:** The total estimated cost of this agreement is \$590,072.06 with a breakdown provided below.

Description	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Licensed Software	\$198,153.00	\$ -	\$ -	\$ -	\$ -	\$198,153.00
Maintenance	\$ 41,962.00	\$43,220.86	\$44,517.49	\$45,853.01	\$47,228.60	\$222,781.96
Professional Services	\$ 93,750.00	\$ -	\$ -	\$ -	\$ -	\$ 93,750.00
Estimated Travel	\$ 30,725.00	\$ -	\$ -	\$ -	\$ -	\$ 30,725.00
Third Party Products	\$ 32,868.00	\$ 2,819.11	\$ 2,903.68	\$ 2,990.79	\$ 3,080.52	\$ 44,662.10
Total	\$397,458.00	\$46,039.97	\$47,421.17	\$48,843.80	\$50,309.12	\$590,072.06

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*\*The cost of the maintenance and third party products were compounded annually by three percent (3%) beginning in year two (2) to account for any potential increases in price due to CPI.*

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

**Contractor Selection Process:** UMMC issued Request for Proposals (RFP) 1218 in January 2016. Three (3) vendors responded to the RFP – GMed, Pentax Medical and ProVation Medical, Inc. The proposal from Pentax Medical was disqualified for not meeting all requirements specified in the RFP. A UMMC selection committee reviewed the two (2) remaining proposals and unanimously selected ProVation based on a higher consensus score although ProVation was not the low bidder. Overall, the primary reasons for selecting ProVation were that its product's functionality and capabilities; specifically, the image management and clinical management components of the software can meet the needs of UMMC better than the other bidder's product.

	Score	Cost
ProVation	66.85	\$560,226
GMed	66.18	\$382,234

**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. Based on Board Policy 707.03, *Approval of Prepayment for Goods and Services*, Board approval of a prepayment/waiver is required at the same time permission is sought from the Board under Board Policy 707.01. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

**17. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT WITH RIVER OAKS HOSPITAL, LLC D/B/A MERIT HEATH RIVER OAKS (MHRO)**

**Agenda Item Request:** University of Mississippi Medical Center (UMMC) requests approval of a new lease with **River Oaks Hospital, LLC d/b/a Merit Health River Oaks (MHRO)** for the provision of space for the Flowood Family Medicine clinic located at 2466 Flowood Drive in Flowood, Mississippi.

**Contractor's Legal Name:** River Oaks Hospital, LLC d/b/a Merit Health River Oaks (MHRO)

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**History of Contract:** UMMC currently leases this space from MHRO. The lease was approved by the Board at its September 2013 meeting. The lease was for a term of three (3) years and at an estimated cost of \$1,343,279.93. Under the previous lease, UMMC had utilized 12,175 square feet of space, some of which an x-ray area was planned; however, it has been decided that the x-ray area is not needed at this time and, as a result, UMMC has reduced the amount of leased space to 10,855 square feet.

**Specific Type of Contract:** This is a new lease agreement.

**Purpose:** UMMC has a current lease for this space. This is the location of the Family Medicine Clinic. This clinic is the primary location for the clinical training of our family medicine residents. As a requirement by the Accreditation Council of Graduate Medical Education (ACGME), which is the accrediting body for resident programs, UMMC must provide a certain patient practice volume to its residents specializing in family medicine. The lease of this space has allowed UMMC the opportunity to increase its patient volume in the area of Family Medicine thereby staying compliant with ACGME requirements. As such, UMMC has determined it is in our best interest to continue to lease this space.

**Scope of Work:** Pursuant to the lease, MHRO, agrees as follows:

- So long as UMMC pays all rent and other charges per the contract, allow UMMC to peacefully occupy the premises and not to create or allow any condition which shall make the premises dangerous or unfit for its intended use.
- Provide utilities including water, electricity, gas, and rubbish collection to the premises.
- Provide awning and window cleaning twice per calendar year during the term as well as fresh paint during the second and fourth years of the term.
- Provide access to parking lot and landscaped areas and other common areas.

UMMC agrees as follows:

- That the premises will be used for medical educational or research use only.
- Not to do anything or refrain from doing anything, or permit its agents, employees or contractors to do or not do anything, that would create a breach of any of the terms or conditions of the prime lease.
- Not to make or suffer any unlawful or improper use of the premises.
- That it will not make any material alterations or additions in or to the premises without first obtaining the prior written consent of MHRO and prime landlord.
- Not to assign, sublet or part with the possession of the whole or any part of the premises without first obtaining the prior written consent of MHRO, which consent may be given or withheld in MHRO's sole discretion.
- That at the expiration or earlier termination of the term to peaceably yield to MHRO the premises and any of MHRO's personal property therein, in as good condition as received, ordinary wear and tear expected and broom-clean.



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- That at the expiration or earlier termination of the term to remove all its personal property from the premises within ten (10) days after the expiration of the term.
- That subject to applicable state law, UMMC shall be responsible for any damage, injury or cause of action resulting from UMMC's activities in the premises.
- To properly maintain the interior finishes of the premises throughout the term.
- Be responsible for its own medical waste disposal, telephone system, medical records system, postage and courier service, account receivables collection, and all other services necessary to practice medicine in the premises.
- Pay all rent in compliance with the contract terms.

**Term of Contract:** The term of the lease will be five (5) years from October 1, 2016 through September 30, 2021.

**Termination Options:** Should there be no funds available for any succeeding funding period; the contract will be cancelled as of the end of the funding period with no further obligation on the part of UMMC.

**Contract Amount:** The cost of the lease over the five (5) year term is expected to be \$1,995,257.55. The breakdown of the cost is as follows:

<b>Year</b>	<b>Annual Base Rent Rate (RSF)</b>	<b>Annual Base Rent</b>	<b>Monthly Base Rent</b>
<b>Year 1</b>	<b>\$34.66</b>	<b>\$376,234.302</b>	<b>\$31,352.86</b>
<b>Year 2</b>	<b>\$35.68</b>	<b>\$387,306.40</b>	<b>\$32,275.53</b>
<b>Year 3</b>	<b>\$36.73</b>	<b>\$398,704.15</b>	<b>\$33,225.35</b>
<b>Year 4</b>	<b>\$37.81</b>	<b>\$410,427.55</b>	<b>\$34,202.30</b>

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<b>Year 5</b>	<b>\$38.93</b>	<b>\$422,585.15</b>	<b>\$35,215.43</b>
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**Funding Source for Contract:** The contract will be funded by the patient revenue.

**Contractor Selection Process:** UMMC is currently leasing this space. As this space has allowed UMMC to increase our patient volume, in the area of family medicine, and allowed us to remain compliant with ACGME requirements, UMMC would like to continue to lease this space.

**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.*

**18. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A CONVERSION AND LICENSE AGREEMENT WITH SKYTRON, LLC.**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into three (3) agreements: a Conversion Agreement, an Asset Manager Service License Agreement (SLA); and a CenTrak End User License Agreement (EULA) with **Skytron, LLC (Skytron)** for the purchase, implementation, and maintenance of an asset tracking system. UMMC requests the Board's approval of a waiver to allow advanced payment, pursuant to IHL Policy 707.03 *Approval of Prepayment for Goods or Services*. Service payments are due annually in advance. In addition, UMMC requests approval to pay a deposit for the hardware being purchased.

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

**History of Contract:** UMMC entered into a contract with Skytron in November of 2009, for the provision of the Skytron Asset Manager System. The agreement was for a term of sixty (60) months. The agreement was not presented to the Board for approval. The cost of the agreement was to be \$1,700,897.50, which was composed of \$923,448.75 for tags, wireless sensor network, implementation/training along with \$156,089.75 per year for service and support. The Skytron Asset Manager System provided UMMC with the ability to track moveable equipment. Being able to track the equipment allows UMMC to locate equipment for maintenance purposes, deters the removal of equipment from the facility and allows equipment in storage areas to be easily located when a patient care unit needs the equipment.

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The asset manager system included: 1) tags, which are attached to movable equipment; and 2) software, with which these tags communicate, along with support/services for same. Although the system was purchased from Skytron, the software and the support was provided by Awarepoint, a third party contracted directly with Skytron. In June 2012, UMMC was notified that contractual relationship between Skytron and Awarepoint had ended. This left UMMC with no support for the system. At this time UMMC was also unable to purchase any additional tags for the system.

To resolve the software/support issue, after a lengthy negotiation, UMMC entered into a contract directly with Awarepoint. The agreement was for one year from August 1, 2013 until July 31, 2014, with a total cost of \$35,502.30. This provided UMMC with continued software and support services while attempting to find a permanent solution. However, by the expiration of the one year agreement, UMMC was still without a solution. From August 1, 2014 to October 2014, UMMC paid on a month to month PO basis. During this time, UMMC spent \$9,126.00. On November 1, 2014, UMMC entered into another one year agreement for the software and support services through Awarepoint. The total cost of this one year agreement was \$36,500.00 and expired October 31, 2015. Since the expiration of the agreement UMMC has not utilized any services or paid any additional funds for this system. During 2015, Skytron was able to partners with a new software provided, CenTrak. As such, UMMC is now ready to execute a new agreement with Skytron.

**Specific Type of Contract:** This is a new end user license agreement, service and maintenance agreement, and a purchase and conversion agreement.

**Purpose:** The purpose of this agreement is to allow for a system which will provide real time asset tracking of UMMC equipment. This will provide efficiency in asset management, enhances patient care, and prevents UMMC having to replace equipment due to loss as the system allows for the identification of the location of assets throughout the networked campus. In addition this allows UMMC to readily access equipment so that equipment maintenance can be performed as require by medical devise manufacturers.

**Scope of Work:** Under the agreement, Skytron will upgrade current system asset tracking system, provide the necessary asset tags, software license and support, and implement the asset tracking system within new areas of UMMC.

**Term of Contract:** The term of this agreement if for five (5) years, beginning on September 1, 2016 and ending August 31, 2021.

**Termination Options:** The SLA may be terminated as follows:

- Either party shall have the right to terminate this agreement without cause provided ninety (90) days written notice to the other party;
- Either party shall have the right to terminate this agreement upon written notice to the other party if the other party breaches this agreement and does not cure such breach

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within thirty (30) days following receipt of written notice thereof from the non-breaching party, *except that* Skytron may terminate this agreement immediately upon written notice for a breach by UMMC of any of its payment obligations (subject to a 15-day cure period) or breach by UMMC of the software license restriction;

- Either party may terminate this agreement immediately upon written notice for a breach by the other party of confidential information;
- In the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC; and
- Failure by Skytron to comply with the federal E-Verify Program.

The CenTrak EULA may be terminated as follows:

- If UMMC materially breaches the EULA and fails to cure such breach within thirty (30) days of written notice of such breach by CenTrak;
- If UMMC becomes insolvent or makes an assignment for the benefit of UMMC's creditors;
- If a receiver is appointed or a petition in bankruptcy is filed with respect to UMMC and such petition is not dismissed within thirty (30) days; and

**Contract Amount:** The total estimated cost for these agreements is \$2,713,621.54 with a breakdown provided below.

Description	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Current License	\$ 357,652.00	\$ 357,652.00	\$ 357,652.00	\$ 357,652.00	\$ 357,652.00	\$ 1,788,260.00
Equipment	243,432.00	50,600.00	50,600.00	50,600.00	50,600.00	445,832.00
License and Service	61,601.18	71,721.18	81,841.18	91,961.18	102,081.18	409,205.90
Installation	19,795.64	-	-	-	-	19,795.64
Misc. Network Cost	6,000.00	-	-	-	-	6,000.00
Project Management and Professional Services	44,528.00	-	-	-	-	44,528.00
<b>Total</b>	<b>\$ 733,008.82</b>	<b>\$ 479,973.18</b>	<b>\$ 490,093.18</b>	<b>\$ 500,213.18</b>	<b>\$ 510,333.18</b>	<b>\$ 2,713,621.54</b>

**Funding Source of Contract:** The cost of this agreement will be funded through patient revenue.

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

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

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*more than \$250,000. Based on Board Policy 707.03, Approval of Prepayment for Goods and Services, Board approval of a prepayment/waiver is required at the same time permission is sought from the Board under Board Policy 707.01. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

**19. UMMC-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH VIRACOR-IBT LABORATORIES, INC.**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a Clinical Laboratory Services Agreement with **Viracor-IBT Laboratories, Inc. (V-IBT)** for the provision of referred clinical laboratory services, which are clinical laboratory services provided to UMMC by an outside laboratory. The testing that will occur under this agreement is primarily immunology testing for HIV patients. After the diagnosis of a patient with HIV, this testing is utilized to help the treating physician identify which regimen of medications would work most effectively for the particular patient.

**Contractor's Legal Name: Viracor-IBT Laboratories, Inc. (V-IBT)**

**History of Contract:** On April 18, 2013, the IHL Board of Trustees approved an agreement for the referred clinical laboratory services. The agreement spanned May 1, 2013, through April 30, 2016, for a total cost of \$1,890,300. On June 19, 2014, the IHL Board of Trustees approved an amendment to the agreement to add an additional test and to increase the approved cost of the agreement due to increases in patient volume. The amended cost of the agreement was \$4,130,100. Under the agreement, UMMC spent a total of \$4,110,968.07. After expiration of the agreement, UMMC continued to utilize V-IBT for referred clinical laboratory services on an as-needed basis via purchase order. To date, UMMC has spent \$271,647.25 via purchase order.

**Specific Type of Contract:** Clinical Laboratory Services Agreement

**Purpose:** The purpose of the agreement is for the provision of referred clinical laboratory services. The services provide by V-IBT include test performance and access to V-IBT's website and Retriever System for accessing patient results. The testing that occurs under this contract is primarily immunology testing for HIV patients. After the diagnosis of a patient with HIV, this testing is utilized to help the treating physician identify which regimen of medications would work most effectively for the particular patient.

**Scope of Work:** Under the agreement, V-IBT:

- Performs clinical laboratory services as ordered by UMMC at the pricing presented in this pricing agreement; and

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- Provides access to the V-IBT website and Retriever System for accessing patient results.

**UMMC:**

- Collects and packages patient specimens in the manner described by V-IBT;
- Supplies the names of all UMMC laboratory personnel who will need access to the V-IBT website and Retriever System for accessing patient results; and
- Pays V-IBT for the referred laboratory services in the manner and at the pricing prescribed by the agreement.

**Term of Contract:** The term of the agreement is thirty-six (36) months, beginning September 1, 2016 and ending August 31, 2019.

**Termination Options:** Termination options include the following:

- At any time by UMMC upon 30 days' written notice;
- In the event of a reduction of funds available to UMMC; and
- Failure by V-IBT to comply with the federal E-Verify Program.

**Contract Amount:** The total cost of the agreement is approximately \$5,287,910.36. Beginning in Year 2 of the agreement, V-IBT will increase pricing by three percent (3%) or the annual Consumer Price Index for all urban Consumers U.S. City Average Current Series (CPI) change for the preceding year, whichever is lower. Further, V-IBT may increase pricing based upon its annual pricing review conducted for tests that undergo reagent cost increases or methodology changes. For this price increase, V-IBT must provide UMMC with 30 days' advance written notice. UMMC has calculated a ten percent (10%) increase each year to account for price increases as well as potential patient volume increases.

Year 1	Year 2	Year 3	Total
1,597,556.00	1,757,311.60	1,933,042.76	5,287,910.36

**Funding Source of Contract:** The agreement will be funded by hospital patient revenue.

**Contractor Selection Process:** V-IBT was chosen based upon its available selection of Immunology testing and its turnaround time with testing results. This is a laboratory that is currently conducting reference laboratory testing for UMMC.

**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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**20. USM-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH OCEANEERING INTERNATIONAL, INC.**

**Agenda Item Request:** The University of Southern Mississippi (USM) requests approval of an agreement for the use of the *R/V Sea Scout* for a research cruise to take place from 17 September 2016 to 11 October 2016.

**Contractor's Legal Name:** Oceaneering International, Inc.

**History of Contract:** This is a new contract with an entity not previously used to provide its research vessel for use by the Ecosystem Impacts of Oil and Gas Inputs to the Gulf (ECOGIG) consortium.

**Specific Type of Contract:** Cooperative Services Agreement. This contract is for services which include use of the ship's time, equipment, including its Remotely Operated Vessel (ROV), and the ship's technical support crew.

**Purpose:** The purpose of this agreement is for the ECOGIG Consortia's use of the vessel, *R/V Sea Scout*, which is owned by Oceaneering International, Inc., to conduct ongoing research.

**Scope of Work:** Under this agreement, Oceaneering will provide the use of the vessel *R/V Sea Scout* (ship time), Global Explorer ROV (equipment), and its crew (marine tech support) to facilitate USM's participation in the ECOGIG marine research program.

**Term of Contract:** The term of this agreement will be for 25 days total. The cruise will begin 17 September 2016 and end on 11 October 2016. The dates are flexible in the event delays occur with Mob/Demob, transit, *force majeure*, etc.

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

- ROV, Section 3 for any reason by either party upon thirty (30) days' written notice,
- ROV, Section 5.2 USM for failure by Oceaneering to provide conforming equipment,
- Exhibit B, Section 4.1.9a for breach by either party,
- Exhibit B, Section 4.1.9b for non-availability of funds from ECOGIG

**Contract Amount:** The total cost is estimated at \$616,973. Costs are based on a daily rate of \$24,190 for leg 1 for 12 days (ROV and staff included) and a rate of \$19,393 for leg 2 for 12 days (ROV and staff included) for vessel time. Other costs include Vessel Decommissioning (\$19,393), ROV System Mob/Demob with cost (\$39,300) and Personnel Mob/Demob costs (\$23,608). The cost for vessel time may be adjusted for actual fuel costs and overall vessel utilization. There will be additional costs for installation and decommissioning of the ROV not to exceed \$11,676. There is also the potential of additional costs for unforeseen

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circumstances per sections 4.2.7 and 4.2.8 of Exhibit B; however, there is no practical way to estimate these costs. Payment will be issued based upon receipt of an approved invoice for actual serviced rendered.

**Funding Source of Contract:** The agreement will be funded by an external grant ECOGIG-2, grant number GR05251.

**Contractor Selection Process:** N/A

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

**21. USM-REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT WITH OXITENO USA, LLC.**

**Agenda Item Request:** The University of Southern Mississippi (USM) is requesting Board approval of a lease agreement between USM and **Oxiten USA, LLC**, a Texas Limited liability company with a registered address at 9801 Bay Area Blvd., Pasadena, TX 77507 (Tenant). Tenant wishes to lease approximately 2,616 square feet of office, equipment, and laboratory space at USM's Accelerator for annual rent in the agricultural adjuvants, oil and gas, and coatings applications in USM's Accelerator. The initial lease term is for five years, however, the Tenant can terminate the Lease after the second year by giving USM a one year written notice of termination. The rent during the Term shall be \$61,750 per year or a total of \$308,750. USM is providing Tenant with a short Transition Period with reduced rent in the amount of \$5,000 during which Tenant can install equipment, telephones, etc.

**Contractor's Legal Name:** Oxiten USA, LLC

**History of Contract:** This is a new lease contract.

**Specific Type of Contract:** This is a new lease agreement.

**Purpose:** The purpose of the contract is to provide income for USM and to lease space in USM's Accelerator building to compatible businesses with USM's other tenants.

**Scope of Work:** USM will provide the tenant office and laboratory space of approximately 2,616 square feet. USM will install, at its own expense, two (2) walk-in chemical fume hoods in the laboratory space requested by Tenant. Tenant will pay annual rent in the amount of \$61,750 for the term of the Lease. If Tenant chooses to terminate the lease,



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Tenant will reimburse USM for the cost of installation for the walk-in fume hoods at the following rates:

- Termination on second anniversary of the Lease – 100% reimbursement rate
- Termination on third anniversary – 75% reimbursement rate
- Termination on fourth anniversary – 50% reimbursement rate

**Term of Contract:** The contract is for five (5) years.

**Termination Options:** USM and Tenant have a right to terminate the lease upon a default by the other party.

**Contract Amount:** The agreement is \$5,000 for the transition period and \$61,750 annual rent to USM for the initial term and renewals, if any. Total rent for the transition period, initial term and renewals is \$313,750.

**Funding Source of Contract:** The Accelerator building was constructed with Federal grant funds.

**Contractor Selection Process:** N/A

**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. .

**22. USM-REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT WITH UNIVERSITY MALL, LLC.**

**Agenda Item Request:** The University of Southern Mississippi requests approval to enter into a 5 year lease agreement with **University Mall, LLC** for the use of 14,550 sq. ft. of storage space, located at 3818 Hardy Street, in Hattiesburg; MS. This space will be used to store furnishings and fixtures from various buildings in preparation for renovation work. Also, this space will be used to store under-utilized library materials and books, in addition to, the storage of props and set furnishings for the department of Theatre and Dance and their productions. The cost will be \$10.25lper sq. ft. for a total of 5149,137.50 annually. In addition, the university also requests permission to pay the monthly lease payment in advance on the 1st of the month in accordance with IHL Policy 707.03.

