

Board Book

October 18, 2018

MISSISSIPPI BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING

Board Meeting Outline

MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

MEETINGS SCHEDULE

Academic Affairs Committee | October 17, 2018, 1:30p | IHL Board Room
Health Affairs Committee | October 17, 2018, Immediately Following | IHL Board Room
IHL Board Meeting | October 18, 2018, 9:00a | IHL Board Room

CALL TO ORDER INVOCATION INTRODUCTION OF GUESTS PRESENTATION

Trustee Shane Hooper
Trustee Tom Duff
Trustee Shane Hooper

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ADJOURNMENT

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
September 14, 2018**

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 meeting held at the Mississippi University for Women in the Cochran Board Room in Thad & Rose Cochran Hall in Columbus, Mississippi, at 5:00 p.m. At the above-named place there were present the following members to with: Dr. Steven Cunningham (by phone), Dr. Ford Dye, Mr. Shane Hooper, Ms. Ann H. Lamar, Ms. Jeanne Carter Luckey (by phone), Mr. Bruce Martin, Mr. Chip Morgan, Mr. Gee Ogletree (by phone), Mr. Hal Parker, and Dr. J. Walt Starr. Mr. Tom Duff and Dr. Alfred E. McNair, Jr were absent. The meeting was called to order by Shane Hooper, President.

EXECUTIVE SESSION

On motion by Trustee Lamar, seconded by Trustee Dye, with Trustees Cunningham, Duff, and McNair absent and not voting and Trustees Luckey and Ogletree participating by phone, all Trustees legally present and participating voted unanimously to close the meeting to determine whether to declare an Executive Session. On motion by Trustee Dye, seconded by Trustee Lamar, with Trustees Duff and McNair absent and not voting and Trustees Cunningham and Ogletree participating by phone, all Trustees legally present and participating voted unanimously **to enter into Executive Session** for the reason reported to the public and stated in these minutes, as follows: Discussion of a personnel matter at Mississippi University for Women.

During Executive Session, the following matter was discussed and voted upon:

On motion by Trustee Starr, seconded by Trustee Dye, with Trustees Duff and McNair absent and not voting and Trustees Cunningham and Ogletree participating by phone, all Trustees legally present and participating voted unanimously to waive the remainder of the search process as set forth in IHL Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process, and to employ Mrs. Nora Miller as the President of the Mississippi University for Women effective September 17, 2018 at a state salary of \$215,000 annually plus a foundation supplement of \$30,000 annually, and to approve up to \$15,000 in moving expenses to move her into the President's home.

On motion by Trustee Lamar, seconded by Trustee Martin, with Trustees Duff and McNair absent and not voting and Trustees Cunningham and Ogletree participating by phone, all Trustees legally present and participating voted unanimously to return to Open Session.

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Starr, seconded by Trustee Dye, with Trustees Duff and McNair absent and not voting and Trustees Cunningham and Ogletree participating by phone, all Trustees legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
September 20, 2018**

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 Mill at Plein Air in Taylor, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 28, 2017, to each and every member of said Board, said date being at least five days prior to this September 20, 2018 meeting. At the above-named place there were present the following members to wit: Dr. Steven Cunningham, Mr. Tom Duff, Dr. Ford Dye, Mr. Shane Hooper, Ms. Ann H. Lamar, Ms. Jeanne Carter Luckey, Dr. Alfred E. McNair, Jr., Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, and Dr. J. Walt Starr. Mr. Bruce Martin was absent. The meeting was called to order by President Shane Hooper. Trustee McNair introduced Mr. Marcus Thompson, IHL Deputy Commissioner/Chief Administrative Officer, to provide the invocation.

APPROVAL OF THE MINUTES

On motion by Trustee McNair, seconded by Trustee Ogletree, with Trustee Martin absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on August 16, 2018.

CONSENT AGENDAS

On motion by Trustee Cunningham, seconded by Trustee McNair, with Trustee Martin absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agendas.

FINANCE

1. **ASU** - Approved the request to enter into a purchase agreement with Adidas America, Inc. (Adidas) for the purchase of athletic apparel, equipment and related accessories for all sports at Alcorn State University. The term of the agreement is for approximately five years (a school year is defined as July 1 through June 30). The contract will be effective from September 16, 2018 through June 30, 2023 and will have two additional one-year terms, upon mutual agreement, ending June 30, 2025, for a total of approximately seven years. The estimated amount of the agreement for seven years is \$2,100,000. Adidas could provide incentives valued up to \$1,130,000. In Year One only, adidas will provide Alcorn with a one-time \$100,000 product allotment at retail value to assist with the transition. Adidas shall provide school with bonuses if Alcorn achieves the applicable goals during such school year. For each School Year, during the term, Adidas shall provide Promotional Merchandise in the amount of \$100,000 for the first five years, respectively, and \$125,000 for the sixth and seventh year of the contract, respectively. Adidas will sell footwear products to ASU at 45% off MSRP/30% off MSRP for all team footwear products. Adidas will sell apparel at 50% off MSRP. A breakdown of the costs is included in the bound *September 20, 2018 Board Working File*. This agreement will be funded by E&G funds. The Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

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2. **MVSU** – Approved the request to enter into an agreement with BSN Sports, LLC (BSN) for the exclusive supplier agreement for the purchase and supply of Nike apparel and footwear along with any and all other equipment and apparel offered for sale by BSN, for use by the school and its athletic programs. This contract will start on October 1, 2018 and end September 30, 2023. The total projected cost of the contract is \$750,000 with Year 1: \$150,000; Year 2: \$150,000; Year 3: \$150,000; Year 4: \$150,000; and Year 5: \$150,000. The total projected Nike Promotional Retail is \$725,000 with Year 1: \$165,000; Year 2: \$140,000; Year 3: \$140,000; Year 4: \$140,000; and Year 5: \$140,000. The total projected Annual Rebate is \$75,000 with Year 1: \$15,000; Year 2: \$15,000; Year 3: \$15,000; Year 4: \$15,000; and Year 5: \$15,000. The total marketing package is \$15,000 for year one only. The contract will be funded by general funds and designated funds. The Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.
3. **UM** – Approved the request to enter into a contract with Aetna Student Health for the Graduate Assistant and International student health insurance plan to comply with the federal Affordable Care Act and immigration law. 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 \$2,314) is substantially lower than the rate for an individual insurance plan. The length of the contract is one (1) year - August 15, 2018 through August 14, 2019, with options for mutually agreed upon annual renewals. The total premium paid is dependent on the number of student participants. Based on prior year participation rates and projected FY 2019 enrollment forecasts, the estimated FY 2019 net premiums paid are expected to be approximately \$2.5 million. Approximately \$1.7 million of this estimate pertains to graduate assistants, and \$825,000 is estimated for international student premiums. The Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.
4. **USM** – Approved Amendment One to a lease between USM and Emergent Protective Products USA Inc., a Maryland corporation with a registered address at 400 Professional Drive, Suite 400 Gaithersburg, MD 20879 (Tenant) for space in USM’s Accelerator building. Tenant wishes to increase their space by approximately 661 square feet for additional rent in the amount of \$3,280 annually. The original term is for a ten-year initial term with four (4) one-year renewal terms. This Amendment does not change the term of the existing lease but merely adds square footage with a corresponding rent increase. The total contract amount for Amendment One is \$26,240. Total rent for the remaining term of the lease is \$1,118,840. The Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.
5. **USM** – Approved the request to enter into a Managed Services agreement for three (3) years plus two (2) annual auto-renewals and to make prepayment in accordance with the terms of the agreement pursuant to Board Policy 707.03 Approval of Prepayment for Goods or Services. This agreement will provide an institution-wide analytics platform, along with ongoing professional data analysis and data science services to help achieve four core objectives in support of USM’s Plan for Academic Reorganization: Vision 2020. The term of the contract is September 20, 2018 through September 19, 2023. The total cost of this contract over the five-year period is \$1,391,938. A breakdown of costs is included in the bound *September 20, 2018 Board Working File*. The funding for this agreement will be paid through Education & General funds. The Legal Staff has

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STATE INSTITUTIONS OF HIGHER LEARNING
September 20, 2018**

reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

LEGAL

6. **ASU** – Approved the request to enter into a contract with the firm of Ware | Immigration to provide services necessary in assisting the University with employee permanent labor certifications and other related issues. The term of the contract is one year beginning October 1, 2018. The rates for services are set out in the Fee Schedule below with a maximum amount payable under the contract of \$20,000. This firm carries errors and omissions professional liability insurance coverage in the amount of \$100,000 per occurrence with an aggregate of \$300,000. The Attorney General has approved this request.

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$1500.00
H-1B extension or amendment petitions (we handled original petition)	\$1000.00

TN petition or border/consulate processing	\$1500.00
TN extension petition (we handled original)	\$1000.00

E-3 petition or consular processing	\$1500.00
E-3 extension petition (we handled original)	\$1000.00

O-1 petition	\$4000.00
O-1 extension or amendment petition (we handled original)	\$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

Special Handling labor certification	\$2000.00
(If position must be readvertised)	\$2500.00
Additional fee if audited	\$500-1500.00

Immigrant petition	\$2500.00
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Permanent Residence Process with Labor Certification: Non-Faculty

Labor certification	\$4000.00
Additional fee if audited	\$500-1500.00
Additional fee if subject to supervised recruitment	\$2500.00

Immigrant petition	\$2500.00
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Permanent Residence Process: Outstanding Professors and Researchers

Immigrant petition	\$6000.00
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Permanent Residence Process: National Interest Waiver

Immigrant petition	\$6000.00
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<u>Adjustment of Status (any Employment-Based Permanent Residence Matter)</u>	
Adjustment of status and related applications (I-765, I-131, etc.), principal	\$2000.00
Standalone AOS and related applications, principal	\$2500.00
Adjustment of status and related applications, spouse, if together with principal application and I 140	\$1000.00
Adjustment of status of each child, concurrent with I 140	\$750.00
“Standalone” adjustment of status, spouse (not concurrent with I 140).	\$1500.00
“Standalone” adjustment of status, child	\$1000.00
 <u>Employment Authorization and Advance Parole Renewal</u>	
Employment Authorization Renewal per individual	\$500.00
Advance Parole Renewal per individual	\$500.00

General Legal Advice and Unusual Matters Which Fall Outside This Fee Schedule

Such matters will be billed at our hourly rates:

David Ware	per hour billed	\$350.00
WI Partners	per hour billed	\$250.00
Associate Attorneys	per hour billed	\$175.00
Paralegals	per hour billed	\$100.00

7. **JSU** – Pending approval by the Attorney General’s Office, the Board approved the request to enter into a contract with Armstrong Law, LLC as outside counsel to provide services as needed in preparing labor certification applications, immigration applications, immigration petitions, and to 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 is one year beginning September 2018. The rates for services are set out in the Fee Schedule below with a maximum amount payable under the contract of \$50,000. This firm carries errors and omissions professional liability insurance coverage in the amount of \$1,000,000.

Summary of Legal Fees - Jackson State University

<u>Type of Immigration Processing</u>	<u>Attorney’s Fees¹</u>
Permanent resident status (“green card”/immigrant) processing – labor certification required ²	
“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 ³	\$2,500.00
“Basic recruitment” labor certification for non-teaching positions	\$3,500.00
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
Preparation for and attendance at USCIS interview	\$1,500.00

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Application to renew employment authorization and/or advance parole (per application)	\$ 350.00
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¹Exclusive 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 \$275 an hour)

²Regulations require employer to pay all costs relating to labor certification, including all costs of recruitment.

³Re-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.

8. **JSU** – Pending approval by the Attorney General’s Office, the Board approved the request to enter into a contract with David Ware & Associates, LLC d/b/a 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 September 2018 and shall expire no later than one year thereafter, subject to renewal, if necessary. The fee schedule is set out below and the maximum amount payable under this contract is \$50,000. This firm carries errors and omissions professional liability insurance coverage in the amount of \$100,000 per occurrence with an aggregate of \$300,000.

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$1500.00
H-1B extension or amendment petitions (we handled original petition)	\$1000.00
TN petition or border/consulate processing	\$1500.00
TN extension petition (we handled original)	\$1000.00
E-3 petition or consular processing	\$1500.00
E-3 extension petition (we handled original)	\$1000.00
O-1 petition	\$4000.00
O-1 extension or amendment petition (we handled original)	\$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 \$2500.00 if position must be readvertised
\$500-1500.00	Additional fee if audited
\$2500.00	Immigrant petition

Permanent Residence Process with Labor Certification: Non-Faculty

\$4000.00	Labor certification
\$500-\$1500.00	Additional fee if audited
\$2500.00	Additional fee if subject to supervised recruitment
\$2500.00	Immigrant petition

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Permanent Residence Process: Outstanding Professors and Researchers

\$6000.00 Immigrant petition

Permanent Residence Process: National Interest Waiver

\$6000.00 Immigrant petition

Adjustment of Status, any Employment-Based Permanent Residence Matter

\$2000.00 Adjustment of status and related applications (I-765, I-131, etc.) for employee

\$2500.00 Standalone AOS and related applications, principal.

\$1000.00 Adjustment of status and related applications, spouse, if together with principal application and I 140.

\$ 750.00 Adjustment of status of each child, concurrent with I 140.

\$1500.00 “Standalone” adjustment of status, spouse (not concurrent with I 140).

\$1000.00 “Standalone” adjustment of status, child.

Employment Authorization and Advance Parole Renewal

\$500 Employment Authorization Renewal per individual

\$500 Advance Parole Renewal per individual

General Legal Advice and Unusual Matters Which Fall Outside This Fee Schedule

Such matters will be billed at our hourly rates:

David Ware \$300 per hour billed.

WI Partners \$250 per hour billed.

Associate Attorneys: \$175 per hour billed.

Paralegals: \$100 per hour billed.

PERSONNEL REPORT

9. **EMPLOYMENT**

University of Mississippi

David Puleo; *hired with tenure*; Dean of the School of Engineering and Professor of Biomedical Engineering; salary \$325,000 per annum, pro rata; E&G Funds; 12-month contract; effective August 27, 2018

10. **CHANGE OF STATUS**

Jackson State University

Preselfannie McDaniels, *from* Chair and Professor, Department of English and Modern Foreign Language; salary \$98,000 per annum, pro rata; E&G Funds; 9 month contract; *to* Interim Dean & Professor of the Division of Graduate Studies; salary \$122,500 per annum, pro rata; E&G Funds; 12 month contract; effective July 1, 2018

ADMINISTRATION/POLICY

11. **SYSTEM** – Approved the appointment of Trustee Gee Ogletree as the next representative for the IHL Board on the Mississippi Commission for Volunteer Service (MCVS) Board of Commissioners in accordance with Miss. Code § 43-55-1 et seq. Trustee Ogletree will serve a three-year term from October 1, 2018 to September 30, 2021.

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September 20, 2018**

INFORMATION AGENDA

Presented by Commissioner Alfred Rankins, Jr.

REAL ESTATE

1. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the August 16, 2018 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.**)
3. **MUW** – Trustee Ann Lamar, as Board Legal Committee Chair, on behalf of the Board, has approved the university's emergency request to contract with attorneys Jim Grizczak and Sherri Krause of McDonald Hopkins as outside counsel to provide legal services related to a cyber incident. The term of the contract began August 30, 2018 and will continue until the matter is resolved. Services are provided at an hourly rate of \$365 for partners and \$290 for associates, with a maximum amount payable under the contract of \$50,000. MUW is insured for cyber incident response and carries a deductible for legal services related to a covered incident of \$5,000. Therefore, MUW will not be responsible for more than \$5,000 of the \$50,000 maximum amount payable under the contract. McDonald Hopkins carries professional liability coverage in the amount of \$5,000,000 per occurrence and \$5,000,000 annual aggregate.

ADMINISTRATION/POLICY

4. **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. **ASU** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 6, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to several FY 2018 *Ayers* academic programs budget. It appears that these revisions were necessary to align 2018 budgets to individual program needs as of the end of the year. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.
 - b. **ASU** – 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 August 13, 2018, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between ASU and Days Inn of Natchez for the lease of 25 rooms to be used as short-term overflow student housing. The term of the lease is August 19, 2018 through September 9, 2018 at a cost of \$24,200 to be paid in two installments as set out in Section 3 of the Agreement. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

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- c. **ASU** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 28, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to several FY 2018 *Ayers* academic programs budget. It appears that these revisions were necessary to align 2018 budgets to individual program needs as of the end of the year, due to rounding variances. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.
- d. **DSU** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On August 22, 2018, Commissioner Alfred Rankins, Jr. approved the Ground Lease with Delta State University Foundation, Inc., for the lease of approximately 1.8 acres on the Delta State campus on which to construct a home for the President of the University. The Foundation will bear all costs for the building of an approximately 6,000 square foot, five-bedroom, five-bath home on the site. The lease will run through midnight on March 31, 2020, or such earlier time as the construction is completed. After construction is completed, the Lease will terminate and the home will become the property of DSU, to be operated as part of the university facilities. The Attorney General’s Office has reviewed and approved the contract documents.
- e. **JSU** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 27, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to several FY 2018 *Ayers* academic programs budgets. It appears that these revisions were necessary to align 2018 budgets to individual program needs as of the end of the year. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories and between various programs. A copy of the documents is on file at the Board Office.
- f. **JSU** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On September 4, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to the On Campus Budget, the *Ayers* Budget, the Auxiliary Enterprises Budget, the Walter Payton Health & Wellness Center Budget, the University Stadium Budget, and the Athletics Budget for Fiscal Year 2018. The Executive Office financial staff have reviewed

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and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.

- g. **MSU** - In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, “the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board.” On August 8, 2018, Commissioner Alfred Rankins, Jr. approved the Traffic and Parking Rules and Regulations. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the 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.” On September 4, 2018, Commissioner Alfred Rankins, Jr. approved the proposed amendment to Lease No. 57-6060-15-049 between MSU and the USDA Agricultural Research Service for land in the North Mississippi Branch Station in Marshall County, MS to be used for government agricultural research purposes. The amendment to the existing lease is for the purpose of reducing the amount of acreage from 46.05 to 18.0, changing the buildings included in the lease, and amending the renewal periods. The amended term of the Lease is from July 1, 2018 through June 30, 2019. No other provisions of the original lease agreement have been changed. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the documents.
- i. **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 September 6, 2018, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between MSU and The Mississippi State University Foundation to allow for the construction of a demonstration wetland and associated upland prairie to be used both as an outdoor laboratory for environmental education, as well as a destination for campus visitors. The term of the lease will be for up to two years or until the completion of improvements, whichever comes first, beginning November 1, 2018. The MSU Foundation will make the improvements at no cost to the University with the result that all improvements made to and on the premises shall be owned “free and clear” by the University upon the termination of the lease. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the documents.
- j. **MUW** – 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

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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 August 17, 2018, Commissioner Alfred Rankins, Jr. approved the Facilities Lease Agreement between MUW and the Columbus Municipal School District for use of CMSD's baseball facilities for MUW's baseball program. The term of the lease is September 1, 2018 through May 31, 2020 at a total cost of \$18,200 to be paid in four equal installments of \$4,550 each, the first of which is due on or before September 30, 2108, with a subsequent payment schedule set out in Section 3 of the Agreement. The Attorney General's Office has reviewed and approved the contract documents.

- k. **MVSU** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 6, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to several FY 2018 *Ayers* academic programs budgets. It appears that these revisions were necessary to align 2018 budgets to individual program needs as of the end of the year. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.
- l. **UM** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On August 6, 2018, Commissioner Alfred Rankins, Jr. approved the renewal request concerning Amendment No. 1 to the Agreement for Bookstore Services between the university and Barnes & Noble College Booksellers, LLC. This Amendment renews the current contract by extending the terms of the original agreement by five years or through December 14, 2026 and revises language in Sections 12, 18, 20, and 24 of the original Agreement. The contract renewal results in additional revenues for the institution. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- m. **UM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 13, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to the On Campus Budget, Off Campus Budget, Center for Manufacturing Excellence Budget, State Court Education Program Budget, Mississippi Mineral Resources Institute Budget, Mississippi Law Research Institute Budget, Research Institute of Pharmaceutical Science Budget, Super Computer Budget, and the Small Business Development Center Budget for Fiscal Year 2018. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but

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rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.

- n. **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.” 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 September 4, 2018, Commissioner Alfred Rankins, Jr. approved the lease and prepayment by UMMC for Mathematics and Science Education to the Jones County Junior College Advance Technology Center in the amount of \$400 for classroom space rental in which to host a mathematics teacher training session on December 6-7, 2018. 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 August 27, 2018, Commissioner Alfred Rankins, Jr. approved the Lease Agreement with Carroll County, Mississippi for the lease of approximately 2,056 square feet of clinic space located at the Herbert R. Power Health Clinic in Vaiden, MS. The term of the lease is three years beginning September 1, 2018 at a total cost of \$55,512 or \$18,504 annually. This request was previously reported to the Board on August 16, 2018 with the incorrect contract amount. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- p. **UMMC** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On August 27, 2018, Commissioner Alfred Rankins, Jr. approved the Rental Agreement between UMMC and Respironics, Inc. for the rental of OmniLab Advanced + Heated Tube Humidifier Core Package equipment for the sleep lab. The term of this agreement is three years beginning on or about August 21, 2018 at a total cost of \$5,400 or \$15.00 per unit per month for 10 unites to be billed monthly. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- q. **UMMC** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On September 6, 2018, Commissioner Alfred Rankins, Jr. approved the revisions the Consolidated Budget, the School of Medicine Budget, the School of Nursing Budget, the School of Health Related Professions Budget, the School of Dentistry Budget, the

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School of Population Health Budget, the University Hospital Budget, and the Medical Center Service Area Budget for Fiscal Year 2018. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budgets but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.

- r. **USM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 13, 2018, Commissioner Alfred Rankins, Jr. approved the revisions to the On Campus Budget (Hattiesburg Campus), Off Campus Budget (Gulf Coast Campus), Auxiliary Enterprises Budget, and Gulf Coast Research Laboratory Budget for Fiscal Year 2018. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.
- s. **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.” 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 August 29, 2018, Commissioner Alfred Rankins, Jr. approved the request to renew the agreement between USM and United Healthcare to provide health insurance to its graduate assistants, resident assistants, and international students. In May 2017, the IHL Board approved an agreement between the parties with a one-year policy term running from August 15, 2017 - August 14, 2018. According to the Agenda write-up, the parties have the option to enter into mutually agreed upon annual renewals. The annual premiums for students have increased from \$2,039 to \$2,129, a 4.4% increase. Premiums are payable in advance. The total annual premium paid in FY2018 was \$1,813,433, and the estimated total annual premium for FY2019 is \$1,891,440, a 4.3% increase. This expected increase does not exceed 110% of the total premiums paid under the policy approved by the Board. The Attorney General’s Office has reviewed and approved the contract documents.

ANNOUNCEMENTS

- President Hooper announced that the next Board meeting will be October 19, 2018 at the Board Office.

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EXECUTIVE SESSION

On motion by Trustee Ogletree, seconded by Trustee Starr, with Trustees Dye, Martin, and Morgan absent and not voting, all Trustees legally present and participating voted unanimously to close the meeting to determine whether to declare an Executive Session. On motion by Trustee Parker, seconded by Trustee Ogletree, with Trustee Martin absent and not voting, all Trustees legally present and participating voted unanimously to enter into Executive Session for the reason reported to the public and stated in these minutes, as follows: Discussion of a personnel matter at Jackson State University.

