

Board Book

January 20, 2022

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

Health Affairs Committee | January 19, 2022, 3:00p | IHL Board Room
IHL Board Meeting | January 20, 2022, 9:00a | IHL Board Room

CALL TO ORDER INVOCATION

Trustee Walt Starr
Trustee Steven Cunningham

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**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on January 6, 2021, to each and every member of said Board said date being at least five days prior to this November 18, 2021 meeting. At the above-named place there were present the following members to wit: Dr. Ormella Cummings, Dr. Steven Cunningham, Mr. Tom Duff, Ms. Teresa Hubbard, Ms. Jeanne Carter Luckey (via Zoom), Mr. Bruce Martin, Dr. Alfred E. McNair, Jr. (via Zoom), Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, and Mr. Gregg Rader. Dr. J. Walt Starr was absent. The meeting was called to order by Mr. Tom Duff, Vice President. Trustee Bruce Martin introduced Reverend Morris Thompson, pastor of the Episcopal Church of the Mediator in Meridian, MS, who provided the invocation.

Members of the Board participated in the meeting in person or via Zoom. **In accordance with Miss. Code Ann., §25-41-5, as amended, all votes taken during this meeting were recorded by name in a rollcall. This was a regular monthly meeting of the Board.**

APPROVAL OF THE MINUTES

On motion by Trustee Cunningham, seconded by Trustee Ogletree, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve the amended Minutes of the Board meeting held on October 21, 2021, and the October 25, 2021 minutes.

CONSENT AGENDAS

On motion by Trustee Morgan, seconded by Trustee McNair, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve the following Consent Agendas.

ACADEMIC AFFAIRS

1. **DSU** – Approved the modification to an existing academic program.
Deletion
Program Title: Master of Education (MEd) in Special Education
CIP Code, Sequence: 13.1001, 4007
Total credit hours: 30-33
Effective date: January 2022
2. **SYSTEM** – Approved the degrees to be conferred in November and December 2021 provided each candidate has met all requirements for the degree.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution	Degree to be Conferred	Number	Subtotal	Total
Alcorn State University				
	<i>Undergraduate</i>		198	
	Bachelor of Science	140		
	Bachelor of Arts	42		
	Bachelor of Music	4		
	Bachelor of Social Work	12		
	<i>Graduate</i>		75	
	Master of Arts in Teaching	8		
	Master of Business Administration	3		
	Master of Liberal Arts	1		
	Master of Science in Agriculture	8		
	Master of Science in Applied Science and Technology	8		
	Master of Science in Biology	16		
	Master of Science in Biotechnology	4		
	Master of Science in Computer and Information Science	3		
	Master of Science in Secondary Education	16		
	Master of Science in Workforce Education Leadership	9		
	<i>Total Undergraduate Degrees</i>		198	
	<i>Total Graduate Degrees</i>		75	
	<i>Total Degrees</i>			273
Delta State University				
	<i>College of Arts and Sciences</i>		53	
	Bachelor of Arts	8		
	Bachelor of Fine Arts	8		
	Bachelor of Music	1		
	Bachelor of Music Education	2		
	Bachelor of Science	18		
	Bachelor of Science in Education	3		
	Bachelor of Science in Social Justice & Criminology	2		
	Bachelor of Science in Interdisciplinary Studies	3		
	Bachelor of University Studies	8		
	<i>College of Business and Aviation</i>		35	
	Bachelor of Business Administration	23		
	Bachelor of Commercial Aviation	12		
	<i>College of Education and Human Sciences</i>		68	
	Bachelor of Arts	11		
	Bachelor of Science	27		
	Bachelor of Science in Education	30		
	<i>School of Nursing</i>		34	
	Bachelor of Science in Nursing	34		
	<i>School of Graduate Studies</i>		151	

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution		Degree to be Conferred	Number	Subtotal	Total
		Master of Applied Science	3		
		Master of Arts in Liberal Studies	3		
		Master of Arts in Teaching	9		
		Master of Business Administration	46		
		Master of Commercial Aviation	13		
		Master of Education	35		
		Master of Professional Accountancy	1		
		Master of Science in Sport and Human Performance	10		
		Educational Specialist	19		
		Doctor of Education	3		
		Doctor of Nursing Practice	6		
	Total Undergraduate Degrees			190	
	Total Graduate Degrees			151	
	Total Degrees				341
Jackson State University					
	Undergraduate			434	
		Bachelor of Arts	12		
		Bachelor of Business Administration	47		
		Bachelor of Music	2		
		Bachelor of Music Education	9		
		Bachelor of Science	297		
		Bachelor of Science Education	25		
		Bachelor of Social Work	42		
	Graduate			148	
		Master of Arts	7		
		Master of Arts in Teaching	9		
		Master of Business Administration	10		
		Master of Music Education	1		
		Master of Professional Accountancy	3		
		Master of Public Health	14		
		Master of Public Policy and Administration	8		
		Master of Science	33		
		Master of Science in Education	14		
		Master of Social Work	4		
		Specialist in Education	19		
		Doctor of Education	3		
		Doctor of Philosophy	22		
		Doctor of Public Health	1		
	Total Undergraduate Degrees			434	
	Total Graduate Degrees			148	
	Total Degrees				582

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution	Degree to be Conferred	Number	Subtotal	Total
Mississippi State University				
	<i>College of Agriculture and Life Sciences</i>		153	
	Bachelor of Science	105		
	Bachelor of Landscape Architecture	1		
	Master of Science	27		
	Doctor of Philosophy	10		
	<i>College of Architecture, Art, and Design</i>		14	
	Bachelor of Fine Arts	10		
	Bachelor of Science	4		
	<i>College of Arts and Sciences</i>		382	
	Bachelor of Arts	113		
	Bachelor of Science	204		
	Bachelor of Applied Technology	2		
	Bachelor of Social Work	12		
	Master of Arts	7		
	Master of Science	29		
	Master of Public Policy and Administration	8		
	Doctor of Philosophy	7		
	<i>College of Business</i>		227	
	Bachelor of Business Administration	181		
	Master of Business Administration	46		
	<i>College of Education</i>		298	
	Bachelor of Music Education	6		
	Bachelor of Science	176		
	Master of Arts in Teaching	2		
	Master of Music Education	2		
	Master of Arts in Teaching Secondary	35		
	Master of Arts in Teaching Special	39		
	Master of Science	39		
	Education Specialist	12		
	Doctor of Philosophy	7		
	<i>College of Engineering</i>		316	
	Bachelor of Science	227		
	Master of Science	73		
	Master of Engineering	3		
	Doctor of Philosophy	13		
	<i>College of Forest Resources</i>		31	
	Bachelor of Science	27		
	Master of Science	4		
	<i>School of Accountancy</i>		35	
	Bachelor of Accountancy	29		