**Contractor's Legal Name:** University Mall, LLC

**History of Contract:** N/A

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**Specific Type of Contract:** This is a new lease agreement.

**Purpose:** The purpose of the agreement is to lease storage space to store furnishings and fixtures from various buildings in preparation for renovation work.

**Scope of Work:** University Mall, LLC will lease 14, 550 square feet of air conditioned, secure, storage space.

**Term of Contract:** The contract is for five (5) years.

**Termination Options:** This agreement will automatically cease at the end of the five (5) year term unless the university indicates a desire to renew the Lease for an additional five (5) year term within the final six months of the contract and both parties agree on this extension with approval by the IHL Board. Either party may terminate this lease for breach of the lease by the other party.

**Contract Amount:** The terms are \$10.25/sq. ft. totaling \$12, 428.13 per month or \$149,137.50 per year for 5 years, with a renewable five-year option at the end of the first term upon agreement between the parties. The University will be responsible for utility costs for the Lease Premises during the term of the Lease.

**Funding Source of Contract:** This contract will be funded by University reserves.

**Contractor Selection Process:** N/A

**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.

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

**Board Policy §902, Initiation of Construction Projects**

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

**Board Policy §904(A), Board Approval**

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

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

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

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

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

**Board Policy §905(A), Real Estate Management**

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

**Board Policy §905(B), Real Estate Management**

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

**Board Policy §917, Naming of Buildings and Facilities**

*Board approval must be obtained prior to naming or re-naming any institutional building or facility. However, assigning generic names which are descriptive of the functions served by a building – such as "University Athletic Training Facility" or "Chemistry Building"— does not require Board approval, unless the building has an existing non-generic name which is to be changed or modified. Board approval must also be obtained prior to naming or re-naming any*

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*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.*

**APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS**

**IHL PROJECTS .....**

**1. ASU– IHL 201-252– Morris-Boykin Renovation**

**Project Request:** Alcorn State University requests approval to initiate a project, Morris-Boykin Renovation, and to appoint Durrell Design Group, LLC as the design professional.

**Proposed Design Professional:** Durrell Design Group, LLC

**Selection Method:** The project budget is under \$3M so the university is not required to use the RFQ method for the selection of the design professional.

**Purpose:** Alcorn State University is seeking to upgrade and renovate the existing Morris-Boykin facility. This is a forty (40) year old building that is need of a renovation in order to make the building ADA accessible and provide a more modern Agriculture classroom and office building on the ASU campus.

**Project Scope:** The project will include space planning of the existing building, reallocating program requirements, and upgrading existing finishes and technology requirements within the building. Existing lighting, mechanical, and special systems will be evaluated within the project scope and will be upgraded as required. The

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project will also feature ADA upgrades to the existing main entry and throughout the remainder of the facility.

Alcorn 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:** August 18, 2016

**Date of Original Construction:** 1974

**Date of Last Renovation:** First Major Renovation

**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 1,564,818.00
Architectural and Engineering Fees:	161,482.00
Misc. Project Costs:	1,200.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>50,000.00</u>
<b>Total Project Budget</b>	<b>\$ 1,777,500.00</b>

**Proposed Funding Source(s):** USDA Grant Funds (\$1,777,500)

**Staff Recommendation:** *Board staff recommends approval of this item.*

**2. UM– IHL 207-393– Triplett Alumni Center Additions**

**Project Request:** The University of Mississippi requests approval to appoint Eley Guild Hardy Architects – Jackson, P.A. as the design professional.

**Proposed Design Professional:** Eley Guild Hardy Architects – Jackson, P.A.

**Selection Method:** The University of Mississippi used the Request for Qualifications (RFQ) method for selecting the design professional.

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**Purpose:** The University of Mississippi is seeking to appoint the design professional for the project in order to allow for the design of the renovation and expansion of the Triplett Alumni Center.

**Project Scope:** The project will include renovations and additions to the Triplett Alumni Center, which is located adjacent to the Inn at Ole Miss. The scope will include expanding the James N. Butler Auditorium and its lobby area, completing a second floor addition above the lobby area, and adding office space, storage space, and restrooms to the building.

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

**Project Initiation Date:** September 27, 2014 (*Interim Board Approval*)

**Date of Original Construction:** 1950

**Date of Last Renovation:** 2012 (Repairs due to water damage)

**Proposed Project Budget: (Design Fees Only)**

		<u><i>Estimated</i></u>
Construction Cost:	\$	0.00
Architectural and Engineering Fees:		400,000.00
Misc. Project Costs:		0.00
Furniture & Equipment Costs:		0.00
Contingency:		<u>0.00</u>
<b>Total Project Budget</b>	<b>\$</b>	<b>400,000.00</b>

**Proposed Funding Source(s):** Private Donations (\$400,000)

**Staff Recommendation:** *Board staff recommends approval of this item.*

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**3. UM– IHL 207-415– Golf Practice Facility Renovation**

**Project Request:** The University of Mississippi requests approval to appoint PryorMorrow PC as the design professional.

**Proposed Design Professional:** PryorMorrow PC

**Selection Method:** The University of Mississippi used the Request for Qualifications (RFQ) method for selecting the design professional.

**Purpose:** The University of Mississippi is seeking to appoint the design professional for the project in order to allow the university to master plan the design of the renovation to the Golf Practice facility.

**Background:** Practice facilities for the Ole Miss Men's and Women's Golf teams are located adjacent to the Ole Miss Golf Club. The Whitten Golf Complex houses team meeting rooms, locker rooms for teams, coaches' offices, areas for storage and repair of golf equipment, and an indoor putting area upstairs. The nearby Herrington Golf Center includes an indoor-outdoor hitting facility that allows players the opportunity to work on their games regardless of weather conditions. A driving range and short game facility area are also included for team practice.

**Project Scope:** The project includes site improvements to enhance the flow between the practice facilities, improvements to the driving range, and expansion of the team practice green. The scope may also include building improvements to expand the Herrington Golf Center and master plan for a future bunk house.

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

**Project Initiation Date:** February 18, 2016

**Date of Original Construction:** 2002 Whitten Golf Complex; 2012 Herrington Golf Center

**Date of Last Renovation:** N/A



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**Proposed Project Budget: (Design Fees Only)**

	<u>Estimated</u>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	500,000.00
Misc. Project Costs:	0.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>0.00</u>
<b>Total Project Budget</b>	<b>\$ 500,000.00</b>

**Proposed Funding Source(s):** Athletic Foundation Fundraising (\$500,000)

**Staff Recommendation:** *Board staff recommends approval of this item.*

**4. UM– IHL 207-421– Jackson Avenue Center Safe Room**

**Project Request:** The University of Mississippi requests approval to initiate a project, Jackson Avenue Center Safe Room, and to appoint Shafer & Associates Architects as the design professional.

**Proposed Design Professional:** Shafer & Associates Architects

**Selection Method:** The project budget is anticipated to remain under \$3M so the university is not required to use the RFQ method for the selection of the design professional.

**Purpose:** The University of Mississippi is seeking to appoint the design professional based on their prior experience with the Jackson Avenue Center.

**Project Scope:** The project will include constructing a 2,000 square foot safe room adjacent to the Jackson Avenue Center. This safe room will hold 390 occupants and withstand winds up to 250 mph.

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

**Project Initiation Date:** August 18, 2016

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**Date of Original Construction:** New Construction

**Date of Last Renovation:** N/A

**Proposed Project Budget:**

	<u><i>Estimated</i></u>
Construction Cost:	\$ 781,740.00
Architectural and Engineering Fees:	62,540.00
Misc. Project Costs:	82,300.00
Furniture & Equipment Costs:	30,000.00
Contingency:	<u>143,420.00</u>
<b>Total Project Budget</b>	<b>\$ 1,100,000.00</b>

**Proposed Funding Source(s):** HMGP#1916-0018 through Mississippi Emergency Management Agency from Federal Emergency Management Agency (\$652,185.00); UM Internal R&R Funds (\$447,815)

**Staff Recommendation:** *Board staff recommends approval of this item.*

**5. UM– IHL 207-422– North Lane Parking –Drive Modifications**

**Project Request:** The University of Mississippi requests approval to initiate a project, North Lane Parking – Drive Modifications, and to appoint A2H, PLLC as the design professional.

**Proposed Design Professional:** A2H, PLLC

**Selection Method:** The project budget is anticipated to remain under \$3M so the university is not required to use the RFQ method for the selection of the design professional.

**Purpose:** The University of Mississippi is seeking to initiate the project and appoint the design professional in order to allow for development of the project through the Design Development phase. The University of Mississippi will seek Board approval at a future Board meeting to increase the project budget to include the full scope of the project.

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**Project Scope:** The project will re-route part of North Lane to permit further closure of Student Union Drive. The south end of North Lane will be restricted to one-way service access from Student Union Drive through Lenoir Hall. The remainder will become a two-way street providing access to the existing adjacent parking areas. The scope of the project will include the removal of all parking spaces along the street, installation of a loading zone behind three sorority houses and Lenoir Hall, designation of dumpster locations behind each entity, addition of a sidewalk along the east side of the street, installation of an exit gate from the service drive onto the two-way portion of the street, and relocation (to underground) of all above ground utilities along the street.

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

**Project Initiation Date:** August 18, 2016

**Date of Original Construction:** 1940

**Date of Last Renovation:** N/A

**Proposed Project Budget: (*Design Fees Only*)**

		<u>Estimated</u>
Construction Cost:	\$	0.00
Architectural and Engineering Fees:		250,000.00
Misc. Project Costs:		0.00
Furniture & Equipment Costs:		0.00
Contingency:		<u>0.00</u>
<b>Total Project Budget</b>	<b>\$</b>	<b>250,000.00</b>

**Proposed Funding Source(s):** Internal R&R (\$250,000)

**Staff Recommendation:** *Board staff recommends approval of this item.*

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**6. UM– IHL 207-424– Faser Hall First Floor Modifications**

**Project Request:** The University of Mississippi requests approval to initiate a project, Faser Hall First Floor Modifications, and to appoint Cooke Douglass Farr Lemons Architects & Engineers, P.A. as the design professional.

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

**Selection Method:** The project budget is anticipated to remain under \$3M so the university is not required to use the RFQ method for the selection of the design professional.

**Purpose:** The University of Mississippi is seeking to initiate the project and appoint the design professional in order to allow for the design and renovation of the First (1<sup>st</sup>) floor of Faser Hall.

**Project Scope:** The School of Pharmacy will renovate a portion of the first floor to modernize existing laboratory facilities and provide graduate student work areas. This project upgrades existing casework and interior finishes, reconfigures an existing open lab into individual labs, and converts an existing stock room into a graduate student work area. The scope of work also includes asbestos abatement, casework replacement, interior finish renovation, and utility reconfiguration to provide a modern laboratory environment for existing research programs to continue and for new research programs to develop.

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

**Project Initiation Date:** August 18, 2016

**Date of Original Construction:** 1969

**Date of Last Renovation:** 2015 (Skills Lab IHL #207-373)

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**Proposed Project Budget: (Design Fees Only)**

	<u>Estimated</u>
Construction Cost:	\$ 697,140.00
Architectural and Engineering Fees:	60,370.00
Misc. Project Costs:	22,700.00
Furniture & Equipment Costs:	75,000.00
Contingency:	<u>128,290.00</u>
<b>Total Project Budget</b>	<b>\$ 983,500.00</b>

**Proposed Funding Source(s):** Internal R&R (\$983,500)

**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 .....**

**7. MUW – GS 104-187 – Demonstration School Pre-Plan**

**Project Request:** Mississippi University for Women requests approval to increase the budget for the Demonstration School Pre-Plan project. The budget will increase from \$250,000.00 to \$7,542,915.00, for an increase of \$7,292,915.00. The university also requests approval to add the following funding sources to the project (SB 2906, HB 1729, L'16 and SB 3100, L'11) to allow for the budget increase. In addition, Mississippi University for Women requests approval to change the name of the project from Demonstration School Pre-Plan to Demonstration School Renovation.

**Project Phase:** Design Phase

**Design Professional:** Pryor & Morrow Architects

**General Contractor:** TBD

**Purpose/Justification:** The project is currently in the design phase. The project was initiated with the Board on June 18, 2015 with a pre-plan budget of \$250,000. This is the first budget escalation request made for this project by the university. The university is requesting to increase the project budget in order to include the additional state bond funds approved by the Legislature as well as excess funds out of

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a previously authorized project. These additional funds will fully fund the project and allow the university to complete the renovation project.

**Project Scope:** The project will involve a complete interior and exterior renovation. Interior renovation includes the upgrade of building systems and interior finishes. Exterior renovations will include stabilization, waterproofing, tuckpointing, site drainage, and upgrade of building systems. This project will also include asbestos and lead paint surveys as well as any necessary abatement. All applicable codes including ADA (elevator need) will be addressed.

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

**Project Initiation Date:** June 18, 2015

**Proposed Project Budget:**

	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Amount (+/-)</b>
Construction Costs	\$ 0.00	\$ 6,650,000.00	\$ 6,650,000.00
Architectural and Engineering Fees	\$ 250,000.00	\$ 409,361.43	\$ 159,361.43
Miscellaneous Project Costs	\$ 0.00	\$ 151,053.54	\$ 151,053.54
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 0.00	\$ 332,500.00	\$ 332,500.00
<b>Total Project Budget</b>	<b>\$ 250,000.00</b>	<b>\$ 7,542,915.00</b>	<b>\$ 7,292,915.00</b>

**Proposed Funding Source(s):** SB 2906, Laws of 2015 (\$250,000); HB 1729, Laws of 2016 (\$7,140,000); SB 3100, Laws of 2011 (\$152,915)

**Staff Recommendation:** *Board staff recommends approval of this item.*

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**IHL PROJECTS .....**

**8. USM – IHL 208-334 – Cochran Center Theatre**

**Project Request:** The University of Southern Mississippi requests approval to increase the budget for the Cochran Center Theatre project. The budget will increase from \$1,600,000.00 to \$2,400,000.00, for an increase of \$800,000.00.

**Project Phase:** Design Phase

**Design Professional:** Albert & Associates Architects

**General Contractor:** TBD

**Purpose/Justification:** The project is currently in the design phase. The project was initiated with the Board on November 19, 2015 with a budget of \$1,600,000. This is the first budget escalation request made for this project by the university. The university is requesting to increase the project budget in order to reflect a more accurate and updated cost estimate that was determined after the completion of the SD phase

**Project Scope:** The project will complete the existing unfinished theatre area located inside the Thad Cochran Center. The build-out will include but will not be limited to the following: internal finishes, furniture and equipment package, mechanical, electrical, audio visual equipment, plumbing and life safety systems.

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

**Project Initiation Date:** November 19, 2015

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**Proposed Project Budget:**

	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Amount (+/-)</b>
Construction Costs	\$ 1,400,000.00	\$ 2,125,000.00	\$ 725,000.00
Architectural and Engineering Fees	\$ 98,000.00	\$ 160,000.00	\$ 62,200.00
Miscellaneous Project Costs	\$ 14,000.00	\$ 44,600.00	\$ 30,600.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 88,000.00	\$ 70,200.00	\$ 17,800.00
<b>Total Project Budget</b>	<b>\$ 1,600,000.00</b>	<b>\$ 2,400,000.00</b>	<b>\$ 800,000.00</b>

**Funding Source(s):** Student Facility Capital Improvement Fee (\$2,400,000)

**Staff Recommendation:** *Board staff recommends approval of this item.*

**9. UMMC – IHL 209-553 – Interventional Radiology Renovation**

**Project Request:** The University of Mississippi Medical Center requests approval to increase the budget for the Interventional Radiology Renovation project. The budget will increase from \$3,747,957.00 to \$7,759,186.00, for an increase of \$4,011,229.00. In addition, UMMC requests a change in project scope to include excavation and foundation work not included in the original scope.

**Project Phase:** Design Phase

**Design Professional:** JBHM Architects, P.A.

**General Contractor:** TBD

**Purpose/Justification:** The project is currently in the design phase. The project was initiated with the Board at the August 2015 Board Meeting with a budget of \$3,747,957. This is the first budget escalation request made for this project by the university. The original budget based on placing Interventional Radiology and



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Neurology within the existing shell space located beneath the new Cardiovascular (CV) Center. During the Schematic Design process, it was determined that both departments could not be located within the existing space without excavation on the north end of CV to obtain the additional space. This cost was not included in the initial project budget. The initial project estimate also did not include FF&E or IT equipment.

**Project Scope:** This project will involve renovations and relocation of the Interventional Radiology Department which will be located in the basement of the Cardiovascular Building. The project is currently scheduled to consist of three single plane rooms, two bi-plane rooms, one computed tomography (CT) machine and associated areas such as holding bays, office space, and support space. The approximate area including the additional excavation is 17,345 sq. ft.

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

**Project Initiation Date:** August 20, 2015

**Proposed Project Budget:**

	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Amount (+/-)</b>
Construction Costs	\$ 3,100,126.00	\$ 5,947,975.00	\$ 2,847,849.00
Architectural and Engineering Fees	\$ 241,654.00	\$ 444,274.00	\$ 202,620.00
Miscellaneous Project Costs	\$ 70,000.00	\$ 516,937.00	\$ 446,937.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 336,177.00	\$ 850,000.00	\$ 513,823.00
<b>Total Project Budget</b>	<b>\$ 3,747,957.00</b>	<b>\$ 7,759,186.00</b>	<b>\$ 4,011,229.00</b>

**Funding Source(s):** UMMC Building Improvements (\$7,759,186)

**Staff Recommendation:** *Board staff recommends approval of this item.*

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**APPROVAL OF OTHER REAL ESTATE REQUESTS**

**10. ASU – Naming of the Fine Arts Building as “Joyce Johnson Bolden Fine Arts Building”**

**Project Request:** Alcorn State University requests permission to name the Fine Arts Building on the ASU Lorman campus as the “Joyce Johnson Bolden Fine Arts Building”.

**Purpose:** Alcorn State University is requesting to name the Fine Arts Building at Alcorn State University’s Lorman campus in honor of former department chairperson and professor emerita, Dr. Joyce Johnson Bolden. The initial construction of the Fine Arts Building was completed in 1963. A renovation project was completed in 2009 which included a newly constructed band rehearsal hall. Most recently, the Little Theater’s renovation was completed in the spring of 2016. As a result, the university would like to officially name the building.

**Dr. Bolden’s Bio:** Dr. Joyce Johnson Bolden began her teaching career at Alcorn State University in 1957. She devoted more than forty years of service to Alcorn State University. In addition to an outstanding teaching career, she made enormous contributions to the department and the University administratively in her capacity as chairperson of the Department of Fine Arts for twenty-six (26) years. She spearheaded the initial National Association of Schools of Music (NASM) accreditation effort for Alcorn State University in 1981. Since that time, ASU has been continuously accredited by the National Association of Schools of Music (NASM). Moreover, Dr. Bolden brought great honor to Alcorn State University through her election to NASM committees, including the Executive Committee and the Commission on Accreditation (which she chaired). Her outstanding service to NASM was recognized by being given the distinction of Lifetime Honorary Membership in NASM.

Of the many accolades, honors, and accomplishments, Dr. Bolden must be noted for initiating talent-based scholarships for music majors and music ensemble participants. Since the initiation of music and band scholarships, thousands of students have benefited from the financial assistance which these scholarships afforded them. Many students, who might otherwise not have attended college, have done so because of the talent-based scholarships.

Dr. Bolden has been an advocate for the arts all of her professional career. She voluntarily served on university-wide lyceum committees, as well as on state arts committees and commissions. In doing so, she brought great honor and distinction to

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Alcorn State University. She has supported Alcorn State University through monetary gifts to the University via the Alcorn State University Foundation, establishing and funding the James L. Bolden Scholarship in 2003. Such dedication to Alcorn State University, advocacy for the profession, and particularly assistance and support of students, merit the honor herein proposed.

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

***Staff Recommendation: Board staff recommends approval of this item.***

**11. MSU– IHL 205-279 – Exterior Design Approval of Dudy Noble Field-Polk DeMent Stadium Addition and Renovation**

**Project Request:** Mississippi State University requests approval of the exterior design for the Dudy Noble Field-Polk DeMent Stadium Addition and Renovation project. *(See Renderings on pages 18 and 19)*

**Design Professional: Wier Boerner Allin Architecture**

**Project Scope:** The project will consist of the addition and renovation to the existing stadium to include the restrooms, concessions, dressing rooms, and amenities for the game day experience.