During Executive Session, the following matter were discussed:

The Board discussed a personnel matter at Jackson State University. **No action was taken.**

On motion by Trustee Ogletree, seconded by Trustee Starr, with Trustee Martin absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.

ON MOTION BY TRUSTEE OGLETREE, SECONDED TRUSTEE LUCKEY, WITH TRUSTEES DYE, MARTIN, AND MORGAN ABSENT AND NOT VOTING, ALL TRUSTEES LEGALLY PRESENT AND PARTICIPATING VOTED UNANIMOUSLY TO RECESS THE BOARD MEETING UNTIL FRIDAY, SEPTEMBER 21, 2018 AT 9:00 A.M.

THE BOARD MEETING RECONVENED FRIDAY, SEPTEMBER 21, 2018 AT 9:00 A.M. There were present the following members to wit: Dr. Steven Cunningham, Mr. Tom Duff, Dr. Ford Dye, Mr. Shane Hooper, Ms. Ann H. Lamar, Ms. Jeanne Carter Luckey, Mr. Chip Morgan, Mr. Gee Ogletree, and Dr. J. Walt Starr. Mr. Bruce Martin, Dr. Alfred E. McNair, Jr., and Mr. Hal Parker were absent. The meeting was called to order by President Shane Hooper.

OTHER BUSINESS

- The Board discussed various policies one of which was the threshold for prepayments requiring Commissioner approval under Board Policy 707.01 Land, Property, and Service Contracts. On motion by Trustee Luckey, seconded by Trustee Cunningham, with Trustees Martin, McNair, and Parker absent and not voting, all Trustees legally present and participating voted unanimously to revise Board Policy 707.01 Land, Property, and Service Contracts to delegate to the Institutional Executive Officers or their designee the authority to approve prepayments on behalf of the Board if the prepayment is in an amount of \$5,000 or less and to waive the requirement for a second reading of this revision in accordance with Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies.

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ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

- Exhibit 1 Real Estate items that were approved by the IHL Board staff subsequent to the August 16, 2018 Board meeting.
- Exhibit 2 Report of the payment of legal fees to outside counsel.

EXHIBIT 1

September 20, 2018

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE AUGUST 16, 2018 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.

DELTA STATE UNIVERSITY

1. DSU– GS 102-260 – Zeigel Hall Renovation

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #4

Board staff approved Change Order #4 in the amount of \$15,310.86 and forty-four (44) additional days to the contract of Roy Collins Construction Co., Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, September 4, 2018

Change Order Description: Change Order #4 includes the following items: installed ten (10) acoustical wall panels; replaced damaged sidewalk; provided handicap accessible access to the building; and forty-four (44) days to the contract.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications; user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$320,278.90.

Project Initiation Date: August 15, 2013

Design Professional: Architecture South

General Contractor: Roy Collins Construction Co., Inc.

Total Project Budget: \$6,365,377.11

JACKSON STATE UNIVERSITY

2. JSU- GS 103-281 - Alexander Center Renovations PH II (Elevator Replacement)

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

EXHIBIT 1

September 20, 2018

Board staff approved Change Order #5 in the amount of \$66,223.68 and zero (0) additional days to the contract of Fountain Construction Company. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, August 14, 2018

Change Order Description: Change Order #5 includes the following items: repairs made to two (2) elevator shaft walls.

Change Order Justification: These changes were due to the increase of the scope of the repair work in the two (2) existing elevator shafts.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$155,093.28.

Project Initiation Date: October 17, 2013

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Fountain Construction Company

Total Project Budget: \$1,650,000.00

3. **JSU- GS 103-281 - Alexander Center Renovations PH III**

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the amount of \$54,900.00 and zero (0) 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, August 14, 2018

Change Order Description: Change Order #5 includes the following items: replaced the gravel pathway with a concrete sidewalk; and added a storm drainage system.

Change Order Justification: These changes were user/owner requested modifications.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$191,045.75.

Project Initiation Date: February 18, 2016

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Sullivan Enterprises, Inc.

Total Project Budget: \$2,018,827.06

MISSISSIPPI STATE UNIVERSITY

4. **MSU – GS 105-355 – Engineering and Science Complex (Engineering Building)**

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 \$25,999,000.00 to the apparent low bidder, West Brothers Construction, Inc.

Approval Status & Date: APPROVED, August 27, 2018

Project Initiation Date: June 18, 2015

Design Professional: Eley Guild hardy Architects

General Contractor: West Brothers Construction, Inc.

Total Project Budget: \$34,000,000.00

EXHIBIT 1

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5. **MSU– GS 113-136 – Meat Science Laboratory**

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #7

Board staff approved Change Order #7 in the credit amount of \$62,347.04 and twenty-one (21) additional days to the contract of Construction Services, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, August 27, 2018

Change Order Description: Change Order #7 includes the following items: added additional hot water wash down stations; installed a disconnect for the hock cutter; changed the electrical mods to a splitting saw; liquidated damages assessed; and twenty-one (21) days to the contract.

Change Order Justification: These changes were due to errors and omissions in the plans & specifications; user/owner requested modifications; liquidated damages due to the late completion date and days for work as indicated herein.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$69,817.81.

Project Initiation Date: October 17, 2013

Design Professional: Pryor/Morrow PC

General Contractor: Construction Services, Inc.

Total Project Budget: \$8,200,000.00

6. **MSU– GS 113-145 – NWARC Roof Replacement**

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$30,220.00 and eighteen (18) additional days to the contract of Independent Roofing Systems, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, August 2, 2018

Change Order Description: Change Order #1 includes the following item: repairs made to parapet wall.

Change Order Justification: These changes were due to latent job site conditions.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$30,220.00.

Project Initiation Date: October 21, 2016

Design Professional: Pryor/Morrow PC

General Contractor: Independent Roofing Systems, Inc.

Total Project Budget: \$1,000,000.00

7. **MSU– IHL 205-279 – Addition & Renovation to Dudy Noble Field**

Approval Request #1: Change Order #9

Board staff approved Change Order #9 in the credit amount of \$155,985.39 and zero (0) additional days to the contract of Jesco, Inc.

Approval Status & Date: APPROVED, August 14, 2018

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Change Order Description: Change Order #9 includes the following items: changes made to sequence 4 & 5 steel support angles; added additional stadium seating in Omaha Club and suite areas; changes made to the structural steel to support the CIP stairs at the end of the seating area; added right field berm railing; revisions made to door hardware & rough-in; credit for reconciliation of building controls; provisions made for view level ice merchandiser; revisions made to millwork in the ticket office and player's lounge; the existing mechanical room was subdivided to create a separate storage room; and added a tv in in the team meeting room.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications; and user/owner requested modifications.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$1,490,277.08.

Project Initiation Date: August 15, 2013

Design Professional: Wier Boerner Allin Architects, PLLC

General Contractor: Jesco, Inc.

Total Project Budget: \$55,000,000.00

8. **MSU– IHL 205-290 – Painting and Carpeting of Ruby Hall**

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$15,409.64 and zero (0) additional days to the contract of Ralph McKnight & Son Construction, Inc.

Approval Status & Date: APPROVED, August 14, 2018

Change Order Description: Change Order #1 includes the following items: a more durable paint was applied on the bathroom ceilings; and installed 2-1/4" trim at three (3) sides of the PTAC unit.

Change Order Justification: These changes were due to user/owner requested modifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$15,409.64.

Project Initiation Date: March 5, 2018

Design Professional: Architecture South, P.A.

General Contractor: Ralph McKnight & Son Construction, Inc.

Total Project Budget: \$1,597,740.00

UNIVERSITY OF MISSISSIPPI

9. **UM– IHL 207-372 - South Campus Recreation Facility & Transportation Hub** **Approval Request #1: Change Order #8**

Board staff approved Change Order #8 in the amount of \$93,484.01 and zero (0) additional days to the contract of Zellner Construction Services, LLC.

Approval Status & Date: APPROVED, August 9, 2018

Change Order Description: Change Order #8 includes the following items: modified the sprinkler locations below the studio mezzanine; changed the wood stain to the basketball courts; changed the WF-2 flooring to RexillaBase SP; installed power to the temporary

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bus gates; changed the color of the metal panel under the curtainwall at the track from clear anodized to Ole Miss red; scanned the floor slab to determine the scope of the slab in preparation for the new flooring; demolished the pavement and the new asphalt paving addition; the temporary paved driveway (and associated grading) was eliminated from the scope of the work.

Change Order Justification: These changes were necessary due to errors and omissions in the plans and specifications; latent jobsite conditions; and user/owner requested modifications.

Total Project Change Orders and Amount: Seven (8) change orders for a total amount of \$1,639,563.63.

Project Initiation Date: June 20, 2013

Design Professional: JBHM Architects, P.A.

General Contractor: Zellner Construction Services, LLC.

Phased Project Budget: \$28,840,676.59

Total Project Budget: \$32,000,000.00

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

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$7,392.34 and zero (0) additional days to the contract of CIG Contractors, Inc.

Approval Status & Date: APPROVED, August 22, 2018

Change Order Description: Change Order #2 includes the following items: added a FEMA louver; added an exterior roof ladder with a safety cage and cage gate; credit to omit rough-ins for the projection equipment; credit for the difference in cost between the original interior signage work scope and the new work scope; and credit for the balance of the controls allowance.

Change Order Justification: These changes were due to changes in requirements or recommendations by governmental agencies; errors and omissions in the plans and specifications; and user/owner requested modifications.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$8,658.34.

Project Initiation Date: August 18, 2016

Design Professional: Shafer & Associates, PLLC

General Contractor: CIG Contractors, Inc.

Total Project Budget: \$1,300,000.00

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

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$30,001.96 and zero (0) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, August 22, 2018

Change Order Description: Change Order #1 includes the following items: tuck pointing and asbestos abatement to the project area.

Change Order Justification: This change was necessary due to latent job site conditions.

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Total Project Change Orders and Amount: One (1) change order for a total amount of \$30,001.96.

Project Initiation Date: February 18, 2016

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

General Contractor: Barnes & Brower, Inc.

Total Project Budget: \$1,300,000.00

12. UM– IHL 207-428 – East Campus Electrical Modifications

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$18,596.00 and five (5) additional days to the contract of McInnis Electric Co.

Approval Status & Date: APPROVED, August 2, 2018

Change Order Description: Change Order #1 includes the following items: sawcut & removed asphalt across a revised route in a parking lot driveway to facilitate the installation of a communications manhole.

Change Order Justification: These changes were due to latent job site conditions.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$18,596.00.

Project Initiation Date: November 17, 2016

Design Professional: Corbett Legge & Associates, PLLC

General Contractor: McInnis Electric Co.

Total Project Budget: \$1,900,000.00

13. UM– IHL 207-435 – Guyton Drive Modifications

Approval Request #1: Change Order #6

Board staff approved Change Order #6 in the amount of \$5,716.82 and two (2) additional days to the contract of DC Services, LLC.

Approval Status & Date: APPROVED, August 2, 2018

Change Order Description: Change Order #6 includes the following items: relocated a fence to accommodate American Disabilities Act access into the building; used polymeric sand in lieu of mortar for the pavers; removed the light pole base; added an additional curb; and two (2) weather related days to the contract.

Change Order Justification: This change was due to errors and omissions in the plans and specifications; user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$41,176.32.

Project Initiation Date: May 18, 2017

Design Professional: A2H, PLLC

General Contractor: DC Services, LLC

Total Project Budget: \$1,257,400.00

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14. UM – IHL 207-438 – Deaton and Hefley Hall Elevator Refurbishment

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$1,793.04 and zero (0) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, August 2, 2018

Change Order Description: Change Order #2 includes the following item: added a new circuit for the oil cooling unit with a dedicated circuit in the machine room.

Change Order Justification: This change was necessary to avoid overheating issues.

Approval Request #2: Change Order #3

Board staff approved Change Order #3 in the amount of \$3,126.34 and zero (0) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, August 22, 2018

Change Order Description: Change Order #3 includes the following item: added a branch circuit to the outdoor/indoor units for each building.

Change Order Justification: This change was necessary to serve the new HVAC unit and was due to errors and omissions in the plans and specifications.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$7,420.47.

Project Initiation Date: February 18, 2016

Design Professional: Corbett Legge & Associates, PLLC

General Contractor: Barnes & Brower, Inc.

Total Project Budget: \$1,150,000.00

15. UM– IHL 207-439 - Crosby Hall HVAC Upgrades

Approval Request #1: Change Order #3

Board staff approved Change Order #3 in the amount of \$11,756.00 and zero (0) additional days to the contract of Upchurch Plumbing, Inc.

Approval Status & Date: APPROVED, August 2, 2018

Change Order Description: Change Order #3 includes the following items: existing electrical circuits were relocated; removed the existing terminal units and installed the new terminal units; the existing penetrations through the existing mechanical shaft were fire-proofed.

Change Order Justification: These changes were necessary due to latent job site conditions.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$60,293.76.

Project Initiation Date: April 21, 2016

Design Professional: Corbett Legge & Associates, PLLC

General Contractor: Upchurch Plumbing, Inc.

Total Project Budget: \$2,800,000.00

16. UM– IHL 207-442 – Manning Center Training Hydrotherapy Room Renovation

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by A2H, LLC.

Approval Status & Date: APPROVED, August 9, 2018

EXHIBIT 1

September 20, 2018

Approval Request #2: Design Development Documents

Board staff approved the Design Development Documents as submitted by A2H, LLC.

Approval Status & Date: APPROVED, August 17, 2018

Project Initiation Date: February 15, 2018

Design Professional: A2H, LLC

General Contractor: TBD

Total Project Budget: \$1,300,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

17. UMMC– GS 109-223 - Clinical Research Unit

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$10,848.00 and zero (0) additional days to the contract of Fountain Construction Co.; Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, August 22, 2018

Change Order Description: Change Order #1 includes the following items: modified the existing irrigation system and credit for sod and irrigation in the lay-down area; changed the vinyl corner guards to stainless steel; replaced the angled bracing with horizontal support to install a new beam; off-set the stud framing around the existing roof drains; relocated the top wall track in ten (10) locations to miss the existing plumbing; and changed the notice to proceed date to June 5, 2018.

Change Order Justification: These changes were necessary due to errors and 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 \$10,848.00.

Project Initiation Date: February 18, 2016

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Fountain Construction Co.; Inc.

Total Project Budget: \$7,500,000.00

18. UMMC– IHL 209-555 – Children’s of Mississippi Expansion

Approval Request #1: Change Order #3

Board staff approved Change Order #3 in the amount of \$0.00 and zero (0) additional days to the contract of Brasfield & Gorrie, LLC.

Approval Status & Date: APPROVED, August 2, 2018

Change Order Description: Change Order #3 includes the following items: installed a temporary stone at the building pad; installed a temporary generator for the shutdown of Batson; and additional steel was installed.

Change Order Justification: These changes were due to latent job site conditions; user/owner requested modifications & changes in scope.

EXHIBIT 1

September 20, 2018

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$0.00.

Project Initiation Date: January 22, 2015

Design Professional: HDR Architecture

General Contractor: Brasfield & Gorrie, LLC

Total Project Budget: \$180,000,000.00

19. UMMC– IHL 209-558 – MS Center for Emergency Services

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by Gensler Architecture

Approval Status & Date: APPROVED, August 14, 2018

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, August 14, 2018

Approval Request #2 (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 August 21, 2018 to approve the exterior design.

Interim Approval Status & Date: APPROVED, August 21, 2018

Project Initiation Date: March 16, 2017

Design Professional: Gensler Architecture

General Contractor: TBD

Total Project Budget: \$12,699,114.00

20. UMMC– IHL 209-561 – Campus HVAC Upgrades FY18

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Engineering Resource Group.

Approval Status & Date: APPROVED, August 2, 2018

Project Initiation Date: August 17, 2017

Design Professional: Engineering Resource Group

General Contractor: TBD

Total Project Budget: \$5,577,000.00

21. UMMC– IHL 209-563 – Campus Emergency System Upgrades

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Cook Douglass Farr Lemons Architects and Engineers, P.A.

Approval Status & Date: APPROVED, August 14, 2018

Project Initiation Date: August 17, 2017

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

General Contractor: TBD

Total Project Budget: \$6,700,000.00

EXHIBIT 1

September 20, 2018

22. UMMC– IHL 209-568 – West Wing Renovations

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 August 10, 2018 to approve sole source.

Interim Approval Status & Date: APPROVED, August 10, 2018

Approval Request #2: Contract Documents

Board staff approved Contract Documents as submitted by Foil Wyatt Architects

Approval Status & Date: APPROVED, August 14, 2018

Approval Request #3: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, August 14, 2018

Project Initiation Date: May 17, 2018

Design Professional: Foil Wyatt Architects

General Contractor: TBD

Total Project Budget: \$2,950,000.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

23. USM– GS 108-281 – Greene Hall Renovations

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the amount of \$1,736.53 and forty-five (45) additional days to the contract of B.W. Sullivan Building Contractor, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, August 22, 2018

Change Order Description: Change Order #5 includes the following items: added additional fire sprinkler heads; revisions made to the air control valve & electrical; and forty-five (45) days to the contract.

Change Order Justification: These changes were due to user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: Five (5) change orders for a total credit amount of \$350,784.03.

Project Initiation Date: August 17, 2007

Design Professional: Allred Architectural Group, P.A.

General Contractor: B.W. Sullivan Building Contractor, Inc.

Total Project Budget: \$13,000,000.00

EXHIBIT 2

September 20, 2018

SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Ware Immigration (statement dated 8/1/18) from the funds of Alcorn State University. (This statement, in the amount of \$4,000.00 represents services and expenses in connection with immigration/labor certification.)

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

Payment of legal fees for professional services rendered by Brunini, PLLC (statement dated 8/16/18) from the funds of Mississippi State University. (This statement, in the amount of \$312.50, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 312.50

Payment of legal fees for professional services rendered by Butler Snow (statement dated 8/14/18) from the funds of Mississippi State University. (This statement, in the amount of \$472.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 472.00

Payment of legal fees for professional services rendered by Ware Immigration (three statements, each dated 8/1/18) from the funds of Mississippi State University. (These statements, in the amounts of \$4,000.00, \$2,500.00 and \$4,000.00, represent services and expenses in connection with immigration/labor certification.)

TOTAL DUE.....\$ 10,500.00

Payment of legal fees for professional services rendered by Butler Snow (statements dated 3/19/18, 5/9/18, 6/7/18 and 7/17/18) from the funds of the University of Mississippi. (These statements, in the amounts of \$2,920.50, \$2,625.50, \$767.00 and \$590.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 6,903.00

Payment of legal fees for professional services rendered by Mayo|Mallette (statements dated 4/10/18, 5/8/18, 7/6/18, 7/6/18 and 8/7/18) from the funds of the University of Mississippi. (These statements, in the amounts of \$1,121.00, \$6,556.49, \$2,545.00, \$5,565.00 and \$4,806.55, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 20,594.04

EXHIBIT 2

September 20, 2018

Payment of legal fees for professional services rendered by Ware Immigration (statement dated 6/1/18, 6/1/18, 6/1/18, 8/1/18, 8/1/18, 8/1/18, 8/1/18, 8/1/18, and 8/1/18) from the funds of the University of Mississippi. (These statements, in the amounts of \$75.35, \$4,000.00, \$24.39, \$97.79, \$104.42, \$41.20, \$6,000.00, \$22.24, and \$2,500.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 12,865.39

Payment of legal fees for professional services rendered by Baker Donelson Bearman Caldwell & Berkowitz, PC (statement dated 6/13/18) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$10,741.50, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 10,741.50

Payment of legal fees for professional services rendered by Butler Snow, LLP (statements dated 6/13/18, 6/13/18, 6/13/18, 6/14/18, 6/15/18, 6/21/18 and 7/6/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$501.50, \$10,000.00, \$8,791.00, \$19,346.70, \$2,183.00, \$11,496.60 and \$58,176.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 110,494.80

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statements dated 6/15/18 and 6/20/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,161.50 and \$709.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 6,871.00

Payment of legal fees for professional services rendered by Hagwood Adelman Tipton, PC (seven statements, each dated 6/14/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$627.00, \$12.00, \$321.00, \$51.00, \$51.00, \$172.50 and \$84.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,318.50

Payment of legal fees for professional services rendered by Hogan|Lovells (statement dated 6/28/18) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$2,494.30, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,494.30

EXHIBIT 2

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Payment of legal fees for professional services rendered by Page Kruger & Holland (five statements, each dated 6/11/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,250.62, \$214.50, \$363.00, \$16.50 and \$82.50, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 3,927.12

Payment of legal fees for professional services rendered by Scott, Sullivan, Streetman & Fox, P.C. (ten statements, each dated 6/11/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$49.50, \$67.50, \$259.00, \$486.00, \$742.50, \$94.50, \$54.00, \$472.50, \$132.00, and \$310.50, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,668.00

Payment of legal fees for professional services rendered by Steen, Dalehite and Pace (statements dated 5/31/18, 6/25/18, 6/30/18 and 6/30/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$10,690.90, \$5,250.00, \$148.50 and \$8,607.10, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 24,696.50

Payment of legal fees for professional services rendered by Stites & Harbison PLLC (statement dated 6/11/18) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$2,460.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,460.00

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 1/24/18, 4/24/18, 5/15/18, and 6/21/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$396.00, \$759.00, \$181.50 and \$2,260.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 3,597.00

Payment of legal fees for professional services rendered by Whitfield Law Group (statements dated 6/13/18, 6/13/18, 6/13/18, 6/13/18, 7/2/18, 7/2/18 and 7/2/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$622.50, \$3,411.20, \$1,816.50, \$6,538.50, \$3,136.40, \$1,950.00 and \$5,058.80, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 22,533.90

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Payment of legal fees for professional services rendered by Butler Snow (statement dated 7/17/18) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$236.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 236.00

Payment of legal fees for professional services rendered by Ware Immigration (two statements, each dated 8/1/18) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$1,500.00 and \$39.65, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 1,539.65

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 5/22/18 and 6/14/18) from the funds of the Mississippi State University. (These statements represent services and expenses in connection with the following patents: “A Y161F Hemagglutinin Substitution Increases Thermostability and Improves Yields of 2009 H1N1 Influenza A in Cells” - \$6,039.00; “Kim – Listeria and Salmonella Assay Methods and Kits” - \$350.00)

TOTAL DUE.....\$ 6,389.00

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 1/5/18, 1/5/18, 5/22/18, 5/22/18, and 5/22/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Therabot (Word Mark)” - \$225.00; “Therabot: A Support Companion (Logo)” - \$225.00; “Bandwidth-Based Methodology for Controlling and Optimally Designing a Hybrid Power System” - \$50.00; “Improved Actuator Control System” - \$70.00; “Accessories for Raman and Luminescence Spectral Acquisitions” - \$1,843.00).

TOTAL DUE.....\$ 2,413.00

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Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dated 6/11/18, 6/11/18, 7/5/18 and 7/5/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Engineering of the Production of a Conformational Variant of Occidiofungin that has Enhanced Inhibitory Activity Against Fungal Species” - \$843.15; “Occidiofungin. A Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$65.00; “Engineering of the Production of a Conformational Variant of Occidiofungin that has Enhanced Inhibitory Activity Against Fungal Species” - \$201.50; “Phenoxyalkyl Pyridinium Oxime Therapeutics for Treatment of Organophosphate Poisoning” - \$997.75).

