

Board Book

September 4, 2020

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

IHL Board Meeting | September 4, 2020, 12:00p | IHL Board Room

CALL TO ORDER

Trustee Ford Dye

REGULAR AGENDA

FINANCE | Trustee Tom Duff

1. SYSTEM – Request for Temporary Relief Through December 31, 2020 for All Institutions from Approval Requirements for Items Otherwise Requiring Approval by the Board of Trustees or Commissioner Pursuant to Board Policy 707 Contracts and Board Policy 905 Real Estate Management When Such Policy Requirements Impede the Institution’s Ability to Deal with Covid-19 Related Issues, and, Request for Delegation of Authority to the Commissioner to Approve Relief from Any Other Policy Requirements or Practices Necessitated by the Covid-19 Emergency3
2. MSU – Request for Approval of a Hotel License Agreement with Peachtree Columbus II, LLC4
3. UM – Request for Approval to Enter a Contractual Services Agreement with NICUSA, Inc.6

OTHER BUSINESS

ADJOURNMENT

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1. **SYSTEM – REQUEST FOR TEMPORARY RELIEF THROUGH DECEMBER 31, 2020 FOR ALL INSTITUTIONS FROM APPROVAL REQUIREMENTS FOR ITEMS OTHERWISE REQUIRING APPROVAL BY THE BOARD OF TRUSTEES OR COMMISSIONER PURSUANT TO BOARD POLICY 707 – CONTRACTS AND BOARD POLICY 905 – REAL ESTATE MANAGEMENT WHEN SUCH POLICY REQUIREMENTS IMPEDE THE INSTITUTION’S ABILITY TO DEAL WITH COVID-19 RELATED ISSUES, AND, REQUEST FOR DELEGATION OF AUTHORITY TO THE COMMISSIONER TO APPROVE RELIEF FROM ANY OTHER POLICY REQUIREMENTS OR PRACTICES NECESSITATED BY THE COVID-19 EMERGENCY**

Agenda Item: The Board office requests that the Board provide all institutions through December 31, 2020 temporary relief and waive requirements for approval of items, matters, contracts, purchases, leases, prepayments and any other agreement otherwise requiring approval by the Board of Trustees or Commissioner pursuant to Board Policy 707 – Contracts (to include policies 707.01, 707.02 and 707.03) and Board Policy 905 – Real Estate Management, when compliance with the Board approval requirements of these policies would impede the institution’s ability to promptly and effectively provide for the safety and health of its students, employees and guests in dealing with the Covid-19 pandemic. This request is for a temporary period during the state of emergency caused by the Covid-19 pandemic, through December 31, 2020, for the health and well-being of students, employees, and guests on all IHL campuses and facilities. This waiver supersedes and replaces the waiver granted to the University of Mississippi Medical Center approved on March 19, 2020.

Board Policy 707 – Contracts governs, among other things, the contracts and leases entered into by the institutions. Specifically, it requires, in part, that any land acquisitions exceeding \$100,000, any leases in an amount greater than \$100,000, and all other land, personal property, and services contracts requiring an aggregate expenditure of more than \$250,000 require approval by the Board of Trustees. This policy also governs approvals required for prepayments and for some revenue contracts.

Board Policy 905 – Real Estate Management further governs, among other things, the purchase and sale of land and leases of property and requires a Phase I or more detailed Environmental Report.

The Board office also requests that authority be delegated to the Commissioner, through December 31, 2020, to approve waivers on behalf of the Board of any other Board policy or practice requirements to enable the institutions to promptly and effectively deal with any issues related to the Covid-19 pandemic and to allow them to operate more efficiently during this public health crisis.

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Board Staff Recommendation: Board staff recommends that the Board waive for all institutions through December 31, 2020 approvals required by Board Policy 707 (to include policies 707.01, 707.02 and 707.03) and Board Policy 905, and delegate authority to the Commissioner to waive other policies and practices as may arise as a barrier to the efficient operation and the health and well-being of students, employees, and guests during the state of emergency created by the Covid-19 pandemic. Board staff recommends the following processes govern this waiver and temporary delegation:

1. All such contracts, leases, purchases, and other items be reported to the Board as information items in such form and such detail as may be required for other contracts otherwise requiring approval by the Board or Commissioner,
2. Legal staff from each institution or a special assistant Attorney General is to provide a legal opinion as to compliance with applicable law for each contract/lease/legally binding document entered into,
3. Each action taken for items otherwise requiring approval by the Board or Commissioner must include a specific justification explaining the necessity related to the Covid-19 pandemic when reported to the Board as information,
4. For requests to the Commissioner for waivers of policies other than Board Policies 707 and 905, the institution must present a justification to the Commissioner explaining why extraordinary waiver of policies and practices is warranted as it relates to the Covid-19 pandemic, and
5. The Commissioner shall notify the Board when the temporary period no longer warrants extraordinary waiver of the requirements of the Board's Policies should the public health crisis caused by Covid-19 end sooner than December 31, 2020.
- 6.

Board staff recommends approval of this item.