**History:** The project was master planned under the control of the Bulldog Club and initiated with the Board of Trustees in May 2015. Schematic Design Documents were approved by IHL staff in October of 2015. Design Development Documents were approved by IHL in July 2016. MSU received approval from the Board of Trustees to modify the scope and budget of the project in March of 2016.

Mississippi State University is seeking approval of the exterior design for the project in accordance with Board Policy §904(A), Board Approval, that requires 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.

**Project Initiation Date:** May 21, 2015

**Date of Original Construction:** 1987

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**Date of Last Renovation:** 2000

**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 41,000,000.00
Architectural and Engineering Fees:	2,601,282.00
Misc. Project Costs:	9,348,718.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>2,050,000.00</u>
<b>Total Project Budget</b>	<b>\$ 55,000,000.00</b>

**Proposed Funding Source(s):** EBC Bonds (\$30,000,000); MSU Foundation/Athletics/Bulldog Club (\$25,000,000)

**Staff Recommendation:** *Board staff recommends approval of this item.*

**Rendering 1: (Entrance to concourse behind home plate)**



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**Rendering 2: (Aerial View)**



**12. MSU – Exterior Design Approval of Delta Gamma Sorority House**

**Project Request:** Mississippi State University requests approval of the exterior design of the Delta Gamma Sorority House. (*See Renderings on Page 20*)

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

**Purpose:** Mississippi State University is seeking approval of the exterior design of the Delta Gamma Sorority House. This project is fully funded by the Delta Gamma Sorority but the addition is being constructed on leased land within the Sorority Park at MSU and therefore requires Board approval of the exterior design. No state or university funds are being expended on this project.

**Project Scope:** Delta Gamma Sorority will add on a new kitchen and dining area to the existing sorority house.

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

**Staff Recommendation:** *Board staff recommends approval of this item.*

**Rendering 1: North Elevation of New Addition**





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### **13. MSU – Exterior Design Approval of Lamba Chi Fraternity House**

**Project Request:** Mississippi State University requests approval of the exterior design of the Lambda Chi Fraternity House. (*See Renderings on Pages 21 and 22*)

**Design Professional: Eley Guild Hardy Architects**

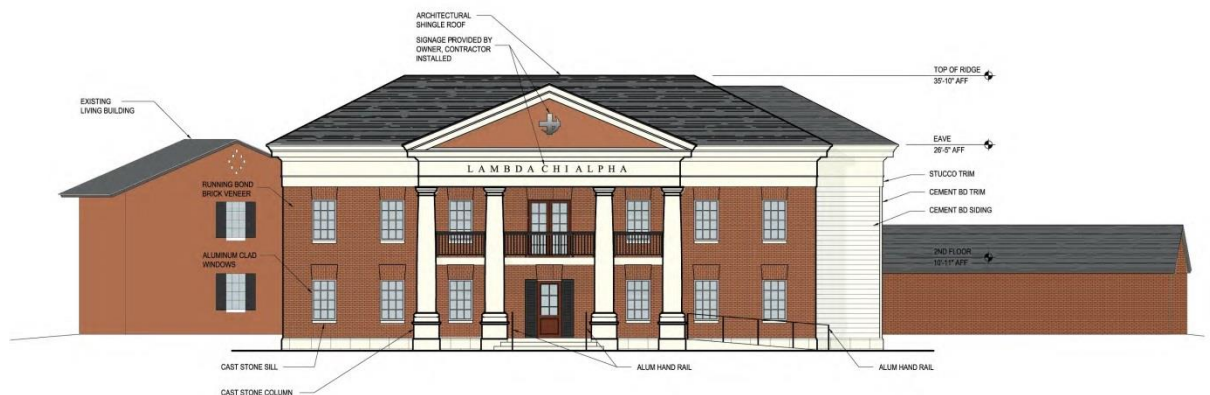
**Purpose:** Mississippi State University is seeking approval of the exterior design of the Lambda Chi Fraternity House. This project is fully funded by the Lambda Chi Fraternity but the addition is being constructed on leased land within the Fraternity Park at MSU and therefore requires Board approval of the exterior design. No state or university funds are being expended on this project.

**Project Scope:** Lambda Chi Fraternity will construct an addition the existing Lambda Chi Fraternity house.

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

***Staff Recommendation:*** Board staff recommends approval of this item.

***Rendering 1: West Elevation of Lamba Chi House***



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**Rendering 2: East Elevation of Lamba Chi House**



**14. MSU – Exterior Design Approval of Wetland Education Theater**

**Project Request:** Mississippi State University requests approval of the exterior design of the Wetland Education Theater. (*See Rendering on Page 23*)

**Design Professional:** Native Habitats, Inc.

**Purpose:** Mississippi State University is seeking approval of the exterior design of the Wetland Education Theater. This project is fully funded by the MSU Foundation but the addition is being constructed on the MSU main campus in Starkville and therefore requires Board approval of the exterior design. No state or university funds are being expended on this project.

**Project Scope:** The project is intended to construct a Wetland Education Theater on campus. The theater will be located south and east of the existing Landscape Architecture buildings and will be located at the corner of Bully and Stone Blvd. The project will consist of a wetlands demonstration theater to include: Cypress Exhibit, Prairie Exhibit, Pine Savanna Exhibit, Methodology Exhibit, and a Green Roof Exhibit.

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



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***Staff Recommendation:*** Board staff recommends approval of this item.

**Rendering: Elevation of Wetland Education Theater**



**15. MSU – Delete from Inventory and Demolish –Building #1139**

**Project Request:** Mississippi State University requests approval to delete from inventory and demolish Building #1139.

**Justification:** Building #1139 is in poor condition and no longer serves the mission of the Experiment Station. The building is located on the South Farm of the MSU campus.

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

***Staff Recommendation:*** Board staff recommends approval of this item.

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**16. MUW – Naming of the Art and Design Building as “Summer Hall”**

**Project Request:** Mississippi University for Women requests permission to name the Art and Design Building as “Summer Hall”.

**Purpose:** Mississippi University for Women is requesting to name the existing Art and Design Building in recognition of Eugenia Summer.

**Eugenia Summer Bio:** Eugenia Summer was both a distinguished alumna of MUW and an emeriti faculty member. A 1945 graduate of MUW, she taught at the university for more than 30 years. During that time, she served as Chair of the Art Department. She also received an honorary doctorate from MUW in 2005.

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

***Staff Recommendation: Board staff recommends approval of this item.***

**17. MUW – Naming of the Demonstration School Building as “Turner Hall”**

**Project Request:** Mississippi University for Women requests permission to name the Demonstration School Building as “Turner Hall”.

**Purpose:** This building is being renovated to expand the College of Nursing and Speech-Language Pathology. Mississippi University for Women is requesting to name the existing Demonstration School Building in recognition of Alma Turner.

**Eugenia Summer Bio:** Alma Turner is a distinguished alumna of MUW and served as Principal of the Demonstration School from 1985 to 1995. She received an honorary doctorate from MUW in 2008, and she also serves on the MUW Foundation Board of Directors.

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

***Staff Recommendation: Board staff recommends approval of this item.***

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**1. ASU – APPROVAL TO CONTRACT WITH WARE | IMMIGRATION AS OUTSIDE COUNSEL**

Alcorn State University requests approval to contract with David Ware & Associates, L.L.C. dba Ware|Immigration as outside counsel, to provide services necessary in preparing labor certification documents, immigrant applications and petitions and immigration related services on behalf of the University for its employees who seek temporary or permanent residence status and other related services. The term of the contract will be for one year from the date of approval. The fee schedule is set out below with a maximum amount payable under this contract of \$20,000.00. This request has been approved by the Attorney General's office.

Exhibit A  
Schedule of Legal Fees for Academia

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

Permanent Residence Process with Labor Certification: Faculty

\$2000.00	“Special Handling” labor certification (must be paid by University*) <i>\$2500.00 if position must be readvertised</i>
\$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

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*\*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 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

*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*

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

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**2. JSU – APPROVAL TO RENEW ITS CONTRACT WITH ARMSTRONG LAW  
AS OUTSIDE COUNSEL**

Jackson State University requests permission to renew its 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 in August, 2016 and shall expire no later than one year thereafter, subject to renewal, if necessary. The fee schedule is as outlined below and the maximum amount payable under the contract is \$50,000. This request has been approved by the Attorney General's office.

**Summary of Legal Fees Effective August 1, 2016 – Jackson State University  
Fixed Fee Matters Schedule**

<b><u>Type of Immigration Processing</u></b>	<b><u>Attorneys' Fees<sup>1</sup></u></b>
<b>Permanent resident status ("green card"/immigrant) processing – labor certification required<sup>2</sup></b>	
"Special handling" labor certification for faculty (teaching positions only) – using original recruitment	\$2,000.00
"Special handling" labor certification for faculty (teaching positions only) – re-recruitment <sup>3</sup>	\$2,500.00
"Basic recruitment" labor certification for non-teaching positions	\$3,000.00
Audit response (if required by US Department of Labor)	\$1,500.00
Immigrant petition for alien worker (I-140) – for employee	\$2,500.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee	\$1,500.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee	\$ 750.00
<b><u>Type of Immigration Processing</u></b>	<b><u>Attorney's Fees</u></b>
<b>Permanent resident status ("green card"/immigrant) processing – "Outstanding professors and researchers" (labor certification not required)<sup>4</sup></b>	
Immigrant petition for alien worker (I-140) – for employee	\$4,000.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee	\$1,500.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent employee	\$ 750.00
<b>Permanent resident status ("green card"/immigrant) processing – "extraordinary ability" or "National Interest Waiver" (labor certification not required)<sup>5</sup></b>	
Immigrant petition for alien worker (I-140) – for employee	\$6,000.00
Application to adjust status (I-485) and related applications, if applicable (I-765, I-131) for employee	\$1,500.00
Application to adjust status (I-485) and related applications, if applicable (I-765, I-	\$ 750.00

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131) for each dependent of employee	
<b>Temporary status (nonimmigrant) processing</b>	
H-1B “specialty occupation” petition (initial filing) <sup>6</sup>	\$1,750.00
H-1B “specialty occupation” petition (subsequent extensions or amendments to initial filing)	\$1,250.00
O-1 “extraordinary ability” petition (initial filing)	\$4,000.00
O-1 “extraordinary ability” petition (subsequent extensions or amendments to initial filing)	\$1,500.00
TN “NAFTA professional” petition (initial filing, including consular processing)	\$1,500.00
TN “NAFTA professional” petition (subsequent extensions or amendments to initial filing)	\$1,250.00
Application for Waiver of J-1 Foreign Residence Requirement (based upon state Conrad 30 program)	\$6,000.00
Application for Waiver of J-1 Foreign Residence Requirement (based upon extreme hardship)	\$6,000.00
Application to extend or change nonimmigrant status (for dependents of employee who are in the US in another nonimmigrant status) when filed with I-129 Petition for primary	\$ 250.00

<sup>1</sup>Exclusive of all required US Citizenship and Immigration Services filing fees and costs of recruitment (if required); all additional work, including assistance in ad placement, renewal applications for employment authorization or advance parole during the period the application for adjustment of status is pending, preparation for and attendance at interviews with immigration officers, or appeals of any denials of any immigration petition or application filed, will be billed at normal hourly rates (currently \$250 an hour).

<sup>2</sup>Regulations require employer to pay all costs relating to certification, including all costs of recruitment.

<sup>3</sup>Re-recruitment may be required if original ads do not meet US Department of Labor requirements or if labor certification is not filed within 18 months of date of offer letter.

<sup>4</sup>Employee may pay fees and costs because labor certification is not required for this process.

<sup>5</sup>Employee may pay fees and costs because labor certification is not required for this process.

<sup>6</sup>Regulations require employer to pay all costs relating to H-1B filing, including attorney’s fees and filing fees (however, employee may pay “premium processing request” filing fee if desired).

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**3. JSU – APPROVAL TO RENEW CONTRACT WITH WARE | IMMIGRATION AS OUTSIDE COUNSEL**

Jackson State University requests permission to renew a contract with David Ware & Associates, L.L.C. dba Ware|Immigration 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 in August, 2016 and shall expire no later than one year thereafter, subject to renewal, if necessary. The fee schedule is as outlined below and the maximum amount payable under the contract is \$50,000. This request has been approved by the Attorney General’s office.

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**Schedule of Legal Fees for Academia**

**Nonimmigrant Petitions and Processes**

H-1B petition	\$1500.00
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TN petition or border/consulate processing	\$1500.00
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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*) <i>\$2500.00 if position must be readvertised</i>
\$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

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\$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*

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**4.    MSU – APPROVAL TO MODIFY CONTRACT WITH JONES WALKER L.L.P. AS OUTSIDE COUNSEL**

Mississippi State University requests approval to modify a contract with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones Walker L.L.P., to provide services in connection with the issuance of bonds for financing of construction and acquisition of buildings for Mississippi State University. The initial contract entered into on August 25, 2010 was modified by Modifications #1-#5. Proposed Modification #6 will extend the term until August 24, 2017. Section V. "Specific Attorneys" has been revised to reflect Keith Parsons, Aileen Thomas, Ronald Bell, and Sabrina Ruffin as specific attorneys who will be furnishing legal services under this contract. All other provisions of the Agreement for Legal Services dated August 25, 2010 shall remain in effect. Modification #6 has been approved by the Office of the Attorney General.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**5.    UM – APPROVAL OF UNIVERSITY OF MISSISSIPPI EMPLOYEES TO SERVE ON THE UNIVERSITY OF MISSISSIPPI RESEARCH FOUNDATION BOARD OF DIRECTORS**

The University of Mississippi requests approval to allow Anthony Ammeter, Director of Outreach and Continuing Studies, Allyson Best, Associate Director of Technology Management, and Josh Gladden, Interim Vice Chancellor for Research and Sponsored Programs to serve as voting members on the University of Mississippi Research Foundation Board of Directors. These three university employees will replace two university employees who are rotating off the Board and one university employee who is no longer employed with the university. The University of Mississippi Research Foundation is organized and operates for scientific, literary, charitable, and educational purposes exclusively for the benefit of the University of Mississippi. The Chancellor



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recommends that the Board grant approval to allow Anthony Ammeter, Allyson Best, and Josh Gladden to serve as voting members of the University of Mississippi Research Foundation Board of Directors.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**6. UMMC – APPROVAL OF SIMMS STRATEGIES, LLC 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. The University of Mississippi Medical Center requests approval for Simms Strategies, LLC to lobby on behalf of the University outside the State of Mississippi.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**7. UMMC – APPROVAL TO AMEND CONTRACT WITH BUTLER SNOW, LLP AS OUTSIDE COUNSEL**

The University of Mississippi Medical Center requests permission to amend its contract with Butler Snow, LLP as outside counsel to advise on intellectual property matters, healthcare regulatory and compliance matters, healthcare administrative hearings, human resource issues and commercial and general matters. This second amendment will increase the maximum amount payable under the contract by \$240,000 to a new total maximum contract amount of \$590,000. The current contract period is November 1, 2015 through October 31, 2016 with hourly rates ranging from \$225 to \$245 for attorneys and \$85 for legal assistants. Only the maximum amount payable under the contract will change with the second amendment. The Attorney General has approved this request.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

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**APPROVAL OF PERSONNEL ACTION REQUESTS**

**1. Employment**

**MUW**

Amanda Clay Powers; Professor and Dean of Library Services; salary of \$100,000 per annum, pro rata; E&G funds; **hired with tenure**; effective July 18, 2016

**UMMC**

Bettina Beech; Professor and Dean of Population Health Sciences; salary of \$300,000 per annum, pro rata; E&G funds; effective July 1, 2016

**2. Change of Status**

**MSU**

Julia E. Hodges; *from* Interim Provost and Executive Vice President for Academic Affairs; salary of \$270,000 per annum, pro rata; E&G Funds; *to* Executive Associate Vice President for Academic Affairs and Professor; salary of \$202,000 per annum, pro rata; E&G Funds; effective July 1, 2016

**3. Tenure**

**UMMC**

Andrew Smith; Associate Professor of Radiology; effective July 1, 2016

**4. Emeritus Status**

**USM**

Louise Perkins; Professor Emerita of Computer Science; effective July 1, 2016

Mark S. Peterson; Professor Emeritus of Coastal Sciences; effective August 1, 2016

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**5. Other Action**

**UM – Cancellation of sabbatical designation (approved February 2016 Board Meeting)**

Dr. Michael Andrew Barnett; Associate Professor of Lighting Design; *from* salary of \$68,145 per annum, pro rata; E&G Funds; *to* salary of \$34,073 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development

# REGULAR AGENDAS

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**1. UM-REQUEST FOR APPROVAL TO INITIATE BOND PROCESS FOR INDOOR TENNIS FACILITY FUNDED WITH EDUCATIONAL BUILDING CORPORATION FOR A PROMISSORY NOTE OF \$8 MILLION THROUGH THE OLE MISS ATHLETICS FOUNDATION, SUBMIT FINANCIAL ADVISOR'S REPORT, AND NAME FINANCIAL PROFESSIONALS**

**Agenda Item Request:** The University of Mississippi seeks Board approval to initiate the bond process for the construction of an indoor tennis facility to be constructed by the **Ole Miss Athletics Foundation** and submits for Board review and consideration a Financial Advisor's report related to the proposed project. The university will lease the property to OMAF, which will facilitate the construction, financing, and delivery of the new indoor tennis facility and related improvements, including six indoor courts, grandstands, team room areas, and public entry space. Additionally, the design team will masterplan 12 exterior courts and landscape improvements to accommodate a new outdoor facility if, or when, the existing outdoor facility moves to this location per the university Master Plan. OMAF will then lease the facility back to the University for its use. The facility will be located south of the Olivia and Archie Manning Athletics Performance Center and southeast of the Track and Field complex on the university campus. After construction, OMAF will assign its interest in the leases to the EBC and the EBC will become a co-obligor on the note. As with other EBC transactions, the debt will be secured by rent payments from the university, although OMAF will service the debt from private donations. The lease agreements and related documents will be presented to the IHL for review and approval at a future Board meeting.

**Project Request:** The University of Mississippi requests permission to initiate the bond process to construct new indoor tennis facilities on the Oxford campus through the Ole Miss Athletics Foundation. The university tennis teams have historically used the indoor tennis courts in the Gillom Sports Center for practice and competition when needed. The Gillom Sports Center is currently under construction for renovation, including the removal of the previously existing indoor tennis courts. The teams are without indoor tennis courts on campus until a new indoor tennis facility is constructed.

**History of Project:** The Ole Miss Athletics Foundation ("OMAF") and the university originally planned to jointly construct an indoor tennis facility on property owned by the City of Oxford to share with the city, with OMAF leasing the property and constructing the facility to lease to the university and the city. To that end OMAF, working with the university and the city, selected Pryor and Morrow, Architects, to serve as design professional through an RFQ process, including public advertising and interview. Because the university, OMAF, and the city were unable to reach agreement on the details of the leases and related use agreement. The university and OMAF have now determined to build

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the indoor tennis facility on University property. The Assistant Commissioner for real Estate and Facilities advised that because this was to be an OMAF project and because the project architect was selected through an RFQ process when the project was going to be located on city property, the project could proceed with the firm as originally selected without repeating the RFQ process.

The University of Mississippi requests permission to initiate a project to construct new indoor tennis facilities on the Oxford campus. The university tennis teams have historically used the indoor tennis courts in the Gillom Sports Center for practice and competition when needed. The Gillom Sports Center is currently under construction for renovation, including the removal of the previously existing indoor tennis courts. The teams are without indoor tennis courts on campus until a new indoor tennis facility is constructed.

**Purpose of Request:** The purpose of this agenda item is for the Board to approve initiation of the project, to approve First Southwest Company as the financial advisor, and to review the related Financial Advisor's report dated July 18, 2016. At a subsequent meeting, UM will bring forward a ground lease for Board approval.

**Specific Type of Contract:** There is no contract or documents for the Board approval. Per Board Policy 906, UM will bring a ground lease to the Board at a subsequent meeting.

**Scope of the Project:** The operating lease between the university and the foundation will be equal to the amortization of debt incurred by the foundation. This will come before the Board at a subsequent meeting. Additionally, the university will provide renderings of the proposed tennis facility at that time.

**Contract Amount:** The estimated promissory note value will be \$8 million. Because OMAF will serve as owner of the project, OMAF has retained the design professional and will pay design professional fees.