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution		Degree to be Conferred	Number	Subtotal	Total
		Master of Professional Accountancy	4		
		Master of Taxation	2		
	College of Veterinary Medicine			1	
		Master of Science	1		
	Academic Affairs			27	
		Bachelor of University Studies – C2C	13		
		Bachelor of Applied Science	14		
		Total Undergraduate Degrees		1161	
		Total Graduate Degrees		313	
		Total Degrees			1474
Mississippi University for Women					
	Undergraduate			149	
		Bachelor of Applied Science	18		
		Bachelor of Art	4		
		Bachelor of Business Administration	27		
		Bachelor of Fine Art	1		
		Bachelor of Music	3		
		Bachelor of Professional Studies	8		
		Bachelor of Science	77		
		Bachelor of Science in Nursing	10		
		Bachelor of University Studies	1		
	Graduate			12	
		Master of Art	1		
		Master of Art in Teaching	1		
		Master of Business Administration	3		
		Master of Education	1		
		Master of Fine Art	3		
		Master of Public Health	2		
		Doctor of Nursing Practice	1		
		Total Undergraduate Degrees		149	
		Total Graduate Degrees		12	
		Total Degrees			161
Mississippi Valley State University					
	Undergraduate			87	
		Bachelor of Arts	17		
		Bachelor of Science	57		
		Bachelor of Secondary Education	3		
		Bachelor of Social Work	10		
	Graduate			22	
		Master of Art	5		

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution		Degree to be Conferred	Number	Subtotal	Total
		Master of Business Administration	14		
		Master of Science	3		
	Total Undergraduate Degrees			87	
	Total Graduate Degrees			22	
	Total Degrees				109
University of Mississippi					
	College of Liberal Arts			141	
		Bachelor of Arts	122		
		Bachelor of Fine Arts	6		
		Bachelor of Music	1		
		Bachelor of Science	12		
	School of Engineering			20	
		Bachelor of Engineering	3		
		Bachelor of Science in Civil Engineering	1		
		Bachelor of Science in Computer Engineering	1		
		Bachelor of Science in Computer Science	6		
		Bachelor of Science in Electrical Engineering	2		
		Bachelor of Science in Geological Engineering	2		
		Bachelor of Science in Geology	1		
		Bachelor of Science in Mechanical Engineering	4		
	School of Business			107	
		Bachelor of Business Administration	107		
	School of Accountancy			31	
		Bachelor of Accountancy	31		
	School of Applied Sciences			79	
		Bachelor of Arts in Sport and Recreation Administration	5		
		Bachelor of Science	23		
		Bachelor of Science in Criminal Justice	23		
		Bachelor of Science in Exercise Science	15		
		Bachelor of Science in Public Health & Health Sciences	1		
		Bachelor of Social Work	10		
		Bachelor of Science in Law Studies	2		
	School of Journalism and New Media			34	
		Bachelor of Arts in Journalism	5		
		Bachelor of Science (IMC)	29		
	General Studies			56	
		Bachelor of Multi-Disciplinary Studies	40		
		Bachelor of University Studies	16		
	Graduate School			140	
		Master of Accountancy	4		
		Master of Accountancy and Data Analytics	1		

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution		Degree to be Conferred	Number	Subtotal	Total
		Master of Arts	18		
		Master of Business Administration	10		
		Master of Criminal Justice	12		
		Master of Education	12		
		Master of Fine Arts	2		
		Master of Music	3		
		Master of Science	37		
		Master of Social Work	2		
		Master of Taxation and Data Analytics	1		
		Specialist in Education	6		
		Doctor of Philosophy	28		
		Certificate in Intercollegiate Athletic Administration	4		
	Law School			14	
		Juris Doctor	14		
	Total Undergraduate Degrees			468	
	Total Graduate/Professional Degrees			154	
	Total Certificates			4	
	Total Degrees				622
	Total Degrees and Certificates				626
University of Mississippi Medical Center					
	Undergraduate			94	
		Bachelor of Science in Nursing	94		
	Graduate/Professional			42	
		Master of Health Informatics and Information Management	1		
		Master of Science in Biomedical Sciences	12		
		Master of Science in Nursing	12		
		Doctor of Health Administration	2		
		Doctor of Nursing Practice	6		
		Doctor of Dental Medicine	1		
		Doctor of Medicine	3		
		Doctor of Philosophy	5		
	Total Undergraduate Degrees			94	
	Total Graduate/Professional Degrees			42	
	Total Degrees				136
University of Southern Mississippi					
	College of Arts and Sciences			400	
		Bachelor of Arts	109		
		Bachelor of Fine Arts	5		
		Bachelor of Interdisciplinary Studies	1		

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution		Degree to be Conferred	Number	Subtotal	Total
		Bachelor of Liberal Studies	35		
		Bachelor of Music	6		
		Bachelor of Music Education	7		
		Bachelor of Science	145		
		Bachelor of University Studies	17		
		Master of Arts	6		
		Master of the Arts in Teaching of Language	10		
		Master of Music	1		
		Master of Music Education	2		
		Master of Science	29		
		Doctor of Musical Arts	5		
		Doctor of Philosophy	22		
<i>College of Business and Economic Development</i>				241	
		Bachelor of Applied Science	2		
		Bachelor of Science	27		
		Bachelor of Science in Business Administration	142		
		Master of Business Administration	36		
		Master of Professional Accountancy	7		
		Master of Science	19		
		Doctor of Philosophy	8		
<i>College of Education and Human Sciences</i>				277	
		Bachelor of Arts	6		
		Bachelor of Science	150		
		Bachelor of Social Work	27		
		Master of Arts	1		
		Master of Arts in Teaching	3		
		Master of Education	34		
		Master of Library and Information Science	29		
		Master of Science	12		
		Specialist in Education	5		
		Doctor of Education	4		
		Doctor of Philosophy	6		
<i>College of Nursing and Health Professions</i>				192	
		Bachelor of Arts	29		
		Bachelor of Science	30		
		Bachelor of Science in Nursing	65		
		Master of Public Health	39		
		Doctor of Nursing Practice	27		
		Doctor of Philosophy	2		
<i>Total Undergraduate Degrees</i>				803	
<i>Total Graduate Degrees</i>				307	
<i>Total Degrees</i>					1110

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

Institution	Degree to be Conferred	Number	Subtotal	Total
<i>System Degrees</i>				
	<i>Total Undergraduate Degrees</i>		3584	
	<i>Total Graduate Degrees</i>		1224	
				4808

*Note: System Total for fall 2021 represents a decrease of 92 from fall 2020's total of 4,900.