2. MSU – REQUEST FOR APPROVAL OF A HOTEL LICENSE AGREEMENT WITH PEACHTREE COLUMBUS II, LLC

Agenda Item Request: Mississippi State University is requesting approval to enter into a License Agreement with **Peachtree Columbus II, LLC** for the exclusive use of 40 rooms of the Fairfield Inn and Suites located in Columbus for the fall 2020 semester. The University will have the option to add additional rooms as needed at the rate of \$80 per room per night. Additionally, the University has the ability to sublicense these rooms to students at the Mississippi University for Woman should they need additional COVID housing.

Contractor's Legal Name: Peachtree Columbus II, LLC

History of Contract: This is a new license agreement.

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Specific Type of Contract: Hotel license agreement

Purpose: The purpose of this contract is to exclusively reserve 40 rooms of the Fairfield Inn and Suites for the fall 2020 semester. The University will use the hotel to house on campus residents who need to quarantine due to symptoms of, a close exposure to, or are positive for COVID-19.

Scope of Work: The University will have the exclusive possession of the hotel premises. The University will be responsible for all hotel staffing including janitorial service. The University will also be responsible for any minor maintenance that the University's 24 hour on call staff can handle. The hotel will be responsible for all other maintenance.

Term of Contract: September 5, 2020 – November 30, 2020

Termination Options: The University may terminate this Agreement upon 30 days written notice.

Contract Amount: \$275,000 for 40 rooms. If the University needs additional rooms, the rooms will be billed at \$80 per room per night from the time the hotel room is needed until the termination of the contract term.

Funding Source for Contract: General funds

Contractor Selection Process: Because no other hotels in Starkville were suitable and/or willing to house students who are in quarantine or isolation, the University reached out to Peachtree who owns the two hotels previously licensed to MSU. While Peachtree was unable to allow students in quarantine or isolation to use their other Starkville property, they were able to allow us the use of this property in Columbus.

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 Mississippi State University and Peachtree Columbus II, LLC for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

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3. UM – REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH NICUSA, INC.

Agenda Item Request: The University of Mississippi requests approval to enter into a contract with **NICUSA, Inc.** for administering COVID-19 testing required for the continued safe operation of our campus.

Contractor’s Legal Name: **NICUSA, Inc.**

History of Contract: This is a new contract and the first contract between NICUSA, Inc. and UM.

Specific Type of Contract: This is a contract for services.

Purpose: In an effort to maximize safety for our faculty, staff and students, the purpose of the contract is to provide a turnkey, rapidly deployed, mobile and fixed-site COVID-19 testing and collection solution to assist us in our efforts to remain open and reduce the threat of transmission among our citizens.

Scope of Work: The scope of work includes testing two days/week for the month of September and October 2020. Four thousand (4,000) total antigen tests will be administered over the course of the engagement. NIC utilized the following with respect to our proposed solution and pricing.

- A mobile testing unit with daily capacity of 250 tests/day.
- Testing will begin the week of September 8, 2020.
- Testing will occur two days a week. Testing will be two concurrent days in the week.
- Testing will be performed for 8 hours per day.
- All costs are included in the TourHealth Fee including the test administration fee, PPE and the Quidel Corporation Sofia SARS Antigen FIA test kits.
- Any licensing or permitting fee TourHealth incurs for reservation and/or use of a site will be a straight pass through cost to the University.
- Additional testing capacity is available with a notice of 2 weeks.

Term of Contract: This Agreement is effective upon last signature and will run until all tests are completed. The expected completion date is October 31, 2020.

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Termination Options: This Agreement may be terminated by the University upon 30 days advance written notice. In the event of any termination, the University shall be obligated to pay for all tests completed through the effective date of such termination. If the University desires testing to occur after October 31, 2020, then the University shall provide NIC at least 14 days' notice. In addition, the contract may be terminated for failure to comply with Mississippi Employment Protection Act of 2008, Section 71-11-1, et seq. of the Mississippi Code Annotated (Supp 2008) or in the event that the funds used to pay for the lease become unavailable due to a decrease or change in the legislative or federal government appropriation.

Contract Amount: The amount of the contract is \$676,800.

Funding Source for Contract: This project will be funded utilizing CARES funds.

Contractor Selection Process: UM was informed that NIC was on state contract. In conversations with them, this was affirmed, and a copy of the contract was provided. The required information was provided to ITS to procure services. Monday, August 31, ITS informed UM that this was outside of their scope of work. University Health Services contacted UMMC to inquire whether they could perform these services. A quote was never requested or received because UMMC indicated that they do not have a rapid antigen test, which was the desired test for this strategy. Although the COVID-19 testing services UM seeks are not part of the current State of Mississippi ITS contract with NIC for electronic government services, that contract led to the conversations regarding the testing needs of our University. NIC offers a combined solution that we have identified will meet our needs. Their solution is deployed with industry-leading technology to provide a single point of seamless citizen engagement in the form of proven web-based, mobile, and customer support channels. NIC uses innovation and technology to engage with citizens across the US. NIC currently works with more than 7,200 federal, state, and local government agencies, including the State of Mississippi, to deliver informative websites, transactional digital government services, healthcare IT services, appointment scheduling and management, and payment processing. In the past 60 days NIC has deployed more than 120 COVID-19 related solutions on behalf of government and COVID testing contracts with the states of Florida and Utah.

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 NICUSA, Inc. and The University of Mississippi for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*