As detailed in the Financial Advisor's report, Renasant Bank, selected through a competitive process by OMAF, has agreed to lend up to \$8 million for a total eleven (11) year term at 2.745% interest, including a construction draw period with interest-only payments, and following the construction period, principal and interest payments amortized over ten (10) years. The project is estimated to cost \$8 million with an average annual debt service of \$775,988. OMAF will service the debt from private donations.

**Termination Options:** The lease documents will be provided for the Board consideration at a subsequent meeting.

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**Funding Source(s) for Project:** OMAF private donations.

**Project Professionals:** Because this project will be financed through a promissory note, an underwriter and bond counsel are not necessary. OMAF has retained Butler Snow to serve as its counsel in this transaction.

**Board Staff Recommendation:** Staff Recommendation: Board Policy 906 states “The institution shall submit the report of the financial advisor(s) and the request for a project initiation to the Board for approval. The request must state the institution’s intent, justify the need for the project and give an estimate of the total construction budget. The request must also include naming the design professionals, bond counsel and senior underwriter(s) selected by the board of the educational building corporation.

Following the Board’s approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations for the specific project and for approval of the following documents to which the Board will be a party: the lease, the ground lease, the preliminary official statement (if required for the type of debt to be issued), and the continuing disclosure agreement (if required for the type of debt to be issued). The resolution also grants permission for the documents to be executed.”

The institution is presenting the Financial Advisor’s report for the Board’s review along with the intent, justification, and project professionals. Leases related to this transaction will be provided at a subsequent meeting.

Board staff recommends approval of initiation of the bond process.

**2. UMMC- REQUEST FOR APPROVAL TO APPROVAL TO ENTER INTO A MASTER AGREEMENT AND SOFTWARE MANAGEMENT SERVICES AGREEMENT WITH CAREFUSION SOLUTIONS, LLC**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a Master Agreement and a Software Management Services (SMS) Agreement with **CareFusion Solutions, LLC**. The Software Management Services (SMS) Agreement is for the maintenance of the software that supports the “smart” IV pumps in UMMC’s hospitals.

**Contractor’s Legal Name:** CareFusion Solutions, LLC (CareFusion)

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**History of Contract:** While this is a new agreement, UMMC currently uses CareFusion's infusion pumps, software, and related products. The most recent contract with CareFusion for Software Management Services (SMS) was a one (1) year agreement for \$151,620.00. UMMC has negotiated a five (5) year agreement to lock in a ten percent (10%) discount for the Software Management Services (SMS) Agreement.

**Specific Type of Contract:** Master Agreement and Software Management Services Agreement

**Purpose:** The purpose of the Master Agreement is to govern all purchases of products or services by UMMC from CareFusion. The purpose of the Software Management Services (SMS) Agreement is for maintenance and management of the software that runs the 3,637 "smart" IV pumps in UMMC's hospitals, in addition to any new pumps purchased during the contract term

**Scope of Work:** Under the Master Agreement, CareFusion will:

- provide user guides, manuals and/or directions for purchased products,
- provide warranties for equipment and software,
- grant a limited, nonexclusive, nontransferable license to use applicable software,
- defend and indemnify UMMC against all claims for intellectual property infringement, and
- maintain necessary insurance .

Under the Software Management Services (SMS) Agreement, CareFusion will:

- provide software services and support, including software enhancements,
- keep the embedded (equipment) and server software in sync,
- provide clinical and technical support,
- include Knowledge Portal for infusion technology and Infusion Analytics Services,
- offer onsite clinical consulting/training, as well as monthly refresher webcasts and general online courses, and
- pay tuition for two (2) UMMC employees to attend the annual CareFusion Alaris System Data Workshop.

**Term of Contract:** The Master Agreement will begin September 1, 2016, and continue through the expiration or termination of all Customer Agreements (Customer Orders) referencing the Master Agreement. The term for the Software Management Services Agreement is five (5) years beginning September 1, 2016, and continuing through August 31, 2021.



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

- default by either party under the agreement upon thirty (30) days written notice of opportunity to cure by the non-defaulting party,
- by either party at any time upon sixty (60) days written notice,
- reduction of funds,
- failure by CareFusion to comply with the federal E-Verify Program, and
- a breach by CareFusion of the Business Associate Agreement (BAA).

**Contract Amount:** The total cost of the SMS Agreement for the five (5) year term is approximately \$888,063.98, as broken down below. CareFusion's pricing is based upon the number of licensed beds at UMMC, which is currently 720. CareFusion has offered UMMC a ten percent (10%) discount for the multi-year agreement. Beginning in year two (2), CareFusion may increase prices by no more than five percent (5%). If UMMC increases its licensed beds by more than 10% during the term of the agreement, CareFusion will charge a pro-rated fee for the overage. For this contingency, UMMC has calculated an additional ten percent (10%) in potential overage licensed beds during the course of the agreement.

<b>Cost Method:</b>	<b>#</b>	<b>Year 1</b>	<b>Year 2*</b>	<b>Year 3*</b>	<b>Year 4*</b>	<b>Year 5*</b>	<b>Total</b>
Beds	720	\$151,620.00	\$159,201.00	\$167,161.05	\$175,519.10	\$184,295.06	\$837,796.21
<i>Including Discount</i>		\$136,458.00	\$143,280.90	\$150,444.95	\$157,967.19	\$165,865.55	\$754,016.59
Additional Beds over 72 (10%)	128	\$26,954.67	\$28,302.40	\$29,717.52	\$31,203.40	\$32,763.57	\$148,941.55
<i>Including Discount</i>		\$24,259.20	\$25,472.16	\$26,745.77	\$28,083.06	\$29,487.21	\$134,047.39
<b>Total**</b>		\$160,717.20	\$168,753.06	\$177,190.71	\$186,050.25	\$195,352.76	<b>\$888,063.98</b>

*\*Beginning in Year 2, costs may increase annually by no more than 5%.*

*\*\*Calculated with discounted costs.*

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

**Contractor Selection Process:** CareFusion is the sole source provider of the software management services of UMMC's existing equipment. Proper sole source procedures were conducted through the Department of Information Technology Services.

**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,

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*personal property, and service contracts that require an aggregate total expenditure of more than \$250,000 . Until UMMC obtains a CP-1 covering the actual dates of the Agreement herein, or until said Agreement is amended to conform to the existing CP-1, Attorney General's approval is withheld. Board staff recommendation is pending Attorney General's approval.*

**3. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH COCHLEAR AMERICAS**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a purchase agreement with **Cochlear Americas** (Cochlear) to purchase otolaryngology auditory devices and ancillary products to be used in surgical procedures at a discounted rate. These devices and products include cochlear implants, bone conduction systems, batteries, covers, hearing aids, etc., that will be used to treat pediatric and adult patients throughout UMMC.

**Contractor's Legal Name:** Cochlear Americas

**History of Contract:** On September 17, 2015, the Board of Trustees approved a one (1) year Purchase Agreement between UMMC and Cochlear Americas for the purchase of the initial, full-system implant devices. On that day, the Board approved a five (5) year Distributor Agreement for the purchase of after-market products such as parts, accessories, and sound process upgrades. The current Purchase Agreement expires on September 30, 2016. The Distributor Agreement will expire September 30, 2020.

**Specific Type of Contract:** Purchase Agreement

**Purpose:** The purpose of the contract is to allow UMMC to purchase otolaryngology auditory devices from Cochlear Americas including, but not limited to, cochlear implants, bone conduction systems, and ancillary products at a discounted rate. These devices and products include cochlear implants, bone conduction systems, batteries, covers, hearing aids, etc., that will be used to treat pediatric and adult patients throughout UMMC. For patients with hearing impairments, the implant does the work of the damaged parts of the inner ear in order to provide sound signals to the brain.

**Scope of Work:** Cochlear Americas will provide the following:

- Discounted pricing for five (5) years;
- Offer new products that come onto the market during the term of the agreement at the same discounted rate as current products; and
- Provide at no additional charge a backup sound processor, including one coil and one magnet.

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**Term of Contract:** The contract is for five (5) years, beginning October 1, 2016 and continuing until September 30, 2021.

**Termination Options:** Termination options include the following:

- By either party at any time upon a sixty (60) day written notice;
- In the event of a reduction of funds available to UMMC; and
- Failure by Cochlear Americas to comply with the federal E-Verify program.

**Contract Amount:** The total contract amount will be \$10,000,000. The purchases will be made on an as-needed basis dependent upon patient need.

**Funding Source of Contract:** The contract will be funded by hospital patient revenue.

**Contractor Selection Process:** The products offered under the agreement qualify as items for resale, which are excluded from the definition of “commodities” under Miss. Code Ann. §31-7-1(e) and exempted from procurement requirements under §31-7-13, as clarified by the Mississippi Attorney General (*see* MS AG Op., Boyce (May 15, 2015)).

**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.*

**4. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH INFOR US, INC.**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into the following with **Infor US, Inc.**, formerly Lawson Software America, Inc (Infor): 1. Order Form for Lawson ION Connector; 2. SaaS Order Form for Infor Lawson Financials Subscription; 3. SaaS Order Form for Infor Ming.le Enterprise Subscription; 4. SaaS Order Form for Infor Reporting; 5. Services Work Order for On-Demand Consulting Services; 6. Amendment to Subscription License and Services Agreement (SLSA); 7. SaaS Order Form for Global Human Resources and Talent Acquisition; and 8. Services Work Order for Global Human Resources and Talent Acquisition Implementation. These orders and amendment will provide license subscriptions and services for various Lawson modules and interfaces needed for the Infor X platform upgrade.

**Contractor’s Legal Name:** Infor (US), Inc. (Formerly Lawson Software America, Inc.)

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**History of Contract:** UMMC originally purchased Lawson's Human Resources and Payroll Systems in 2002 and subsequently the Lawson Absence Management module in 2006 with the purchase of this module, UMMC and Lawson also negotiated a Master Terms and Conditions Agreement to allow for the purchase of future Lawson software modules without extensive contract negotiations.

In November 2008, the Board approved UMMC's purchase of the Lawson Enterprise Resource Planning (ERP) software suites to be used in the area of financials, procurement, and business intelligence for a total cost of \$2,505,800. Of the total, software costs were \$1,580,800, and maintenance fees were \$925,000 with a 4% annual increase allowed for maintenance. The approved contract period was December 1, 2008 to November 30, 2011.

In March of 2009, the Board approved the purchase of Lawson software Financial Suite, Procurement Suite, Business Intelligence Suite and an upgrade for the Human Resource Management Suite. The approved amount, including training and travel, was \$383,662.

In May of 2011, the Board approved a request to enter into a Maintenance Payment Plan Agreement (Bronze Level maintenance plan) with Lawson Software for maintenance and support for three years (June 1, 2011 – June 30, 2014) at a cost of \$1,648,021.63. (ITS CP-1: 20120499-\$195,000.00, 06/11/12 - 06/30/15; PO#902503)

On June 21, 2012 the Board approved the request to amend current software agreement with Lawson to upgrade maintenance (Silver level support) and support for the Lawson ERP software suite that UMMC currently uses for core business functions. The term of this upgrade amendment was for the remaining two years of the 2011 maintenance plan agreement – July 1, 2012 – June 30, 2014. The total cost of the amendment for the remaining two years of the contract period was \$125,000. This amendment increased the total contract cost to \$1,773,021.63. The amendment was funded by hospital patient revenue budgeted within UMMC's Department of Information Services' Operation Account. (PO#902589).

On October 25, 2012 UMMC purchased the Lawson Horizontal Environment Installation the core application and environment on new AIX6.1 servers. The term ran from October 26, 2012 – June 30, 2013 at a total cost of \$157,895.00.

In November of 2012, UMMC requested an emergency purchase to allow for a platform change from the then current Sun Solaris to IBM AIX platform due to a failing infrastructure. The request included using a MicroFocus Compiler and Runtime license upgrade at a cost of \$12,840.00 along with a no cost Platform Change Addendum to the current contract.

On October 17, 2013 the Board approved a twofold request:

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1. A reconciliation of Management and Employee self-service licensing from a level of 7,500 users to the current 10,000, adding a cost of \$108,500 to the current agreement; and
2. An amendment to the Master Lawson Agreement, Exhibit A-Support Agreement, which is a third party agreement with Business Software, Inc. (BSI). BSI required UMMC to sign a Platform Version Change Requirement Agreement to change the current BSI Software System, BSI TaxFactory, Server Platform from the Sun-Solaris to the AIX platform.

In May 2014, the Board approved a three (3) year maintenance agreement to allow for the continued use of the Infor Financial, Human Resources, Grants, and Supply Chain suites. It also allowed UMMC to receive continued technical support from Infor.

On June 18, 2015, the Board approved a three (3) year Subscription License and Services Agreement (SLSA) and subsequent Work Order with Infor to replace the current support agreement. This allowed UMMC to upgrade to the newest Infor X platform as well as allowed UMMC to continue using the Financial, Human Resources, Grants, and Supply Chain suites. In addition to the above, this provided licensing subscription and installation services for additional modules for Budgeting (d/EPM), Lawson Analytics for Healthcare, and Expense Management, as well as provided for a cloud hosted environment.

Implementation of the d/EPM module failed due to software problems. Infor recalled the software for additional development and testing. Once the updated module is ready for deployment, Infor will implement the redesigned module. Because of the delayed successful implementation and lost time and resources for UMMC, Infor has offered \$244,866 in general credit for future balances due to Infor, \$115,000 in credit for future work to be performed for the d/EPM re-implementation, and \$205,734.82 credit for Year 2 of the subscription term for the d/EPM module.

On August 20, 2015, the Board approved a three (3) year subscription and support agreement for the Infor Talent Management module. This module allows for surveys to be completed by prospective applicants during the application process which aids in processing of applicants for potential hiring. Implementation of the Applicant Tracking System portion of the Infor Talent Management module could not be completed due to software and configuration failures. Infor has offered subscriptions to and implementation of Global Human Resources and Talent Acquisition at no cost to replace the Applicant Tracking System and related portions of Talent Science that could not be implemented successfully.

**Specific Type of Contract:**

1. Order Form for Lawson ION Connector
2. SaaS Order Form for Infor Lawson Financials Subscriptions
3. SaaS Order Form for Infor Ming.le Enterprise Subscription
4. SaaS Order Form for Infor Reporting
5. Services Work Order for On-Demand Consulting Services

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6. Amendment to Subscription License and Services Agreement (SLSA)
7. SaaS Order Form for Global Human Resources and Talent Acquisition
8. Services Work Order for Global Human Resources and Talent Acquisition Implementation

**Purpose:** The purpose of the Order Form for Lawson ION Connector is to provide the component system Lawson ION Connector and related support. The Lawson ION Connector sits between the new Budget module and UMMC's existing Infor Lawson Financials module to allow data to pass back and forth between the modules.

The purpose of the SaaS Order Form for Infor Lawson Financials Subscription is to provide for three (3) additional development environments for UMMC's existing Infor Lawson Financials module, as well as related support. This will allow UMMC additional environments in which to test changes to the module and its interaction with the new Budgeting module.

The purpose of the SaaS Order Form for Infor Ming.le Enterprise Subscription is to provide the licenses for all UMMC users and support for the Infor Ming.le Enterprise software. Ming.le is the new "face" for Lawson users, like a webpage. Ming.le extracts data from multiple areas or modules in Lawson and compiles the data into one user interface. Previously UMMC users may have had to visit various screens within Lawson to gather related data. Ming.le will allow that data to be consolidated into one area for easier reference.

The purpose of the SaaS Order Form for Infor Reporting is to provide subscription and support to the Infor Reporting tools in Infor X. These tools are utilized primarily by Supply Chain and work with UMMC's existing Expense Management module. This software subscription includes a Ming.le Basic User Subscription, which is separate from the Ming.le Enterprise in that the Ming.le Basic User is like a sub-page for reporting tools, whereas the Ming.le Enterprise is more like the homepage.

The purpose of the Services Work Order for On-Demand Consulting Services is to provide break-fix services for UMMC's existing Lawson customizations or system modifications. As UMMC moves to Infor X and cloud hosting, Infor is moving UMMC's existing Lawson customizations to the new platform. In the event those customizations "broke" or did not work with Infor X, the Services Work Order provides that Infor will "fix" the customization so that it will work with Infor X.

The purpose of the Amendment to the Subscription License and Services Agreement is to revise the Agreement in order to allow for modifications or customizations to the Infor X software. In conjunction with the Services Work Order for On-Demand Consulting Services,

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the Amendment allows UMMC to continue to use its existing Lawson customizations to which users have become accustomed.

The purpose of the SaaS Order Form for Global Human Resources and Talent Acquisition is to provide subscription and support for the Global Human Resources and Talent Acquisition modules. Global Human Resources is a core module for all human resources data. It serves as a repository for employee records, position records, etc. UMMC will retain its existing Human Capital Management module because it performs some functions that Global Human Resources cannot, such as payroll. The employee records is a function that Global Human Resources has that UMMC's existing module does not. Talent Acquisition is the module utilized for new job requisitions, reviewing employment applications, and processing selected applicants into an employment position. These subscriptions will replace the Applicant Tracking System and related portions of Talent Science that could not be successfully implemented.

The purpose of the Services Work Order for Global Human Resources and Talent Acquisition Implementation is to provide implementation services for the Global Human Resources and Talent Acquisition modules. Implementation will be provided at no additional cost to account Infor's failure to successfully implement Talent Science.

**Scope of Work:** Infor will provide the following:

- Subscription licenses and support for:
  - Lawson ION Connector;
  - Infor Lawson Financials;
  - Infor Ming.le Enterprise;
  - Infor Reporting; and
  - Global Human Resources and Talent Acquisition.
- Break-fix services for system modification; and
- Implementation services for Global Human Resources and Talent Acquisition.

**Term of Contract:** The Order Form for Lawson ION Connector, SaaS Order Form for Infor Lawson Financials Subscription, SaaS Order Form for Infor Ming.le Enterprise Subscription, SaaS Order Form for Infor Reporting, Services Work Order for On-Demand Consulting Services, and Amendment to the SLSA will end coterminous with the SLSA on August 3, 2018. The SaaS Order Form for Global Human Resources and Talent Acquisition will end coterminous with the original Infor Talent Science module license on September 1, 2018.

**Termination Options:** The Order Forms, Services Work Order, and Amendment may be terminated as provided in the Subscription License and Services Agreement:

- In the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC;

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- By either party if a breach of any material obligation in this Agreement or an Order Form (including, without limitation, any obligation to pay Subscription Fees), and failure to remedy such breach (if such breach can be remedied) within thirty (30) days of receipt of written notice of such breach, the other party may terminate this Agreement (including all Order Forms hereunder). Notwithstanding the foregoing, to the extent such material breach cannot be remedied through efforts of the breaching party, the other party has the right to terminate this Agreement (including all Order Forms hereunder) on less than thirty days' written notice;
- For failure of Infor to comply with E-verify;
- In the event that Infor, acting as a business associate, as defined by the Health Insurance Accountability and Portability Act (HIPAA), improperly uses or discloses protected health information in breach of the business associate agreement (BAA); and,
- If UMMC makes the determination that a material condition of performance by Infor, acting as a business associate, as defined by HIPAA, has changed or the business associate has breached a material term of the BAA.

**Contract Amount:** The estimated cost of the SaaS Order Form for Infor Lawson Financials Subscription is \$69,238.36, or \$36,000 per year prorated for 702 days. The estimated cost of the Services Work Order for On-Demand Consulting Services is \$23,340.00 for the initial year. The hourly pricing may increase each contract anniversary by up to three percent (3%). No other Order Form requires expense. The \$244,866 in general credits offered in exchange for the d/EPM implementation failure will more than encompass the new expenses of Lawson Financials and On-Demand Consulting Services.

	Year 1	Year 2	Year 3	Subtotal
<b>Existing SLSA &amp; Budget Module</b>				<b>\$ 6,127,857.44</b>
<i>Subscription &amp; Support</i>	1,128,475.02	1,651,836.19	1,651,836.19	4,432,147.40
<i>Implementation</i>	1,394,520.00			1,394,520.00
<i>Training &amp; Travel/Expenses</i>	301,190.04			301,190.04
<b>Budget (d/EPM) Credits</b>				<b>\$ (565,600.82)</b>
<i>Subscription &amp; Support</i>		(205,734.82)		(205,734.82)
<i>Implementation</i>		(115,000.00)		(115,000.00)
<i>General Credit</i>		(244,866.00)		(244,866.00)
<b>Lawson Financials</b>				<b>\$ 69,238.36</b>
<i>Subscription &amp; Support</i>	n/a	36,000.00	33,238.36	69,238.36
<b>On-Demand Consulting</b>				<b>\$ 47,380.20</b>
<i>Consulting Services</i>	n/a	23,340.00	24,040.20	47,380.20
<b>Totals</b>	<b>\$ 2,824,185.06</b>	<b>\$ 1,145,575.37</b>	<b>\$ 1,709,114.75</b>	<b>\$ 5,678,875.18</b>

**Funding Source of Contract:** These orders and amendment will be funded through general funds.

**Contractor Selection Process:** Infor is the current vendor contracted with UMMC.



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

**5. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PRICING AGREEMENT WITH MED-EL CORPORATION**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **MED-EL Corporation** to purchase otolaryngology auditory devices and ancillary products to be used in surgical procedures at a discounted rate. These devices and products include cochlear implants, bone conduction systems, batteries, covers, etc., that will be used to treat pediatric and adult patients throughout UMMC. For patients with hearing impairments, the implant does the work of the damaged parts of the inner ear in order to provide sound signals to the brain.