TOTAL DUE.....\$ 2,107.40

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 4/19/18, 4/19/18 and 5/23/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Horstemeyer, et al. / Extruder Device” - \$218.00; “Coyne: Novel and Unique Botanical and Natural-Origin Candidate Anti-Neoplastic” - \$1,000.00; and “Horstemeyer, et al. / Extruder Device” - \$1,580.50.)

TOTAL DUE.....\$ 2,798.50

Payment of legal fees for professional services rendered by Armstrong|Teasdale (four statements, each dated 7/26/18) 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 - \$328.57; “Systems and Methods for Detecting Transient Acoustic Signals” - \$140.56; “Laser Multibeam Differential Interferometric Sensor and Methods for Vibration Imaging” – \$209.28; and “Systems and Methods for Preparing Solid Lipid Nanoparticles” - \$35.00.)

TOTAL DUE.....\$ 713.41

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 7/6/18 and 7/30/18) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Cache Mapping Technology Matter” - \$8,997.50; and “Cache Mapping Technology Matter” – \$17,497.30.)

TOTAL DUE.....\$ 26,494.80

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 6/29/18, 7/5/18, 7/5/18, 7/5/18, 7/5/18, 7/26/18, 8/3/18, 8/6/18, 8/6/18, 8/6/18, 8/6/18, 8/6/18, and 8/6/18) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Potent Immunostimulants for Microalga” – \$857.50; “Potent Immunostimulatory Polysaccharides Extracted from Microalga” - \$678.97; “Potent Immunostimulants from Microalga” - \$1,199.99; “Potent Immunostimulants from Microalga” - \$1,780.25; “Potent Immunostimulants from Microalga” - \$1,257.03; “Isolation of pure cannabinoids from Cannabis” - \$309.05;

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“Potent Immunostimulants from Microalga” - \$1,529.00; “Potent Immunostimulants from Microalga” - \$1,295.00; “Potent Immunostimulants from Microalga” - \$2,458.00; “Potent Immunostimulants from Microalga” - \$1,967.00; “Potent Immunostimulants from Microalga” - \$1,480.00; “Potent Immunostimulants from Microalga” - \$1,350.00; and Potent Immunostimulants from Microalga” - \$2,156.00).

TOTAL DUE.....\$ 18,317.79

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/11/18, 6/11/18, 6/11/18, 7/24/18, 7/24/18, 7/24/18, 7/24/18 and 7/24/18) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Stabilized Formulation of Triamcinolone Acetonide: - \$47.50; “Use of Trans-Gnetin H or Extracts Containing Genetic H as a Lactic Acid Production Inhibitor” - \$28.50; “Amphotericin Loaded Pegylated Lipid Nanoparticles for Human Veterinary Use” - \$44.00; “Compositions Comprising Highly Purified Amphotericin B” - \$2,142.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$180.00; “High Photovoltage Per Area by Sequential Series Tandem (SST) Stacked Device Architecture for Dye-Sensitized Solar Cells” - \$1,650.00; “Amphotericin Loaded Pegylated Lipid Nanoparticles for Human Veterinary Use” - \$1,056.00; and Cytochrome BC1C Complex Inhibitors for Drug-Resistant and Other Parasitic, Fungal and Bacterial Strains” - \$3,735.00.)

TOTAL DUE.....\$ 8,883.00

Payment of legal fees for professional services rendered by Stites & Harbison (four statements, each dated 6/11/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$998.32, \$325.00, \$47.50, and \$2,400.00, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 3,770.82

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
October 2, 2018**

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 meeting held at Alcorn State University in the President's Dining Room of the Dr. Clinton Bristow, Jr. Dining Facility in Lorman, Mississippi, at 5:00 p.m. At the above-named place there were present the following members to with: Dr. Steven Cunningham (by phone), Dr. Ford Dye (by phone), Mr. Shane Hooper, Ms. Ann H. Lamar, Ms. Jeanne Carter Luckey, Mr. Bruce Martin (by phone), Mr. Chip Morgan, Mr. Hal Parker, Mr. Gee Ogletree, and Dr. J. Walt Starr (by phone). Mr. Tom Duff and Dr. Alfred E. McNair, Jr were absent. The meeting was called to order by President Shane Hooper.

The Board discussed the Alcorn State University Presidential Search.

On motion by Trustee Lamar, seconded by Trustee Parker, with Trustees Duff and McNair absent and not voting and Trustees Cunningham, Dye, and Martin participating by phone, all Trustees legally present and participating voted unanimously to approve the appointment of the Alcorn State University Board Search Committee members as follows: Trustee Shane Hooper (Chair), Trustee Ann Lamar, Trustee Jeanne Carter Luckey, Trustee Chip Morgan, and Trustee Hal Parker.

On motion by Trustee Lamar, seconded by Trustee Luckey, with Trustees Duff and McNair absent and not voting and Trustees Cunningham, Dye, and Martin participating by phone, all Trustees legally present and participating voted unanimously to launch a national search for the next president of Alcorn State University.

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Luckey, seconded by Trustee Morgan, with Trustees Duff and McNair absent and not voting and Trustees Cunningham, Dye, and Martin participating by phone, all Trustees legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
ACADEMIC AFFAIRS
OCTOBER 18, 2018**

1. SYSTEM – APPROVAL OF NEW ACADEMIC UNITS

Board Policy 502: New Academic Programs and Units states: “*Requests to establish new degree programs, colleges, schools, departments, institutes, and centers will be considered by the Board on a schedule and in accordance with guidelines and procedures to be determined by the Commissioner after consultation with the Institutional Executive Officers.*”

In accordance with Board policy, approval is requested for establishing the following academic units.

CENTERS AND INSTITUTES

- a. *University of Mississippi* requests approval of the *Center for Civil War Research*. The Center for Civil War Research will provide a more thorough understanding of the American Civil War, its history and its scholarship, especially of the memory of the war, to our university community and beyond. The goals of the center are synergistic with the goals of the University’s Strategic Plan. All funding will be provided by private donors or external grants. Private sources such as the Harry Owens Civil War Library Fund and the William A. McMinn University of Mississippi Center for Civil War Research Endowment provide funds for the Center, totaling \$627,599 currently available.

- b. *University of Mississippi* requests approval of *The Haley Barbour Center for the Study of American Politics*. The Center will be an academic center for the study of American campaigns and elections. Drawing from faculty strengths in the Department of Political Science, the College of Liberal Arts, and the University of Mississippi, students would engage in a range of topics and experiences to prepare them for engagement in the American electoral process, from engaged citizens and political party activists to paid campaign advisors and electoral process managers. All funding will be provided by private donors or external grants. The Governor Haley Barbour Endowment for the Study of American Politics has \$1,280,158 as of August 29, 2018. Plans are in place to pursue funding from individuals, corporations, and foundations, as well as state and federal grants.

STAFF RECOMMENDATION: Board staff recommends approval of Items a and b.

2. SYSTEM – APPROVAL OF ACADEMIC UNIT MODIFICATIONS

Board Policy 502: New Academic Programs and Units states: “*Requests to establish new degree programs, colleges, schools, departments, institutes, and centers will be considered by the Board on a schedule and in accordance with guidelines and procedures to be determined by the Commissioner after consultation with the Institutional Executive Officers.*”

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
ACADEMIC AFFAIRS
OCTOBER 18, 2018**

In accordance with Board policy, approval is requested for the following academic unit modifications.

RENAME

- a. *University of Mississippi* requests the renaming of *Meek School of Journalism and New Media* to *School of Journalism and New Media*.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. SYSTEM – APPROVAL OF ACADEMIC PROGRAM MODIFICATIONS

Board Policy 503: Program Modifications states: “As part of its broad constitutional authority to govern the universities, the Board shall exercise its authority to modify programs offered by the universities generally or at various units of the universities.”

In accordance with Board policy, approval is requested for the following academic program modifications.

RENAME

- a. *University of Southern Mississippi (USM)* requests to rename the *Bachelor of Science in Construction Engineering Technology* degree to the *Bachelor of Science in Construction Management* degree. The Construction Industry of Mississippi has endorsed the name change, and name recognition is greater with “Construction Management”. There will be no reduction in courses that use technology. The Construction Management title is a more accurate representation of our degree and should increase our ability to recruit students into the program. Construction Management aligns better with our Design-Build orientation of the shared curriculum of the current architecture and construction courses at USM. This change will allow us to focus on one accrediting body, saving USM time and money.

CONSOLIDATE and RENAME

- b. *University of Southern Mississippi (USM)* requests consolidation of the *Bachelor of Science in Computer Engineering Technology* and the *Bachelor of Science in Electronics Engineering Technology* degrees, and to rename the consolidated degree the *Bachelor of Science in Electronics and Computer Engineering Technology* degree. The Electronics Engineering Technology program (EET) is a closely related field to Computer Engineering Technology (CET). These programs share fundamental classes which present first principles of electricity and electronics and introductory digital courses. Faculty supports both CET and EET programs in varying degrees. The merged program will streamline course offerings.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
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OCTOBER 18, 2018**

SUSPEND

- c. *Mississippi State University (MSU)* requests suspension of the *Bachelor of Science in Business Technology Education (BTE)* degree. While current BTE students are completing the program, the faculty would like to propose a degree modification to the BTE degree that would provide new avenues to not only prepare graduates for the workforce, but to develop qualified graduates to train and prepare others who are currently in or about to enter the workforce. Our preliminary research has led us to investigate curricular requirements for two concentrations: (1) Training and Development and (2) Industrial Workforce Education. Both concentrations would not require licensure as the graduates would not teach in the middle and secondary public schools. Training and development opportunities would include educational, business, industry, and other environments that require training. The industrial workforce development concentration would include highly technical coursework in industrial technology with a business, marketing, communication, and training emphases. Following redesign and curriculum development, the program will be added to the active program inventory.

- d. *Mississippi State University (MSU)* requests suspension of the *Doctor of Philosophy in Applied Economics* degree. A suspension of the Applied Economics PhD program, effective January 1, 2018, will allow MSU to redesign the program and relaunch it with the intent of attracting a larger student enrollment. A greater focus will be placed in Agricultural Economics as the core of the program to brand a more unique and marketable program to provide a workforce needed with these credentials in expanding agricultural and policy sectors. The redesigned program will be unique, focusing on applied (agricultural) economics which is not offered in the other state programs. Following redesign and curriculum development, the program will again be added to the active program inventory.

- e. *University of Southern Mississippi (USM)* requests suspension of the *Master of Science in Forensics* degree. All graduate programs in the School of Criminal Justice, Forensic Science, and Security have been evaluated through the Program Inventory Review process. The program will be deleted following an approved teach-out plan.

- f. *University of Southern Mississippi (USM)* requests suspension of the *Doctor of Philosophy in Criminal Justice* degree. The program has had low enrollment and graduation numbers for several years. The program will be deleted following an approved teach-out plan.

- g. *University of Southern Mississippi (USM)* requests suspension of the *Doctor of Philosophy in Kinesiology* degree. The Kinesiology Ph.D. program has had low enrollment and graduation numbers for several years. The program has three emphasis areas, and even combining those fail to meet board productivity measures. The program will be deleted following an approved teach-out plan.

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- h. *University of Southern Mississippi (USM)* requests suspension of the *Doctor of Philosophy* in *Music Education* degree. The program has had low enrollment and graduation numbers for several years. The program will be deleted following an approved teach-out plan.

DELETE

- i. *Mississippi State University (MSU)* requests deletion of the *Master of Arts* in *Interdisciplinary Sciences* degree. The program has only graduated 8 students over three years and phased out all students in 2015. Students interested in interdisciplinary science at the master's level are obtaining degrees in specialization areas. No students have enrolled since spring, 2015.
- j. *Mississippi State University (MSU)* requests deletion of the *Bachelor of Business Administration (BBA)* in *Real Estate and Mortgage Finance* degree. The BBA Real Estate and Mortgage Financing program was consolidated with the BBA Finance program at MSU. All students enrolled in the Real Estate and Mortgage Financing major have either graduated, switched to the Finance major with an emphasis in Real Estate, or switched to another major. The Real Estate and Mortgage Financing courses continue to be offered as electives for the students in the Finance major. This has been completed as part of a strategic decision by the Department of Finance and Economics to give the department more flexibility on course offerings, address suggestions of the College of Business accrediting body (AACSB) and give students more flexibility within the Finance major.
- k. *Mississippi University for Women (MUW)* requests deletion of the *Bachelor of Science* in *Culinology* degree. Currently, there are no students enrolled in the program and there is no anticipation of any students enrolling in the program. Since the inception of the program, no MUW students have earned the B.S. in Culinology degree.

STAFF RECOMMENDATION: Board staff recommends approval Items a-k.

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1. MSU – REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH SILVER ANALYTICS FOR EXTERNAL EVALUATION FOR THE MS EPSCoR NSF PROJECT

Agenda Item Request: Mississippi State University is seeking approval to contract with **Silver Analytics Consulting Associates, LLC** to serve as the external evaluator for the Mississippi EPSCoR NSF Track 1 project as detailed in the proposal.

Contractor's Legal Name: **Silver Analytics Consulting Associates, LLC**

History of Contract: This contract has not been previously reviewed by the Board.

Specific Type of Contract: This is a new contract for professional services as detailed in the NSF EPSCoR RII Track-1 Proposal (OIA-1757220)

Purpose: The purpose of the contract is for the external evaluation of the Mississippi EPSCoR NSF RII Track-1 CEMOs project as required by NSF. The funded proposal to NSF names Dr. Silvernail to serve as that evaluator. This contract fulfills the commitment to NSF in the proposal.

Scope of Work: The agreement provides for evaluation services over the project's five-year award period. These services include an evaluation plan within the first 120 days of the project approval, collection of baseline data relevant to the evaluation plan, continual tracking of project progress, on-site visitations to meet with project participants, written formative evaluations, development of instruments and interview protocols used for monitoring activities and outcomes, reports on evaluations and interviews, quarterly reports of project progress, and yearly summative evaluations reports for submission to the sponsor. A final external evaluation report will also be provided at the end of the fifth year.

Term of Contract: Start date: The official date of the award (pending NSF) End date: One year from the start date with the option to renew, based upon availability of funding, for up to four (4) additional one (1) year periods. At which time, this agreement shall automatically expire.

Termination Options: MSU may, when the interests of MSU so require, terminate this agreement in whole or in part for the convenience of MSU. Written notice of the same is required to be provided by MSU and shall allow no less than ten (10) days' notice prior to the effective date of the termination. Either party may terminate this agreement immediately upon issuance of written notice if the other party fails to perform the obligations to the other party under this agreement. The party issuing such a termination notice may allow 30 days within which the other party may attempt to cure the failure to fulfill its obligations, but such 30-day cure time is not required.

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Contract Amount: The maximum amount of the contract will be \$400,000. The Contractor may not exceed \$80,000 in any one-year period. MSU will be billed for actual work performed at the agreed upon hourly or per diem rate as follows in addition to all reasonable travel expenses.

- Silvernail - \$800 per day
- Administrative Assistant/secretarial support - \$35 per hour
- Data entry and analysis support - \$75 per hour
- Interview transcription services - \$100 per hour
- Administrative overhead – 5% of total

Funding Source for Contract: The contract will be funded by a federally-funded cooperative agreement with the National Science Foundation as part of the EPSCoR RII Track-1 program.

Contractor Selection Process: The external evaluator was identified by the project’s management team during the 2016-2017 proposal development process in a manner consistent with the selection of other intellectual contributions to a proposal and considered Dr. Silvernail’s prior involvement with the Mississippi EPSCoR program and previous external evaluation work. He was identified in the proposal to the National Science Foundation (NSF) (page 33 of the proposal) where the proposal underwent panel review and was recommended for funding. The NSF Division of Institution and Award Support has analyzed the project element and budgets including the evaluator’s budget and statement of work. On page 1 of the NSF Programmatic Terms and Conditions under General Programmatic Terms and Conditions (PTC) 1. Key Personnel, it indicates that “changes to personnel, organizations, and/or partnerships specifically named in the proposal, that have been approved as part of this award,” require sponsor approval prior to changes being made.

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. Legal Staff has reviewed the proposed Agreement between MSU and Silver Analytics Consulting Associates for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

2. MSU- REQUEST FOR APPROVAL TO AMENDMENT LEASE AGREEMENT WITH JACKSON COUNTY BOARD OF SUPERVISORS AND JACKSON COUNTY PORT AUTHORITY

Agenda Item Request: Mississippi State University requests approval for a modification of an existing lease agreement with **Jackson County Port Authority**, which will relocate the 1.2-acre parcel of land on Singing River Island, MS, approximately 120 feet to the east

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of the current location, which will better accommodate a more advantageous location UAS operations on the island.

Contractor's Legal Name: Jackson County Port Authority

History of Contract: A lease agreement was signed with Jackson County Port Authority in November of 2017 to establish support for Department of Homeland Security Research and Development of Unmanned Aircraft Systems (UAS). The lease is in good standing.

Specific Type of Contract: Modification to existing lease agreement

Purpose: The purpose of this modification is to move the boundaries of the 1.2-acre parcel of land on Singing River Island, MS to better meet our needs for the purpose of UAS operations.

Scope of Work: The 1.2-acre parcel of land on Singing River Island, MS will move approximately 120 feet to the east from the original location. No other changes are to be made at this time.

Term of Contract: The agreement is for three years beginning October 1, 2017 and ending September 30, 2020. Contract may be renewed for up to five consecutive one-year periods upon written agreement of both parties.

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

- The Lessor may terminate the lease only if a prospective lessee intends on leasing the entire island and gives a 180-day written notice to the Lessee.
- In the event Tenant is prohibited without fault on its part at any time during the term from using the Premises for such purposes by any law, ordinance or regulation, Tenant may terminate this Sublease, and Tenant shall have no further obligations under this Sublease, except those which accrued prior to the termination date.
- If Premises is not utilized by Tenant within six (6) months from the beginning date of the agreement, or if commercial fishing, industrial or port usage ceases, the Sublease shall terminate and all rights thereunder shall revert to the Landlord. However, if such non-utilization or cessation of use shall be caused, suspended, delayed or interrupted by act of God, fire, war, rebellion, scarcity of water, insurrection, riot, strike, scarcity of labor, differences with employees, failure of a carrier to transport or furnish facilities for transportation; or as a result of some order, rule or regulation of any federal, state, municipality or other governmental agency; or as the result of failure of the Tenant to obtain any required permit or certificate; or as the result of any cause whatsoever beyond the control of Tenant, the time of such delay or interruption shall not be counted against Tenant in determining such periods of six (6) months.

Contract Amount: Lessee will pay rent quarterly, in advance, in the amount of \$8,523.88, totaling \$34,095.52 annually. The rent is calculated as \$5.00 per square foot for the building

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and \$5,875 per acre for the ground lease (\$5.00 x 5,409.1 square feet; \$5,875 x 1.20 acres). The total rent amount for the 3-year lease totals \$102,286.50.

Funding Source for Contract: The lease will be funded under Task Order 03 of contract W56HZV-17-C-0095 between MSU and the US Army’s Tank Automotive Research, Development and Engineering Center.

Contractor Selection Process: This lease was initiated to complete and comply with the contract cited above. This building and land meet Department of Homeland Security’s specific requirements for their UAS operations.

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. Legal Staff has reviewed the proposed Lease Agreement between Mississippi State University and the Jackson County Port Authority for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

3. MVSU- REQUEST FOR APPROVAL OF BUDGET ESCALATION

Mississippi Valley State University (MVSU) requests permission to escalate its **Auxiliary Enterprises Budget** for FY 2019.

The escalation is requested to augment campus safety initiatives. Initiatives include the purchase of two portable security stations, the repair of the front entrance security gate, the addition of police officers through contractual services, the purchase of lanyards, and the addition of campus safety signage.

Mississippi Valley State University FY 2019 Auxiliary Enterprises Budget by Major Object			
Category	Original FY 2019 Operating Budget	Revision/Escalation	Revised FY 2019 Operating Budget
Salaries, Wages, and Fringe Benefits	\$ 1,806,213	\$ -	\$ 1,806,213
Travel and Subsistence	20,888	-	20,888
Contractual Services	3,881,701	146,000	4,027,701
Commodities	1,791,031	40,000	1,831,031
Capital Outlay: Non-Equipment	-	-	-
Capital Outlay: Equipment	59,820	64,000	123,820
Mandatory Transfers	1,171,606	-	1,171,606
Non-Mandatory Transfers	768,741	-	768,741
Increase in Fund Balance	-	-	-
Total	\$ 9,500,000	\$ 250,000	\$ 9,750,000

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Staff Recommendation: Based on Board Policy 701.06, Budget Escalations and Revisions, *all escalations to the annual budgets of the several institutions and to the annual budgets of the separately budgeted units must be submitted through the Commissioner to the Board of Trustees for approval prior to implementation.* Board staff recommends approval of this item.

4. UM-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH STM CHARTERS, INC. (MEN'S BASKETBALL)

Agenda Item Request: The University of Mississippi Athletics Department requests approval to enter into a contract with **STM Charters, Inc.** for passenger charter air transportation and related services for the Ole Miss Men's Basketball team provided by Elite Airways.

Contractor's Legal Name: STM Charters, Inc.

History of Contract: This is a new contract for the 2018/2019 men's basketball season.

Specific Type of Contract: The agreement is for charter air transportation and related services.

Purpose: The purpose of the contract is to provide passenger charter air transportation and related services for the 2018/2019 men's basketball season.

Scope of Work: STM Charters, Inc. will provide passenger charter air transportation and related services for the 2018/2019 men's basketball season.

Term of Contract: The contract will begin on October 19, 2018 and end on March 9, 2019.

Termination Options: Either party may terminate the Agreement, upon ten (10) days written notice, without further liability to any other party in the event Force Majeure causes the continued performance of this Agreement to be impractical, inadvisable or unprofitable.

Contract Amount: The contract amount is \$363,300 which is billed in two installments.

Funding Source for Contract: The funding source for this contract is self-generated intercollegiate athletic revenues.

Contractor Selection Process: STM Charters, Inc. was selected as contractor through a request for proposals process. STM, in turn, issued a request for proposals for charter air services. Three airline companies offered proposals: RVR Aviation, Contour Aviation,

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and Elite Airways. Elite Airways was selected because it was the only company to offer a 50-passenger plane.

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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi and STM Charters, Inc. for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

5. **UM-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH STM CHARTERS, INC. (WOMEN'S BASKETBALL)**

Agenda Item Request: The University of Mississippi Athletics Department requests approval to enter into a contract with **STM Charters, Inc.** for passenger charter air transportation and related services for the Ole Miss Women's Basketball team provided by Elite Airways.

Contractor's Legal Name: STM Charters, Inc.

History of Contract: This is a new contract for the 2018/2019 women's basketball season.

Specific Type of Contract: The agreement is for charter air transportation and related services.

Purpose: The purpose of the contract is to provide passenger charter air transportation and related services for the 2018/2019 women's basketball season.

Scope of Work: STM Charters, Inc. will provide passenger charter air transportation and related services for the 2018/2019 women's basketball season.

Term of Contract: The contract will begin on October 19, 2018 and end on March 10, 2019.

Termination Options: Either party may terminate the Agreement, upon ten (10) days written notice, without further liability to any other party in the event Force Majeure causes the continued performance of this Agreement to be impractical, inadvisable or unprofitable.