FINANCE

3. **SYSTEM** – Approved the request for a budget escalation within the *Ayers* Endowment Diversity programs for Jackson State University and Mississippi Valley State University. The original budgets were approved at the June 2021 Board meeting. At that time, estimates of available funding were used to build the budget for these programs. Actual funding is now known, and the institutions have requested to revise their budgets to equal actual sources as shown below. All funds budgeted within these programs were generated from annual interest earnings of the *Ayers* Public and Private Endowment investments.
- Jackson State University

Object of Expenditure	Current Budget FY 2022	Budget Revision	Revised Budget FY 2022
Salaries, Wages & Fringe Benefits	\$ 126,855		\$ 126,855
Travel			-
Contractual Services	825,000		825,000
Commodities			-
Capital Outlay:			-
Equipment			-
Library Resources			-
Student Aid	484,875	1,105,736	1,590,611
Total	\$ 1,436,730	\$ 1,105,736	\$ 2,542,466

Mississippi Valley State University

Object of Expenditure	Current Budget FY 2022	Budget Revision	Revised Budget FY 2022
Salaries, Wages & Fringe Benefits	\$ 67,246		\$ 67,246
Travel	6,000		6,000
Contractual Services	286,286		286,286
Commodities	29,000	2,902	31,902
Capital Outlay:		23,000	23,000
Equipment	-		-
Library Resources	-		-
Student Aid	461,348		461,348
Total	\$ 849,880	\$ 25,902	\$ 875,782

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 18, 2021**

4. **SYSTEM** – Approved the proposed amendment to Board Policy 703 Institutional Scholarships, Tuition Waivers, Assistantships, and Fellowships, specifically Policy 703.04 Policy Guidelines subsection C for final approval (**See Exhibit 1.**) The Board waived the requirement for a second reading of this revision as required by Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies. This change will allow compliance with the determination reached by the US Supreme Court in *Alston vs. NCAA*.
5. **MSU** – Approved the request to enter a new contract with Waste Pro of Mississippi, Inc. to provide waste and recycling collection and disposal services for the Starkville campus. The term of the contract is three years with the potential for three 24-month renewal periods by mutual agreement of both parties in writing. The University will pay Waste Pro on a per lift basis. The projected annual cost will be \$750,000; however, actual cost will be dependent upon campus waste/recycle stream volumes. The agreement will be funded by general funds. 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.
6. **UM** – Approved the request for the University of Mississippi Department of Facilities Planning to amend the Services Agreement with Commissioner & Green Building Solutions, Inc. for the new Jim and Thomas Duff Center for Science and Technology Innovation (CSTI). This amendment adjusts the Commissioning Agent's fees due to the excessive time extension from the original agreement. The fees will be adjusted based on the proposal dated September 08, 2021. The current duration of the Master Services Agreement is February 8, 2018 and ends when the warranty period of the STEM building construction contract ends. The contract amount per the current agreement is \$568,356.96 with an option for additional site visits in the amount of \$1,638.57 per visit and additional post-occupancy services in the amount of \$18,711.07 per year. The new contract total is \$619,858.02 with an option for additional post-occupancy services in the amount of \$22,226.79 per year. The agreement will be funded by HB1729, Laws of 2016; HB1649 Laws of 2018; Internal R&R funds; External UMEBC financing, and other sources. 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.
7. **UM** – Approved the request to enter an Amended and Restated Use Agreement Among Mississippi Army National Guard, City of Oxford, Mississippi, The University of Mississippi through the Board of Trustees of State Institutions of Higher Learning, and Ole Miss Athletic Foundation for the use of the City of Oxford's Rifle Range. This amendment clarifies how the operational, utility, maintenance and repair costs should be shared and desire to enter into an agreement to confirm the payment obligations for the next five fiscal years. The contract begins on August 15, 2001 and ends on August 15, 2056. The total contract amount over the next five fiscal years is \$305,000. The contract will be funded by self-generated intercollegiate athletic revenues. 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.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
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8. **UM** – Approved the request from the University of Mississippi Department of Facilities Planning to amend the Master Services Agreement with Hoar Program Management, LLC (HPM) for the new Jim and Thomas Duff Center for Science and Technology Innovation (CSTI). This amendment adjusts the Owner’s Representative responsibilities in the scope of work to reflect a Public Bid/Build delivery method and increase the fees. The original agreement was based on a CMAR delivery method. The University is no longer using the CMAR delivery method. This amendment will also increase the agreement duration for the new CSTI building to November 30, 2023. Revisions to the original agreement located in the agreement title; Paragraphs 1.2, 5.2, 8.1, 12.12, 13.1, and 13.2; Exhibit A; and Exhibit B. The current duration of the Master Services Agreement is February 16, 2018 – May 31, 2023. This Amended Master Services Agreement maintains the original agreement start date of February 16, 2018 and extends the duration of the Agreement to the updated anticipated completion of construction and close-out date of November 30, 2023. The contract amount per the current agreement is \$1,582,749.27. The additional fee for the adjusted responsibilities and services reflected in this amended agreement is \$248,909.30. The new contract total is \$1,831,658.57. This contract will be funded by HB1729, Laws of 2016; HB1649 Laws of 2018; Internal R&R funds; External UMEBC financing, and other sources. 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.
9. **UM** – Approved the request by the University of Mississippi Libraries to enter a contract with Taylor & Francis Group to secure perpetual access to specific electronic journal content for an unlimited number of authorized users, to expand the content available from this publisher through a subscription-only subject collection of journals, and to set the price of those journals for the next three years. The contract term will begin January 1, 2022 and end on December 31, 2024. The total amount for the contract over three years will be \$534,125.72. The exact amount for each year and for the final total will vary slightly depending on the exact mix of perpetual titles purchased each year. The costs for each year will be paid the preceding November. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods and Services, the Board approved the request for the university to prepay the annual payment each year. Cost for this contract will be funded by the Libraries’ materials budget which is derived from educational and general funds and from specified endowments. 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.
10. **UM** – Approved the request for the University of Mississippi Office of Technology Commercialization (OTC) to enter a lease with the University of Mississippi Research Foundation (Insight Park) for office space that is more convenient and accessible for hosting private sector partners and the community. The lease term is five years with the option to renew annually for three additional years for a total of eight years. The cost of the agreement is \$480,000 if all renewal options are exercised. 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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11. **UMMC** – Approved the request to enter a Positron Emission Tomography/Computed Tomography (PET/CT) Services Agreement with Alliance HealthCare Services, Inc. d/b/a Alliance HealthCare Radiology (Alliance) for use of technical personnel and a mobile PET/CT scanner at UMMC Grenada. Alliance will provide one technical personnel and maintain the mobile equipment and possess all federal and state radioactive materials licenses. Under the agreement, UMMC will obtain and maintain all required licenses and regulatory approvals needed to operate the equipment and provide a radiologist to provide interpretations of the PET/CT procedures. The term of the agreement is five (5) years, from December 1, 2021, through November 30, 2026. The total estimated cost of the agreement over the five (5) year term is \$575,000. Beginning in year two (2), UMMC has included a ten percent (10%) increase per year for potential volume increases. The agreement will be funded by hospital patient revenue. 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.
12. **UMMC** – Approved the request to enter a Dialysis Products Purchase Agreement with Baxter Healthcare Corporation (Baxter) for the rental of dialyzer equipment used by patients on peritoneal dialysis (PD) equipment, as well as for the purchase of associated commodities. PD is a form of dialysis used to treat patients with severe chronic kidney disease. The Board approved the request to allow the institution to add or remove products under the agreement without seeking prior Board approval as long as adequate funds are available. The term of the agreement is three (3) years, from December 1, 2021, through November 30, 2024. The total estimated cost of the agreement over three (3) years is \$6,825,000, including all rental fees and commodity purchases. UMMC has also included a twenty percent (20%) increase beginning in year two (2) to account for volume increases. The agreement will be funded by hospital patient revenue. 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.
13. **UMMC** – Approved the request to extend the term of the current Vizient Letter of Commitment (Agreement)) with Cardinal Health 200, LLC (Cardinal) for access to discount rate tiers and participation in the Supplier Services Agreement (Vizient Agreement) for freight management services utilizing its OptiFreight® Logistics. The Agreement provides UMMC access to nationally negotiated shipping/freight pricing, the ability to deal directly with the shipping/freight companies, and complete visibility and transparency for UMMC's incoming shipping/freight charges. The extended term of the Agreement is fifty-five (55) months, beginning on November 1, 2017, and ending conterminously with the Vizient Agreement on May 31, 2022. The Board originally approved a contract term that aligned with the termination date of the Vizient Agreement, which at the time was November 30, 2021. However, the term as stated in the Agreement is that it expires upon the expiration or earlier termination of the Vizient Agreement. On August 28, 2020, Vizient and Cardinal entered an amendment extending the term of the Vizient Agreement to May 31, 2022. The estimated freight cost to be paid to Cardinal under the Agreement is \$4,700,000.00 based on UMMC's historical shipping costs. UMMC estimates approximately \$2,161,300 in savings through the utilization of this program. This agreement will be funded by hospital patient revenue. Legal Staff has