**Contractor's Legal Name:** MED-EL Corporation (MED-EL)

**History of Contract:** On September 17, 2015, the Board of Trustees approved a one (1) year contract between UMMC and MED-EL for the purchase of the items. The current contract expires on September 30, 2016.

**Specific Type of Contract:** This is a new pricing agreement.

**Purpose:** The purpose of the contract is to allow UMMC to purchase otolaryngology auditory devices from MED-EL including, but not limited to, cochlear implants, bone conduction systems, and ancillary products at a discounted rate. These devices and products include cochlear implants, bone conduction systems, batteries, covers, etc., that will be used to treat pediatric and adult patients throughout UMMC. For patients with hearing impairments, the implant does the work of the damaged parts of the inner ear in order to provide sound signals to the brain.

**Scope of Work:** MED-EL will:

- discounted pricing for five (5) years,
- deliver within three (3) to five (5) business days of receipt of UMMC's purchase order,
- provide for rectification of sterility, at no charge, if any of these devices should expire while in shelf stock, and
- provide product training and onsite education upon request.

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**Term of Contract:** The contract is for five (5) years, beginning October 1, 2016, and continuing through September 30, 2021.

**Termination Options:** Termination options include the following:

- by either party at any time upon a thirty (30) day written notice,
- reduction of funds,
- in the event MED-EL breaches its representations and warranties regarding eligibility to participate in a federal or state health care program;
- in the event of a change in law resulting in an adverse consequence, and
- failure by MED-EL to comply with the federal E-Verify Program.

**Contract Amount:** The estimated cost of the agreement is \$10,000,000.00. The purchases will be made on an as needed basis dependent upon patient need.

**Funding Source of Contract:** This contract will be funded by patient revenues.

**Contractor Selection Process:** The products offered under the agreement qualify as items for resale, which are excluded from the definition of “commodities” under Miss. Code Ann. §31-7-1(e) and exempted from procurement requirements under §31-7-13, as clarified by the Mississippi Attorney General (*see* MS AG Op., Boyce (May 15, 2015)).

**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.*

**6. UMMC-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH THE MISSISSIPPI HOSPITAL ASSOCIATION**

**Agenda Item Request :** The University of Mississippi Medical Center (UMMC) requests approval to enter into a letter agreement with the **Mississippi Hospital Association** for an initial contribution and non-binding expression of interest in a nonprofit corporation to explore the creation of a Mississippi provider-sponsored health plan (PSHP) as contemplated in Miss. Code Ann. §83-5-601, et seq. Pursuant to Miss. Code Ann. §83-5-607, UMMC requests that the Board determine that participation in the PSHP is in the best interest of UMMC and the communities it serves.

**Contractor’s Legal Name:** Mississippi Hospital Association (MHA)

**History of Contract:** This is a new agreement.

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**Specific Type of Contract:** Letter agreement for initial contribution and non-binding expression of interest related to a Mississippi provider-sponsored health plan.

**Purpose:** The purpose of this Letter Agreement is to allow UMMC to obtain member participation rights in a provider-sponsored health plan to be formed pursuant to Miss. Code. Ann. §83-5-601, et seq. The provider-sponsored health plan is currently envisioned to be a Managed Medicaid program through a collaborative effort of the Mississippi Hospital Association. Currently, more than ten (10) hospitals have agreed to this letter agreement. The proposed provider-sponsored health plan has not yet been developed by the member institutions. Development is contemplated under two phases.

This Letter Agreement will allow UMMC to participate in Phase I for a membership fee of \$250,000. Phase II will occur should the member institutions participating in Phase I develop a viable provider-sponsored health plan. Participating in Phase I does not commit UMMC to participate in Phase II. UMMC will use the Phase I membership as an opportunity to evaluate the suitability of the potential provider-sponsored health plan to be developed in Phase II. Currently, the Mississippi Hospital Association has partnered with Evolent Health, a consulting firm, to develop a Managed Medicaid program. However, at this time essential business plan components have not been agreed by the member hospitals. It is anticipated that participation in Phase II will require UMMC to commit to a larger investment and underdetermined future capitalization requirements. It is also yet to be determined how future membership voting rights will be distributed among member hospitals.

Should UMMC elect to pursue Phase II, UMMC will submit another request for approval to the Board of Trustees.

**Scope of Work:** Under the agreement,

- UMMC will make an initial contribution of \$250,000 for purchase of a Phase I membership interest.
- MHA will hold initial contributions in escrow pending transfer to the nonprofit corporation account;
- MHA will refund the monies paid by UMMC if the transfer to the nonprofit corporation does not occur;
- UMMC will be granted voting rights for election of the Phase I Board; and
- UMMC has the option to purchase a Phase II membership interest.

**Term of Contract:** The term of the agreement commences on the date of execution.

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

- UMMC is not required to make further contributions after Phase I, but can elect to do so, and
- UMMC's participation in Phase II is not required and is additionally contingent on sufficient funds being available to participate.

**Contract Amount:** The cost of the agreement is \$250,000.

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

**Contractor Selection Process:** The participation of MHA and UMMC meets the requirements of Miss. Code Ann. §83-5-603(b).

**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 §903(B), Legislative Funding Requests**

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

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

**Board Policy §904(A), Board Approval**

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

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

- 1. The detailed description of the work to be accomplished, as specifically approved by the Board within the project initiation, has not changed.*

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

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

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

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

**BUREAU OF BUILDING PROJECTS .....**

**1. MSU – GS 113-141 – Animal and Dairy Science (ADS) and Poultry Complex**

**Project Request:** Mississippi State University requests approval to increase the budget for the Animal and Dairy Science (ADS) and Poultry Complex project. The budget will increase from \$400,000.00 to \$16,500,000.00, for an increase of \$16,100,000.00. The university also requests approval to add the following funding sources to the project (SB 2906, L'15; and HB 1729, L'16) to allow for the budget increase. In addition, Mississippi State University requests approval of the exterior design of the new ADS and Poultry Complex. *(See Rendering on Page 13)*

**Project Phase:** Design Phase

**Design Professional:** McCarty Architects, P.A.

**General Contractor:** TBD

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**Purpose/Justification:** The project is currently in the design phase. The project was initiated with the Board on April 16, 2015 with a pre-plan budget of \$400,000. This is the first budget escalation request made for this project by the university. The university is requesting to increase the project budget in order to include the additional state bond funds approved by the Legislature for Phase I of this project.

**Project Scope:** The project will involve the construction of a new building for the Animal Dairy Science Department. The building will include office space, classroom space, and lab space.

Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval. MSU is also acting in accordance with Board Policy §904(A), Board Approval, that requires 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.

**Project Initiation Date:** April 16, 2015

**Proposed Project Budget:**

	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Amount (+/-)</b>
Construction Costs	\$ 0.00	\$ 13,000,000.00	\$ 13,000,000.00
Architectural and Engineering Fees	\$ 400,000.00	\$ 1,100,000.00	\$ 700,000.00
Miscellaneous Project Costs	\$ 0.00	\$ 1,200,000.00	\$ 1,200,000.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 0.00	\$ 1,200,000.00	\$ 1,200,000.00
<b>Total Project Budget</b>	<b>\$ 400,000.00</b>	<b>\$ 16,500,000.00</b>	<b>\$ 16,100,000.00</b>

**Proposed Funding Source(s):** HB 787, Laws of 2014 (\$400,000); SB 2906, Laws of 2015 (\$12,100,000); HB 1729, Laws of 2016 (\$4,000,000)

**Staff Recommendation:** *Board staff recommends approval of this item.*

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**Rendering: (Front of ADS/Poultry Complex Building)**



**IHL PROJECTS .....**

**2. UMMC – IHL 209-551 – Main Pharmacy Renovations 2014**

**Project Request:** The University of Mississippi Medical Center requests approval to increase the budget for the Main Pharmacy Renovations project. The budget will increase from \$2,848,518.00 to \$3,848,518.00, for an increase of \$1,000,000.00.

**Project Phase:** Design Phase

**Design Professional:** The McCarty Company

**General Contractor:** TBD

**Purpose/Justification:** The project is currently in the design phase. UMMC is requesting approval to increase the total project budget from \$2,848,518.00 to \$3,848,518.00. During the design phase, it was discovered that several exhaust systems needed to be routed over a long distance since the main pharmacy is centrally located within the original hospital. The fresh air and relief ducts will also have to be routed a long distance. Due to code requirements, adjacent areas to the pharmacy will have to be sprinkled since they are within the same smoke compartment. Also, the



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current budget was an estimate of the project costs and has since been updated to reflect more accurate market costs.

The project will involve the renovation and expansion of the current Hospital Pharmacy to meet all State Board of Pharmacy and USP (United States Pharmacopeia) 797 standards to allow the Pharmacy to compound intervenes and sterile products. The Pharmacy is located in the basement of the main Hospital and must stay active during construction. Also included in this project are the expansion and relocation of a portion of the Pharmacy Administration area which includes offices, conference space and open work areas. The approximate total project area is 10,000 square feet. UMMC is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope, funding source and budget increases to the Board for approval.

**Project Initiation Date:** January 15, 2015

**Proposed Project Budget:**

	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Amount (+/-)</b>
Construction Costs	\$ 2,122,297.00	\$ 2,783,663.00	\$ 661,366.00
Architectural and Engineering Fees	\$ 165,020.00	\$ 218,560.00	\$ 53,540.00
Miscellaneous Project Costs	\$ 192,656.00	\$ 428,745.00	\$ 236,089.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 368,545.00	\$ 417,550.00	\$ 49,005.00
<b>Total Project Budget</b>	<b>\$ 2,848,518.00</b>	<b>\$ 3,848,518.00</b>	<b>\$ 1,000,000.00</b>

**Proposed Funding Source(s):** UMMC SSA – Building Improvement Funds (\$3,848,518)

**Staff Recommendation:** *Board staff recommends approval of this item.*

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**APPROVAL OF OTHER REAL ESTATE REQUESTS**

**3. SYSTEM – Approval of Facility Needs Request for the 2017 Legislative Session**

**Request:** Board approval is requested for the prioritized lists of proposed funding needs for the 2017 Legislative Session as prepared by each individual institution. These lists of campus priorities were developed in a similar manner as last year's lists, with each university determining the top five ranking priorities of their respective campus. A copy of the prioritized funding needs is located on page(s) 7-9. IHL is seeking approval in accordance with Board Policy §903(B), Legislative Funding Requests, which requires the preparation and submittal of an annual request for capital improvements and repair and renovation for approval by the Board prior to its submission to the Legislature.

***Staff Recommendation: Board staff recommends approval of this item.***

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**Facilities Needs Requests for FY 2018**  
**2017 Legislative Session**

University	University Priority	Project Description	Request Per Project	Total By University
ASU	1	Water and Sewer Infrastructure Emergency Repairs <i>(New FY 2018 Addition)</i>	\$4,000,000	
	2	Faculty/Staff Housing	\$2,500,000	
	3	<b>ADA Modifications</b>	\$10,000,000	
	4	Campus Security Project	\$8,000,000	
	5	New Student Union	\$22,500,000	
				<b>\$47,000,000</b>
ASU -AG	1	Socially Disadvantaged Farmers & Ranchers Policy Center	\$1,050,000	
	2	Child Development Laboratory Center	\$2,500,000	
	3	Swine Laboratory	\$720,000	
	4	Meat Laboratory	\$1,000,000	
	5	Poultry Center	\$750,000	
				<b>\$6,020,000</b>
DSU	1	President's Home	\$1,753,575	
	2	Campus Roof Repairs and Other Repairs	\$6,242,500	
	3	Walter Sillers Coliseum	\$19,027,500	
	4	Court of Governors Renovation	\$10,430,000	
	5	ADA Compliance Requirements <i>(New FY 2018 Addition)</i>	\$2,837,500	
				<b>\$40,291,075</b>
JSU	1	College of Education & Human Development	\$6,500,000	
	2	New College of Public Service Facility - (School of Social Work PrePlan)	\$350,000	
	3	General Repair and Renovation Phase III	\$3,000,000	
	4	New Performing Arts/Academic Facility (PrePlan)	\$350,000	
	5	New Student Activities Facility (Stewart Hall Renovation)	\$7,500,000	
				<b>\$17,700,000</b>
MSU	1	Music Department Building	\$4,000,000	
	2	Kinesiology Building	\$30,000,000	
	3	New Facility for College of Architecture, Art and Design	\$30,000,000	
	4	Renovation to Etheredge Hall <i>(New FY 2018 Addition)</i>	\$19,589,225	
	5	Renovation to Magruder Hall	\$12,000,400	
				<b>\$95,589,625</b>
MSU/DAFVM	1	ADS/Poultry Science Complex	\$12,000,000	
	2	Blackjack Forest and Wildlife Research Facility	\$4,172,500	
	3	Exterior & Interior R&R- Forest Products Complex	\$3,455,000	
	4	Dorman Hall Lab & Common Space Renovation	\$4,960,000	
	5	Food Science, Nutrition and Health Promotion Complex Renovation	\$12,717,500	
				<b>\$37,305,000</b>

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University	University Priority	Project Description	Request Per Project	Total By University
MUW	1	General Campus R&R Projects	\$5,675,000	
	2	New Culinary Arts Building	\$10,215,000	
	3	Hogarth Center Renovation--Preplan	\$283,750	
	4	Old Pohl Gym Renovation --Preplan	\$283,750	
	5	Electrical/Mechanical Upgrades <i>(New FY 2018 Addition)</i>	\$2,000,000	
				<b>\$18,457,500</b>
MVSU	1	<b>Fire Suppression System Upgrades</b>	\$3,000,000	
	2	Student Union Complex Renovation and Expansion	\$13,867,672	
	3	Leflore Residence Hall Renovation	\$10,400,000	
	4	R.W. Lackey Center Renovations <i>(New FY 2018 Addition)</i>	\$3,920,000	
	5	Ratcliff Hall Renovations	\$9,975,529	
				<b>\$41,163,201</b>
UM	1	New Science Building	\$15,000,000	
	2	Data Center Renovation	\$18,000,000	
	3	Northwest Campus Mechanical Plant	\$23,500,000	
	4	Conner / Holman Hall Addition <i>(New FY 2018 Addition)</i>	\$16,000,000	
	5	Office Building	\$20,000,000	
				<b>\$92,500,000</b>
UMMC	1	Children's of Mississippi Expansion	\$30,000,000	
	2	Renovation of ORs <i>(New FY 2018 Addition)</i>	\$14,900,000	
	3	Shell Space Build-Outs <i>(New FY 2018 Addition)</i>	\$34,550,000	
	4	Emergency Generator Replacement	\$5,675,000	
	5	New Boiler for Main Boiler Plant	\$2,837,500	
				<b>\$87,962,500</b>
USM	1	Cook Library – Academic Achievement Center	\$2,500,000	
	2	Southern Hall – Restoration & Renovation	\$12,000,000	
	3	Safety/Parking/Transit Improvements	\$5,000,000	
	4	Science Instruction and Research – Johnson Science Tower	\$25,000,000	
	5	Harkins Hall Renovation	\$10,000,000	
				<b>\$54,500,000</b>
USM-Gulf Coast	1	Student Resource Center	\$8,000,000	
	2	New Physical Plant & UPD Facility	\$2,500,000	
	3	North Campus Development	\$5,000,000	
	4	Science Building Addition	\$10,000,000	
				<b>\$25,500,000</b>

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University	University Priority	Project Description	Request Per Project	Total By University
ERC	1	Repair Mechanical Hot/Chilled Water Lines & Sanitary Sewer Lines	\$450,000	
	2	Reroof Paul B. Johnson Building	\$680,000	
	3	Repave South Student/Employee Parking Lots	\$985,000	
	4	Repave Parking Garage/Repair Stairs and Drainage System	\$1,975,000	
	5	Replace Mechanical Air Handlers <i>(New FY 2018 Addition)</i>	\$1,800,000	
				\$5,890,000
				<b><u>\$569,878,901</u></b>

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

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**1. MSU – REQUEST FOR APPROVAL OF THE FORMATION AND  
AFFILIATION OF NEW NON-PROFIT RESEARCH CORPORATION:  
MISSISSIPPI STATE UNIVERSITY ASSURE RESEARCH AND  
DEVELOPMENT CORPORATION**

Mississippi State University requests approval to form a new non-profit research corporation pursuant to Section 37-147-15 of the Mississippi Code Annotated (1972) for the benefit of Mississippi State University. The new research corporation will be called the Mississippi State University ASSURE Research and Development Corporation ("MSU-ARDC"). The primary purpose of the new research corporation will be to provide a contracting vehicle to support the research and development opportunities arising from the Alliance for System Safety for UAS through Research Excellence (ASSURE) FAA Center of Excellence. MSU-ARDC will also serve as a contracting vehicle for other scientific, educational and economic development opportunities as requested by MSU. Permission is also requested for Mississippi State University to enter into an affiliation agreement with the new Mississippi State University ASSURE Research and Development Corporation. This agreement is designed to govern the relationship between MSU and MSU-ARDC by setting forth the terms and conditions under which MSU will provide certain support and services for the MSU-ARDC and MSU-ARDC will provide certain support and services for and on behalf of MSU. The term of the agreement will be for five years beginning September 1, 2016. A copy of the proposed agreement is set out below. The Attorney General's Office has reviewed and approved the proposed agreement.

**AGREEMENT  
BETWEEN  
MISSISSIPPI STATE UNIVERSITY  
AND  
MISSISSIPPI STATE UNIVERSITY ASSURE  
RESEARCH AND DEVELOPMENT CORPORATION**

THIS AGREEMENT ("Agreement") is entered into as of the 1<sup>st</sup> day of September, 2016, by and between MISSISSIPPI STATE UNIVERSITY ("University") and MISSISSIPPI STATE UNIVERSITY ASSURE RESEARCH AND DEVELOPMENT CORPORATION ("MSU-ARDC").

WHEREAS, the University is an institution of higher education, and an agency of the State of Mississippi; and

WHEREAS, the MSU-ARDC is a 501(c)(3), non-profit corporation formed and approved pursuant to Mississippi Code Annotated Section 37-147-15, the purpose of which is to promote, develop and administer activities arising from research and

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technology innovations and to promote economic development in the State of Mississippi through, among other things, contractual arrangements with business, industry, and state and federal government on behalf of the University; and

WHEREAS, the President of the University (hereinafter referred to as the "President") believes that it is in the best interest of the University for MSU-ARDC to provide support to the University and desires to engage the services of the MSU-ARDC in accordance with the terms and conditions more fully set forth herein below; and

WHEREAS, the University has the authority and right to enter into this agreement subject to the Institutions of Higher Learning Board of Trustees (the "Board" or "IHL") Policy 301.0806 (the "Policy");

NOW, THEREFORE, in consideration of the premises, and the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. Relationship of Parties. The MSU-ARDC is a non-profit corporation created pursuant to Section 37-147-15 of the Mississippi Code Annotated (1972). In accordance with its Articles of Incorporation, the MSU-ARDC is to be administered and operated for the benefit of the University. However, the MSU-ARDC is not a subsidiary of the University and is not controlled by the University. The Board of Directors of the MSU-ARDC is entitled to make all decisions regarding the business and affairs of the MSU-ARDC. Moreover, the assets of the MSU-ARDC are the exclusive property of the MSU-ARDC and do not belong to the University.
2. MSU-ARDC Services. During the term of this Agreement, the MSU-ARDC shall be responsible for conducting on behalf of the University, as specifically requested by the University, research and development related contracting and related services ("Services"). MSU-ARDC shall consult with and coordinate with the University regarding the MSU-ARDC's means and methods for providing such Services. In its operations and in performing services for the University, the MSU-ARDC shall comply with all applicable state and federal law. The services performed by MSU-ARDC shall include, but not be limited to:
  - A. Promote, develop and administer enterprises arising from research or technological innovations in order to take advantage of opportunities of scientific, educational and economic development.
  - B. Accept, manage, hold and administer research contracts, grants, and gifts at the request of the University.
  - C. Manage all funds in its control in a fiscally sound and prudent manner.