Contract Amount: The contract amount is \$276,600 which is billed in two installments.

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Funding Source for Contract: The funding source for this contract is self-generated intercollegiate athletic revenues.

Contractor Selection Process: STM Charters, Inc. was selected as contractor through a request for proposals process. STM, in turn, issued a request for proposals for charter air services. Three airline companies offered proposals: RVR Aviation, Contour Aviation, and Elite Airways. Elite Airways was selected because it was the only company to offer a 50-passenger plane.

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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi and STM Charters, Inc. for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

6. UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PURCHASING AGREEMENT WITH ABBOTT LABORATORIES, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Abbott Laboratories, Inc.** to purchase the MitraClip Delivery System and related consumable commodities.

Contractor’s Legal Name: **Abbott Laboratories, Inc. (Abbott)**

History of Contract: This is a new agreement.

Specific Type of Contract: Product Purchasing Agreement

Purpose: The purpose of this agreement is to secure pricing for consumable commodities and equipment used with the MitraClip Delivery System. The agreement will allow UMMC to treat patients who have been determined to be poor candidates for mitral valve surgery.

Scope of Work: Under the agreement, Abbott will:

- provide access pricing for the purchase of the MitraClip Delivery System and consumables,
- assist UMMC in the management of its product inventory, and
- proctor procedures where UMMC uses Abbott MitraClip products.

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UMMC will:

- provide Abbott representatives access to UMMC facilities

Term of Contract: The term of the agreement is thirty-six (36) months, November 1, 2018 through October 31, 2021.

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

- by either party upon thirty (30) days written notice, and
- by either party for a material breach of the agreement and upon thirty (30) days notice of opportunity to cure.

Contract Amount: The total estimated cost over the three (3) year term is \$4,530,000.00. UMMC anticipates performing approximately forty-eight (48) procedures in the first year of the agreement, with a five percent (5%) increase in subsequent years for patient growth allowance.

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

Contractor Selection Process: The equipment and related consumables offered under the Agreement qualify as clinical commodities under Miss Code Ann §31-7-1, which are exempted from procurement requirements under §31-7-13.

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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Abbott Laboratories, Inc. for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

7. UMMC – REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH APOLLIDON LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Service Agreement with **Apollidon, LLC (Apollidon)** to provide marketing and support service offerings for UMMC’s online Graduate Medical Biochemistry Certificate Program in the Department of Cell and Molecular Biology.

Contractor’s Legal Name: Apollidon, LLC (Apollidon)

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History of Contract: This is a new program offering for UMMC; thus, the marketing and support services have not been needed previously.

Specific Type of Contract: This is a new Service Agreement.

Purpose: The purpose of the agreement is to provide marketing and support services for UMMC's online Graduate Biochemistry Certificate Program in the Department of Cell and Molecular Biology.

Scope of Work: Under the Agreement, Apollidon will:

- Provide all marketing activities to generate qualified prospective student interest to meet enrollment goals;
- Recruit students to attract qualified prospective students for UMMC to consider for admission;
- Undertake logistical and basic technical support to retain students through completion of the online courses; and
- Provide course development support to UMMC's faculty.

UMMC will retain sole control over curriculum and content, faculty and staff, and admission and registration of students.

Term of Contract: The term of the Agreement is five (5) years, from November 1, 2018, through October 31, 2023.

Termination Options: The agreement may be terminated as follows:

- By mutual consent of the parties;
- By either party upon 60 days' advance written notice if the other party commits a material breach of the agreement and has not cured the breach during the 60 day period;
- By either party upon written notice if the other party dissolves, ceases active business operations or liquidates, or initiates bankruptcy or insolvency proceedings;
- By UMMC upon written notice if Apollidon fails to acquire and maintain all required insurance policies, bonds, licenses, and permits;
- By UMMC upon written notice if Apollidon offers or gives gratuities to any officer or employee of UMMC in the attempt to award or amend the agreement;
- In the event of a reduction in funds;
- By UMMC upon written notice if Apollidon becomes debarred, suspended, or otherwise lawfully prohibited from participating in any public procurement activity, including but limited to, being disapproved as a subcontractor of any public procurement unit or other governmental body;
- In the event of an adverse change in law and the parties fail to agree upon renegotiated terms within 30 days; and

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- By UMMC if any Apollidon material is held by a court to constitute an infringement or other violation of a third party's intellectual property rights and Apollidon does not procure the right to continue or replace or modify the material with non-infringing material.

Contract Amount: The total estimated cost of the agreement over five (5) years is \$302,391.00. Apollidon will be reimbursed 40% of fees collected by UMMC from students enrolled in the online course over the five (5) year term.

Funding Source of Contract: This agreement will be funded from student enrollment fees.

Contractor Selection Process: UMMC sought competitive quotes in the market for these services. Apollidon was chosen based on its proposed pricing and experience in successful marketing academic programs in the Science, Technology, Engineering and Mathematics field.

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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Apollidon, LLC for compliance with applicable law and find same to be acceptable. Board staff recommends approval of this item.*

8. UMMC – REQUEST FOR APPROVAL OF AMENDMENT 19 WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of Amendment 19 to its current license and support agreement with **Epic Systems Corporation** to add third party data sets for Pediatric and Adult Telephone Triage Protocols and to add to its current program property the MyChart Bedside and Secure Chat Licenses with related implementation support for MyChart Bedside. Pursuant to IHL policy 707.03 *Approval of Prepayment for Goods or Services*, UMMC also requests a waiver to allow prepayment of post-live activities for MyChart Bedside, for which UMMC will receive a fifty percent (50%) discount, and to prepay fifty percent (50%) of the licenses fees for Secure Chat.

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

History of Contract: UMMC entered into a contract with Epic in August 2010 to replace its then current hospital information system which did not allow for the creation of integrated electronic medical records. The software license and support agreement was approved by the Board for projected cost of \$36,852,370. The agreement was

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subsequently amended in July 2011 in order to add and/or delete various Epic interfaces that had been offered as part of the 2010 agreement. There was no additional cost to the contract as a result of the amendment.

In August 2013, the Board approved an amendment to add and/or delete various Epic interfaces and to add various Epic interfaces (new/special request interfaces) that were not part of the 2010 agreement. In addition, the amendment provided for the implementation of three (3) Epic modules that were purchased in 2010 and that had reached the implementation stage. The amendment also added contract language that gave UMMC the option to license, access and use certain items of software at its discretion. The total cost associated with the 2013 amendment was estimated to be \$1,151,032 and increased the overall cost to \$38,003,402.

In August 2014, the Board approved two (2) amendments to the Epic agreement - Amendment 3 for the conversion of the non-exclusive license to a perpetual license and the extension of support services; and, Amendment 4 which allowed for the addition of new Epic modules and interfaces. The combined cost of the amendments increased the total cost of the Epic agreement to \$60,630,030.01.

On April 16, 2015 the Board approved UMMC's request to enter into a change order to Amendment Four (4), Amendment Five (5), and Amendment Six (6). The change order to Amendment Four (4) allowed UMMC to delete one of the Incoming Patient Administration Interfaces – HL7 that was originally added via Amendment 4. Amendment Five (5) allowed UMMC to implement the Healthy Planet component, which was purchased as part of the original selection, as well as add the Point of Sale (POS) interface licenses within the Epic enterprise. Healthy Planet is the population management system within Epic that allows UMMC to deliver better care for its patient population through the use of reports, dashboards and workflows helping it comply with Accountable Care Organization (ACO) standards established by the Affordable Healthcare Act. The POS interface also allows UMMC to enable on-line patient payments within Epic. Amendment Six (6) allowed UMMC to add the BestPractice Advisory Web services functionality to the Epic system. This allowed UMMC's Epic DIS team the ability to create a data transmission to a third party system to exchange CDA (clinical document architecture) documents. The total approved cost for the agreement after these amendments was \$60,777,030.01.

The Board approved Amendment 7 to the Epic agreement at the August 2015 Board meeting. The amendment provided for additional Epic licenses; additional InterSystems Cache licenses for concurrent users; the implementation of Epic Beaker in the Anatomic Pathology department; and, the implementation of clinical case management within Epic. The total estimated cost for this amendment was \$2,167,068 which increased the total estimated cost of the agreement to \$62,944,098.01.

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In September 2015, the Board approved an Implementation Service Request to purchase implementation advisory services for implementing Epic at UMMC-Grenada for an estimated cost of \$211,000. The cost for the services increased the total estimated cost of the agreement to \$63,155,098.01.

On March 17, 2016 the board approved UMMC to enter into Amendment eight (8), Amendment nine (9), Amendment ten (10), and a Service Request Order. Amendment eight (8) allowed UMMC to reduce the volume licenses from 260,000 annual inpatient days back to 250,000 annual inpatient days as well as allowed UMMC to participate in the Boost Program. Amendment nine (9) allowed UMMC to add Push Notifications to the licensed program property which allows for the transmission and receipt of information to and from other organizations. Amendment ten (10) allowed UMMC to modify its licensing structure by deleting two of the Incoming Clinical Flowsheet Data-HL7 (copy), deleting the Imaging Decision Support Functionality Enabler, deleting Incoming Financial Transaction- HL7, and adding bundled interfaces. The Service Request order allowed UMMC to utilize the EPIC EDI resources to covert datasets at Grenada. These amendments and the service request brought the total approved cost for the Epic agreement to \$65,513,148.01.

On January 19, 2017, the board approved UMMC to enter into Amendments eleven (11), twelve (12), thirteen (13) fourteen (14) and an Epic Service Request. Amendment eleven (11), allowed an update to the pricing previous indicated in Amendment ten (10), due to UMMC having gone live with one or more interfaces between the time Amendment ten (10) was prepared for UMMC and the time that the Amendment was executed. Amendment twelve (12), added Carequality Exchange functionality to the currently licensed Care Everywhere program property. Carequality Exchange allows the exchange of patient data with other healthcare providers using the Exchange product. Amendment thirteen (13) increased the annual volume of ambulatory licenses visits to 800,000. Amendment fourteen (14) increased the annual volume inpatient license to 260,000 annual inpatient visits. This amendment effectively voided provision 1, "Volume Adjustment" of Amendment 8. The Epic Service Request provided for Epic assistance in implementation of previously licensed outgoing address verification query interface. The total cost of the four amendments and the Epic Service Requests was \$713,317.00, which brings the total cost for the Epic agreement to \$66,264,465.01.

On May 18, 2017, the Board approved UMMC to enter into Amendment Fifteen (15) and an Epic Service Request. Amendment Fifteen (15) provided UMMC the ability to increase its licensed volume for inpatient visits and ambulatory visits as needed for UMMC's Epic Community Connect (ECC) client, the first of which will be the Mississippi Department of Health (MSDH). Additionally, the amendment allowed UMMC to defer payment for such increases until they are needed, so long as those increases are initiated prior to September 30, 2017. Previously, UMMC was required to pay the fees at the time the amendment was fully executed. The Service Request allowed for annual maintenance, implementation services, project team training and post-live

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support for the Epic Wisdom General Dentistry application. Amendment Fifteen (15) and the Service Request brought the total approved cost of the Epic Agreement to \$67,359,789.01.

At its October 2017 meeting, the Board approved UMMC to enter into two (2) amendments; Epic Amendment Sixteen (16) and Amendment Seventeen (17). Epic Amendment Sixteen (16) added the Remote Monitoring Module to UMMC's current program property list. Epic Amendment Seventeen (17) changed the Caboodle Data Warehouse licensing to a subscription basis, added the Healthy Planet Enhanced Data Analytics module, and added ten (10) Predictive Analytics Models to UMMC's current program property list. There were no additional cost associated with these two (2) amendments.

On January 18, 2018, the Board approved UMMC to enter into Epic Amendment Eighteen (18) which added the Patient Abstractor license to the licensed program property and a Service Request Order for Epic to submit UMMC's 2017 eCQM data to The Joint Commission (UMMC's accrediting agency). Amendment Eighteen (18) and the Service Request for eCQM brought the total approved cost of the Agreement to \$67,403,789.01.

On June 21, 2018, the Board approved UMMC to enter into two Service Request Forms for Epic to provide UMMC with implementation assistance with Care Everywhere and Wisdom General Dentistry. The Service Requests brought the total approved cost of the Agreement to \$67,435,039.01.

In addition to this request, UMMC has submitted an Implementation Request for Epic's Wound Care module for consideration at the October 18, 2018 meeting.

Specific Type of Contract: Amendment 19 to the current Epic agreement.

Purpose: The purpose of Amendment 19 to the current Epic License and Support Agreement is to add third party data sets for Pediatric and Adult Telephone Triage Protocols and to add to its current program property the MyChart Bedside and Secure Chat Licenses with related implementation support for MyChart Bedside. The addition of these Protocols will support nurses in providing safe, standards-based telephone triage to patients. MyChart Bedside is an application that will allow hospital patients to use tablet computers to access their up-to-date health information while in the hospital. Patients will have access to the same information as their physicians and nurses while they are hospitalized from a tablet. This application will allow patients and families to have a better understanding of their conditions and care as well as help reduce readmissions and improve patient satisfaction.

Scope of Work: Under Amendment 19 Epic will provide the license and maintenance for Pediatric and Adult Telephone Triage Protocols, MyChart Bedside, and Secure Chat. UMMC will follow Epic's most current guidelines concerning usage.

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Term of Contract: The term of Amendment 19 will begin on or about October 23, 2018 and is coterminous with the current Epic License and Support Agreement which remains in effect in perpetuity in regards to the licenses, and it is also coterminous regarding maintenance coverage which ends August 22, 2019.

Termination Options: Pursuant to the existing contract with Epic, the request may be terminated for the following:

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

Contract Amount: The estimated cost for Amendment 19 is \$1,663,112.10. Additionally, UMMC requests approval to execute future Service or Implementation Requests on an as-needed basis without requiring prior Board approval so long as the cost of the each Service or Implementation Request is less than \$250,000, and so long as there is adequate funding. For any Service or Implementation Request costing more than \$250,000, UMMC would submit same to the IHL for prior approval. With Amendment 19 and the proposed Implementation Request, the total estimated approved cost for the Epic agreement is \$69,092,901.11.

Description	Cost
Secure Chat License Fee	\$ 102,532.00
Schmitt Protocol License Fee	\$ 4,000.00
Thompson Protocol License Fee	\$ 8,000.00
MyChart Bedside Subscription Fee	\$ 13,080.10
MyChart Bedside Implementation	\$ 35,500.00
Future Service or Implementation Requests (as needed)	\$1,500,000.00
Total	\$1,663,112.10

Funding Source of Contract: The amendment cost will be funded by hospital patient revenue.

Contractor Selection Process: UMMC is currently under contract with Epic.

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Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. 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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Epic Systems Corporation for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

9. UMMC-REQUEST FOR APPROVAL TO ENTER INTO AN IMPLEMENTATION SERVICE REQUEST WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of an Implementation Service Request with **Epic Systems Corporation** for implementation and training related to the Epic Wound Care module.

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

History of Contract: Please refer to the Agenda Item write up for Epic Amendment 19 for a complete history of UMMC's current agreement with Epic.

In addition to this request, UMMC has submitted an amendment for consideration at the October 18, 2018 meeting.

Specific Type of Contract: Implementation Request for the current Epic agreement.

Purpose: The purpose of the Implementation Request is to provide implementation and training services related to the Epic Wound Care module.

Scope of Work: Epic will provide professional services related to implementation and training of the Epic Wound Care module.

Term of Contract: The term of the Implementation Request will begin upon execution, which is expected to be on or about October 23, 2018, and will expire upon completion of service or upon expiration of the current agreement which is August 22, 2019.

Termination Options: Pursuant to the existing contract with Epic, the request may be terminated for the following:

- by either party upon ninety (90) days notice prior to the end of an annual term,
- by UMMC for an operational system failure upon forty-five (45) days notice in which to cure such failure,

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- by Epic upon notice of an infringement claim in which Epic is unable to modify or provide an appropriate program replacement,
- in the event either party becomes the subject of bankruptcy, and
- by either party for a breach of a material term of the agreement and failure to cure upon sixty (60) days written notice.

Contract Amount: The estimated cost for the Implementation Service Request is \$26,000. With the Implementation Request and proposed Amendment 19, the total estimated approved cost for the Epic agreement is \$69,092,901.11.

Funding Source of Contract: The amendment cost will be funded by hospital patient revenue.

Contractor Selection Process: UMMC is currently under contract with Epic.

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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and Epic Systems Corporation for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

10. UMMC- REQUEST FOR APPROVAL TO ENTER INTO THE FIRST AMENDMENT TO THE STATEMENT OF WORK FOR CLAIMS MANAGEMENT UNDER THE MASTER AGREEMENT WITH nTHRIVE REVENUE SYSTEMS LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into the First Amendment to the Statement of Work (SOW) for Claims Management (CM) under the Master Agreement with **nThrive Revenue Systems, LLC (nThrive)** f/k/a MedAssets Net Revenue Systems, LLC (MedAssets) to purchase professional services on an as-needed basis related to claims management services. In addition, UMMC requests approval to enter into the Second Amendment to the Master Agreement to revise insurance, indemnification, and payment terms.

Contractor's Legal Name: nThrive Revenue Systems, LLC (nThrive)

History of Contract: On August 20, 2015, the Board approved UMMC's request to enter into a new Master Agreement and Statement of Work (SOW) for a comprehensive claims management solution with MedAssets. The term of the Master Agreement began September 1, 2015, and will end on the date of the last active SOW. The SOW for CM is for a term of five (5) years which began on September 1, 2015, and will end August 31, 2020. The total approved cost of the SOW was \$3,132,872.80.

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On January 18, 2018, the Board approved UMMC to enter into Amendment One (1) to the Master Agreement to update the contracting party's name and add a new SOW for Embedded Claims Conversion (ECC). The total cost of the SOW for ECC was \$20,000.00, bringing the total approved cost of the amended agreement to \$3,152,872.80.

Specific Type of Contract: This is the First Amendment to the SOW for CM and Second Amendment to the Master Agreement.

Purpose: The purpose of the First Amendment to the SOW for CM is to add the ability to purchase professional services on an as-needed basis related to claims management. These services will allow UMMC to receive professional services from nThrive to add National Provider Numbers (NPIs), custom reports, custom programming and modifications to notes, posting files and optimization services. The purpose of the Second Amendment to the Master Agreement is to revise insurance, indemnification, and payment terms.

Scope of Work: Under the First Amendment to the SOW for CM, nThrive will provide additional claims management related services on an as-needed basis.

Term of Contract: The term of the First Amendment to the SOW for CM will begin on or about October 23, 2018 and end August 31, 2020, which is coterminous with the existing term.

Termination Options: The Master Agreement may be terminated as follows:

- By UMMC in the event of a reduction in available funding;
- By either party for a material breach if breaching party cannot remedy the breach within thirty (30) days of notice by the non-breaching party;
- Failure of nThrive to comply with E-verify requirements;
- In the event that nThrive, 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 nThrive, acting as a business associate, as defined by the HIPAA, has changed or the business associate has breached a material term of the BAA.

The SOW for CM may be terminated as follows:

- Pursuant to the termination options of the master agreement, and
- Upon the third anniversary of the last module start date, either party shall have the right to terminate the SOW at any time without cause by providing the other party with thirty (30) days written notice of its intent to terminate.

Contract Amount: The estimated cost of the First Amendment to the SOW for CM is \$75,000.00. The total cost of the amended agreement is \$3,227,872.80.

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

Contractor Selection Process: UMMC is currently contracted with nThrive for claims 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, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and nThrive Revenue Systems, LLC for compliance with applicable law and find same to be acceptable. Board staff recommends approval of this item.*

11. UMMC- REQUEST FOR APPROVAL TO ENTER INTO A AGREEMENT WITH PARKMED OF MISSISSIPPI, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Professional Parking Services Agreement with **ParkMed of Mississippi, LLC (ParkMed)** for parking management/staffing and valet services on the main campus of UMMC.

Contractor's Legal Name: ParkMed of Mississippi, LLC

History of Contract: UMMC currently contracts with SP Plus Corporation, formerly known as Central Parking of Mississippi, LLC, (SP Plus) for management and staffing of UMMC's paid parking locations. The agreement with SP Plus was originally approved by the Board on October 18, 2012, with subsequent amendments approved by the Board on January 16, 2014, and October 19, 2017. The SP Plus agreement will expire October 31, 2018. UMMC also currently contracts with the Jackson Medical Mall Foundation (JMMF) for valet parking services. The JMMF agreement was approved by the Board on October 17, 2013, and will expire October 31, 2018. In March 2018 UMMC conducted Request for Proposal (RFP) 8007 for Parking and Valet Service to consolidate the parking management/staffing and valet services with a single vendor to achieve cost savings. UMMC received five (5) responses to the RFP. UMMC selected ParkMed as the bidder with the best proposal based on pricing provided and its response to the specifications indicating an ability to meet or exceed the requirements to provide parking management/staffing and valet services.

Specific Type of contract: This is a new agreement.

Purpose: The purpose of the agreement is to provide parking management, staffing, and valet services on the main campus of UMMC.

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Scope of Work: Under the agreement, ParkMed will manage all parking and valet services for UMMC's main campus. ParkMed will provide, at its own expense, all labor, tools, materials, supplies, equipment, and supervision to perform all tasks related to parking and valet services.

Term of Contract: The term of the agreement is five (5) years, beginning November 1, 2018, and expiring October 31, 2023.

Termination Options: This agreement may be terminated as follows:

- By UMMC based on ParkMed's failure to comply with E-Verify requirements;
- By UMMC with or without cause upon 30 days' written notice to ParkMed;
- By UMMC in the event ParkMed refuses or fails to perform any of the provisions of the contract or otherwise fails to timely satisfy the contract provisions, or commits any other substantial breach of this contract, UMMC may notify ParkMed in writing of the nonperformance and if not cured in ten (10) days or any longer time specified in writing by UMMC;
- By UMMC immediately upon ParkMed's breach of any of the following ongoing representations and warranties that ParkMed, its officers, directors and employees:
 - are not currently excluded, debarred, or otherwise ineligible to participate in any federal health care programs or any state healthcare programs;
 - have not been convicted of a criminal offense related to the provision of healthcare items or services and have not been excluded, debarred, or otherwise declared ineligible to participate in the Federal Healthcare Programs or any state healthcare programs,
 - are not, nor have ever been included on the Office of Foreign Assets Control, Specially Designated Nationals and Blocked Persons list;
 - are not, to the best of its knowledge, under investigation or otherwise aware of any circumstances which may result in Armstrong being excluded from participation in the Federal Healthcare Programs or any state healthcare programs; and
 - if ParkMed is to receive any patients' personal health information, ParkMed represents and warrants that it has implemented safeguards to ensure that the privacy and confidentiality of patients' personal health information is protected;
- By UMMC upon thirty (30) days' written notice in the event of a reduction in funds; and
- By either party in the event of a change in law resulting in an adverse consequence.

Contract Amount: The estimated total cost of the agreement is \$4,120,646 for the five (5) year term. ParkMed will invoice UMMC at a monthly flat rate of \$44,993.00 for Year 1 and 2; \$46,343.00 for Year 3 and 4; and \$47,733.00 for Year 5 of the agreement. The estimated total cost includes variable costs for new locations added during the term of the agreement and as-needed services for special events.

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Funding Source for Contract: The agreement will be funded by General Funds.