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

14. **UMMC** – Approved the request to enter a Master “Software as a Service” Managed Services Agreement Specialty Pharmacy (Agreement) with Cervey, Inc. (Cervey). This agreement will provide a specialty pharmacy Customer Relationship Management (CRM) web-based software model to be used by the specialty pharmacy program at UMMC. The platform is necessary for day-to-day operational and clinical activities and is required to obtain Utilization Review Accreditation Commission (URAC) accreditation for the specialty pharmacy program. This module will help UMMC streamline pharmacy operations and patient management, while reducing cost for its hospital-based specialty pharmacy. The term of the Agreement is three (3) years, from December 1, 2021, through November 30, 2024. The total cost of the Agreement is \$545,000. Under the agreement the cost for implementation and license fees is \$437,544.20. The additional funds requested are for variable fees such as custom programing, claims adjudication, and training expenses. This agreement will be funded by patient revenue. 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.
15. **UMMC** – Approved the request to enter an Agreement for Physician Locums Tenens Coverage with CHG Companies, Inc. d/b/a CompHealth (CompHealth) to provide temporary physician coverage to UMMC Grenada and UMMC Holmes County, as needed. The term of this agreement is three (3) years, from December 1, 2021, through November 30, 2024. The total estimated cost of the agreement over three (3) years is \$3,500,000. Beginning in year two (2), UMMC has added a thirty five percent (35%) increase for potential volume increases. This agreement will be funded by hospital patient revenue. 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.
16. **UMMC** – Approved the request to enter an Agreement for Physician Locums Tenens Coverage with CHG Companies, Inc. d/b/a CompHealth (CompHealth) to provide temporary physician coverage on UMMC’s main campus in Jackson, as needed. The term of this agreement is three (3) years, from December 1, 2021, through November 30, 2024. The total estimated cost of the agreement over three (3) years is \$3,500,000. Beginning in year two (2), UMMC has added a thirty-five percent (35%) increase each year for potential volume increases. This agreement will be funded by hospital patient revenue. 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.
17. **UMMC** – Approved the request to enter a Product Pricing Agreement with Chiesi USA, Inc. (Chiesi) to purchase Curosurf products, a pulmonary surfactant used to treat neonatal patients with, or at risk for, respiratory distress syndrome. The Board approved the request to allow the institution to add or remove products covered by the agreement without seeking prior Board approval as long as it does not increase the approved expenditure level. The term of the agreement is three (3) years, from December 1, 2021, through November 30, 2024. The total estimated cost over the three (3) year term is \$1,525,000. Chiesi may increase pricing up to nine and a half percent (9.5%) annually upon thirty (30) days’ prior written notice. In addition, beginning in year two (2), UMMC has included an annual

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fifteen percent (15%) increase for potential patient volume increases. The agreement will be funded through patient revenue. 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.

18. **UMMC** – Approved the request to enter Amendment Two (2) to the Educational License Agreement with Citrix Systems, Inc. (Citrix) to extend the term of the current license agreement for an additional three (3) years. This agreement will allow Citrix to provide a hybrid model for software, maintenance, and technical support provided on UMMC’s existing on-premise Citrix XenDesktop infrastructure. The software and services under this agreement serve as a gateway for UMMC users to access approximately 200 applications used across the institution. This gateway essentially “virtualizes” UMMC’s software applications. The term of Amendment Two (2) is three (3) years, from December 13, 2021, through December 12, 2024. The total term of the amended agreement is six (6) years, from December 13, 2018, through December 12, 2024. The estimated total cost of Amendment Two (2) is \$2,708,663.10. This cost includes a ten (10%) increase over the total cost to account for any potential increase in licenses during the term of the amendment. The total cost of the amended agreement is \$5,335.513. This contract will be funded by general funds. 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.
19. **UMMC** – Approved the request to enter a Memorandum of Understanding (MOU) with MoreDirect, Inc. d/b/a Connection (Connection) for Cisco Systems, Inc. (Cisco) to provide its Digital Network Architecture (DNA) licenses and Security suites. UMMC currently utilizes Cisco networking equipment throughout the institution. These licenses and products are used on the equipment to make up UMMC’s network infrastructure. This MOU will allow UMMC to purchase the needed licenses and services on a subscription basis, which is a more cost-effective solution and enhances the overall operations of the network through industry standard enhanced security software on the wireless infrastructure platform. The subscription-based solution will allow UMMC to replace an aging wireless network architecture to adapt to a more mobile workforce. The term of the MOU is thirty-six (36) months and seven (7) days, from November 24, 2021, through November 30, 2024. The total cost of the MOU is \$2,190,000.00, which includes current licenses as well as potential future needs. UMMC has included a ten percent (10%) overage to cover potential future needs. This will be funded by general funds. 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.
20. **UMMC** – Approved the request to enter Amendment 2 to the License Agreement with Intelligent Medical Objects, Inc. (IMO) to update the license solution to IMO Core, add information security requirements, and extend the term of the agreement. Under the Core solution, UMMC will receive the current Intelligent Problem List (ProblemIT), Problem List Management, Problem-oriented Filtering, Content Management Portal, and Billing code set and data. The ProblemIT and Problem oriented Filtering products assists clinicians by organizing a patient’s problems into a clearer, more clinically oriented snapshot of the patient’s current overall condition. The Content Management Portal will

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allow UMMC staff to update the IMO content in its electronic health record, Epic, in a more efficient manner. The term of Amendment 2 is approximately thirty-one (31) months, from February 1, 2022, through August 23, 2024. The total term of the amended License Agreement is seven (7) years and seven (7) months, from February 1, 2017, through August 23, 2024. The cost of Amendment 2 is \$448,287.67. If UMMC executes Amendment 2 prior to November 30, 2021, IMO will provide a credit of \$97,274 during the first year of the extension, for a remaining Amendment 2 cost of \$351,013.67. The total cost of the amended License Agreement is \$792,222.04, after the credit is applied. This agreement is funded by hospital patient revenue. 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.