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- D. Such other duties as the University may reasonably request as necessary or desirable to effectively conduct the research and economic development programs, services and mission of the University.
- 3. University Obligations. For all services rendered by the MSU-ARDC under this Agreement, and in consideration of the agreements of the MSU-ARDC contained herein, the University shall, at no additional cost to the MSU-ARDC, during the term of this Agreement:
  - A. Provide to the MSU-ARDC all personnel necessary for the performance of its duties under this Agreement; such personnel shall be selected, hired and discharged by the University; the compensation of such personnel, together with all fringe benefits, employment taxes, and other costs thereof, shall be set and paid by the University; all such personnel shall be under the full supervision and control of the University and shall for all purposes be considered employees of the University.
  - B. Provide offices, furnishing and equipment, utilities, and other support for the MSU-ARDC as necessary and appropriate for the performance of the services required hereunder.
  - C. Reimburse the MSU-ARDC for certain reasonable business expenses, which the MSU-ARDC may incur on the University's behalf.
- 4. Financial Statements. The MSU-ARDC shall maintain financial and accounting records in accordance with Generally Accepted Accounting Principles, which records shall be maintained separately from the records of the University. These financial records shall be audited annually by a Certified Public Accounting firm engaged for that purpose by the MSU-ARDC and approved by the IHL. These statements shall contain such detail as the IHL Board may from time to time require. The MSU-ARDC shall submit annual audited financial statements for inclusion in the State of Mississippi's Comprehensive Annual Financial Report ("CAFR") as determined by the IHL Board's Associate Commissioner of Finance and Administration and the external auditing firm hired to perform the annual IHL system audit to the President and to the IHL, along with a list of MSU-ARDC officers and directors by October 15 of each year. A request for approval of the CPA firm shall be submitted to the IHL Board on an annual basis not later than three months prior to the end of the MSU-ARDC's fiscal year for which the audit will be conducted unless approval is specifically granted for multiple years.
- 5. Confidential Records. Certain information and contracts maintained in furtherance of the MSU-ARDC's activities and other services is recognized to be the property of the



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MSU-ARDC and as such is confidential whether in paper or electronic format. To the extent information shared with the University may be protected from disclosure, the University will notify the MSU-ARDC before disclosure to afford the University and the MSU-ARDC an opportunity to take all necessary action to protect such information under available statutory exceptions if disclosure would result in a breach of confidentiality or public disclosure of confidential, or private information. If requested by the University, the MSU-ARDC shall provide any and all information relating to the operation or management of the MSU-ARDC or any funds contributed to, received by, expended by, or managed by the MSU-ARDC. The University shall take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances. Such inspection rights are also extended to IHL acting upon its minutes; however, it is understood the appropriate extent of any disclosure or other use of the information is in the discretion of IHL and, further, any decision to release any personal, commercial, or proprietary information shall be made by IHL, acting upon its minutes.

6. Grant and Gift Receipting and Ownership. All grants and gifts made to the University but managed by the MSU-ARDC shall be accounted for and ownership maintained by the University. All grants and gifts made to the MSU-ARDC shall be accounted for and ownership maintained by the MSU-ARDC. However, checks made payable to the University will be transferred to the MSU-ARDC if a grant or gift agreement or expectancy exists between the grantor/donor and the MSU-ARDC. If a check is made payable to the University and no grant or gift agreement or expectancy exists between the MSU-ARDC and the grantor/donor, the grantor/donor will be contacted to clarify his intent. The intent expressed by the grantor/donor will control the delivery and ownership of the funds. The MSU-ARDC shall only accept or solicit grants or gifts for the benefit of the University that are consistent with the University's mission, goals and objectives.
7. Independent Contractor. It is understood and agreed that the MSU-ARDC, its officers, employees, and agents, if any, shall act solely in the capacity of an independent contractor and not as employees of or agents for the University.
8. MSU-ARDC Funding. The MSU-ARDC, with the consent of the University, which consent shall not be unreasonably withheld, may use a percentage of the assessed fees for the Services provided to support its operations.
9. Term of Agreement and Termination. Subject to the provisions for termination set forth below, the term of this Agreement shall begin on September 1, 2016, and end on August 31, 2021. In the event IHL adopts a significant change to the Policy during the term, the Agreement will be amended by the parties to reflect such changes.

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- A. The University may terminate this Agreement without cause with thirty (30) days written notice to the MSU-ARDC and with the prior approval of the IHL, acting upon its minutes.
  - B. The University may terminate this Agreement for cause, without notice to the MSU-ARDC but with notice to the IHL and prior approval of the IHL, acting upon its minutes.
  - C. The MSU-ARDC may not terminate this Affiliation Agreement without the consent of the President and the IHL.
  - D. Upon termination and non-renewal of this Agreement: (1) the MSU-ARDC shall cease to use and shall not assign or delegate the authority to use the University's name or registered marks or logos to any person or entity without the written approval of the President; (2) the MSU-ARDC shall remit any and all unrestricted funds held for the benefit of the University to such entity as designated in writing by the President on behalf of the University; (3) the MSU-ARDC shall move any restricted funds held for the benefit of the University to such entity as designated in writing by the President on behalf of the University; (4) the MSU-ARDC shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to such entity as designated by the President; and, (5) the MSU-ARDC shall work in concert with the University to provide the University or its designee with records and materials of the MSU-ARDC as are necessary to continue the business and/or wind up the affairs of the MSU-ARDC.
  - E. MSU and MSU-ARDC expect there to exist a cooperative relationship between them. In the event that the MSU President determines that the relationship with MSU-ARDC is detrimental to the well-being of MSU, the MSU President has the authority, pursuant to Miss. Code Ann. 37-147-15(2), to remove a director or director(s) from the MSU-ARDC Board of Directors at any time, with or without cause.
10. Notices. Any notice, request, demand, or other communication permitted to be given hereunder shall be in writing and shall be deemed to be duly given when personally delivered to an officer of the MSU-ARDC or the President of the University, as the case may be, when delivered by electronic mail, or when deposited in the United States mails, by certified or registered mail, return receipt requested, postage prepaid, at the respective addresses of the MSU-ARDC and the University as shown below, or to such other address as either party shall designate by written notice to the other:

As to the University:

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President  
Mississippi State University  
P.O. Box 6018  
Mississippi State, MS 39762

As to the MSU-ARDC:  
President  
Mississippi State University ASSURE  
Research and Development Corporation  
100 Research Boulevard, Suite 105  
Starkville, MS 39759

11. Assignment. Neither this Agreement nor any interest herein may be assigned, transferred, or conveyed in whole or in part.
12. Applicable Law. This Agreement shall be construed, interpreted and the rights and duties of the parties determined in accordance with the laws of the State of Mississippi.
13. Reportable Events and Notices.
  - A. The MSU-ARDC President shall promptly notify the President and the IHL, in writing, if any of the following events ("Reportable Events") occur:
    - i. The MSU-ARDC has materially breached any of its contractual obligations under the Agreement;
    - ii. The MSU-ARDC has materially failed to properly receive, apply, manage, or disburse any funds or has materially failed to properly comply with any binding instructions from the source of those funds relating to those funds;
    - iii. The MSU-ARDC has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;
    - iv. There has been a failure by the MSU-ARDC or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the MSU-ARDC;
    - v. Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the MSU-ARDC

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or upon its status as a tax exempt organization; or

- vi. The MSU-ARDC has contracted with or entered into any business or pecuniary relationship with any of its Board members, other than a full time employee of the MSU-ARDC, or any entity controlled directly or indirectly by the Board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of Fifty Thousand Dollars (\$50,000) in any calendar year. The previous sentence creates a duty for the MSU-ARDC to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.
- B. The President of the MSU-ARDC shall submit to the President and the IHL a signed certification statement annually, before June 30 of each year, which affirmatively states that the MSU-ARDC has examined its business transactions occurring during its fiscal year ending within the prior calendar year, and that to the best of its knowledge, there is no evidence that any Reportable Events occurred, other than those which have been duly reported to the President and the IHL, as required above. The President of the MSU-ARDC shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the MSU-ARDC President will immediately notify, in writing, the President of the University.

14. Miscellaneous.

- A. The parties acknowledge that the MSU-ARDC has, and the MSU-ARDC agrees to keep in effect, a conflict-of-interest policy that complies with all requirements of Miss. Code Ann. §79-11-269 (1972), as amended, entitled "Conflict of Interest Transaction".
- B. The President of the University shall make all necessary reports to the Commissioner of Higher Education concerning supplemental compensation or salary supplements made by the MSU-ARDC to employees of the University. No form of additional compensation for the President or any IHL system office employee may be underwritten or increased by the MSU-ARDC without prior approval of the IHL Board. This provision does not apply to transfers from the MSU-ARDC to the University for items such as professorships, chairs, and other programmatic support that are paid directly to the university and included in its annual budget.
- C. The maximum period of time for which the MSU-ARDC shall enter into contracts for professional, advisory, or other personal services shall be six (6) years.
- D. A waiver by either party of any of the terms and conditions of this Agreement in any instance shall not be deemed or construed to be a waiver of such term or

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condition for the future, or any subsequent breach thereof, or of any other term and condition of this Agreement.

- E. This Agreement supersedes a similar agreement between the MSU-ARDC and the University.
- F. If any provisions of this Agreement shall, for any reason, be held violate of any applicable law, and so much of said Agreement is held to be unenforceable, then the invalidity of such specific provision shall not be held to invalidate any other provisions, which shall remain in full force and effect.
- G. The headings of the several Sections herein are inserted for convenience of reference only and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.
- H. This agreement shall apply to any and all entities owned or controlled by the MSU-ARDC, with the exception of a special purpose entity created for the sole and specific purpose of utilization as a financing vehicle for the private financing of university auxiliary facilities by a private developer using the alternate dual-phase design-build privately financed construction method, as specially authorized by Miss. Code Ann. Section 37-101-41, et seq. (1972), as amended. Should the use/purpose of any such special purpose entity change, the MSU-ARDC will comply with any and all provisions of the affiliation agreement between the University and the entity owning or controlling the special purpose entity.

IN WITNESS WHEREOF, the parties hereto have caused tins Agreement to be executed as of the day and year first above written.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**2. ASU – APPROVAL TO SETTLE IHL SELF-INSURED WORKERS’  
COMPENSATION CLAIM**

The IHL Self-Insured Workers’ Compensation Program is seeking Board approval for settlement of Claim No. 55-32212 at Alcorn State University.

**3. JSU – APPROVAL TO SETTLE TORT CLAIM**

The IHL Self-Insured Tort Plan is seeking Board approval for a settlement of tort case number 65-1125-1.

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**4. SYSTEM – REQUEST FOR APPROVAL FOR FIRST READING OF AMENDMENT TO BOARD POLICY 801.13 WITHHOLDING OF PAY**

Board approval for first reading is requested regarding the below proposed amendment to Board Policy 801.13 Withholding of Pay. The proposed amendment gives the universities authority to authorize payroll deductions without the need for prior board approval.

**801.13 WITHHOLDING OF PAY**

No deductions shall be made from the paychecks of employees unless they are required by law, relate directly to institution sponsored insurance or benefits plans or programs, are to satisfy any financial obligation to the institution of employment or are for recognized charities for which the institution has previously granted approval and which directly or indirectly benefit the institution of employment (such as the United Way, American Heart Association and the like).

No deductions are allowed for professional association dues, commercial products or ventures or insurance or benefit plans not specifically approved in advance as an authorized benefit provider sponsored by the institution, ~~subject to board approval.~~

These limitations are necessary in order to limit the work load and costs incurred by the payroll-computer services facilities of the institution.

(BT Minutes, 10/90; 1/98; 11/2005, \_\_\_\_\_)

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**5. SYSTEM – REQUEST FOR APPROVAL FOR FIRST READING OF MODIFICATION TO BOARD POLICY 301.0513 APPEARANCES BEFORE THE BOARD**

Board approval for first reading is requested regarding the below proposed modification to Board Policy 301.0513 Presentations and Appearances Before the Board. The proposed modification is to clarify the current policy and practice of the Board regarding appearances before the Board.

**301.0513 PRESENTATIONS AND APPEARANCES BEFORE THE BOARD**

Because of the number and complexity of the items considered by the Board, it is the practice and the strong preference of the members of the Board to base their consideration in large part on written material submitted prior to Board meetings, rather than to consider issues raised during oral presentations, since such oral presentations

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allow inadequate opportunity for analysis, review and consideration. Oral presentations are generally limited to those made by designated staff of the board, Institutional Executive Officers, other persons designated by the Institutional Executive Offices, and other persons invited by the Board to make presentations. While the Board retains the power to determine its agenda and to determine when to allow others to address the board, the Board will generally receive, as a matter of custom, practice, and courtesy, oral presentations from state elected officials, legislators, and representatives of other state agencies and institutions. In general, the Board of Trustees receives presentations from other persons or entities only in written form made available to the Board in a manner that allows sufficient time for consideration prior to the meeting at which the matter is to be considered. Any request to submit any written or oral communication should be made as soon as possible and should be submitted in writing to the Commissioner of Higher Education, along with a full explanation of the issue and the interest and position of the party seeking to submit the material related to the issue. Any request to make an oral presentation should provide a detailed explanation as to why a written presentation would not be sufficient. The Commissioner will then submit same to the President of the Board, who will make a decision as to whether an oral presentation will be permitted, subject to review by the Board.

~~No person shall be entitled as a matter of right to appear before the Board of Trustees of Institutions of Higher Learning except the following persons:~~

- ~~1. — Designated Staff of the Board;~~
- ~~2. — Institutional Executive Officers;~~
- ~~3. — Official guests invited by the President after consultation with the Board.~~

~~Other appearances before the Board are not a matter of right, and will only be considered if the request is material and relevant to any matters then pending before the Board. Any person who desires to be placed on the agenda to address the Board shall submit such request, including justification, in writing to the Commissioner. The request should be at least three weeks prior to the designated Board meeting at which the person desires to appear and set forth the purpose of such appearance. The three week period is necessary to permit referral to the President or appropriate Board committee to rule on such request.~~

(BT Minutes, 1/91; 1/98; 11/2005, \_\_\_\_\_)

# INFORMATION AGENDAS



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**1. SYSTEM – ANNUAL REPORT ON POST-TENURE REVIEW**

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

In accordance with Board policy, the post-tenure review report is presented to the Board for information. In 2015–2016, 99% of full-time faculty received an annual evaluation. Sixty-two (62) faculty were triggered for a post tenure review. Two (2) faculty are participating in a faculty development plan.

Number of Full-time Faculty	Number of Full-time Faculty Evaluated	Number of Tenured Faculty	Number of Tenured Faculty Triggering Post Tenure Review Process	Maximum Length of Faculty Development Plan	Number of Tenured Faculty in Faculty Development Plan	Number of Tenured Faculty Completing Development Plan		Tenured Faculty Separated from Employment as a Result of the Post Tenure Review Process
						Successfully	Unsuccessfully	
Alcorn State University								
81	81	167532	0	3 years	0	0	0	0
Delta State University								
141	136	54	1	3 years	1	0	1	0
Jackson State University								
374	364	184	19	2 years	1	0	0	0
Mississippi State University								
953	950	491	33	3 years	0	0	0	0
Mississippi University for Women								
153	153	65	0	4 years	0	0	0	0
Mississippi Valley State University								
118	118	61	6	2 years	0	0	0	0
University of Mississippi								
859	818	384	1	3 years	0	1	0	0
University of Mississippi Medical Center								
929	924	263	8	1 year	0	0	0	0
University of Southern Mississippi								
718	718	341	0	2 years	0	0	0	0
System Totals								
4326	4262	1675	68		2	1	1	0

DSU – 3 faculty died and 2 faculty retired

JSU – 1 faculty retired, 1 faculty on family medical leave, and 1 faculty on sabbatical leave.

MSU – 3 faculty were visiting faculty hired for one year.

UM – 35 administrators on quadrennial review cycle, 1 non-returning visiting professor, 1 terminated, 3 not returning, and 1 retiring.

UMMC – 1 faculty on non-renewed contract, and 4 faculty on family medical or temporary disability leave.

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**2. SYSTEM – ANNUAL REPORT ON FACULTY TENURE**

In 2009–2010, IHL institutions hired 166 tenure track faculty members. As of the 2015–2016 academic year, 78% were awarded tenure from the 2009–2010 cohort.

<b>Institution</b>	<b>Number Hired (2009- 2010)</b>	<b>Number Applied for Tenure</b>	<b>Number Awarded Tenure</b>	<b>Percentage Awarded who Applied for Tenure</b>	<b>* Number of Cohort Received Tenure</b>	<b>Percentage of Cohort Awarded Tenure</b>
Alcorn State University	1	1	1	100%	1	100%
Delta State University	11	3	3	100%	3	27%
Jackson State University	7	7	6	43%	6	43%
Mississippi State University	73	49	47	96%	47	64%
Mississippi University for Women	1	6	6	100%	5	100%
Mississippi Valley State University	1	1	1	100%	1	100%
University of Mississippi	20	13	12	92%	14	70%
University of MS Medical Center	18	19	19	100%	18	100%
University of Southern Mississippi	34	16	7	44%	15	94%
<b>**System Totals</b>	<b>166</b>	<b>115</b>	<b>102</b>	<b>86%</b>	<b>110</b>	<b>78%</b>

\*Includes those who received tenure at time of appointment and/or early tenure.

\*\*Total percentage values based on total number values.

**3. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN AUGUST 2016**

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

In accordance with Board policy, in July, 2016 the Commissioner approved Delta State University, Mississippi State University, Mississippi University for Women, University of Mississippi and University of Mississippi Medical Center to award degrees in August, 2016 at the levels below, provided each candidate has met all degree requirements.