Contractor Selection Process: In March 2018, UMMC conducted Request for Proposal (RFP) 8007 for Parking and Valet Services to consolidate the parking management/staffing and valet services with a single vendor to achieve cost savings. UMMC received five (5) responses to the RFP. A breakdown of each bidder’s proposed price and score is as follows:

Bidder	RFP Score	Proposed Price
ParkMed	85.84	\$2,764,860.00
Jackson Medical Mall Foundation	57.54	\$3,660,876.00
Impark Health	77.27	\$3,683,770.80
SP Plus	73.94	\$3,713,076.00
Lanier	71.43	\$4,169,280.00

UMMC selected ParkMed as the bidder with the best proposal based on pricing provided and its response to the specifications indicating an ability to meet or exceed the requirements to provide parking management/staffing and valet services.

The difference between the cost of the RFP proposal and the cost requested for the agreement is based on the addition of variable hours included to cover special event parking and to cover the potential add-on areas for parking and valet 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. Legal Staff has reviewed the proposed Agreement between the University of Mississippi Medical Center and ParkMed of Mississippi, LLC for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

12. UMMC- REQUEST FOR APPROVAL TO AMEND THE MASTER SERVICES AGREEMENT WITH PRESS GANEY ASSOCIATE, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Fourth Amendment to the Master Services Agreement with **Press Ganey Associates, Inc.** (Press Ganey) to add UMMC’s Grenada facility for covered survey services. The Fourth Amendment will allow Press Ganey to facilitate the measurement of the hospital and ambulatory clinics’ patient satisfaction as required by the Centers for Medicare and Medicaid Services (CMS) for UMMC’s Grenada facility.

Contractor’s Legal Name: Press Ganey Associates, Inc., (Press Ganey)

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History of Contract: On August 20, 2015, the IHL Board of Trustees approved the Master Services Agreement between UMMC and Press Ganey for facilitation of the measurement of the hospital and ambulatory clinics' patient satisfaction as required by The Joint Commission and the Centers for Medicare and Medicaid Services (CMS). On January 21, 2016, the Board approved the First Amendment to add inpatient and outpatient behavioral health surveys for UMMC. The 2015 Medicare Access and CHIP Reauthorization Act (MACRA) repealed the Sustainable Growth Rate payment methodology for physician practices. The final rule merges major features of the PQRS, Electronic Health Record Meaningful Use (EHR MU), and Value Based Payment Modifier (VBPM) program requirements into a new payment incentive program called the MIPS. The MIPS is one track of the Quality Payment Program, where clinicians earn a performance-based payment adjustment to their Medicare payment. Beginning November 1, 2017, the MIPS CAHPS survey is an optional quality measure that groups participating in MIPS can elect to administer. However, it counts as a patient experience measure in the quality performance category. Additionally, a MIPS eligible clinician may also be awarded points under the improvement activities performance category for administering the survey.

On October 19, 2017, the IHL board approved the Second and Third Amendments to the Master Services Agreement. The Second Amendment replaced the Physician Quality Reporting System (PQRS) Consumer Assessment Healthcare Providers & System (CAHPS) Regulatory Survey with the Merit-Based Incentive Payment System (MIPS) CAHPS Regulatory Survey. The Third Amendment added the Neonatal Intensive Care Unit (NIC) eSurvey Blend methodology to UMMC's existing survey services and add the Outpatient and Ambulatory Surgery (OAS) Regulatory CAHPS Wave 2 surveys to UMMC's current Ambulatory Surgery eSurvey Blend services. Both amendments were effective November 1, 2017 and end coterminous with the original agreement date of September 30, 2020. The total approved cost of the amended agreement was \$2,599,643.81.

Specific Type of Contract: This is the Fourth Amendment to the Master Services Agreement.

Purpose: The purpose of the Fourth Amendment is to add UMMC's Grenada facility for covered survey services. By adding UMMC's Grenada facility, Press Ganey will be able to facilitate the measurement of UMMC Grenada's hospital and ambulatory clinics' patient satisfaction.

Scope of Work: Under the Fourth Amendment, Press Ganey will:

- Create and send multiple versions of the survey tool, as necessary and as requested by UMMC;
- Follow the procedures and specifications as prescribed by CMS;
- Provide access to survey images of interview recordings, if respondent provides consent to share their identity linked to their responses;

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- Provide a worldwide, royalty free non-exclusive, limited, non-transferable, non-assignable, non-sublicenseable license to use Press Ganey’s Patient Experience web-based application(s), for an unlimited number of users at each facility;
- Provide monthly CAHPS Summary reports through the PG Application (as long as thirty (30) surveys have been received during the specific reporting period); typical reports include but are not limited to:
 - (1) UMMC percent top box performance compared to peer group performance across OAS CAHPS domains
 - (2) Question analysis: sample size, with top box performance, trend, and percentile ranks for OAS CAHPS questions and domains
 - (3) Priority index with Client’s performance
- Offer UMMC the ability to monitor the number of surveys administered and returned;
- Provide the opportunity to review recommendations and other content for improvement related to major service lines located in the Press Ganey Solution Starter;
- Provide access to a designated Account Manager, who will address survey and setup needs via telephone and email;
- Provide access to Press Ganey’s Online Community – an information exchange forum that allows facilities to review industry best practices and collaborative solutions for improving patient satisfaction;
- Offer educational networking opportunities with other Press Ganey clients through the National Client Conference and Regional Education Symposiums; and
- Provide subscriptions to Press Ganey publications.

UMMC will:

- Comply with all CMS OAS CAHPS standards and guidelines;
- Provide a list of patients in a data file by the data submission deadline established by Press Ganey. The data file must conform to Press Ganey file specifications;
- If client chooses to stratify their sample, ensure that each stratification group has a minimum of ten (10) patients to sample per month.
- According to the CAHPS Quality Assurance Guidelines a Client may only change CAHPS vendors at the beginning of a calendar quarter. Therefore, any cancellation will not be valid until after data submission to CMS has been completed for applicable calendar quarter.
- Include the Press Ganey copyright on each survey;
- Recognize that clients are prohibited from altering the OAS CAHPS survey including dropping standard questions or changing the rating scale;
- Designate a root user for the Press Ganey Online System and Applications that is responsible for user access and management of users within the organization;
- Upon the departure of an employee from UMMC’s facility, immediately terminate their access to Press Ganey Applications and other Press Ganey systems;

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- Prior to processing data, provide Press Ganey a completed demographic profile for the contracted service(s). Profiles must be completed and returned to UMMC's Account Manager by the first of the month preceding the month in which the facility is to receive the first report;
- Notify Press Ganey of changes to the demographic profiles prior to the first business day of the month preceding the report month, including changes in unit configurations and specialty designations;
- Obtain any and all patient consents, authorizations, and/or approvals required by applicable U.S. federal and state laws, rules, regulations, policy or industry guidelines including privacy policies to enable Press Ganey to execute its obligations under this Agreement; and
- Comply with the requirements of sampling strategy and survey distribution methodology.

Term of Contract: The Fourth Amendment will begin November 1, 2018 and end coterminous with the original agreement. The original agreement is for a period of five (5) years, beginning October 1, 2015, and continuing until September 30, 2020.

Termination Options: Termination options include:

- Press Ganey may terminate the agreement for past due payment;
 - After three (3) years, either party may terminate the agreement upon sixty (60) days' written notice to the other party;
 - Either party may immediately terminate the agreement in the event of a material breach by the other party that has not been cured within 45 days;
 - In the event of a reduction in available funds to UMMC;
 - Failure by Press Ganey to comply with the federal E-Verify Program; and
- UMMC may terminate the agreement in the event Press Ganey improperly uses or discloses protected health information in breach of the agreement.

Contract Amount: The Fourth Amendment adds a total cost of \$80,760.00. The total estimated cost of the amended agreement over five (5) years is \$2,680,403.81.

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

Contractor Selection Process: UMMC is currently contracted with Press Ganey.

In April 2015, UMMC conducted Request for Proposal (RFP) 1204 for patient satisfaction surveys. UMMC received five (5) proposals in response to RFP 1204, but one (1) bidder was invalidated due to failure to provide required information. A selection committee of UMMC employees from various areas of the institution reviewed the proposals and met to discuss and score the proposals. The selection committee unanimously selected Press Ganey based upon a higher consensus score, even though Press Ganey was not the lowest bidder.

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	RFP Score	Cost
Press Ganey	70.57	\$1,944,430.00
National Research Corporation	69.30	\$1,573,645.00
Avatar	66.74	\$1,074,770.00
HealthStream	60.00	\$2,432,525.00

Overall, the primary reasons for selecting Press Ganey were the following:

1. Data encryption – the methodology that Press Ganey utilizes is much more secure than the other bidders’.
2. Press Ganey allows the most customization of surveys and reports from survey data. The customization allows UMMC to elect the information and format that the surveys and reports will appear, which makes information more usable for performance improvement projects.
3. Press Ganey’s support services excel over the other bidders’.
4. Press Ganey’s demonstrated experience in providing these services to institutions like UMMC.

At the time of the RFP, UMMC anticipated utilizing surveys via postal mail only, as the minimum required by Centers for Medicare and Medicaid Services (CMS). However, after receiving proposals, UMMC has determined it will also utilize e-mailed surveys in addition to the minimum required by CMS in order to maximize the returned surveys for statistical data. The difference in cost from the RFP and this contract request is the addition of the e-mailed surveys and allowances for mailed surveys above the minimum for potential patient volume and provider growth.

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. Legal Staff has reviewed the proposed Amendment between University Mississippi Medical Center and Press Ganey Associates, Inc. for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

13. UMMC – REQUEST FOR APPROVAL TO AMEND A GROUNDS MAINTENANCE AND LANDSCAPE MANAGEMENT SERVICES AGREEMENT WITH ROTOLO CONSULTANTS, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its Grounds Maintenance and Landscape Management Services Agreement (Agreement) with **Rotolo Consultants, Inc. (RCI)** to include the following locations: Translational Research Center; School of Medicine; Flowood, Brandon and Northeast Wellness Centers; UP Belhaven; and the newly installed sidewalk area on UMMC’s Main Campus.

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Contractor's Legal Name: Rotolo Consultants, Inc., (RCI)

History of Contract: On June 15, 2017, the Board approved the Agreement with RCI for a term of (5) years from July 1, 2017, through June 30, 2022 for a total cost of \$2,376,000.00.

Specific Type of Contract: This is the First Amendment to the Grounds Maintenance and Landscape Management Services Agreement.

Purpose: The purpose of the First Amendment is to expand services to additional UMMC properties. The purpose of the Agreement is to provide appropriate grounds maintenance and landscaping services.

Scope of Work: RCI will provide UMMC with the following maintenance services, which will include but, not be limited to:

- Grass and brush cutting;
- Edging, trimming, pruning and fertilizing, including ryegrass overseeding;
- Sidewalk and street blowing;
- Shrub and flowerbed care;
- Planting of replacement trees and shrubs;
- Planting of annual color in the form of flowers, plants and/or shrubs twice yearly;
- Assisting UMMC staff in the monitoring of all landscape areas for proper irrigation;
- Watering of non-irrigated areas;
- Filling of ruts, holes and sink depressions in public lawn areas;
- Insect, disease and weed control, soil sampling;
- Pick-up and proper disposal of trash/debris throughout the service area to include lawn storm grates and ditches, and sidewalk culverts;
- Six (6) full time staff members on site throughout the year to include a full-time project manager and Mississippi licensed chemical applicator;
- A working office on site;
- Equipment, chemicals, supplies, labor to perform services;
- Stone replacement and silt removal as needed in specific storm drain ditches;
- Weekly quality control inspections; and
- Corrective action as needed.

UMMC provides for the following services:

- UMMC will provide a site for Contractor's working office on campus;
- UMMC will be responsible for irrigation and watering of lawn areas and garden beds where sprinkler systems are installed, as well as maintenance for the same; and
- Replacement trees, shrubs, and other plantings, and mulch will be provided by UMMC, as necessary.

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Term of Contract: The term of the amended Agreement remains five (5) years from July 1, 2017, through June 30, 2022. The First Amendment will become effective November 1, 2018 and remain in effect until the Agreement’s expiration.

Termination Options: Termination options include the following:

- By either party for any reason upon thirty (30) days written notice;
- In the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC; or
- By UMMC the event RCI fails to comply with the requirement of the Federal E- Verify program.

Contract Amount: The total cost of the amended Agreement is \$2,650,028.04. The original cost of the Agreement was \$2,376,000.00 for the five (5) year term. The First Amendment includes an additional monthly cost of \$6,227.91 for the remainder of the five (5) year term.

Funding Source of Contract: The Agreement will be funded by General Funds.

Contractor Selection Process: UMMC is currently contracted with RCI.

RFP 1242 for Grounds Maintenance Service was issued in May 2017. Three vendors responded to the RFP. A breakdown of each vendor’s price is provided below:

Follin Landscape	\$2,154,960
RCI	\$2,376,000
Southern Roots Landscape	\$3,191,880

Follin Landscape provided the lowest cost for services however, their responses to the specifications did not indicate that they had the experience of maintaining the grounds of institutions that are of similar size and complexity as UMMC. RCI’s response to the RFP indicated experience with facilities of similar and larger size and complexity as UMMC (Ochsner Health System, City of Memphis, Madison County). Also, in its response to the specifications, Follin failed to provide required licenses and certifications necessary to perform this type of work – (i.e., chemical applicator license, commercial herbicide license, Commercial Pest and Weeds Category 3 certification). RCI provided required licenses and certifications to include actual copies of those licenses and certifications. Further, Follin did not provide a detailed schedule of service and staffing plan and equipment list as required of the specifications. RCI provided a detailed schedule of service and staffing plan, as well as an equipment list that identified the type of equipment to be used that was in accordance with the specifications. The failure of Follin to adequately respond to the specifications coupled with RCI providing responses that exceeded the specifications, resulted in Follin having a total score that was lower than

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RCI. Based on this scoring, RCI was selected as the best vendor to provide these 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, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. Legal Staff has reviewed the proposed Amendment between University Mississippi Medical Center and Rotolo Consultants, Inc., for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

14. UMMC – REQUEST FOR APPROVAL TO AMEND CONSULTING SERVICES AGREEMENT WITH VANDERBILT UNIVERSITY MEDICAL CENTER FOR PATIENT AND PROFESSIONAL ADVOCACY

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests to amend its existing agreement with **Vanderbilt University Medical Center (VUMC)** to revise its focus in order to strengthen the Office of Patient Experience documentation and communication with patients and families. The amendment will provide consultation services to the Office of Patient Experience to develop optimal practice in documentation of patient complaints, compliments, and grievances.

Contractor's Legal Name: **Vanderbilt University Medical Center**

History of Contract: On August 20, 2015, the Board approved UMMC's agreement with VUMC for VUMC's Center for Patient and Professional Advocacy (CPPA) to provide consultation services to develop UMMC's infrastructure for addressing unnecessary variation in behaviors and systems that undermine safety and to provide feedback on quality and quantity of UMMC's patient complaint data as compared to best practices. In addition, the original agreement included services for the implementation and ongoing support of the developed Patient Advocacy Reporting System (PARS) Interventions System. Due to the low number of physicians that have been identified through the PARS process and concern from VUMC staff regarding data quality, UMMC made the decision to refocus the work to improve documentation. The purpose of the proposed amendment is for Office of Patient Experience personnel to be trained on the most effective ways to document patient complaints to meet regulatory requirements and assist the staff and organization in embracing the role of patient and family perspectives in driving quality, cultural and operational improvements.

Specific Type of Contract: This is the first amendment.

Purpose: The purpose of the amended agreement is to allow VUMC to help UMMC improve processes involving patient complaints and grievance management. Working with VUMC staff will enhance the training and education for UMMC employees

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responsible for patient relations and the documentation of their concerns. Improved patient relations and capture of complaints and grievances will have a positive impact on promoting a UMMC culture of patient and family centered care. The training and feedback provided by VUMC based on complaint trends has great potential to improve UMMC physician engagement, as it relates to their awareness and accountability for the impact their interactions with patients have in overall perceptions of quality of care and trust in UMMC services.

Scope of Work: Under the amended agreement, VUMC will provide ongoing training as required for those personnel involved in patient complaint documentation and service recovery, including:

- Optimal practice in documentation
- Training all personnel documenting complaints on consistent criteria for entering patient complaints.
- Providing additional information regarding title or role of the reporters entering follow-up information in the database to improve the readability and continuity of a report.
- Proposing an easily used mnemonic and report template for standardization of documentation.
- Creating a patient complaint script for patient relations personnel to capture the richest complaint information.
- Providing specific patient quotes regarding the complaint and documenting any additional complaint information gathered through service recovery steps to improve the quality of the report.
- Documenting the full name of the physician involved within the complaint and providing greater information about the role and specialty, particularly if multiple physicians are involved with complaint, or follow-up investigation, that could assist with properly identifying the associated physician.
- Documenting dates for clarity regarding the timeline of a complaint and investigation. This will be particularly helpful if reports are handed off to other departments or specific individuals for investigation or service recovery steps.
- Outlining why certain reports are forwarded on to another department or unit for greater continuity and documentation.
- Increasing the documentation of all service recovery steps and investigation completed and closed out by patient relations to create more robust reporting.
- Meeting Joint Commission criteria for recording, responding, and resolving patient Grievances.
- Generate and complete physician unnamed list on quarterly basis.
- Training on a template for letter writing.
- Training on a template/dashboard for data sharing and transparency with hospital and departmental leadership (to share trends in complaints/grievances).

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Term of Contract: The original term of the agreement was five (5) years, from September 1, 2015, through August 31, 2020. The proposed amendment revises the term to expire on June 30, 2019. The term of the amended agreement is three (3) years and ten (10) months, from September 1, 2015, through June 30, 2019.

Termination Options: This agreement may be terminated as follows:

- By either party without cause provided sixty (60) days prior written notice to the other party for development services and ninety (90) days for intervention services;
- By UMMC for a reduction in funding;
- Either party may terminate this Agreement for cause in the event of a material breach by the other party (the "Defaulting Party") by providing the Defaulting Party with thirty (30) days written notice of the breach and an opportunity to cure said breach. If the Defaulting Party does not cure the breach within said thirty (30) day notice period, then this Agreement shall terminate upon the expiration of such notice period;
- Failure of VUMC to comply with e-verify;
- UMMC may terminate the agreement and the underlying business relationship in the event that VUMC, 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
- UMMC may terminate if it makes the determination that a material condition of performance by VUMC, acting as a business associate, as defined by the HIPAA, has changed or the business associate has breached a material term of BAA.

Contract Amount: The total cost of the proposed amendment is \$20,000, including a flat fee of \$18,000 and travel up to \$2,000. The total cost of the amended agreement is \$329,000.00.

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

Contractor Selection Process: UMMC is currently contracted with VUMC and was originally selected due to the specific nature of the services they provide.

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. Legal Staff has reviewed the proposed Agreement between UMMC and VUMC for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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15. UMMC – REQUEST FOR APPROVAL OF BUDGET ESCALATION

The University of Mississippi Medical Center (UMMC) requests permission to escalate its **Auxiliary Enterprises Budget** for FY 2018.

The escalation is requested to appropriately categorize expenditures for FY 2018 and to provide spending authority for funds that were utilized to offset costs associated with construction of the TRC Building.

University of Mississippi Medical Center			
FY 2018 Auxiliary Enterprises Budget by Major Object			
Category	Original FY 2018 Operating Budget	Revision/Escalation	Revised FY 2018 Operating Budget
Salaries, Wages, and Fringe Benefits	\$ 2,151,665	\$ (176,655)	\$ 1,975,010
Travel and Subsistence	9,616	-	9,616
Contractual Services	1,304,842	66,697	1,371,539
Commodities	2,411,403	212,931	2,624,334
Capital Outlay: Non-Equipment	591,655	3,408,345	4,000,000
Capital Outlay: Equipment	4,667	21,398	26,065
Mandatory Transfers	190,841	467,284	658,125
Non-Mandatory Transfers	-	-	-
Increase in Fund Balance	-	-	-
Total	\$ 6,664,689	\$ 4,000,000	\$ 10,664,689

Staff Recommendation: Based on Board Policy 701.06, Budget Escalations and Revisions, *all escalations to the annual budgets of the several institutions and to the annual budgets of the separately budgeted units must be submitted through the Commissioner to the Board of Trustees for approval prior to implementation.* Board staff recommends approval of this item.

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16. USM – REQUEST FOR APPROVAL TO EXTEND SERVICE AGREEMENT WITH ACQUIA INC. FOR HOSTING THE UNIVERSITY WEBSITE

Agenda Item Request: The University of Southern Mississippi requests approval to extend an existing service contract with **Acquia, Inc.** for hosting the university web site for an additional one-year period with the option for another additional year. Additionally, in accordance with IHL Board Policy 707.03 Approval of Prepayment for Goods or Services, USM requests the Board’s approval to make payment in advance in accordance with the terms of the agreement.

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

History of Contract: The University agreed to a master subscription agreement (MSA) for web support services with Acquia, Inc. in November 2014, and signed a three-year term Order Form governed by that MSA in June 2015 for web hosting service. At that time USM did not contemplate the cumulative amount exceeding \$250,000. When the three-year Order contract expired on June 15, 2018, USM needed to ensure that it still had support for the University’s web sites, so a new Order Form was executed to extend the services long enough to provide coverage until the USM Website Build and Implementation RFP process was complete, including review and approval by ITS. The RFP process is not complete, therefore, USM plans to use this extension to ensure it receives adequate service coverage until an award can be finalized and another firm can take over these services. The three-year agreed upon amount with Acquia in 2015 was \$193,655, and this one-year extension would cost an additional \$70,000. Although Acquia’s standard extension is one year, we negotiated a clause into this Order Form that would allow USM to terminate after six months, which would keep our total contract spend under \$250,000. However, we now estimate the awarded contractor under the current RFP process will not be ready to commence work until beyond the end of the first six months of the extension. The cost of the first six months on the current Order is \$50,000, increasing the cumulative total to \$243,655; however, in order to use the remaining six months, it will cost \$20,000 more, which exceeds the \$250,000 threshold. With IHL Board approval, we will have the option to maintain hosting services coverage for the remaining six months and not have to terminate at the end of the first six months prior to having a potential new service provider in place. The ITS CP-1 was approved for \$140,000, which includes two year’s extension if needed at a cost of \$70,000 per year. The second year would mainly be for contingency in case the services are still needed to complete the RFP process and implement the awardee’s design and development. We do not have a quote at this time for the second year, but in the event we do need it, we would request an Order Form for that period prior to the expiration of the current extension. The vendor is registered with the Mississippi Secretary of State.

Specific Type of Contract: This contract is a website support service agreement. It will be a continuation of an existing contract with Acquia using the existing terms.

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Purpose: The purpose of this contract extension is to provide continued hosting and support of the University's web site, usm.edu. Once the web implementation RFP has been awarded, there is a potential that another hosting provider could be selected. This additional six-month period will allow the new contractor to build and host the site. One reason for using hosting services is to ensure we have strong support and security, as web services are vulnerable to potential hacking and data theft. Another reason for outsourcing the hosting and support is to reduce our annual costs of managing the sites internally; otherwise, additional staffing and hardware would be required. With this agreement, The University of Southern Mississippi has an opportunity to continue reducing operational costs, while improving the reliability and functionality of the web site for all users (faculty, staff, parents, and prospective/current students).