21. **UMMC** – Approved the request to enter Statement of Work No. 3 (SOW3) and No. 4 (SOW4) to the Master Services Agreement with Kaufman, Hall & Associates, LLC (Kaufman Hall) to support UMMC’s ongoing clinical investment integrated planning. The purpose of the agreement is to seek outside financial and capital planning guidance for UMMC. The engagement will define opportunities for clinical expansion relative to UMMC’s existing assets, local market conditions, and strategies pursued by academic medical centers across the country. The total anticipated term of the Master Services Agreement, including all SOW, is one (1) year and approximately one (1) month, from March 3, 2021, through April 30, 2022. The term of the Master Services Agreement extends through the last expiration date of any attached statement of work. The term of SOW3 is November 19, 2021, through December 31, 2021. The term of SOW4 is January 1, 2022, through April 30, 2022. The total cost of the Master Services Agreement, including SOW1 through SOW4, is \$1,095,250. There is no cost to the Master Services Agreement. The estimated cost of SOW3 is \$205,300, including professional and administrative fees, as well as potential travel and other expenses. The estimated cost of SOW4 is \$382,950, including professional and administrative fees, as well as potential travel and other expenses. The agreement will be funded by hospital patient revenue. 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.
22. **UMMC** – Approved the request to enter a Security Services Agreement with Mall Services, LLC (MALL) for the provision of armed security services at the Jackson Medical Mall (Medical Mall), located at 350 Woodrow Wilson Drive, Jackson, MS 39213. The term of the agreement is three (3) years, from December 1, 2021, through November 30, 2024. The total estimated cost of the agreement is \$455,000 over the three (3) year term. The cost is based upon the actual number of hours that security officers man three (3) designated guard stations. The initial hourly rate is \$16.70 with an annual cost increase up to five percent (5%); the estimated number of man-hours per week is 165. The agreement will be funded by hospital patient revenue. 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.
23. **UMMC** – Approved the request to amend its Purchase Agreement with Medtronic USA, Inc. (Medtronic) to extend the term of the agreement, add information security language and additional products, and revise the returned goods policy. The agreement is to

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purchase supplies, disposables, and implants to be used in neurosurgical procedures. These supplies include valves, shunt kits, catheters, bur hole covers, and other items for use with Midas Rex drills, StealthStation navigation Systems, and Fusion navigation systems UMMC currently owns. The term of the amended agreement is five (5) years, from January 1, 2019, through December 31, 2023. The original agreement was for a term of three (3) years beginning January 1, 2019. The amendment extends the term for an additional two (2) years through December 31, 2023. The total amended over the extended term is \$3,525,000. The total approved cost of the original agreement was \$2,424,925. The first amendment will add \$1,100,075. The contract will be funded by hospital patient revenue. 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.

24. **UMMC** – Approved the request to enter a CryoConsole Product Sale Agreement with Medtronic USA, Inc. (Medtronic) for the purchase of two (2) GenVRoHS 106A3 CryoConsoles used as a safety mechanism to ablate accessory to freeze the accessory pathway without the fear of causing a heart block to the patient. The ability to use cryoablation must be available during each patient’s electrophysiology study. UMMC will also trade-in two (2) UMMC-owned Medtronic Gen V Universal 106A3 consoles that are at end of life. The term of the agreement is one (1) year and two (2) weeks, from December 1, 2021, through December 14, 2022, which is one (1) year following the expected installation date of the consoles. The anticipated installation date will be on or about two (2) weeks after the effective date of the Agreement. The total estimated cost of the agreement over the one (1) year and two (2) week term is \$300,000. This includes the purchase of the two (2) new CryoConsoles, after the pricing discount is applied. UMMC will also receive a \$30,000 credit for the trade-in of the two (2) end of life consoles. The agreement will be funded by hospital patient revenue. 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.
25. **UMMC** – Approved the request to enter a Memorandum of Understanding (MOU) with MoreDirect, Inc. d/b/a Connection (Connection) for Cisco Systems, Inc. (Cisco) to provide software and services under its Collaboration Flex Plan for applications including WebEx web-hosted meetings, Voice over IP (VoIP) phone system, instant messaging, and the unified communication contact center. These components make up the unified communication system at UMMC which integrates voice, video, voicemail, and chat functionalities into one (1) platform. The MOU allows UMMC to bundle licensed products for a more cost-effective licensing and maintenance structure. The term of the Agreement is thirty-six (36) months and seven (7) days, from November 24, 2021, through November 30, 2024. The total cost of the MOU is \$2,150,000.00, which includes current licenses as well as potential future needs. Beginning in year two (2), UMMC has included an additional ten percent (10%) each year to account for potential growth in required licenses. This contract will be funded by general funds. 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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26. **UMMC** – Approved the request to enter a new Lease Agreement with OBE, LLC d/b/a Cups an Espresso Café (Cups) for the purpose of providing coffee services to patients, staff, and visitors in the University Hospital and the Kathy and Joe F. Sanderson Tower at Children’s of Mississippi. The term of the agreement is five (5) years, commencing on the earlier of (i) the date Cups opens the premises to the public for business or (ii) sixty (60) days after delivery of possession occurs and expiring sixty (60) months later. The commencement date shall be no later than January 19, 2022. The Lease Agreement is estimated to earn approximately \$333,000 over the five (5) year term. Rent is \$3,500 per month for the Main Coffee Shop in University Hospital and \$1,750 per month for the Children’s Coffee Shop in Kathy and Joe F. Sanderson Tower at Children’s of Mississippi. Cups will also pay \$1,800 per year per location for use of UMMC’s point of sale badge swipe system. 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.
27. **UMMC** – Approved the request to amend the agreement with Ovid Technologies, Inc. (Ovid) to extend the expiration of the Order forms for the Lippincott Williams & Wilkins (LWW) Total Access Collection journal package. These journals are necessary to support all three missions of UMMC: education, research, and healthcare. The term of the Master License Agreement began on December 1, 2018 and continues until the expiration of the last effective Order. The term of each Order or Quote is one (1) year; however, the amendment extends the original Orders for a total of three (3) years and ten (10) months. The effective date of each subscribed product is based on publication of the journal. Various products under the amended agreement have one-year terms that span from November 30, 2018, through August 31, 2025. The total estimated cost over the amended term is \$2,250,000. The agreement will be funded by general funds. 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.
28. **UMMC** – Approved the request to enter a Services Agreement with Vanderbilt Health Rx Solutions, LLC (VHRxS) to support UMMC’s specialty pharmacy program, including implementation services, project oversight, and planning of key efforts intended to maintain and grow the program at UMMC. The term of the agreement is two (2) years, from December 1, 2021, through November 30, 2023. The total estimated cost of the agreement over the two (2) year term is \$1,300,000, which includes professional fees, travel, and expenses. The agreement will be funded by hospital patient revenue. 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.
29. **USM** – Approved the request to enter a five-year contract with T2 Systems, Inc. for a Parking Management system which includes hosted software licensing, professional services for implementation, software maintenance services, equipment purchase, migration of existing parking data, and integration with many third-party products currently being used by the University. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods or Services, the Board approved the request for the institution to make the annual payments at the beginning of each fiscal year as required by the contract. The term of this contract is five (5) years beginning December 1, 2021 and ending