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<b>Institution</b>	<b>Degree to be Conferred</b>	<b>Number</b>	<b>Subtotal</b>	<b>Total</b>	
<b>Delta State University</b>					
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	1			
	Bachelor of Fine Arts	1			
	Bachelor of Science	2			
	Bachelor of Science in Interdisciplinary Studies	2			
	<i>College of Arts and Sciences</i>				
	Bachelor of Business Administration	2			
	<i>College of Education</i>				
	Bachelor of Science	7			
			15		
	<i>School of Graduate Studies</i>				
	Master of Business Administration	20			
	Master of Commercial Aviation	8			
	Master of Education	4			
	Master of Professional Accountancy	2			
	Master of Social Justice and Criminology	1			
	Educational Specialist	8			
			43		
				58	
<b>Mississippi State University</b>					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	1			
	Bachelor of Science	33			
	Master of Landscape Architecture	1			
	Master of Science	20			
	Doctor of Philosophy	7			
			62		
	<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	20			
	Bachelor of Science	49			
	Bachelor of Social Work	1			
	Master of Arts	10			
	Master of Public Policy and Administration	2			
	Master of Science	47			

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<b>Institution</b>	<b>Degree to be Conferred</b>	<b>Number</b>	<b>Subtotal</b>	<b>Total</b>	
	Doctor of Philosophy	8			
			137		
	<b><i>College of Business</i></b>				
	Bachelor of Business Administration	28			
	Master of Business Administration	11			
	Master of Science Information Systems	1			
	Doctor of Philosophy	1			
			41		
	<b><i>College of Education</i></b>				
	Bachelor of Science	29			
	Master of Arts in Teaching	5			
	Master of Arts in Teaching Middle	1			
	Master of Arts in Teaching Secondary	3			
	Master of Arts in Teaching Special	5			
	Master of Science	16			
	Master of Science Instructional Technology	1			
	Educational Specialist	5			
	Doctor of Philosophy	2			
			67		
	<b><i>Bagley College of Engineering</i></b>				
	Bachelor of Science	23			
	Master of Science	18			
	Doctor of Philosophy	15			
			56		
	<b><i>Bagley College of Engineering</i></b>				
	Bachelor of Science	23			
	Master of Science	18			
	Doctor of Philosophy	15			
			56		
	<b><i>College of Forest Resources</i></b>				
	Master of Science	4			
	Doctor of Philosophy	3			
	<b><i>College of Veterinary Medicine</i></b>				
	Master of Science	1			
	Doctor of Veterinary Medicine	1			
			2		
	<b><i>School of Accountancy</i></b>				
	Bachelor of Accountancy	7			
	Master of Professional Accountancy	10			
			17		
				<b>394</b>	

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<b>Institution</b>	<b>Degree to be Conferred</b>	<b>Number</b>	<b>Subtotal</b>	<b>Total</b>	
<b>Mississippi University for Women</b>					
	<i>Undergraduate</i>				
	Bachelor of Arts	6			
	Bachelor of Science	30			
	Bachelor of Science in Nursing	308			
	Bachelor of Technology	4			
			348		
	<i>Graduate</i>				
	Master of Education	10			
	Master of Fine Art	2			
	Master of Science in Nursing	36			
			48		
				<b>396</b>	
<b>University of Mississippi</b>					
	<i>Undergraduate</i>				
	<i>College of Liberal Arts</i>				
	Bachelor of Arts	170			
	Bachelor of Fine Arts	5			
	Bachelor of Music	2			
	Bachelor of Science	11			
			188		
	<i>School of Engineering</i>				
	Bachelor of Science in Chemical Engineering	1			
	Bachelor of Science in Civil Engineering	6			
	Bachelor of Science in Computer Science	9			
	Bachelor of Science in Electrical Engineering	2			
	Bachelor of Science in Geological Engineering	7			
	Bachelor of Science in Mechanical Engineering	1			
	Bachelor of Science	8			
			34		
	<i>School of Education</i>				
	Bachelor of Arts in Education	15			
			15		
	<i>School of Pharmacy</i>				
	Pharmaceutical Sciences	117			
			117		
	<i>School of Business</i>				
	Bachelor of Business Administration	207			
			207		

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<b>Institution</b>	<b>Degree to be Conferred</b>	<b>Number</b>	<b>Subtotal</b>	<b>Total</b>	
	<b><i>School of Accountancy</i></b>				
	Bachelor of Accountancy	98			
			98		
	<b><i>School of Applied Sciences</i></b>				
	Bachelor of Science in Criminal Justice	65			
	Bachelor of Science in Exercise Science	51			
	Bachelor of Science	81			
	Bachelor of Social Work	81			
	Bachelor of Arts in Recreation Administration	13			
	Bachelor of Paralegal Studies	6			
			297		
	<b><i>School of Journalism and New Media</i></b>				
	Bachelor of Arts in Journalism	11			
	Bachelor of Science	16			
			27		
	<b><i>General Studies</i></b>				
	Bachelor of General Studies	79			
			79		
	<b><i>Graduate School</i></b>				
	Master of Accountancy	44			
	Master of Arts	32			
	Master of Business Administration	28			
	Master of Education	50			
	Master of Fine Arts	1			
	Master of Health Care Administration	5			
	Master of Music	1			
	Master of Science	6			
	Master of Social Work	13			
	Master of Taxation	4			
	Specialist in Education	23			
	Doctor of Education	1			
	Doctor of Philosophy	34			
			242		
	<b><i>Law School</i></b>				
	Juris Doctor	3			
	Master of Laws	4			
			7		
				<b>1311</b>	
<b>University of Mississippi Medical Center</b>					
	<b><i>Undergraduate</i></b>				
	Bachelor of Science in Nursing	99			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Bachelor of Science in Health Sciences	2			
		Bachelor of Science in Health Informatics and Information Management	1			
		Bachelor of Science in Dental Hygiene	2			
				104		
		<i>Graduate/Professional</i>				
		Master of Health Informatics and Information Management	11			
		Master of Science in Nursing	3			
		Master of Science	5			
		Doctor of Nursing Practice	3			
		Doctor of Philosophy	10			
		Doctor of Health Administration	6			
				38		
					142	
<b>Total</b>						<b>2301</b>

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**1. DSU –REQUEST FOR APPROVAL TO INITIATE BOND PROCESS TO ISSUE EDUCATIONAL BUILDING CORPORATION REVENUE REFUNDING BONDS IN ONE OR MORE TAXABLE AND/OR TAX-EXEMPT SERIES NOT TO EXCEED \$18,300,000**

On February 18, 2016, the IHL Board of Trustees delegated authority to the Finance Committee chair to give final approval of this item contingent upon receipt of evidence of approval from the DSU Foundation Board and the Attorney General's Office. Under this authority, on June 21, 2016 Finance Committee Chairman Christy Pickering approved the request to issue through the Delta State University Educational Building Corporation (the "EBC"), a maximum of \$18,300,000 revenue refunding bonds in one or more taxable and/or tax-exempt series (the "Bonds") for the purpose of (a) refunding and defeasing all or a portion of the previously issued EBC Revenue Bonds (Campus Improvements Project), Series 2003, issued in the original principal amount of \$2,475,000 (the "2003 Bonds") which were issued to finance the renovation, restoration, rehabilitation, furnishing and equipping of various student housing facilities located on the University campus and (b) acquiring from Statesman Housing, LLC, the sole member of which is Delta State University Foundation, Inc. (together, the "Foundation"), that certain student housing facility financed with Mississippi Business Finance Corporation Revenue Bonds (Statesman Housing, LLC Project), Series 2009A, issued in the original principal amount of \$17,065,000 (the "MBFC Bonds" and together with the Series 2003 Bonds, the "Refunded Bonds"), and in connection with such acquisition, the advance refunding and defeasance of all of the outstanding MBFC Bonds.

**2. MSU –REQUEST FOR APPROVAL TO ENTER INTO SERVICE AGREEMENT WITH GE HEALTHCARE**

On June 16, 2016, the IHL Board of Trustees delegated authority to Commissioner Glenn Boyce to approve the request to contract with GE Healthcare for the purchase of necessary upgrades to the University's MRI machine and to enter into a service and maintenance agreement for the machine. Approval will be contingent upon Legal Staff's approval of the contract and related addendum. Under this authority, on June 27, 2016 Commissioner Boyce approved the agreement and addendum contingent upon MSU's receipt of sole source approval from the Department of Finance and Administration (DFA). MSU has satisfied the contingency for Commissioner approval of the agreement and related addendum by its receipt of sole source certification from DFA.



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**QSYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE**  
**June 16, 2016 BOARD MEETING SUBMISSION DEADLINE**

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

**Board Policy §904(A), Board Approval**

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

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

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

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

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

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**JACKSON STATE UNIVERSITY**

**1. JSU– GS 103-277 – Library Envelope Repair**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #3**

Board staff approved Change Order #3 in the credit amount of \$13,525.00 and one hundred twenty (120) 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 16, 2016

Change Order Description: Change Order #3 includes the following items: credit for the sidewalk repairs & grass seeding; credit for liquidated damages; and one hundred twenty days to the contract.

Change Order Justification: These changes were due to latent conditions; contractor – requested credit for remaining sidewalk repairs & grass seeding; credit to the using agency for liquidated damages; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$38,951.20.

Project Initiation Date: February 20, 2014

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

General Contractor: Coleman Hammons Construction Company, Inc.

Project Budget: \$1,550,000.00

**2. JSU- GS 103-278 – School of Engineering Phase II**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #6**

Board staff approved Change Order #6 in the amount of \$17,716.66 and eight (8) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

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Approval Status & Date: APPROVED, June 14, 2016

Change Order Description: Change Order #6 includes the following items: add a motorized type 2 shade at the Robotics Lab room; add materials to allow attachment of the exterior soffit panels; re-route the conduits going from the new transformer to the existing transformer; polish a floor area in the existing building; and eight (8) days to the contract.

Change Order Justification: A motorized shade was requested by the using agency; the additional materials were necessary to attach soffit panels at the correct location; re-routing was requested by the contractor; polishing a floor area in an existing building was requested by the using agency to determine if it was a viable option for repairing the floors; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$70,932.24.

Project Initiation Date: February 21, 2013

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

General Contractor: Thrash Commercial Contractors, Inc.

Total Project Budget: \$8,600,000.00

## **MISSISSIPPI STATE UNIVERSITY**

### **3. MSU– GS 105-341 – Hand Lab – Life Safety Upgrades**

**NOTE: This is a Bureau of Building project**

#### **Approval Request #1: Change Order #2**

Board staff approved Change Order #2 in the amount of \$0.00 and three hundred eight (308) additional days to the contract of Dynamic Fire Protection, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, June 8, 2016

Change Order Description: Change Order #2 includes the following item: Additional three hundred eight (308) days to the contract.

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Change Order Justification: This change was necessary to allow coordination with the university to schedule eight (8) hours electrical outage to accommodate the Chemistry Lab and State of Mississippi Chemistry Lab in order to make the electrical connection in the building transformer vault; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$291,290.00.

Project Initiation Date: November 19, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Dynamic Fire protection, LLC

Project Budget: \$1,100,000.00

**4. MSU– GS 105-351 – YMCA Renovation**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by Belinda Stewart Architects, P.A.

Approval Status & Date: APPROVED, June 8, 2016

**Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, June 8, 2016

Project Initiation Date: August 15, 2013

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: TBD

Total Project Budget: \$9,800,000.00

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**5. MSU– GS 105-352 – Library Expansion, Mitchell Memorial Library**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #2**

Board staff approved Change Order #2 in the credit amount of \$37,819.85 and zero (0) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, June 4, 2016

Change Order Description: Change Order #2 includes the following items: removal of bat infestation; revise the layout & lighting for exhibit areas; credit for cylinders; and credit for HVAC controls.

Change Order Justification: The bat infestation, located in the north wall of the atrium was due to improper installation of the gravel stop along the top of the wall installed when the building was re-roofed four (4) years ago; modifications to the exhibit area were made to accommodate those enhancements which included lighting modifications and upgrades as well as minor floor plan changes; credit for deletion of three (3) clean agent cylinders as requested by the architect and engineer; and a bid credit for the HVAC controls.

Total Project Change Orders and Amount: Two (2) change orders for a total credit amount of \$18,494.38.

Project Initiation Date: August 15, 2013

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: West Brothers Construction, Inc.

Project Budget: \$8,300,000.00

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**6. MSU – GS 113-141 – Preplan ADS & Poultry Complex**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Approval of Design Development Documents**

Board staff approved the Design Development Documents as submitted by McCarty Architects, P.A.

Approval Status & Date: APPROVED, June 10, 2016

Project Initiation Date: April 16, 2015

Design Professional: McCarty Architects, P.A.

General Contractor: TBD

Pre-plan: \$400,000.00

**7. MSU– IHL 205-264 – MSU Roberts Building Renovation**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$52,579.15 and thirty-six (36) additional days to the contract of Larry J. Sumrall Contractors, Inc.

Approval Status & Date: APPROVED, June 2, 2016

Change Order Description: Change Order #1 includes the following items: asbestos abatement; sewer modifications of the north building; USPS modifications; steel lintel modifications; Burger King fire alarm system; steel angle deduct; storage room modifications; raceway for AT&T telephone; new intrusion detection system, TBB, & relocation of electrical devices; landscaping; USPS package drop opening; controls allowance; and thirty-six days to the contract.

Change Order Justification: These changes were due to changes in requirements or recommendations by governmental agencies: i.e., revisions in building codes, safety or health regulations, controls on materials specified, etc.; latent job site conditions; user/owner requested modifications; and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$52,579.15.

Project Initiation Date: October 17, 2013

Design Professional: Allred Architectural Group

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General Contractor: Larry J. Sumrall Contractors, Inc.  
Project Budget: \$3,135,313.00

**MISSISSIPPI VALLEY STATE UNIVERSITY**

**8. MVSU– GS 106-237 – Harrison Renovation (Seating Package)**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$3,701.00 and zero (0) additional days to the contract of School & Office Products. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, May 16, 2016

Change Order Description: Change Order #1 includes the following item: add logos to folding chairs.

Change Order Justification: This change order was requested by the using agency.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$3,701.00.

Project Initiation Date: January 20, 2011

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

General Contractor: School & Office Products

Phased Project Budget: \$635,405.87

Total Project Budget: \$20,025,000.00

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**9. MVSU– GS 106-237 – Harrison Renovation (Improvements)**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by Pryor & Morrow Architects and Engineers, P.A.

Approval Status & Date: APPROVED, May 27, 2016

**Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, May 27, 2016

Project Initiation Date: January 20, 2011

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

General Contractor: TBD

Phased Project Budget: \$1,024,800.15

Total Project Budget: \$20,025,000.00

**10. MVSU – GS 106-253 – College Hall I Renovation**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Approval of Design Development Documents**

Board staff approved the Design Development Documents as submitted by Pryor & Morrow Architects and Engineers, P.A.

Approval Status & Date: APPROVED, June 8, 2016

Project Initiation Date: May 15, 2014

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

General Contractor: TBD

Phased Project Budget: \$4,750,000.00

Total Project Budget: \$7,250,000.00



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**UNIVERSITY OF MISSISSIPPI**

**1. UM– GS 107-314 – Garland Hedleston Mayes Renovation**

**NOTE: This is a Bureau of Building project**

**Approval Request #1 (INTERIM):** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on June 3, 2016 to approve the budget increase from \$20,000,000.00 to \$23,500,000.00, an increase of \$3,500,000.00.

Interim Approval Status & Date: APPROVED, June 3, 2016

**Approval Request #2: Award of Construction Contract**

Board staff approved the Award of Contract in the amount of \$17,339,200.00 to the apparent low bidder, Century Construction & Realty, Inc.

Approval Status & Date: APPROVED, June 8, 2016

Project Initiation Date: January 19, 2012

Design Professional: JH&H Architects/Planners/Interiors, P.A.

General Contractor: Century Construction & Realty, Inc.

Total Project Budget: \$23,500,000.00

**11. UM– GS 107-317 – Johnson Commons East Renovation**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by Belinda Stewart Architects, P.A.

Approval Status & Date: APPROVED, June 2, 2016

**Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, June 2, 2016

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Project Initiation Date: November 15, 2012  
Design Professional: Belinda Stewart Architects, P.A.  
General Contractor: TBA  
Total Project Budget: \$7,600,000.00

**12. UM– IHL 207-372 – South Campus Recreation Facility and Transportation Hub**

**Approval Request #1: Design Development Documents**

Board staff approved the Design Development Documents as submitted by JBHM Architects, P.A.

Approval Status & Date: APPROVED, May 27, 2016

Project Initiation Date: June 20, 2013  
Design Professional: JBHM Architects, P.A.  
General Contractor: TBD  
Phased Project Budget: \$30,255,643.00  
Total Project Budget: \$32,000,000.00

**13. UM– IHL 207-375 – Student Housing Phase II**

**Approval Request #1: Change Order #6**

Board staff approved Change Order #6 in the amount of \$6,872.00 and zero (0) additional days to the contract of B.L. Harbert International, LLC.

Approval Status & Date: APPROVED, June 4, 2016

Change Order Description: Change Order #6 includes the following items: credit for unexpended costs associated with deleting Alternate #3; add access controls, electrical rough-in for AV equipment & sound panels; relocate the western section of the south keystone retaining wall; add a drop soffit on either side of the lobby corridor; add additional farm table supports; add gypsum wall in the west stair of the north building; revise the foundation for the generator relocation; and credit for not installing pre-molded base coners.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications; and user/owner requested modifications.

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Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$238,307.00.

Project Initiation Date: November 21, 2013

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

General Contractor: B.L. Harbert International, LLC.

Project Budget: \$40,000,000.00

**14. UM – IHL 207-389 – Vaught-Hemingway Stadium North End Zone**

**Approval Request #1: Change Order #6**

Board staff approved Change Order #6 in the amount of \$242,105.78 and zero (0) additional days to the contract of Roy Anderson Corporation.

Approval Status & Date: APPROVED, June 10, 2016

Change Order Description: Change Order #6 includes the following items: utility changes; South end zone dirt import; old scoreboard pile removal; soil removal on the west side; site development rework at the northwest side; 2<sup>nd</sup> old scoreboard piles removal; relocate the northwest water valve at a stair; scoreboard removal of extraneous tubes; add a storm line; North end zone abandoned pit infil; precast riser thatching; northeast sanitary line; existing South end zone field access wall rework.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications; and latent job site conditions.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$1,031,981.88.

Project Initiation Date: August 21, 2014

Design Professional: AECOM

General Contractor: Roy Anderson Corporation

Project Budget: \$30,593,713.00

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**15. UM– IHL 207-391 – Jackson Avenue Center Phase II Renovation**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$65,907.00 and zero (0) additional days to the contract of Murphy & Sons, Inc.

Approval Status & Date: APPROVED, June 10, 2016

Change Order Description: Change Order #1 includes the following items: saw cut & remove concrete & steel rails from the floor and pour concrete back to match the existing slab; add view dynamic glass to the two (2) main skylights; and add two (2) electrical circuits for the controls on the glass.

Change Order Justification: These changes were due to errors & omissions in the plans and specifications; latent job site conditions; and user/owner requested modifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$65,907.00.

Project Initiation Date: August 21, 2014  
Design Professional: Shafer & Associates, PLLC  
General Contractor: Murphy & Sons, Inc.  
Total Project Budget: \$8,835,000.00

**16. UM– IHL 207-392 – North Parking Structure**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$14,515.00 and zero (0) additional days to the contract of B.L. Harbert International, LLC.

Approval Status & Date: APPROVED, June 14, 2016

Change Order Description: Change Order #1 includes the following item: the installation of a digital based document sharing system.

Change Order Justification: The university requested the use of this document sharing system for construction administration.

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Total Project Change Orders and Amount: One (1) change order for a total amount of \$14,515.00.

Project Initiation Date: September 26, 2014

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

General Contractor: B.L. Harbert International, LLC

Phased Project Budget: \$33,750,000.00

Total Project Budget: 34,550,000.00

**17. UM – IHL 207-398 – John W. White Facilities Management Building West Wing Addition**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$28,824.00 and thirty (30) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, June 4, 2016

Change Order Description: Change Order #1 includes the following items: removal and replacement of bad soils; re-dig footing; form rental extension; cover and re-excavate footing; and thirty (30) days to the contract.

Change Order Justification: These changes were due to latent job site conditions; and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$28,824.00.

Project Initiation Date: January 22, 2015

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Barnes & Brower, Inc.

Project Budget: \$2,394,739.00

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**18. UM– IHL 207-399 – University Avenue Bridge Renovation**

**Approval Request #1: Award of Construction Contract**

Board staff approved the Award of Contract in the amount of \$1,307,000.00 to the apparent low bidder, Century Construction and Realty, Inc.

Approval Status & Date: APPROVED, June 15, 2016

Project Initiation Date: January 22, 2015

Design Professional: Buchart Horn, Inc. / BASCO Associates

General Contractor: Century Construction and Realty, Inc.

Total Project Budget: \$1,750,000.00

**19. UM – IHL 207-402 – All American Drive Electrical Relocation**

**Approval Request #1: Change Order #3**

Board staff approved Change Order #3 in the credit amount of \$3,075.00 and zero (0) additional days to the contract of Southern Electric Corporation of MS.

Approval Status & Date: APPROVED, May 16, 2016

Change Order Description: Change Order #3 includes the following items: add Bermuda sod along the boulevard.

Change Order Justification: This change was necessary due to boring at the CIS Building, Turner Center, Fed Ex Building, and the counseling center.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$60,215.90.

Project Initiation Date: April 16, 2015

Design Professional: Midsouth Utility Consultants

General Contractor: Southern Electric Corporation of MS.

Project Budget: \$1,500,000.00

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**20. UM – IHL 207-411 – Oxford-University Stadium (Swayze Field) Addition & Renovation PH I**

**Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by Cooke Douglass Farr Lemons, LTD.

Approval Status & Date: APPROVED, May 19, 2016

**Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, May 19,, 2016

Project Initiation Date: October 15, 2015

Design Professional: Cooke Douglas Farr Lemons, LTD

General Contractor: TBD

Project Budget: \$5,000,000.00

**UNIVERSITY OF MISSISSIPPI MEDICAL CENTER**

**21. UMMC – GS 109-210 (GC-001) – School of Medicine**

**NOTE: This is a Bureau of Building project**

**Approval Request #1: Change Order #5**

Board staff approved Change Order #5 in the credit amount of \$718,664.00 and zero (0) additional days to the contract of Roy Anderson Corporation. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, June 4, 2016

Change Order Description: Change Order #5 includes the following items: extend the rated concrete masonry unit walls at the penthouse elevator equipment room to the roof deck; add card access control to the freight elevator; provide two (2) water meters; delete eighteen (18) type WW light fixtures and twenty-four (24) type ZI light fixtures from student desks; reconcile the building management system allowance with actual cost from

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the lower of the two (2) submitted proposals; remove existing mechanical controls in the connecting corridor of the ground floor Learning resource Center building and replace with new building management system controls; add stainless steel railings to the modified ramp in the loading zone area; provide two (2) VEE flex connections & associated steel supports/bracing at the chilled water piping located on the elevated walkway roof south of the existing Learning Resource Center building; provide steel angle bracing for the fire & domestic water lines entering the east side of the building; revise window types C & F stone soffit details and add stainless steel flashing; provide 22 gauge steel form deck material for soil retention below the pile cap at the east side of the building areaway; add 2-hour rated horizontal shaft wall closure at the mechanical shafts on two (2) floors; and add 4" thick polystyrene insulation board to the penthouse mechanical pads.