Scope of Work: This agreement is for the remote hosting services (servers, OS, CMS, tools) and support of Drupal 6, 7, and 8 CMS (Content Management System). Security patching, tools updates, tuning performance, and 24/7 support are included with this service. The usm.edu web site (in excess of 10,000 pages) resides in this environment.

Term of Contract: This contract is a one-year contract starting June 15, 2018 and ending June 14, 2019 with a second year as a contingency of project delays. The ITS CP1 request includes a request for a second year in the event it was needed, which would potentially change the end date to 06/14/2020.

Termination Options: USM may terminate this Agreement, in its entirety, for any reason or for no reason, upon advance written notice to Acquia no later than November 29, 2018 with an effective cancellation date of December 14, 2018. Otherwise, the Order Form contract will terminate on June 14, 2019 (if approved).

Contract Amount: Total amount of the extension for an additional one (1) year period is estimated at \$70,000. A second extension year contingency has been approved in the CP-1 for a cost of \$70,000. The previously approved contract amount (3 years) from June 2015: \$193,655. The proposed cumulative total for the contract is \$263,655. If a second extension year is needed, the cumulative total is anticipated to increase to \$333,655.

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

Contractor Selection Process: The original contract was signed in 2015 using an RFP process. A need to increase the site security to safeguard the university data as well as providing Drupal system support prompted the RFP. At that time the web site was housed in the USM data center and supported by USM web development staff. There were multiple vendors able to offer the service with expertise in support of Drupal. The vendor who was best overall in the interest of USM was chosen and was able to provide us the following:

- Highly available computing servers, OS, CMS & tools.
- Storage and disaster recovery environment.

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- Application tuning for quick page display.
- System updates for Drupal.
- Operating system & CMS patch application.
- 24/7 system support.

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. Legal Staff has reviewed the proposed Agreement between USM and Acquia for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

17. USM – REQUEST FOR APPROVAL OF CPA AUDITING FIRM

Agenda Item Request: The University of Southern Mississippi (USM) requests approval to engage the following CPA firm to conduct the annual audit for the **USM Research Foundation, Inc.** for the fiscal year ending December 31, 2018.

Justification: As per Board Policy 301.0806 D.9., *the Certified Public Accounting (CPA) firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity’s fiscal year for which the audit will be conducted.*

The USM affiliate noted below requests approval of the listed CPA firm.

University Affiliated Entity	CPA Firm
University of Southern Mississippi Research Foundation, Inc.	Wright, Ward, Hatten & Guel

Staff Recommendation: Based on Board Policy 301.0806 D.9., *University Foundation/Affiliated Entity Agreements*, the CPA firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity’s fiscal year for which the audit will be conducted. 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.

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. ASU – GS 101-313 – Pre-Plan Eunice Powell Hall Renovations

Project Request: Alcorn State University requests approval to initiate a project, Pre-Plan Eunice Powell Hall Renovations project, and to appoint Salmon Architect, PLLC as the design professional.

Proposed Project Professional: Salmon Architect, PLLC

Selection Method: The project budget is not anticipated to exceed \$3M however the university used the RFQ method for the selection of the design professional.

Purpose: Alcorn State University is seeking to initiate the project and appoint the design professional. The university desires to proceed into pre-planning the renovation of Eunice Powell Hall, a structure built in 1955 on the Lorman Campus. The building is used to house programs in nutrition, consumer science, child development and other related areas. The structure has not had any major renovations and needs to have upgrades to the building envelope, mechanical system, and various other areas. The project budget is anticipated to exceed \$1 million dollars once pre-planning is complete. ASU is seeking to initiate the project through pre-planning. The balance of this project in the amount of \$2,450,000 is the top priority for the ASU Agriculture division for the upcoming 2019 Legislative Session.

Project Scope: The initial scope of the project is to start the pre-planning effort for this project. Once pre-planning is complete and future funds are secured for the project, the university intends to address the building envelope and mechanical systems, upgrade the building’s appearance and improve operational/maintenance efficiency.

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: October 18, 2018

Date of Original Construction: 1955

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Date of Last Renovation: No Major Renovations

Proposed Project Budget: (Design Fees Only)

		<u>Estimated</u>
Construction Cost:	\$	0.00
Architectural and Engineering Fees:		50,000.00
Misc. Project Costs:		0.00
Furniture & Equipment Costs:		0.00
Contingency:		0.00
Total Project Budget	\$	50,000.00

Proposed Funding Source(s): HB 1649, Laws of 2018 (\$50,000)

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

2. UMMC – IHL 209-570 – New Water Well

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, New Water Well, and to appoint Neel-Schaffer, Inc. as the design professional.

Proposed Project Professional: Neel-Schaffer, Inc.

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

Purpose: The University of Mississippi Medical Center is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the design phase of the project.

Project Scope: UMMC is approaching maximum capacity on its domestic water well system. A new water well is needed to provide additional capacity for current and upcoming projects including Children’s Expansion and MS Center for Emergency Services.

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

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

Project Initiation Date: October 18, 2018

Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

		<i>Estimated</i>
Construction Cost:	\$	1,210,300.00
Architectural and Engineering Fees:		121,043.00
Misc. Project Costs:		52,000.00
Furniture & Equipment Costs:		0.00
Contingency:		216,657.00
Total Project Budget	\$	1,600,000.00

Proposed Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvements (\$1,600,000)

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

3. UMMC – IHL 209-571 – Replace Chiller and Cooling Tower

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, Replace Chiller and Cooling Tower, and to appoint Engineering Resource Group, Inc. as the design professional.

Proposed Project Professional: **Engineering Resource Group, Inc.**

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

Purpose: The University of Mississippi Medical Center is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the design phase of the project.

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Project Scope: This project will replace one of the aging chillers in the main chiller plant which supplies chilled water to air handling units that serve healthcare areas. It will also replace one of the cooling towers that serves the chillers.

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

Project Initiation Date: October 18, 2018

Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,225,000.00
Architectural and Engineering Fees:	97,185.00
Misc. Project Costs:	12,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>65,815.00</u>
Total Project Budget	\$ 1,400,000.00

Proposed Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvements (\$1,400,000)

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

4. UMMC – IHL 209-572 – AHU Replacement

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, AHU Replacement, and to appoint Cooke Douglass Farr Lemons Architects & Engineers, P.A. as the design professional.

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

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

Purpose: The University of Mississippi Medical Center is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the design phase of the project.

Project Scope: This project will replace several air handling units that have exceeded their life expectancy.

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

Project Initiation Date: October 18, 2018

Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

	<u>Estimated</u>
Construction Cost:	\$ 1,240,000.00
Architectural and Engineering Fees:	98,290.00
Misc. Project Costs:	12,000.00
Furniture & Equipment Costs:	0.00
Contingency:	73,710.00
 Total Project Budget	 \$ 1,424,000.00

Proposed Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvements (\$1,424,000)

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

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5. UMMC – IHL 209-573 – New Boiler

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, New Boiler, and to appoint Engineering Resource Group, Inc. as the design professional.

Proposed Project Professional: Engineering Resource Group, Inc.

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

Purpose: The University of Mississippi Medical Center is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the design phase of the project.

Project Scope: This project will install a new boiler in the last remaining slot in the boiler plant. This will provide additional steam capacity and redundancy.

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

Project Initiation Date: October 18, 2018

Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 2,200,000.00
Architectural and Engineering Fees:	167,539.00
Misc. Project Costs:	12,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>120,461.00</u>
Total Project Budget	\$ 2,500,000.00

Proposed Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvements (\$2,500,000)

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Staff Recommendation: Board staff recommends approval of this item.

6. UMMC – IHL 209-574 – Garage D

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, Garage D, and to appoint HDR Architecture, Co. as the design professional.

Proposed Project Professional: HDR Architecture, Co.

Selection Method: The project budget exceeds \$3M therefore the university used the RFQ method for the selection of the design professional.

Purpose: The University of Mississippi Medical Center is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the design phase of the project.

Project Scope: This project will provide a parking garage for the south side of the campus in accordance with UMMC's Master Plan. As UMMC expands its services and brings additional patient care areas to the campus, it must provide adequate parking for its patients and visitors. This parking garage will be three (3) to five (5) levels high and will provide approximately 300-500 spaces for the Children's Hospital and clinics as well as the UMMC Pavilion patients.

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

Project Initiation Date: October 18, 2018

Date of Original Construction: N/A

Date of Last Renovation: N/A

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Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 16,200,000.00
Architectural and Engineering Fees:	500,000.00
Misc. Project Costs:	25,000.00
Furniture & Equipment Costs:	0.00
Contingency:	775,000.00
 Total Project Budget	 \$ 17,900,000.00

Proposed Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvements (\$17,900,000)

Staff Recommendation: Board staff recommends approval of this item.

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

IHL PROJECTS

7. UMMC – IHL 209-566 – Day Surgery & Patient Care Units Expansion

Project Request: The University of Mississippi Medical Center requests approval to modify the scope of the Day Surgery & Patient Care Units Expansion project.

Project Phase: Design Phase

Design Professional: ESA Architects

General Contractor: TBD

Purpose/Justification: UMMC is seeking to modify the scope of the project from the original scope approved by the board in April of 2018. The project budget and funding source will remain the same.

Project Scope: The original scope of the project was to expand the existing day surgery suite and provide design for the build-out of the shelled floors in the existing Critical Care Hospital and Adult Hospital. The future build-out will provide expansion of ICU, Psychiatric and Med/Surg facilities.

The new scope of work will build-out the 6th floor of the Critical Care Tower for Intensive Care Units while providing design only for the Day Surgery expansion.

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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 funding sources to the Board for approval.

Project Initiation Date: November 16, 2017

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 9,400,000.00
Architectural and Engineering Fees:	682,104.00
Misc. Project Costs:	477,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>440,896.00</u>
Total Project Budget	\$ 11,000,000.00

Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvements (\$11,000,000)

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

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APPROVAL OF OTHER REAL ESTATE REQUESTS

8. ASU – GS 101-297 – Technology Classroom Building – Approval of Exterior Design

Project Request: Alcorn State University requests approval of the exterior design for the Technology Classroom Building project.

Purpose: Alcorn State University is seeking approval of the exterior rendering for the Technology Classroom Building project as required by board policy.

Project Scope: The project consists of a new 38,565 GSF structure with faculty offices, classrooms, student lounge areas, computer labs, conference rooms, and an auditorium.

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 17,519,000.00
Architectural and Engineering Fees:	1,015,803.00
Misc. Project Costs:	1,589,247.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>875,950.00</u>
Total Project Budget	\$ 21,000,000.00

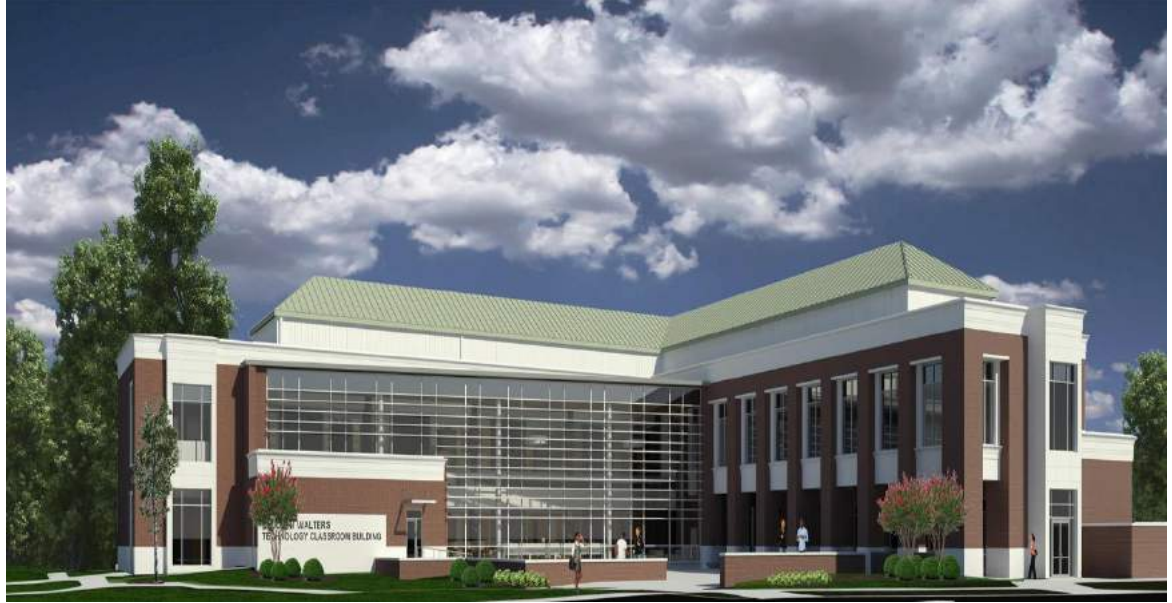
Funding Source(s): HB 1649, Laws of 2018 (\$4,500,000); SB 2906, Laws of 2015 (\$7,100,000); HB 787, Laws of 2014 (\$9,000,000); SB 2913, Laws of 2013 (\$400,000)

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

Staff Recommendation: Board staff recommends approval of this item.

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Front Elevation View



Rear Elevation View



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9. ASU – GS 101-310 – New Faculty and Staff Housing – Approval of Exterior Design

Project Request: Alcorn State University requests approval of the exterior design for the New Faculty and Staff Housing project.

Purpose: Alcorn State University is seeking approval of the exterior rendering for the New Faculty and Staff Housing project as required by board policy.

Project Scope: The project provides a base bid proposal of seven (7) buildings (30 units) of various building types including townhomes and apartment buildings. The project is designed to have four (4) alternate buildings which will allow for up to 36 total units with a total of 45,262 GSF. The site development considerations have been made to allow for future expansion.

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 8,673,601.00
Architectural and Engineering Fees:	525,052.00
Misc. Project Costs:	325,157.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>476,190.00</u>
Total Project Budget	\$ 10,000,000.00

Funding Source(s): HB 1729, Laws of 2016 (\$7,500,000); HB 1729, Laws of 2016 (\$2,500,000) – [2.5M in State Bond Funds Authorized Beginning July 1, 2017]

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

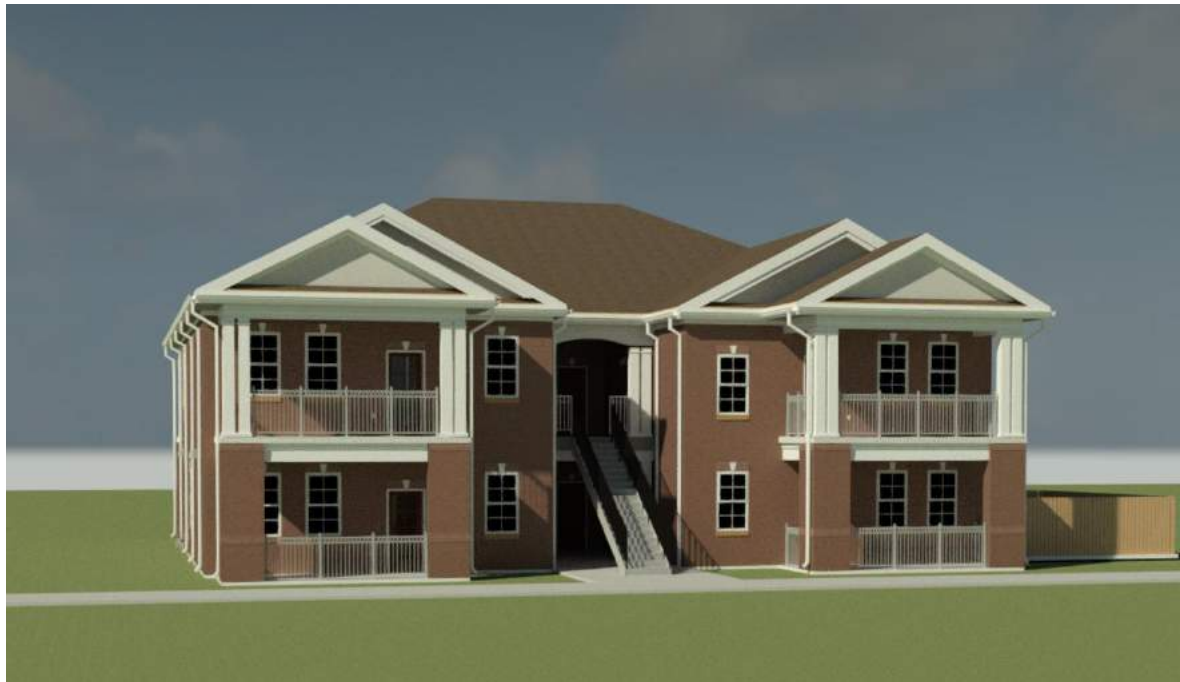
Staff Recommendation: *Board staff recommends approval of this item.*

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Front Elevation View of Building Type 1



Front Elevation View of Building Type 2



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10. MSU – Granting of a Temporary Construction Easement to Oktibbeha County, Mississippi

Project Request: Mississippi State University requests permission to grant a temporary construction easement to Oktibbeha County, Mississippi.

Purpose: The easement will allow Oktibbeha County to widen Blackjack Road that runs adjacent to the south side of the campus at MSU.

Property Description:

TRACT 1: Containing 1.704 acres, more or less, and being a part of the Southeast Quarter of Section 2, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 2: Containing 0.093 acres, more or less, and being a part of the Southeast Quarter of Section 2, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 3: Containing 0.602 acres, more or less, and being a part of the Southeast Quarter of Section 2, and the Southwest Quarter of Section 1, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 4: Containing 0.858 acres, more or less, and being a part of the Northwest Quarter of Section 12, and the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 5: Containing 0.074 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 6: Containing 0.075 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 7: Containing 0.016 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 8: Containing 0.021 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

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TRACT 9: Containing 0.018 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 10: Containing 0.093 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 11: Containing 0.037 acres, more or less, and being a part of the Northwest Quarter of Section 7, Township 18 North, Range 15 East, Oktibbeha County, Mississippi.

TRACT 12: Containing 0.165 acres, more or less, and being a part of the Northwest Quarter of Section 7, Township 18 North, Range 15 East, Oktibbeha County, Mississippi.

TRACT 13: Containing 0.046 acres, more or less, and being a part of the Southeast Quarter of Section 1, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

TRACT 14 (IHL Tract): Containing 0.012 acres, more or less, and being a part of the Northeast Quarter of Section 12, Township 18 North, Range 14 East, Oktibbeha County, Mississippi.

Terms of Easement:

Oktibbeha County will perform the following:

- Perform by contract in accordance with the plans and specifications for the contemplated project.
- Erect and maintain all necessary signs and markings.
- In the event that utilities or any other improvements interfere with any work on the project and need to be relocated, be responsible for all relocation and adjustments within the right-of-way area.
- Maintain all right-of-way of both Oktibbeha County and MSU, within the limits of the project, throughout the life of the project.
- At the conclusion of the project, continue to be responsible for maintenance of the area from the back of the curb to the centerline of Blackjack Road.
- Remain responsible for any direct physical damage caused to the remaining property of MSU and IHL by Oktibbeha County's construction or by the construction of the proposed project to the extent authorized by the Mississippi Tort Claims Act and shall restore MSU/IHL unimproved property to essentially its original condition.

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MSU/IHL will perform the following:

- Grant unto Oktibbeha County, without cost to the County, a temporary easement on, over and across Blackjack Road right-of-way or the construction limits for constructing and maintaining the aforesaid project.
- Upon completion of the project, MSU will assume responsibility of maintenance of the area on MSU/IHL property beyond the back of the curb to be installed as part of the project.

Termination Options: None

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

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

11. UMMC – IHL 209-557 – Med-Com/PES Renovations (Sole Source)

Project Request: The University of Mississippi Medical Center requests approval to Sole Source the HVAC Controls portion of the Med-Com/PES Renovations project.

Design Professional: Canizaro Cawthon Davis Architects

Purpose: The University of Mississippi Medical Center is requesting approval to sole source the HVAC Controls portion of this renovation project as an extension of the existing Johnson Controls system. Funds are provided within the construction project budget.

Project Scope: This project will renovate the existing Med-Com and Psychiatric Emergency Services (PES) area. This 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.

Sole Source Justification: UMMC feels it to be in their best interest to extend the existing Johnson Controls System as a sole source to insure the operational integrity of the existing building system. The estimated value of the existing Johnson Controls EMCS is approximately \$1,000,000. The probable cost of the new project EMCS modifications is \$15,000 for a 1.5% modification. According to IHL and

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Bureau of Building EMCS procurement protocol for existing systems, the EMCS can and should be procured by single source procurement since the portion of the new controls is less than 25% of the existing controls system as long as approval is obtained prior to bidding.

Project Initiation Date: May 17, 2018

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 2,055,000.00
Architectural and Engineering Fees:	192,217.00
Misc. Project Costs:	129,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>203,814.00</u>
 Total Project Budget	 \$ 2,868,925.00

Funding Source(s): UMMC SSA [Shared Services Account] – Building Improvement Funds (\$2,868,925)

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

12. UMMC – Granting of a Temporary Construction Easement to the American Cancer Society (ACS)

Project Request: The University of Mississippi Medical Center requests permission to grant a non-exclusive temporary easement to the American Cancer Society (ACS) - Hope Lodge in order to share a road located between the ACS Hope Lodge development and Sal & Mookie’s restaurant. ACS currently has a ground lease with UMMC to build the Hope Lodge.

Purpose: The easement will allow ACS to share the road with UMMC and for it to be accessible for patients utilizing the ACS Hope Lodge facility once complete.

Property Description: A parcel of land situated in the SW ¼ of Section 26 and in the SE ¼ of Section 27, all in Township 6 North, Range 1 East, City of Jackson, Hinds County, Mississippi.

Terms of Easement: UMMC conveys to ACSII a temporary, non-exclusive easement, for the ingress and egress, over, upon, across and through the easement parcel. UMMC shall have full and continuing right to patrol and control this easement

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for all purposes including traffic flow, parking and maintenance, and to clear and keep clear vegetation within or growing onto the easement parcel which UMMC considers a hazard to any of UMMC's facilities located in the vicinity of the easement parcel.

UMMC and ACSII shall jointly maintain the easement parcel. UMMC and ACSII shall at least twice per year jointly inspect the road constructed on the easement parcel and perform necessary maintenance. The cost of maintenance shall be divided equally between ACSII and UMMC.

Termination Options: This easement is in effect as long as the existing ground lease is in effect. This non-exclusive temporary easement will terminate upon termination of the existing ground lease. Either party may also terminate the non-exclusive temporary easement in the event of an adverse change in law and the parties are unable to renegotiate terms.