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November 30, 2026. The total amount of the contract for the five (5) year period will be \$347,325.23 which includes all product licenses, equipment, hosting, and support costs. These costs are broken down as: one time implementation, equipment, and travel costs of \$97,891.20. Recurring annual costs for licensing, hosting, and support with a 5-year total of \$249,434.03. The licensing, hosting, and support fees will be paid annually on the anniversary date of the contract, as well as at the beginning of the contract. The contract will be funded by auxiliary funds from Parking and Transit Services. 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.

REAL ESTATE

30. **JSU** – Approved the initiation of GS 103-306, College of Education & J.Y. Woodard Roof Replacement, and the appointment of Vernell Barnes Architect, PLLC as the design professional. The roofs of the College of Education (COE) and the J.Y. Woodward building are passed their life expectancy and need replacement. The COE roof is approximately 21 years old and J.Y. Woodard, is approximately 26 years old. Although both roofs have been generally maintained and were in fair to good condition, based on the CJC Roof Survey Report (GS#503-117) completed in 2011, natural deterioration has occurred. The proposed project budget is \$1.1 million. Funds are available from SB 3065, Laws of 2019 (\$1,000,000) and HB 1649, Laws of 2018 (\$100,000).
31. **ASU** – Approved the appointment of WGK, Inc. as the design professional for IHL 201-256, MDOT Transportation Alternatives Project. The project will provide improvements to the bicycle trail including paving, lighting, and other improvements. Appointing a professional will allow the university to proceed with the design of the project. The proposed project budget is \$1,661,384.93. Funds are available from Federal Transportation Alternatives Grant Funds (\$1,384,487.44) and University Plant Funds (\$276,897.49).
32. **MVSU** – Approved the request to increase the project budget for GS 106-269, Jacob Aron Student Union Expansion and Renovation, from a pre-planning budget of \$375,000 to a construction budget of \$19,755,000 for an increase of \$19,380,000 and to add HB 1730, Laws of 2020, as a funding source for the project. The scope of this project includes construction of an adjacent expansion to house student service activities, large scale meeting room functions and student recreational activities with adequate seating capacity for attending audiences. Renovations will also include expanded student support spaces, post office, print shop and bookstore. Finally, this project will address remediation of the existing mechanical systems and the renovation of the interior and address all life safety issues and ADA compliance. Funds are available from SB 3065, Laws of 2019 (\$6,320,000) and HB 1730, Laws of 2020 (\$13,435,000).
33. **MSU** – Approved the exterior design for the Walker Engineering Annex Renovation. The rendering is included in the *November 18, 2021 Board Working File*. This project is funded by the MSU Foundation. The project will involve the creation of a new Student Engineering Center for the Bagley College of Engineering. A portion of this project will be in a renovated existing historic structure known as the “Materials Testing Laboratory”. The existing building is a two (2) story brick building originally constructed in 1906. The existing building will be comprised of a new Maker Space on the ground floor with office

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and meeting spaces on the new second floor. An addition will be constructed to the rear of the existing building. The new addition will house modern facilities required in an academic facility such as an elevator, fire stairs, restroom with ADA fixtures, a break area, and a new mechanical, electrical, and telecommunications building. The existing paved area between Walker Hall and McCain Hall will be paved with campus standard brick and concrete paving.

34. **MSU** – Approved the request to convey a 0.9 +/- acre tract of land on East Lee Boulevard in Oktibbeha County to Clayton Village Water Association (CVWA) in exchange for CVWA conveying to MSU an equivalent size tract of land on Montgomery Hill Road immediately adjacent to the MSU campus in Oktibbeha County, Mississippi. MSU desires to exchange tracts of unimproved land with CVWA because the property MSU will acquire from CVWA is closer in proximity to the central part of MSU's Starkville campus than the property MSU will convey to CVWA, which will allow for contiguous development as future needs arise. Furthermore, CVWA intended to construct a water tower on the tract of land that it currently owns adjacent to the MSU campus, which could impede the future growth path of the University and present aesthetic and logistical challenges for MSU in the future if a water tower is erected on the site. The University received two independent property appraisals for the property to be acquired and two independent property appraisals for the property to be conveyed to CVWA. The first appraisal for the property on East Lee Blvd that MSU currently owns and seeks to convey was in the amount of \$80,000. The second appraisal for the East Lee Blvd property was in the amount of \$75,000. The average of the two appraisals for the East Lee Blvd property that MSU is seeking to convey was \$77,500. The University is seeking to acquire the Montgomery Hill property owned by Clayton Village Water Association. The first appraisal for the property on Montgomery Hill that MSU seeks to acquire was in the amount of \$80,000. The second appraisal for the Montgomery Hill property was in the amount of \$75,000. The average of the two appraisals for the Montgomery Hill property that MSU is seeking to acquire was \$77,500. Both properties in this proposed land exchange are 0.9-acre tracts of land and both tracts of land appraise for the same value. Therefore, MSU is in compliance with Board Policy that requires the sale price of property shall not be below the average of the two appraisals and that the purchase price of the property shall not exceed the average of the two appraisals. The property descriptions are as follows. Clayton Village Water Association to Convey to MSU – Parcel #117O-36-003.00: This property is a 0.91-acre tract of land on the west side of Montgomery Hill Road and commences at a concrete monument with a brass disk located at the SW Corner of the SE ¼ of the SW ¼ of Section 36, Township 19 North, Range 14 East, Oktibbeha County, Mississippi. MSU to Convey to Clayton Village Water Association – Parcel #117P-36-002.00: This property is a 0.92-acre tract of land on the West side of East Lee Blvd. and commences at an angle iron found at the NE Corner of the NE ¼ of the SE ¼ and the SE ¼ of the SE ¼ of Section 36, Township 19 North, Range 14 East, Oktibbeha County, Mississippi. MSU seeks to exchange .9 +/- acre of real property at no cost to either party. Closing will take place on or before December 31, 2021. Within thirty (30 days) after full execution of the contract, each party shall provide the other at their own expense a certificate of title from an attorney whose title opinions are accepted by a title insurance company acceptable to the other. Conveyances shall be by