Change Order Justification: These changes were due to changes in requirements or recommendations by governmental agencies: i.e. revisions in building codes, safety or health regulations, controls on materials specified, etc.; errors and omissions in the plans & specifications; latent job site conditions; and user/owner requested modifications.

Total Project Change Orders and Amount: Five (5) change orders for a total credit amount of \$352,935.00.

Project Initiation Date: June 16, 2011

Design Professional: Cooke Douglass Farr Lemons + Eley Guild Hardy Architects – Jackson, P.A. – A Joint Venture

General Contractor: Roy Anderson Corporation

Phased Project Budget: \$65,742,205.00

Total Project Budget: \$66,000,000.00

**22. UMMC – IHL 209-539 – Lexington Hospital Renovations**

**Approval Request #1: Change Order #5**

Board staff approved Change Order #5 in the amount of \$28,045.68 and one hundred ten (110) additional days to the contract of Flagstar Construction Company, Inc.

Approval Status & Date: APPROVED, June 4, 2016

Change Order Description: Change Order #5 includes the following items: relocate existing fire alarm boxes, conduit, & wiring; complete the rough-in requirements for the CT room; provide & install additional corner guards; provide & install framing modifications at the trauma door; add solid surface wall caps at the waiting room; provide



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& install one additional surface-mounted fire extinguisher cabinet at a lobby area; provide & install positive latching hardware at the trauma door; and one hundred ten (110) days to the contract.

Change Order Justification: These changes were due to latent job site conditions; user/owner requested modifications; and additional days for work as indicated herein.

Total Project Change Orders and Amount: Five (5) change orders for a total credit amount of \$193,935.15.

Project Initiation Date: January 20, 2011

Design Professional: McCarty Architects

General Contractor: Flagstar Construction Company, Inc.

Project Budget: \$4,479,107.00

**23. UMMC – IHL 209-552 – School of Medicine Infrastructure-Contract 2**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of \$311,090.00 and sixty (60) additional days to the contract of Hemphill Construction Company, Inc.

Approval Status & Date: APPROVED, June 4, 2016

Change Order Description: Change Order #1 includes the following items: provide & locate services for the existing UMMC utilities; rehab of existing corrugated metal pipe; installation of the flowtite storm pipe to include prepping the existing feet of pipe, inserting the product in the existing pipe, installing a bulkhead at each end of the new pipe and the junction box, and then installing flowable grout around the annular void between the new pipe and the old pipe; and sixty (60) days to the contract.

Change Order Justification: These changes were user/owner requested modifications; and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$311,090.00.

Project Initiation Date: March 19, 2015

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers

General Contractor: Hemphill Construction Company, Inc.

Project Budget: \$2,087,108.00

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**UNIVERSITY OF SOUTHERN MISSISSIPPI**

**24. USM – IHL 208-332 – Pride Field Turf and Fencing (Rebid)**

**Approval Request #1: Contract Documents**

Board staff approved Contract Documents as submitted by Neel-Schaffer

Approval Status & Date: APPROVED, June 14, 2016

**Approval Request #2: Advertise**

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, June 14, 2016

Project Initiation Date: March 19, 2015

Design Professional: Neel Schaffer

General Contractor: TBD

Project Budget: \$1,315,000.00

**25. USM– IHL 210-243 – Marine Education Center**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the credit amount of \$6,155.25 and five (5) additional days to the contract of Starks Contracting Company, Inc.

Approval Status & Date: APPROVED, June 8, 2016

Change Order Description: Change Order #1 includes the following items: credit for 24 gauge Galvalume roof panels in lieu of aluminum, ceramic wall tile wainscot in lieu of full height wall wainscot; 1” thick black epoxy resin tops in lieu of colored epoxy; pvc piping in lieu of cast iron; omit approximately 500 lf of concrete seat walls/lights/benches; omit site utilities for two (2) buildings; add lighting revisions; additional pile test; credit for interior HM frames in lieu of aluminum; remove water oak behind one building; relocate seawater pump & lines; add freestanding sink units & breakroom countertops; energy management system allowance overage; credit for re-inspection;

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Datum's additional service fee for re-design at building A slab; and five (5) days to the contract.

Change Order Justification: These changes were user/owner requested modifications; and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total credit amount of \$6,155.25.

Project Initiation Date: September 26, 2014

Design Professional: Lake Flato Architects

General Contractor: Starks Contracting Company, Inc.

Total Project Budget: \$16,115,660.00

**26. USM – IHL 210-245 – Toxicology Building Replacement**

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the credit amount of \$6,741.00 and zero (0) additional days to the contract of Dan Hensarling, Inc.

Approval Status & Date: APPROVED, June 14, 2016

Change Order Description: Change Order #1 includes the following items: architectural changes; plumbing changes; provide & locate services for the existing UMMC utilities; rehab of existing corrugated metal pipe; installation of the flowtite storm pipe to include prepping the existing feet of pipe, inserting the product in the existing pipe, installing a bulkhead at each end of the new pipe and the junction box, and then installing flowable grout around the annular void between the new pipe and the old pipe; and sixty (60) days to the contract.

Change Order Justification: These changes were user/owner requested modifications; and additional days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total credit amount of \$6,741.00.

Project Initiation Date: August 21, 2008

Design Professional: Allred Architectural Group

General Contractor: Dan Hensarling, Inc.

Project Budget: \$4,900,000.00



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Payment of legal fees for professional services rendered by Butler|Snow (statements dated 3/2/16, 4/20/16, 4/20/16, 5/6/16, 5/11/16, 5/20/16, 5/26/16, 5/27/16, 5/27/16, 5/27/16, 6/6/16, 6/9/16, 6/9/16, 6/10/16, 6/10/16, 6/13/16, 6/13/16, 6/13/16, 6/20/16, 6/27/16, 6/30/16 and 7/8/16) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$11,363.00, \$5,684.00, \$343.00, \$784.00, \$23,074.03, \$5,563.40, \$1,682.50, \$12,346.00, \$2,327.50, \$551.50, \$48,449.96, \$1,353.00, \$205.00, \$416.50, \$1,519.00, \$171.50, \$1,203.08, \$5,806.50, \$10,388.00, \$8,599.50, \$2,670.50 and \$3,381.00, respectively, represent services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 147,882.47**

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 5/25/16, 5/25/16, 5/25/16, 5/25/16, 5/25/16, 5/25/16, 5/26/16, 5/26/16, 6/13/16, 6/13/16, 6/13/16, 6/13/16, 6/13/16, 6/13/16 and 6/13/16) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$313.50, \$372.55, \$330.00, \$1,212.75, \$1,270.50, \$296.40, \$8,150.55, \$7,903.50, \$2,252.25, \$1,476.75, \$330.00, \$6,303.00, \$6,103.00, \$82.50 and \$2,162.00, respectively, represent services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 38,245.75**

Payment of legal fees for professional services rendered by John T. Kitchens d/b/a Whitfield Law Group (statements dated 4/11/16, 4/11/16, 4/11/16, 4/11/16, 5/17/16, 5/17/16, 5/17/16, 5/18/16, 6/7/16, 6/7/16 and 6/7/16) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$330.00, \$7,705.50, \$5,442.00, \$1,270.50, \$1,435.50, \$4,768.50, \$3,780.00, \$870.00, \$805.50, \$10,180.50, \$346.50 and \$231.00, respectively, represent services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 40,165.50**

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 7/20/16) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,192.00, represents services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 3,192.00**

Payment of legal fees for professional services rendered by Lightfoot, Franklin & White (statement dated 5/11/16) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,111.85, represents services and expenses in connection with legal advice.)

**TOTAL DUE.....\$ 3,111.85**

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Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 6/3/16) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$544.50, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 544.50**

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 6/1/16, 6/1/16, 7/1/16, 7/1/16, 7/1/16, 7/1/16, 7/1/16, 7/1/16 and 7/1/16 ) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$12.20, \$1,500.00, \$1,595.00, \$1,500.00, \$1,500.00, \$17.40, \$10.70, \$78.31 and \$11.70, respectively, represent services and expenses in connection with immigration/labor certifications.)

**TOTAL DUE.....\$ 6,225.31**

**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 (statements dated 5/31/16, 5/31/16 and 6/16/16) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Therapeutics for Breathing Disorders" - \$329.00; "Optical-Reflectance-Based Mass-Flow Sensor" - \$1,850.00 and "Occidiofungin Patent-Applications" - \$120.00, respectively. )

**TOTAL DUE.....\$ 2,299.00**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 4/11/16, 4/26/16, 4/26/16, 4/26/16 and 5/24/16) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Process & Catalyst for Converting Biomass/Municipal Solid Waste (MSW) Derived Nitrogen-Rich Syngas to Liquid Hydrocarbon Mixtures" - \$47.50; "Methods of Synthesizing Graphene from a Lignin Source" - \$1,254.00; "Nano-Structured Catalysts for Methane Reforming" - \$904.50; "Novel Catalysts and Process for Liquid Hydrocarbon Fuel Production" - \$38.00 and "Nano-Structured Catalysts for Methane Reforming" - \$38.00, respectively.)

**TOTAL DUE.....\$ 2,282.00**

Payment of legal fees for professional services rendered by Valauskas|Corder (statements dated 6/10/16) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Blue Stain System" - \$80.00 and "Bio Oil" - \$150.00.)

**TOTAL DUE.....\$ 230.00**

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Payment of legal fees for professional services rendered by Armstrong|Teasdale (statements dated 5/25/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Systems and Methods for Detecting Transient Acoustic Signals" - \$417.00 and "Systems and Methods for Detecting Transient Acoustic Signals" - \$948.00.)

**TOTAL DUE.....\$ 1,365.00**

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 5/27/16, 5/31/16, 5/31/16 and 5/31/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Compositions for Prevention/Prophylactic Treatment of Poison Ivy" - \$1,267.00; "Compositions containing Delta-9-THC-Amino Acid Esters and Process of Preparation" - \$674.87; "Compositions containing Delta-9-THC-Amino Acid Esters and Process of Preparation" - \$1,777.48 and "Compositions for Prevention/Prophylactic Treatment of Poison Ivy" - \$674.47, respectively.)

**TOTAL DUE.....\$ 4,393.82**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/24/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Methods for Detecting Humans" - \$634.50; "Stabilized Formulation of Triamcinolone" - \$480.00; "Stabilized Formulation of Triamcinolone" - \$2,266.00; "Gas Separating Membranes" - \$838.00; "A Fully Parallel, Single clock Tick, True LRU Replacement Algorithm" - \$320.00 and "Ophthalmic Compositions Comprising Pegylated Lipid Nanoparticles" - \$5,308.00, respectively.)

**TOTAL DUE.....\$ 9,846.50**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 4/25/16, 5/24/16, 5/24/16, 5/24/16, 5/24/16, 5/24/16, 5/24/16, 5/24/16, 5/24/16, 5/24/16, 6/24/16, 6/24/16, 6/24/16, 6/24/16, 6/24/16, 6/24/16, 6/24/16 and 6/24/16) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$863.00, \$174.50, \$1,040.50, \$8,355.03, \$256.00, \$477.00, \$28.50, \$215.50, \$128.00, \$38.00, \$841.00, \$318.00, \$636.00, \$38.00, \$47.50, \$1,434.50, \$142.00, \$593.50, \$687.50, \$57.00, \$208.00, \$156.00, \$291.50, \$47.50, \$179.92, \$332.50, \$263.00, \$2,088.50 and \$497.00, respectively, represent services and expenses in connection with intellectual property patents.)

**TOTAL DUE.....\$ 20,434.95**

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Payment of legal fees for professional services rendered by Butler|Snow (statements dated 5/31/16, 5/31/16 and 6/20/16) 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” - \$672.00; “Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks” - \$776.00 and “Lockhead –Oil Dispersant Patent” - \$240.00, respectively.)

**TOTAL DUE.....\$ 1,688.00**

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/13/15, 10/13/15, 2/5/16, 2/5/16 and 2/5/16) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Composition for Protection of Skin Against Thermal” - \$2,692.50; “RNA Containing Coenzymes, Biotin, or Fluorophores, and Methods for Their Preparation and Use” - \$900.00; “Compositions for Protection of Skin Against Thermal” - \$997.50; “Preparation of High Molecular Weight Polyacrylonitrile and Its Copolymers via RAFT Patent Application” - \$1,418.75; “Continuous High Shear Reactor Processing Method to Synthesize Benzoxazine Monomers and Prepolymers” - \$1,988.75 and “Continuous High Shear Reactor Processing Method to Synthesize Benzoxazine Monomers and Prepolymers” - \$730.00, respectively.)

**TOTAL DUE.....\$ 8,727.50**

**2. UMMC – EMERGENCY APPROVAL TO CONTRACT WITH R. MICHAEL BOLEN AS OUTSIDE COUNSEL**

Trustee Alan Perry, as Board Legal Committee Chair, on behalf of the Board has approved the University of Mississippi Medical Center’s emergency request to contract with R. Michael Bolen for legal services related to the Pioneer Health Services bankruptcy matter. The approved hourly rate is \$165/hour with a maximum amount payable under the contract of \$3,300.00, and the approved term of the contract is for one year beginning July 1, 2016.

**3. USM – EMERGENCY APPROVAL TO CONTRACT WITH DORNAN LAW OFFICES, PLLC AS OUTSIDE COUNSEL**

Trustee Alan Perry, as Board Legal Committee Chair, on behalf of the Board has approved the University of Southern Mississippi’s emergency request to contract with the Dornan Law Offices, PLLC for legal services related to Point Cadet litigation. The approved hourly rates are \$165/hour for partners, \$135/hour for associates and \$65/hour for paralegal services with a maximum amount payable under the one-year contract of \$40,000.00.



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**1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL**

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

- a. **JSU** – 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On July 6, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement with JSU Tiger Fund Athletic Foundation for the lease of real property located at 1706 Sheffield Drive, Jackson, MS at a cost of \$1,000 per month payable on the first day of each month. The term of the lease is for one year - July 1, 2016 through June 30, 2017. The lease is for the purpose of housing Tiger Fund guests or such other purposes consistent with its official activities as an organization. The IHL Associate Commissioner for Legal Affairs has 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On June 9, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement with the East Mississippi Center for Educational Development for approximately 552 square feet of combined office space at MSU-Meridian College Park Campus for an annual rent of \$6,843 to be prepaid on July 1<sup>st</sup>. The initial term of the lease is for one year – July 1, 2016 through June 30, 2017, with an option to renew annually for up to five years with a 4% per annum increase payable on July 1 of each subsequent year. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

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- c. **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 June 23, 2016, Commissioner Glenn F. Boyce approved the Traffic and Parking Rules and Regulations (OP 95.501) for Mississippi State University. A copy of the document is on file at the Board Office.
- 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 June 27, 2016, Commissioner Glenn F. Boyce approved the Ground Lease Agreement with the Mississippi Beta House Corporation of Mississippi State, MS for lot #9 a parcel of land in the Sorority Hill Subdivision. This is a fifty year lease beginning July 1, 2016. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- 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 14, 2016, Commissioner Glenn F. Boyce approved the renewal of a Lease Agreement between the Mississippi State University/Mississippi Agricultural and Forestry Experiment Station and the Agricultural Research Service for 1.61 acre as of land in Stoneville, MS being used for research purposes. This is year 7 of a 10 year lease and the term of this renewal is October 1, 2016 through September 30, 2017. There is no monetary consideration for this lease. The IHL Associate Commissioner for Legal Affairs has 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On July 14, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement with Schaifer-Boteler Properties, LLC for the lease of a home located at 305 East

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Third Street, Leland, MS to be used as temporary housing for grad students and visiting scientists while working at the Delta Research and Extension Center in Stoneville, MS. The term of the lease is for one year – July 1, 2016 through June 30, 2017— and the lease amount is \$975 per month, payable in advance on the 1<sup>st</sup> day of each month. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

- g. **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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On July 14, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement with Patricia B. Gaines for the lease of a home located at 316 South Deer Creek Drive East, Leland, MS to be used as temporary housing for grad students and visiting scientists while working at the Delta Research and Extension Center in Stoneville, MS. The term of the lease is for one year – July 1, 2016 through June 30, 2017— and the lease amount is \$1,050 per month, payable in advance on the 1<sup>st</sup> day of each month. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- h. **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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On July 14, 2016, Commissioner Glenn F. Boyce approved Addendum #3 to the Lease Agreement between Mississippi State University, on behalf of its Northern Gulf Institute, and the Mississippi State University Research & Technology Corporation for 4,372 square feet of office space at the NASA Stennis Space Center. The Addendum extends the term of the lease for an additional twelve months from October 1, 2016 through September 30, 2017. The monthly lease amount is amended to \$6,193.97 per month due on the 5<sup>th</sup> of each month or

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\$74,324 annually. All other provisions of the original lease with two previous addendums remain in effect. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

- i. **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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On June 20, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement between the University of Mississippi National Institute for School Leadership and Insight Park for the lease of 807 square feet of office and classroom space at a cost of \$15,333 annually. The initial term of the contract is one year beginning July 1, 2016 with an option for four annual renewals, with payment for each year due at the beginning of each lease period. This space is currently in use by this program under a previously approved lease agreement, which is expiring. As with the previous lease agreement, it will be funded through federally appropriated grant funds for the National Institute for School Leadership. The IHL Associate Commissioner for Legal Affairs has 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On June 20, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement between the University of Mississippi, School of Education – Principal Corp and Insight Park for the lease of 964 square feet of office and classroom space at a cost of \$16,899.96 annually. The initial term of the contract is one year beginning July 1, 2016 with an option for four annual renewals, with payment for each year due at the beginning of each lease period. This space is currently in use by this program under a previously approved lease agreement, which is expiring. As

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with the previous lease agreement, it will be funded through State appropriated grant funds for Principal Corp. The IHL Associate Commissioner for Legal Affairs has 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On June 20, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement between the University of Mississippi, School of Education – World Class Teaching Program and Insight Park for the lease of 155 square feet of office and classroom space at a cost of \$2,945.04 annually. The initial term of the contract is one year beginning July 1, 2016 with an option for four annual renewals, with payment for each year due at the beginning of each lease period. This space is currently in use by this program under a previously approved lease agreement, which is expiring. As with the previous lease agreement, it will be funded through State appropriated grant funds for the World Class Teaching Program. The IHL Associate Commissioner for Legal Affairs has 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.” Pursuant to Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers on behalf of the Board. It further provides in part that written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received. On June 20, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement with Delta Farms, LLC for the lease of office and classroom space located in Grenada, MS at a cost of \$975 per month for a term of two years –July 1, 2016 through June 30, 2018, as well as the requirement to prepay each month’s rent. This space is currently in use by the University as classroom and office space under an earlier lease agreement approved by the Board, which is expiring. As with the previous lease agreement, it will be funded through the UM-Granada

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Regional Campus account. The IHL Associate Commissioner for Legal Affairs has 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 June 28, 2016, Commissioner Glenn F. Boyce approved the Lease Contract between the Mississippi Board of Trustees and the City of Oxford for a parcel of 1.729 acres of land located on the University of Mississippi campus for use by the Oxford Fire Department as part of the Fire Protection Agreement between the University and the City. The IHL Associate Commissioner for Legal Affairs has 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 21, 2016, Commissioner Glenn F. Boyce approved the Product Lease Agreement between the University of Mississippi and Ladd’s for four golf carts for use during move-in week for on-campus residents. The lease is for a term of one week—August 12-19, 2016, at a total cost of \$1,470. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- 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 June 15, 2016, Commissioner Glenn F. Boyce approved the Lease Agreement between the University of Mississippi Medical Center and the Humphreys County Board of Supervisors for 9,735 square feet of space in Belzoni, MS for the purposes of operating an urgent care clinic, conducting health education sessions, and establishing an in-door walking trail. The initial term of the lease is for four years—January 1, 2017 through September 30, 2020, at no cost to UMMC. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- p. **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 27, 2016, Commissioner Glenn F. Boyce approved the renewal of an existing Outside Research Agreement between the University of Southern Mississippi and Aqua Green LLC for the continuation of a research project to develop methods and

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procedures for the production of eastern oyster larvae in an artificial contained environment. The term of this second renewal period will be for six months—August 1, 2016 through January 31, 2017, at a total cost of \$992,004 to be paid in monthly installments of \$165,335. This rate remains unchanged from the original agreement and first renewal. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

- q. **SYSTEM** – On July 21, 2016, Commissioner Glenn F. Boyce reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning April 1, 2016 and ending June 30, 2016. 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.