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

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

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1. MSU – REQUEST FOR APPROVAL TO MODIFY CONTRACT WITH BUTLER SNOW LLP AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify a contract with Butler Snow LLP, to provide services necessary in the practice areas of intellectual property and commercial matters; this representation does not and is not intended to include any representation by law firm for or on behalf of the University as bond counsel or in any related role in connection with any financing transaction undertaken by or for the University, including other matters which may concern advice in connection with indebtedness of the University. The initial contract entered into on October 17, 2013 was modified by Modifications #1-4, each extending the term for one year, with the current term expiring October 16, 2018. Modification #5 will extend the term of the contract for an additional year or through October 16, 2019. Blended hourly rate for all attorneys shall remain at \$295 per hour. Rate for legal assistants shall remain at \$95 per hour. Total amount payable during the extension period shall not exceed \$75,000. All other provisions of the Agreement for Legal Services dated October 17, 2013 shall remain in effect. This firm carries professional liability insurance coverage in the amount of \$10,000,000 per claim with an annual aggregate of \$10,000,000. The Modification has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. MSU – REQUEST FOR APPROVAL TO MODIFY CONTRACT WITH JONES WALKER, LLP AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify a contract with the firm of Watkins Ludlam Winter & Stennis, P.A., now known as Jones Walker, L.L.P., to provide services necessary in connection with the issuance of bonds for the financing of the construction and acquisition of buildings for Mississippi State University. The initial contract entered into on August 25, 2010 was modified by Modifications #1-7. Proposed Modification #8 will extend the terms until August 24, 2019. Section V. “Specific Attorneys” has been revised to reflect Keith Parsons, Aileen Thomas, Brad Davis, and Chris Pace, as specific attorneys who will be furnishing legal services under this contract. The rate of \$1.15 for each \$1000 of bonds issued by the EBC remains in effect, as do all other provisions of the Agreement for Legal Services dated August 25, 2010. This firm carries professional liability insurance coverage in the amount of \$50,000,000 per claim with an annual aggregate of \$100,000,000. The modification has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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3. MSU – REQUEST FOR APPROVAL TO MODIFY CONTRACT WITH VALAUSKAS CORDER LLC AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify a contract with the firm of Valauskas Corder, LLC located at 150 South Wacker Drive, Suite 620, Chicago, IL 60606, as outside counsel for the provision of services necessary in assisting the University with various patent applications, identification and forensic analysis of intellectual property, prosecution of patent applications, trademark registration applications, copyright registration applications, preparing and negotiating agreements and other related intellectual property and commercialization issues. The initial contract entered into on November 17, 2011 was modified by Modifications #1-6, each Modification extending contract terms for one (1) year. Modification #7 will extend the term until November 16, 2019. Current attorneys providing services are Charles Valauskas, Allison Corder, and Paul K. Judd. All other provisions of the Agreement for Legal Services dated November 17, 2011, shall remain in effect, with hourly rates continuing to range from \$225-\$425, a maximum amount payable under this contract term of \$100,000. This firm carries professional liability insurance coverage in the amount of \$2,000,000 per claim with an annual aggregate of \$2,000,000. This Modification has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. MSU – REQUEST FOR APPROVAL TO MODIFY CONTRACT WITH THE WINFIELD LAW FIRM, P.A. AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify a contract with The Winfield Law Firm, P.A. as outside counsel to provide legal services necessary in assisting the University in the areas of higher education law, employment law, real estate matters, compliance, and other local matters. The initial contract was entered into on October 19, 2017, for a term of one (1) year, to expire on October 18, 2018. Modification #1 will extend the term for an additional year, to expire on October 18, 2019. All other provisions of the Agreement for Legal Services dated October 19, 2017 shall remain in effect, with an hourly rate of \$165 for attorneys and a maximum amount payable under this contract term of \$50,000. This firm carries professional liability insurance coverage in the amount of \$1,000,000 per claim with an annual aggregate of \$2,000,000. This request has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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PERSONNEL
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APPROVAL OF PERSONNEL ACTION REQUESTS

1. **Change of Status**

Alcorn State University

Ivan Banks. *from* Interim Dean, School of Education & Psychology and Professor of Education without tenure; salary \$135,000 per annum, pro rata; E&G and *Ayers* Funds; 12 month contract; *to* Dean, School of Education & Psychology and Professor of Education with tenure; salary \$140,000 per annum, pro rata; E&G and *Ayers* Funds; 12 month contract; effective September 1, 2018

Donna Williams. *from* Dean of Business and Associate Professor of Business with tenure; salary of \$140,000 per annum, pro rata; E&G and other funds; 12 month contract; *to* Interim Vice Provost for Academic Affairs/Dean of Business and Associate Professor of Business with tenure; salary \$143,000 per annum, pro rata; E&G and other funds; 12 month contract; Effective September 1, 2018

Jackson State University

Marie O'Banner-Jackson; *from* Interim Dean and Assistant Professor for the Division of Undergraduate Studies; salary \$120,000 per annum, pro rata; E&G Funds; 12 month contract; termination effective August 31, 2018

Ricardo Brown; *from* Dean, College of Public Service; salary \$162,000 per annum, pro rata; E&G Funds; 12 month contract; *to* Professor with tenure, School of Public Health; salary \$121,500 per annum, pro rata; E&G Funds; 9 month contract; effective September 17, 2018

Xing Yang; *from* Associate Professor of Mathematics and Statistical Sciences with tenure; salary \$65,247 per annum, pro rata; E&G; 9-month contract; termination effective May 15, 2018

2. **Sabbatical**

Jackson State University

Consandra McNeil; Professor of Sociology and Criminal Justice; *from* salary \$63,256 per annum, pro rata; E&G Funds; 9 month contract; *to* salary of \$63,256 for sabbatical period; Grant Funds; effective September 1, 2018 to August 31, 2019; professional development

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

The university requests approval to bestow one honorary degree at its December 2018 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

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ACADEMIC AFFAIRS
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1. SYSTEM – APPROVAL FOR FIRST READING OF PROPOSED BOARD POLICY SECTION 600 – STUDENT AFFAIRS AND ADMISSIONS: SUBSECTION 618

Board approval for first reading is requested for proposed Board Policy §618 Early College High School Admission Requirements as indicated below.

618 HIGH SCHOOL ENROLLMENT PROGRAMS FOR UNIVERSITY SYSTEM INSTITUTIONS

The Board may allow early college high school, dual credit, and dual enrollment program opportunities to high school students at the discretion of the admitting institution in accordance with policies and procedures in the *Procedures Manual for the State of Mississippi Dual Enrollment and Accelerated Programs*. Notices of intent to establish an early college high school program shall be sent to the Office of Academic Affairs.

STAFF RECOMMENDATION: Board staff recommends approval of Board Policy §618 for first reading.

2. SYSTEM – APPROVAL OF ACADEMIC PROGRAM PRODUCTIVITY REVIEWS

Academic productivity reviews are triggered when cumulative graduates over the past 3 academic years for a single degree program are less than 18 for baccalaureate-level degrees, less than 12 for master-level degrees, and less than 5 for specialist and doctorate-level degrees. Fifty-six (56) academic programs were evaluated to assess need, potential to grow enrollment, productivity potential, and unnecessary duplication. Based on proposals prepared by each institution and subsequent review by the Office of Academic and Student Affairs (OASA), the following recommendations are presented for Board approval.

- a. **CONTINUE WITH STIPULATION** the following **13** academic programs (subject to additional review by OASA for two years to assess progress toward future productivity):

ASU – Bachelor of Arts in Sociology (CIP 45.1101)
ASU – Bachelor of Science in Computer Science (CIP 11.0101)
ASU – Bachelor of Science in Robotics and Automation Technology (CIP 15.0405)
DSU – Master of Science in Community Development (CIP 44.0201)
JSU – Bachelor of Science in Mathematics Education (CIP 13.1311)
JSU – Master of Education in Elementary Education (CIP 13.1202)
JSU – Master of Education in Secondary Education (CIP 13.1205)
JSU – Master of Science in Environmental Science (CIP 30.103)
JSU – Masters in Science and Mathematics Teaching (13.9999)
MUW – Bachelor of Arts in Music – (CIP50.0901)
MVSU – Bachelor of Science in Computer Science (CIP 11.0101)
MVSU – Bachelor of Science in Elementary Education (CIP 13.1202)
MVSU – Bachelor of Arts in Art (CIP 50.0101)

STAFF RECOMMENDATION: 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.

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

IHL PROJECTS

1. MSU – IHL 205-287 – MSU Parking Garage North

Project Request: Mississippi State University requests approval to increase the budget for the MSU Parking Garage North project. The budget will increase from \$9,000,000.00 to \$12,000,000.00, for an increase of \$3,000,000.00. The funding source will not change.

Current Project Phase: Design Phase

Design Professional: McCarty Architects

General Contractor: TBD

Prior Budget Increases: The project was initiated with the Board in May of 2017 with a project budget of \$9,000,000.00. This is the first budget escalation request made for this project by the university.

Purpose/Justification: Mississippi State University is requesting to increase the project budget based on the design professional’s revised cost estimate and recent construction of projects of the same type.

Project Scope: Provide design, contract documents and construction administration for a new multistory parking garage located on the campus of Mississippi State University. The new facility shall be a poured in place concrete structure. The exterior skin of the facility shall comply with the Architectural Design Standards of Mississippi State University. The new facility will be located on the north side of campus east of

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Howell Hall and contain approximately 500 parking spaces. In addition, the facility shall be designed to expand upward for future parking levels.

Mississippi State University 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: May 18, 2017

Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 7,800,000.00	\$ 10,224,000.00	\$ 2,424,000.00
Architectural and Engineering Fees	\$ 396,106.00	\$ 510,500.00	\$ 114,394.00
Miscellaneous Project Costs	\$ 413,894.00	\$ 754,300.00	\$ 340,406.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 390,000.00	\$ 511,200.00	\$ 121,200.00
Total Project Budget	\$ 9,000,000.00	\$ 12,000,000.00	\$ 3,000,000.00

Proposed Funding Source(s): Internal R&R (\$12,000,000)

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

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LEGAL
OCTOBER 18, 2018**

1. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim number 1983.

2. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim number 3171.

3. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim number 3182.

4. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim number 3191.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION ITEM
FINANCE
October 18, 2018

1. **SYSTEM – 2018 Ayers Accountability** - In accordance with the *JAKE AYERS, JR. ET.AL. and United States of America v RONNIE MUSGROVE, GOVERNOR, STATE OF MISSISSIPPI, ET.AL.* Settlement (aka: *Ayers Settlement Agreement*), the Board, through its counsel, shall provide to lead counsel for the private plaintiffs and counsel for the United States an annual disclosure report reflecting specified line-item information. This document is due October 1 of each year and has been presented to the Court.

2. **UMMC –REQUEST FOR APPROVAL OF MISSISSIPPI INFORMATION TECHNOLOGY SERVICES RESEARCH SERVICE AGREEMENT WITH GARTNER, INC.**

The following documents represents the approval of MS-ITS for the purchase of eight (8) months of subscription-based research services for the University of Mississippi Medical Center (UMMC). The Attorney General’s staff assigned to the MS-ITS has reviewed the agreement. The Research Service Agreement is between Gartner, Inc. and MS-ITS behalf of UMMC.

See Exhibit 1.

EXHIBIT 1

PROJECT NUMBER 44362
RESEARCH SERVICE AGREEMENT
BETWEEN
GARTNER, INC.

AND
MISSISSIPPI DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES
AS CONTRACTING AGENT FOR THE
UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

This Research Service Agreement (hereinafter referred to as "Service Agreement"), is entered into by and between Gartner, Inc., a Delaware corporation having its principal place of business at 56 Top Gallant Road, Stamford, Connecticut 06904-2212 (hereinafter referred to as "Gartner") and the Mississippi Department of Information Technology Services having its principal place of business at 3771 Eastwood Drive, Jackson, Mississippi 39211 (hereinafter referred to as "ITS") as contracting agent for the University of Mississippi Medical Center located at 2500 North State Street, Jackson, Mississippi 39216 (hereinafter referred to as "Client").

This Research Service Agreement is subject to the terms and conditions of the Master Client Agreement signed June 15, 2017 (hereinafter referred to as "MCA"), between Gartner and ITS, the terms of which are incorporated by this reference. Capitalized terms used in this Research Service Agreement and defined in the MCA shall have the same meanings given to them in the MCA. The MCA and this Service Agreement constitute the complete legal agreement between Gartner and Client for the Services described in this Service Agreement. The MCA shall govern any inconsistencies between the two documents. Client agrees to subscribe to the following Services for the term and fees set forth below.

1. DEFINITIONS AND ORDER SCHEDULE:

Services are the subscription-based research and related services purchased by the Client in the Order Schedule below and described in the Service Descriptions. Service Names and Levels of Access are defined in the Service Descriptions. Gartner may periodically update the names and the deliverables for each Service. If the Client adds Services or upgrades the level of service or access, an additional Service Agreement will be required.

Service Descriptions describe each Service purchased, specify the deliverables for each Service, and set forth any additional terms unique to a specific Service. Service Descriptions for the Services purchased are attached to this Service Agreement as Exhibits A and B.

2. ORDER SCHEDULE

Service Name	Level of Access	Number of Users	Name of User to be Licensed	Contract Term Start Date	Contract Term End Date	Annual Fee USD	Total Fee USD
Gartner Executive Program Leadership Team Plus	Leader	1	Paul Veregge	01-NOV-2018	30-JUN-2019	\$81,300.00	\$54,200.00
Gartner Executive Program Leadership Team Plus	Advisor Team Member	2	Ellen Swoger, Kevin Yearick	01-NOV-2018	30-JUN-2019	\$69,400.00	\$46,266.67
Total Services:							\$100,466.67

*Price does not include sales tax. Gartner understands and agrees that Client is exempt from the payment of taxes.

EXHIBIT 1

3. PAYMENT TERMS

Gartner will invoice Client in arrears for all Services, unless mutually agreed otherwise. For clarification purposes, "in arrears" means immediately after commencement of the subscription Services.

(Note: If payment of undisputed amounts is not made to Gartner within forty-five (45) days of Client's receipt of the invoice, Client shall be liable to Gartner for interest at a rate of one and one-half percent (1 ½%) per month (or such lesser rate as may be the maximum permissible rate under the law) on the unpaid balance from the expiration of such forty-five (45) day period until such time as payment is made. This provision for late payments shall apply only to undisputed amounts for which payment has been authorized.)

If Client requires a Purchase Order number, please specify the Purchase Order number below and forward a copy of the Purchase Order with this Service Agreement. Any pre-printed terms on the Purchase Order that are in addition to or in contradiction of the terms of this Service Agreement or the MCA shall be inapplicable. If this Service Agreement is for a term of more than one year and Client requires an annual Purchase Order, Client agrees that it shall issue the new Purchase Order 30 days prior to the anniversary of the term start date.

Purchase Order Number _____

4. THE STATE OF MISSISSIPPI BILLING INFORMATION

[Carol Northrop](#)
[University of Mississippi Medical Center](#)
[350 West Woodrow Wilson, Suite 1601](#)
[Jackson, Mississippi 39213](#)
[Telephone # \(601\) 815-1387](#)
[Email: cnorthrop@umc.edu](#)

EXHIBIT 1

For the faithful performance of the terms of this Research Service Agreement, the parties have caused this Research Service Agreement to be executed by their undersigned representatives.

**State of Mississippi, Department of
Information Technology Services on behalf
of University of Mississippi Medical Center**

Gartner, Inc.

By: _____
Authorized Signature

By: _____
Authorized Signature

Printed Name: Craig P. Orgeron, Ph.D.

Printed Name: _____

Title: Executive Director

Title: _____

Date: _____

Date: _____

University of Mississippi Medical Center

By: _____
Authorized Signature

Printed Name: LouAnn Woodward, M.D.

Title: Vice Chancellor for Health Affairs

Date: _____

EXHIBIT 1

EXHIBIT A

SERVICE DESCRIPTION

Attachment to the Service Agreement

EXECUTIVE PROGRAMS LEADERSHIP TEAM PLUS: LEADER

Executive Programs Leadership Team Plus: Leader (the “Service”) is designed for the most senior technology executive in the client organization, typically the CIO, and his or her leadership team. The Service provides client with (i) an ongoing advisory relationship with Gartner, and (ii) a thinking partner to contextualize Gartner insights. This Service requires the separate purchase of an Executive Programs Leadership Team Plus Member Service.

DELIVERABLES

The Executive Programs Leadership Team is comprised of two sets of users: (i) the “Leader,” and (ii) “Team Members,” as set forth in the Service Agreement. Collectively, the Leader and his/her Team Members are “Licensed Users.” The Deliverables for the Leader are set forth below.

- Assigned Service Delivery Team
- Value Reviews
- Team Workshop
- Access to research advisors
- Research Briefing
- Symposium/ITxpo® with Executive Programs VIP Access
- Executive Programs Events
- Peer Networking
- Leadership Development Research and Related Content
- Gartner for IT Leaders Research and Related Content
- Best practice and decision support content
- IT Key Metrics Data
- Executive Programs Research and Related Content
- Talking Technology Series

ADDITIONAL DEFINITION OF DELIVERABLES

1. Assigned Service Delivery Team

An Executive Partner with past experience in senior technology executive roles and a Team Client Manager will serve as the Leader’s primary points of contact for this Service. They will help define and develop individualized strategies based on their priorities and initiatives (“Leader Agenda”). The Leader may interact on a monthly basis with the Executive Partner and Gartner to ensure ongoing engagement and delivery of value. Interactions may include: Strategy Meetings, research advisor interactions, local events, Symposium attendance, peer networking interactions, or Executive Partner teleconferences or meetings.

Strategy Meetings between the Leader and by invitation of the Leader, one or more of the Leader’s peers (typically the CEO, CFO, CXO, et al.), and the Executive Partner may be to review and apply Executive Programs Research, the annual Executive Programs CIO Agenda, or other relevant content, provide advice on issues of relevance to Leader, and/or to drive the Leader Agenda.

The Team Client Manager (TCM), an experienced service professional who understands the client’s context and priorities, helps the Client understand the entitlements of their Service, and provides personalized, proactive, concierge-level service as the single point of contact from Gartner, helps the team leverage the most relevant Gartner resources. The TCM facilitates a coordinated service approach for the team, as well as alignment between Team Members and the Leader.

2. Value Reviews – The Executive Partner will periodically conduct Value Reviews with the Leader

EXHIBIT 1

against the Leader Agenda.

3. **Team Workshop** – A half-day annual session (jointly determined by the Executive Partner and Leader) on Client premises, facilitated by the Executive Partner, which is focused on application of Executive Programs Research and action planning. Topic is selected by Leader and Executive Partner from a list of available Executive Programs workshops. The session may include non-Team Members up to a total of 25 (twenty-five) participants.
4. **Access to research advisors**
 - Inquiry for the Leader** – Provides access to research advisors who are associated with this Service. Participation is limited to the research advisor, the Leader, and Team Members. The Leader must be present on the inquiry call and lead the inquiry discussion and questions in order to advance the Leader Agenda. Leader may, on an occasional and infrequent basis (not to exceed 10 (ten) times per contract year, and not to exceed more than 25 (twenty-five) individuals per session), include in inquiry non-Team Members from within Client organization.
 - Prioritized Scheduling** – The Leader is entitled to prioritized scheduling for inquiry and 1-on-1 sessions at Symposium/ITxpo.
 - Research Briefing** – One (1) briefing session per contract period with a research advisor, delivered at client discretion remotely or onsite, not to exceed four (4) hours. The session may include Team Members and others from the client’s organization, up to a total of 25 (twenty-five) participants.
5. **Events**
 - Attendance at Symposium/ITxpo** – One (1) complimentary, nontransferable invitation to attend Gartner Symposium/ITxpo, including standard Symposium entitlements and Executive Programs VIP access.
 - Executive Programs Events** – Complimentary, nontransferable invitation to attend local content-based Gartner Executive Programs Events, including regional CIO Leadership Forums, where available.
As part of the registration process, you will receive access to Gartner Events Terms & Conditions containing legal disclosures specific to your Event experience.
6. **Peer Networking**
 - Peer Directory** – Access to searchable directory of senior technology leaders and CEOs.
 - Online Forums** – Access to virtual discussions of common issues among peers on gartner.com, including a private forum exclusive for Executive Programs Members and Leaders.
 - Offline Meetups** – Access to designated lounges at Symposium/ITxpo.
 - Facilitated Networking** – Executive Partner will upon request set up meetings or conference calls with peers around a specific topic to discuss best practices or areas of expertise.
 - Peer Roundtables** – Access to facilitated discussions with peers; participation limited to executives with similar job roles.
7. **Leadership Development Research and Related Content** – Customized professional development content for the development of technology leaders, targeted to Team Members.
8. **Gartner for IT Leaders Research and Related Content** – Includes Gartner Core IT and Role-specific Research; diagnostic tools, templates, and case studies; Weekly Picks and News Analysis; and webinars featuring research advisors.
9. **Best Practice and Decision Support Content** – Includes peer benchmarks, best practices, case studies, tools, and templates.
10. **IT Key Metrics Data** – Provides performance metrics on trends in IT spending and staffing, unit

EXHIBIT 1

costs, and performance measures across critical IT domains.

11. Executive Programs Research and Related Content

Research Reports – Up to 12 (twelve) Reports per year, covering Gartner-selected topics on areas where business and IT intersect. (Schedules are approximations and are dependent on the publication schedule of relevant Research.) Includes associated tools and teleconferences hosted by Executive Programs authors to discuss their Research Reports.

Business Research and Related Content – Targeted to CIOs, CFOs, and other business executives.

Note: For all Research Access (Numbers 7-11 above) – Leader may, on an occasional and infrequent basis, forward to other individuals in Client’s organization no more than 25 (twenty-five) individual Gartner Research documents per contract year. This may not be done on a routine basis, or via posting on Client’s intranet, or in any other manner that has the intent or effect of avoiding the purchase of additional Gartner User licenses.

12. Talking Technology Series – Research advisor commentaries on the latest IT topics in a monthly audio program accessed on gartner.com or downloaded to an MP3 device.

EXHIBIT 1

EXHIBIT B

SERVICE DESCRIPTION Attachment to the Service Agreement **EXECUTIVE PROGRAMS LEADERSHIP TEAM PLUS: ADVISOR TEAM MEMBER**

Executive Programs Leadership Team Plus: Advisor Team Member (the “Service”) permits the client to identify an advisor team member, typically an individual reporting to the most senior IT executive, usually the CIO. The Service, which is part of the Executive Programs Leadership Team Plus, requires the separate purchase of the Executive Programs Leadership Team Plus: Leader Service.

DELIVERABLES

The Executive Programs Leadership Team Plus is comprised of two sets of users: (i) the “Leader,” and (ii) “Team Members,” as set forth in the Service Agreement. Collectively, the Leader and his/her Team Members are “Licensed Users.” The Deliverables for the Advisor Team Member are set forth below.

- Assigned Team Client Manager
- Team Workshop
- Access to research advisors
- Symposium/ITxpo[®]
- Peer Networking
- Executive Programs Events
- Gartner for IT Leaders Research and Related Content
- Best practice and decision support content
- IT Key Metrics Data
- Executive Programs Research and Related Content
- Leadership Development Research and Related Content
- Talking Technology Series

ADDITIONAL DEFINITION OF DELIVERABLES

1. Assigned Team Client Manager

A Team Client Manager will serve as the Advisor Team Member’s primary point of contact for this Service. The Team Client Manager (TCM), an experienced service professional who understands the client’s context and priorities, helps the Client understand the entitlements of their Service, and provides personalized, proactive, concierge-level service as the single point of contact from Gartner, helps the team leverage the most relevant Gartner resources. The TCM facilitates a coordinated service approach for the team, as well as alignment between Team Members and the Leader.

- 2. Team Workshop** – Participate in a half-day annual session (jointly determined by the Executive Partner and Leader) on Client premises facilitated by the Executive Partner, which is focused on application of Executive Programs Research and action planning. Topic is selected by Leader and Executive Partner from a list of available Executive Programs workshops.