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special warranty deed. Each party shall prepare its deed and shall submit same to the other party for approval not less than seven (7) days prior to closing. The parties agree that certain easements are necessary for each party to have the full and complete enjoyment of their respective parcels of land for their intended purposes. The parties agree to execute a right of first refusal at closing for the parcel of land they are receiving. Should either party desire to sell the parcel of land they are receiving, the right of first refusal will allow the other party the first option to purchase the respective parcel of land for the then current appraised value. A Phase I Environmental Site Assessment (ESA) is required for the acquisition of property. The Phase I report was performed on the 0.91-acre tract of land located between Montgomery Hill Road and George Perry Street that MSU would acquire from the Clayton Village Water Association. No recognized environmental conditions were identified in connection with the subject property. A copy of the property description and all legal documentation are on file with the IHL Office of Real Estate and Facilities. The Attorney General's Office has reviewed this item for compliance with applicable law and found it to be acceptable.

35. **MSU** – Approved the purchase of a 3.28-acre tract of land located adjacent to the MSU campus in Oktibbeha County, Mississippi from VanLandingham Company, LLC for a sale price of \$1,800,000. This purchase will allow future development and ensure the property is available at the time of future needs. Furthermore, if another party were to purchase this land, the University could be faced with undesirable development adjacent to campus. The University received two independent property appraisals for the property. The first appraisal was in the amount of \$1,670,000. The second appraisal was in the amount of \$2,000,000. The average of the two appraisals was \$1,835,500. The purchase price of the property is \$1,800,000 which is below the average of the two appraisals. The subject property, as referenced above, is located on Lots 3 and 4 of R.H. Means Subdivision of all that part of North $\frac{3}{4}$ of East $\frac{1}{2}$ of SW $\frac{1}{4}$ of Section 36, Township 19 North, Range 14 East, lying South of U.S. Highway 82. The subject property is located at 10944 MS Highway 182, Oktibbeha County, Mississippi and consists of 3.28 acres +/- . The subject improvements on the property include a single-family residence and an auxiliary structure that serves as a guest house. The residence is approximately 4,800 GSF and contains 3 bedrooms, 3 full baths, and 2 half baths along with a kitchen, dining room, living room, family room and sunroom. The guest house is approximately 1,000 GSF and contains a bedroom, living room, and a bath. The closing date shall be on or before, December 31, 2021, or as otherwise mutually agreed upon in writing by the parties involved. All special assessments, taxes, and other like governmental fees which are assessed for the calendar year of the closing date shall be paid in full by the Seller. Seller shall furnish the Warranty Deed from a reputable attorney with a property description and a Certificate of Title to the date and time of closing. A Phase I Environmental Site Assessment (ESA) is required for the acquisition of property. The Phase I report was performed on the 3.28-acre tract of land located at 10944, Highway 182, Starkville, MS. No recognized environmental conditions were identified in connection with the subject property. However, the approximately 4,500 square foot house that sits on the property had the presence of asbestos and lead based paint found during the field inspection. MSU will hire an abatement company to remove the asbestos and lead based paint in accordance with proper guidelines before demolishing this

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property. A copy of the property description and all legal documentation are on file with the IHL Office of Real Estate and Facilities. The Attorney General's Office has reviewed this item for compliance with applicable law and found it to be acceptable.

36. **UM** – Approved the termination of a lease between IHL and Kappa Alpha Theta Fraternity, Inc., successor-in-interest to Epsilon Zeta House Corporation of Kappa Alpha Theta. Because the Epsilon Zeta Chapter of Kappa Alpha Theta Fraternity, Inc. ceased its chapter operations on UM's campus in December 2018, the house corporation affiliated with the sorority – the KAT House Corporation – was dissolved. Before its dissolution, the KAT House Corporation assigned and conveyed all its rights, title, and interest in its primary lease with the IHL to KAT, the national fraternity with which the Epsilon Zeta Chapter and the KAT House Corporation are affiliated. Terminating the primary lease between IHL and KAT will allow IHL to enter a new lease with Alpha Chi Omega National Housing Corporation (Alpha Chi) which will allow it to establish a chapter on UM's Oxford campus. This is a termination of the lease for a residential facility on sorority lot #252 on the University of Mississippi's Oxford campus that was erected on May 21, 1979, by the Epsilon Zeta House Corporation of Kappa Alpha Theta ("the KAT House Corporation"). The primary lease between the IHL/UM and KAT (assignee of the KAT House Corporation) is for a fifty-year term, from May 21, 1979, to May 20, 2029. The primary lease contains an option to renew the lease for an additional twenty-five years, thereby extending the lease term to year 2054, if the option is exercised. The assignment and assumption of lease that were previously approved between the KAT House Corporation and KAT is permanent and has no term. There is a sublease in effect between KAT and Tau of Chi Omega Fraternity House Corporation ("Chi Omega") through May 31, 2022. The Board also approved a new lease with Alpha Chi and a new sublease between Alpha Chi and Chi Omega as shown in items #38 and #39 below. The Attorney General's Office has reviewed this item for compliance with applicable law and found it to be acceptable.
37. **UM** – Approved the request to terminate the sublease between Kappa Alpha Theta Fraternity, Inc. ("KAT") and Tau of Chi Omega Fraternity House Corporation ("Chi Omega") and authorize the University Chancellor to execute the Prime Landlord's Consent on behalf of the Board of Trustees of State Institutions of Higher Learning. Because the Epsilon Zeta Chapter of Kappa Alpha Theta Fraternity, Inc. ceased its chapter operations on UM's campus in December 2018, the house corporation affiliated with the sorority – the KAT House Corporation – was dissolved. Before its dissolution, the KAT House Corporation assigned and conveyed all its rights, title and interest in its primary lease with the IHL to KAT, the national fraternity with which the Epsilon Zeta Chapter and the KAT House Corporation are affiliated. Because the sorority residential facility was vacant, the KAT House Corporation (through its assignee KAT) subleased the facility to Chi Omega. The IHL's approval of the Assignment and Assumption of Lease and the Sublease was necessary because the primary lease between the KAT House Corporation and IHL expressly provided that the KAT House Corporation may not sublease the property, or sell, assign, or mortgage the leasehold estate to any person, corporation, society, or body without the consent of the IHL in writing. This is a termination of the lease for a residential facility on sorority lot #252 on the University of Mississippi's Oxford campus that was erected on May 21, 1979, by the Epsilon Zeta House Corporation of Kappa Alpha Theta

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(“the KAT House Corporation”). The primary lease between the IHL/UM and KAT (assignee of the KAT House Corporation) is for a fifty-year term, from May 21, 1979, to May 20, 2029. The primary lease contains an option to renew the lease for an additional twenty-five years, thereby extending the lease term to year 2054, if the option is exercised. The assignment and assumption of lease that was previously approved between the KAT House Corporation and KAT is permanent and has no term. There is a sublease in effect between KAT and Tau of Chi Omega Fraternity House Corporation (“Chi Omega”) through May 31, 2022. The Board also approved a new lease with Alpha Chi and a new sublease between Alpha Chi and Chi Omega as shown in item #38 and #39 below. The Attorney General’s Office has reviewed this item for compliance with applicable law and found it to be acceptable.