3. Access to research advisors

Inquiry for the Advisor Team Member – Participation is limited to the research advisor and the Advisor Team Member. The inquiry topic may be any area of Gartner-covered Research.

- 4. Attendance at Symposium/ITxpo** – One (1) complimentary, nontransferable invitation for the Advisor Team Member to attend Gartner Symposium/ITxpo, including standard Symposium entitlements.

As part of the registration process, you will receive access to Gartner Events Terms & Conditions containing legal disclosures specific to your Event experience.

EXHIBIT 1

5. Peer Networking

Peer Directory – Access to searchable directory of senior technology leaders.

Online Forums – Access to virtual discussions of common issues among peers on gartner.com.

Offline Meetups – Access to designated lounges at Symposium/ITxpo.

6. Gartner for IT Leaders Research and Related Content

Includes Gartner Core IT and Role-specific Research; diagnostic tools, templates, and case studies; Weekly Picks and News Analysis; and webinars featuring research advisors.

7. Best Practice and Decision Support Content

– Includes peer benchmarks, best practices, case studies, tools, and templates.

8. IT Key Metrics Data

Provides performance metrics on trends in IT spending and staffing, unit costs, and performance measures across critical IT domains.

9. Executive Programs Research and Related Content

Research Reports – Up to 12 (twelve) Reports per year, covering Gartner-selected topics on areas where business and IT intersect. (Schedules are approximations and are dependent on the publication schedule of relevant Research.) Includes associated tools and teleconferences hosted by Executive Programs authors to discuss their Research Reports.

Business Research and Related Content – Targeted to CIOs, CFOs, and other business executives.

10. Leadership Development

Leadership Development Research and Related Content – Customized professional development content for technology leaders, targeted to Team Members.

11. Talking Technology Series

– Research advisor commentaries on the latest IT topics in a monthly audio program accessed on gartner.com or downloaded to an MP3 device.

ADDITIONAL TERMS & CONDITIONS

Use of the Service is governed by the Gartner Usage Policy and the Gartner Copyright and Quote Policy, which are accessible on the Policies section of gartner.com.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
OCTOBER 18, 2018**

**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
SEPTEMBER 20, 2018 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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ALCORN STATE UNIVERSITY

1. ASU– GS 101-310 – Faculty Housing

NOTE: This is a Bureau of Building project

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by Architecture South

Approval Status & Date: APPROVED, September 6, 2018

Project Initiation Date: April 20, 2017

Design Professional: Architecture South

General Contractor: TBD

Total Project Budget: \$10,000,000.00

MISSISSIPPI STATE UNIVERSITY

2. MSU– GS 113-141 – ADS & Poultry Complex, PH 1

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$77,345.87 and fifty-seven (57) additional days to the contract of Century Construction & Realty, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, September 19, 2018

Change Order Description: Change Order #2 includes the following items: modified the storm manhole line; modified the loose steel lintels; added electrical rough-ins for access control door hardware; modified the framed opening at the mechanical room wall louvers; modified the storm drainage; revised the paint finish core aluminum composite panels around the parapet wall at the flat roof to be fire resistant core; performed milling, resurfacing & restriping of the Wise Center Drive west of the project entry to new paving at the Hail State Blvd.; and fifty-seven days to the contract.

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Change Order Justification: These changes were due to changes in requirements or recommendations by governmental agencies; errors and omissions in the plans and specifications; latent job site conditions; user/owner requested modifications; and weather delays as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$99,591.47.

Project Initiation Date: April 16, 2015

Design Professional: McCarty Architects, P.A.

General Contractor: Century Construction & Realty, Inc.

Phased Project Budget: \$14,300,000.00

Total Project Budget: \$27,500,000.00

3. MSU– IHL 205-279 – Addition & Renovation to Dudy Noble Field

Approval Request #1: Change Order #10

Board staff approved Change Order #10 in the amount of \$95,789.92 and zero (0) additional days to the contract of Jesco, Inc.

Approval Status & Date: APPROVED, September 12, 2018

Change Order Description: Change Order #10 includes the following items: added baseball season provisions; added twenty (20) Irwin Senator chairs into the Omaha Club; added restrooms to two (2) large suites and omitted the pendant lights in those suites; added a vertical fry reglet reveals at the tv wall panel and gypsum board in view level suites; and added a concrete sidewalk in lieu of landscape beds in an area.

Change Order Justification: These changes were due to user/owner requested modifications.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$1,586,067.00.

Project Initiation Date: May 21, 2015

Design Professional: Wier Boerner Allin Architects, PLLC

General Contractor: Jesco, Inc.

Total Project Budget: \$55,000,000.00

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4. MSU– IHL 205-283 – Preplanning – Addition & Renovation of Humphrey Coliseum

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 September 24, 2018 to approve the exterior design.

Interim Approval Status & Date: APPROVED, September 24, 2018

Project Initiation Date: June 16, 2018

Design Professional: Dale Partners

General Contractor: TBD

Total Preplan Budget: \$200,000.00

5. MSU– IHL 205-285A – MSU Chilled Water Loop Upgrade

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$409,992.25 and zero (0) additional days to the contract of Brislin, Inc.

Approval Status & Date: APPROVED, September 25, 2018

Change Order Description: Change Order #1 includes the following items: removed the existing chiller #2 and install a new chiller #2 in the steam plant building.

Change Order Justification: These changes were due to the motor failure of the twenty-eight (28) year old #2 chiller.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$409,992.25.

Project Initiation Date: August 17, 2017

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

General Contractor: Brislin, Inc.

Total Project Budget: \$5,000,000.00

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UNIVERSITY OF MISSISSIPPI

6. UM– GS 107-308 – Union Addition and Renovation

Approval Request #1: Change Order #15

Board staff approved Change Order #15 in the amount of \$808,437.00 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, September 25, 2018

Change Order Description: Change Order #15 includes the following items: installed backboxes and raceways to the nearest accessible ceiling for security cameras at PH 2 & 3 at fourteen (14) locations; deleted ceilings near the coolers in the basement & added acoustical ceiling tile with Barnes & Noble feature tile above a stair; modified the sprinkler piping; installed ¼” steel plates under the slab and grout at the slab level for holes larger than 8” in diameter; miscellaneous additions and revisions to the scope of work in the brand food service areas of PH 2; modified the PH 3 topping slab work; installed non-shrink grout, coated the existing PT heads, and demolished the existing grout; performed PH 3 elevator lobby changes; added steel plates and welded to the existing tread plants and vertical plate at a stair; changed light fixtures and modified layouts in the basement custodial & staging, bookstore cafe workroom, bookstore second floor entry, and the administration suite; added power at the curtainwall curbs; installed wireless safety edge sensors at the over-head doors in PH 3; changed a box office exchange window and speaker system to a sliding window system; revised the PH 3 door hardware and infrastructure; modified unforeseen existing elevator floor rough openings; increased the size of the galvanized planks; modified a stair infill; installed concrete and miscellaneous accessories for the flume from the overflow roof drain discharge to the adjacent storm inlet; changed the wood edges and tops to pvc and laminate at fixed tables; added pavers and performed additional sub base work at the south planters; painted the 3rd floor conference room ceilings; added precast and a handrail at the east ramp; and added a Ph 3 elevator platform.

Change Order Justification: These changes were necessary due to changes in requirements or recommendations by governmental agencies; errors and omissions in the plans and specifications; latent jobsite conditions; and user/owner requested modifications.

Total Project Change Orders and Amount: Fifteen (15) change orders for a total amount of \$3,710,818.00.

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Project Initiation Date: August 18, 2011

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

General Contractor: Roy Anderson Corporation

Phased Project Budget: \$60,569,545.95

Total Project Budget: \$60,900,000.00

7. UM– IHL 207-372 - South Campus Recreation Facility & Transportation Hub

Approval Request #1: Change Order #9

Board staff approved Change Order #9 in the amount of 295,594.52 and five (5) additional days to the contract of Zellner Construction Services, LLC.

Approval Status & Date: APPROVED, September 28, 2018

Change Order Description: Change Order #9 includes the following items: added fill to the soccer field area; provided additional painted graphics along the interior south wall of the gymnasium and MAC court; provided additional undercut; removed existing damaged & patched these areas with stucco; relocated the existing site fencing to allow bus travel; provided additional climbing wall features; installed a glycol feeder pump in the HVAC dual temperature water system and installed manual isolation valves in the hot water system; installed an exhaust duct and grille for the janitor's closet; installed an exhaust duct and grille for the men's restroom; added an apparatus to the back of the MAC court goals and five (5) days to the contract.

Change Order Justification: These changes were necessary due to errors and omissions in the plans and specifications; latent jobsite conditions; user/owner requested modifications; and days for work as indicated herein due to weather.

Total Project Change Orders and Amount: Seven (9) change orders for a total amount of \$1,935,158.15.

Project Initiation Date: June 20, 2013

Design Professional: JBHM Architects, P.A.

General Contractor: Zellner Construction Services, LLC.

Phased Project Budget: \$29,314,472.13

Total Project Budget: \$32,000,000.00

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8. UM– IHL 207-408 – Natural Products PH III

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$13,135.76 and zero (0) additional days to the contract of Hill’s Construction, LLC.

Approval Status & Date: APPROVED, October 3, 2018

Change Order Description: Change Order #1 includes the following items: added pavers, paver base, block, and brick to rework the exterior entry area to the mechanical room; deduct for storm drainage modification; and added electrical receptacles for the incubators.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$13,135.76.

Project Initiation Date: October 15, 2015

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

General Contractor: Hill’s Construction, LLC

Total Project Budget: \$1,600,000.00

9. UM– IHL 207-415 – Golf Practice Facility Renovation

Approval Request #1: Change Order #4

Board staff approved Change Order #4 in the credit amount of \$11,292.34 and sixteen (16) additional days to the contract of Duininck Golf, Inc.

Approval Status & Date: APPROVED, October 3, 2018

Change Order Description: Change Order #4 includes the following items: removed a cluster of trees, removed asphalt, and regraded an area for driving range ball picking equipment; septic removal; replacement of the irrigation communication wire; added six (6) additional electric irrigation valves on the driving range; credit for plating sand reduction; removed additional trees on the short course area; the concrete path was removed and additional restoration was done across the existing golf course; excavated

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problematic subsoils and replaced with structure fill; provided energy dissipation from the main drainage culvert; and credit for chain link fence for tree protection; and sixteen (16) days to the contract.

Change Order Justification: These changes were due to latent jobsite conditions; user/owner requested modifications; and days for work as indicated herein due to weather delays.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$49,455.31.

Project Initiation Date: February 18, 2016

Design Professional: Pryor/Morrow PC

General Contractor: Duininck Golf, Inc.

Total Project Budget: \$3,448,000.00

10. UM– IHL 207-417 – Farley Hall – School of Journalism Expansion

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Barlow-Eddy-Jenkins, P.A.

Approval Status & Date: APPROVED, September 19, 2018

Project Initiation Date: March 17, 2016

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

General Contractor: TBD

Total Project Budget: \$1,000,000.00

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

Approval Request #1: Change Order #3

Board staff approved Change Order #1 in the amount of \$0.00 and twenty-two (22) additional days to the contract of CIG Contractors, LLC.

Approval Status & Date: APPROVED, October 3, 2018

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Change Order Description: Change Order #3 includes the following items: added five (5) to the contract time for Takeform signage delays; added six (6) days to the contract time for FEMA/MEMA coordination; and eleven (11) days for weather delays.

Change Order Justification: These changes were due to user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$8,658.34.

Project Initiation Date: August 18, 2016
Design Professional: Shafer & Associates, PLLC
General Contractor: CIG Contractors, Inc.
Total Project Budget: \$1,300,000.00

12. UM– IHL 207-428 – East Campus Electrical Modifications

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$207,562.51 and twenty-eight (28) additional days to the contract of McInnis Electric Company.

Approval Status & Date: APPROVED, September 12, 2018

Change Order Description: Change Order #2 includes the following items: sawcut area of parking lot being utilized as a new switchyard; removed asphalt and concrete; relocated two (2) existing switches, refeed existing loads from switches and extended or shortened feeders to new switch locations; installed a 6” curb around the perimeter of the electrical yard; installed 6” of compacted crushed stone in the new switchyard; installed a new curb and gutter border for the re-configured edge of the parking lot; demolished the existing switchpad and restored to its found condition.

Change Order Justification: These changes were due to user/owner requested modifications.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$226,158.51.

Project Initiation Date: November 17, 2016
Design Professional: Corbett Legge & Associates, PLLC
General Contractor: McInnis Electric Company

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Total Project Budget: \$2,220,000.00

13. UM– IHL 207-442 – Manning Center Training Hydrotherapy Room Renovation

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by A2H, LLC

Approval Status & Date: APPROVED, September 12, 2018

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, September 12, 2018

Project Initiation Date: February 15, 2018

Design Professional: A2H, LLC

General Contractor: TBD

Total Project Budget: \$1,300,000.00

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14. UMMC– IHL 209-553 – Interventional Radiology Renovation

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$6,645,900.00 to the apparent low bidder, Fountain Construction Co., Inc.

Approval Status & Date: APPROVED, September 19, 2018

Project Initiation Date: August 20, 2015

Design Professional: JBHM Architecture

General Contractor: Fountain Construction Co., Inc.

Phased Project Budget: \$8,355,000.00

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15. UMMC– IHL 209-565 – Supply Chain Relocation

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Johnson Bailey Henderson McNeel.

Approval Status & Date: APPROVED, September 12, 2018

Project Initiation Date: March 22, 2018

Design Professional: Johnson Bailey Henderson McNeel

General Contractor: TBD

Total Project Budget: \$2,731,870.00

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16. USM– GS 108-285 – Cook Library Renovation Phase I

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 October 3, 2018 to approve the budget increase from \$1,580,480.00 to \$4,880,480.00, a change in the funding source, a change in the project scope, and a change to the project name.

Interim Approval Status & Date: APPROVED, October 3, 2018

Project Initiation Date: January 18, 2018

Design Professional: Weir Boerner Allin

General Contractor: TBD

Total Project Budget: \$4,880,480.00

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17. USM– IHL 210-243 – Marine Education Center

Approval Request #1: Change Order #7

Board staff approved Change Order #7 in the amount of \$5,047.28 and twenty-one (21) additional days to the contract of Starks Contracting Co., Inc.

Approval Status & Date: APPROVED, September 19, 2018

Change Order Description: Change Order #7 includes the following items: upgraded the hot water heater to accommodate the dishwasher; relocate the electrical transformer to the outside of building A; added IT data services for the camera cables, phone/data cable, fiber terminations/miscellaneous items, unicom connections/fiber terminations; material testing services; and twenty-one days to the contract.

Change Order Justification: These changes were due to changes in requirements or recommendations by governmental agencies; user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$277,857.03.

Project Initiation Date: August 21, 2008

Design Professional: Lake Flato

General Contractor: Starks Contracting Co.; Inc.

Total Project Budget: \$16,115,659.75

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 8/27/18, 9/1/18, 9/13/18 and 9/21/18) from the funds of Alcorn State University. (These statements, in the amounts of \$960.00, \$1,500.00, \$960.00 and \$460.00, respectively, represent services and expenses in connection with immigration/labor certification.)

TOTAL DUE.....\$ 3,880.00

Payment of legal fees for professional services rendered by Brunini, PLLC (statement dated 9/19/18) from the funds of Mississippi State University. (This statement, in the amount of \$1,125.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 1,125.00

Payment of legal fees for professional services rendered by Mayo|Mallette (statements dated 8/7/18, 8/7/18, 8/7/18, 9/5/18, 9/5/18, 9/5/18, and 9/5/18) from the funds of the University of Mississippi. (These statements, in the amounts of \$300.00, \$4,007.35, \$10,154.90, \$3,730.15, \$2,522.50, \$6,226.22 and \$14,450.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 41,391.12

Payment of legal fees for professional services rendered by Ware Immigration (three statements, each dated 9/1/18) from the funds of the University of Mississippi. (These statements, in the amounts of \$1,500.00, \$38.96, and \$2,500.00, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 4,038.96

Payment of legal fees for professional services rendered by Baker Donelson Bearman Caldwell & Berkowitz, PC (statement dated 9/14/18) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$8,017.72, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 8,017.72

Payment of legal fees for professional services rendered by Bradley Arant Boult Cummings, LLP (two statements, each dated 8/13/18) from the funds of the University of Mississippi Medical

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Center. (These statements, in the amounts of \$196.00 and \$3,967.30, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 4,163.30

Payment of legal fees for professional services rendered by Butler Snow, LLP, (statements dated 7/16/18, 7/16/18, 7/17/18, 7/17/18, 7/17/18, 8/16/18, 8/16/18, 8/16/18 and 8/16/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,006.00, \$595.50, \$1,416.00, \$24,086.90, \$13,753.00, \$31,855.29, \$1,150.50, \$7,754.40 and \$7,050.50, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 89,668.09

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statements dated 7/18/18, 7/18/18, 7/30/18 and 8/30/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts \$11,019.50, \$440.75, \$1,023.00 and \$5,886.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 18,369.25

Payment of legal fees for professional services rendered by Hagwood Adelman Tipton, PC (statements dated 7/18/18, 7/18/18, 7/18/18, 7/18/18, 7/18/18, 7/18/18, 7/18/18, 7/18/18, 8/16/18, 8/16/18, 8/16/18, 8/16/18, 8/16/18,) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$33.00, \$78.00, \$8,469.00, \$181.10, \$33.00, \$36.00, \$231.00, \$2,095.50, \$18.00, \$1,260.00, \$660.00, \$231.00, \$48.00, and \$148.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 13,522.10

Payment of legal fees for professional services rendered by Jeffrey P. Reynolds, PA (statements dated 4/30/18, 5/31/18 and 6/30/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$7,089.19, \$1,572.75 and \$1,843.90, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 10,505.84

Payment of legal fees for professional services rendered by Page Kruger & Holland (three statements, each dated 8/8/18) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,624.80, \$66.00 and \$82.50, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,773.30

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Mississippi. (This statement, in the amount of \$7,695.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 7,695.00

Payment of legal fees for professional services rendered by Ware Immigration (three statements, each dated 9/1/18) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$39.95, \$1,500.00 and \$26.89, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 1,566.84

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

Payment of legal fees for professional services rendered by Larry Schemmel (ten statements, each dated 6/26/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Fiber Separation from Grain Products Using Electrostatic Methods” - \$150.00; “Instrumentation, Procedures, and Applications for Characterizing Material Photon Extinction, Absorption, Scattering, and Fluorescence Activities and Light Scattering and Fluorescence Depolarizations” - \$70.00; “Methods for Improving Rice Nutrition via Manipulation of Starch Crystalline Structure and Nutrient Penetration Treatment” - \$50.00; “Compositions of Food Grade Coatings to Control Pest Infestations and Methods of Application” - \$75.00; “Facemask and Helmet with Facemask” - \$70.00; “Utilization of Oleaginous Microorganisms as an Oral Supplement for Animals” - \$1,040.00; “Method and System for a Quantum Oracle to Obtain the Number of Quantum Ground States” - \$70.00; “System for Delivery of Biologics” - \$300.00; “Therabot, a Support Companion” - \$125.00; “Therabot – Wordmark” - \$125.00 .)

TOTAL DUE.....\$ 2,075.00

Payment of legal fees for professional services rendered by Butler Snow (two statements, each dated 7/18/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Sequence Specific Phage-Based Antimicrobials” - \$2,625.50; and “Kim-Vibrio Assay Methods and Kits” - \$649.00)

TOTAL DUE.....\$ 3,274.50

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dated 8/2/18, 8/2/18 and 8/10/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Occidiofungin, a Unique Antifungal Glycopeptide Production by a Strain of Burkholderia Contaminans” - \$81.25; “Engineering of the Production of a Conformational Variant of

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Occidiofungin that has Enhanced Inhibitory Activity Against Fungal Species” - \$97.50; and
 “Occidiofungin Formations and Uses Thereof” - \$195.00, respectively.)

TOTAL DUE.....\$ 373.75

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/28/18, 4/19/18, 5/21/18, 7/25/18, 8/15/18 and 8/16/18) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Novel Catalysts and Process for Liquid Hydrocarbon Fuel Production” - \$38.00; “Unsymmetric CCC-NHC Pincer Metal Complexes and Applications” - \$11,776.00; “Unsymmetric CCC-NHC Pincer Metal Complexes and Applications” - \$38.00; “Extruder Device” - \$803.50; “Unsymmetric CCC-NHC Pincer Metal Complexes and Applications” - \$9,865.00; and “Novel Catalysts and Process for Liquid Hydrocarbon Fuel Production” - \$357.50.)

TOTAL DUE.....\$ 22,878.00

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 8/31/18) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: “Cache Mapping Technology Matter” – \$4,472.84)

TOTAL DUE.....\$ 4,472.84

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statement dated 8/17/18) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: “Potent Immunostimulants from Microalga” - \$1,204.00)

TOTAL DUE.....\$ 1,204.00

Payment of legal fees for professional services rendered by Stites & Harbison (three statements each dated 8/23/18) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “High Photovoltage Per Area by Sequential Series Tandem (SST) Stacked Device Architecture for Dye-Sensitized Solar Cells” - \$9,494.00, “Gas Separating Membranes” - \$9,000.00, “Amphotericin Loaded Pegylated Lipid Nanoparticles for Human Veterinary Use” - \$416.00.)

TOTAL DUE.....\$ 18,910.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 7/25/18, 7/25/18, 7/25/18, 7/25/18, 7/25/18, 7/25/18, 7/25/18, 7/25/18, 7/25/18, 7/25/18, 8/23/18, 8/23/18, 8/24/18, 8/28/18 and 8/28/18) from the funds of the University of Mississippi Medical Center.

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(These statements, in the amounts of \$1,972.50, \$525.00, \$342.00, \$1,142.00, \$1,222.00, \$1,706.00, \$1,751.00, \$342.00, \$1,409.00, \$407.50, \$400.00, \$1,300.00, \$50.00 and \$494.50, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 13,063.50

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1. **SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL**

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

- a. **MSU** – In accordance with Board Policy 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 September 25, 2018, Commissioner Alfred Rankins, Jr. approved the Modification of Lease #7 between MSU and the MSU Research & Technology Corporation for space at the NASA Stennis Space Center. The modification reduces the square footage of space to be leased from 4,372 to 4,323. The annual cost per square foot remains the same at \$17.65 per square foot. Monthly rent is reduced to \$6,223.93. All other terms of the Lease Agreement remain unchanged. IHL Associate Commissioner for Legal Affairs has reviewed and approved the documents.
- b. **MSU** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On September 25, 2018, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between MSU and The Bulldog Club, Inc. for land described in Attachment A to the lease agreement for the purpose of the construction of an indoor tennis facility. The term of the lease is approximately eighteen months, or until completion of improvements, beginning January 1, 2019. The Bulldog Club will provide improvements to the premises at no cost to the University with a final result that all improvements shall be owned “free and clear” by the university upon the termination of the lease. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the 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 September 17, 2018, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between the University of Mississippi School of Engineering and the UM Research Foundation operating as Insight Park for the lease of laboratory space to be used as a temporary relocation area for faculty from the School of

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Engineering. The term of the lease is one year at a cost of \$14,400 with options to renew for two additional years, if needed, at the same rate of \$14,400 per year for a potential total cost of \$43,200. These lease payments require prepayment in full at the beginning of each lease year. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.