38. **UM** – Approved the lease between IHL/UM and Alpha Chi Omega National Housing Corporation (the “House Corporation”). The terms of the lease will be for fifty (50) years for Lot #252 from December 1, 2021, to December 21, 2071. The Attorney General’s Office has reviewed this item for compliance with applicable law and found it to be acceptable.
39. **UM** – Approved the sublease between Alpha Chi Omega National Housing Corporation (“Alpha Chi”) and Tau of Chi Omega Fraternity House Corporation (“Chi Omega”) and authorize the University Chancellor to execute the Prime Landlord’s Consent on behalf of the Board of Trustees of State Institutions of Higher Learning. Because the Epsilon Zeta Chapter of Kappa Alpha Theta Fraternity, Inc. ceased its chapter operations on UM’s campus in December 2018, the house corporation affiliated with the sorority – Epsilon Zeta House Corporation of Kappa Alpha Theta (“KAT House Corporation”) – was dissolved. Before its dissolution, the KAT House Corporation assigned and conveyed all its rights, title and interest in its primary lease with the IHL to Kappa Alpha Theta Fraternity, Inc. (“KAT”), the national fraternity with which the Epsilon Zeta Chapter and the KAT House Corporation are affiliated. Because the sorority residential facility was vacant, the KAT House Corporation (through its assignee KAT) subleased the facility to Chi Omega. The IHL’s approval of the Assignment and Assumption of Lease and the Sublease was necessary because the primary lease between the KAT House Corporation and IHL expressly provided that the KAT House Corporation may not sublease the property, or sell, assign, or mortgage the leasehold estate to any person, corporation, society, or body without the consent of the IHL in writing. This is a sublease for a residential facility on sorority lot #252 on the University of Mississippi’s Oxford campus that was erected on May 21, 1979 by the Epsilon Zeta House Corporation of Kappa Alpha Theta (“the KAT House Corporation”). The primary lease between the IHL/UM and Alpha Chi will be for a fifty-year term, from December 1, 2021, to December 31, 2071. The primary lease between the IHL/UM and Alpha Chi imposes an annual \$50 lease payment to UM. The term of the sublease between Alpha Chi and Chi Omega is for a term from December 1, 2021, to December 31, 2022, with an option to extend up to five additional months. The base rent under the sublease between Alpha Chi and Chi Omega is monthly rental amount of \$13,500.00 from December 1, 2021, to May 31, 2022, and monthly rental amount of \$10,000.00 from June 1, 2022, to December 31, 2022, and for each of the five months

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following the initial term if needed. The Attorney General's Office has reviewed this item for compliance with applicable law and found it to be acceptable.

40. **UMMC** – Approved the request to purchase a 36-acre tract of land located in Madison County, Mississippi from Kerioth Realty Company, LLC for a sale price of \$14,253,045. As previously discussed with the Board, surgical capacity at the UMMC main campus is quite limited, which also constrains teaching opportunities. The proposed purchase will allow UMMC the opportunity to develop the property as a means to increase academic opportunities for students and trainees (physician residents and fellows) in facilities with healthcare settings that more closely match those of the providers in which many will eventually be employed, outside the academic medical center (AMC) setting. The University of Mississippi Medical Center received two independent property appraisals for the property. The first appraisal was in the amount of \$14,300,000. The second appraisal was in the amount of \$15,040,000. The average of the two appraisals was \$14,670,000. The University of Mississippi Medical Center is purchasing the property for \$14,253,045.00 which is equal to or less than the average of the two appraisals. The subject property is an approximately 36-acre tract of land located in the northwest quadrant of the intersection of Colony Park Blvd. and I-55 North Frontage Road in Ridgeland, Mississippi. The closing date is proposed to be on or before January 6, 2022. A Phase I Environmental Site Assessment (ESA) is required for the acquisition of property. A Phase I Environmental Site Assessment (ESA) has been conducted on the property listed above. Based on site inspection, current and past land use history, adjacent property inspections and record review, no recognized environmental conditions are evident at the subject property. A copy of the property description and all legal documentation are on file with the IHL Office of Real Estate and Facilities. 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.

LEGAL

41. **MSU** – Approved the request to enter a contract with the firm of Butler Snow, PLLC to provide services necessary in the practice areas of intellectual property, real estate, and commercial matters. The term of the contract is one-year effective October 17, 2021. The hourly rate for attorneys is \$295 and \$95 per hour for paralegal services, with a maximum amount payable of \$75,000. This firm carries professional liability insurance coverage in the amount of \$20,000,000 per claim with an annual aggregate of \$40,000,000. This request has been approved by the Office of the Attorney General.
42. **UM** – Approved the request to enter an Interlocal Agreement with Lafayette County, Mississippi (County) and the City of Oxford, Mississippi (City) for the operation of a Drug Enforcement Unit under the direct operational control of a Control Group designed to create a cooperative law enforcement effort to concentrate and focus drug enforcement efforts in Lafayette County, Mississippi. The Board also approved the request to pay \$150,000 for the use and benefit of the Task Force on an annual fiscal year basis. The term of this Agreement is one year effective upon approval and execution. This request has been approval of the Office of the Attorney General. A copy of the agreement is included in the bound *November 17, 2021 Board Working File*.

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43. **UMMC** – Approved the request to enter a contract with Foreman Watkins & Krutz, LLP as outside counsel to provide legal services related to personnel matters. The term of the agreement is December 1, 2021 through June 30, 2023. The hourly rate for attorneys is \$225 with a maximum amount payable of \$300,000 over the term of the agreement. This firm carries professional liability insurance coverage in the amount of \$10,000,000 per claim with an annual aggregate of \$20,000,000. This request has been approved by the Office of the Attorney General.

ADMINISTRATION/POLICY

44. **ASU** – Approved the request to bestow one honorary degree at its 2021 Fall commencement ceremony. Supporting documents are on file at the Board Office.
45. **MSU** – Approved the request to bestow one honorary degree at its 2021 Fall commencement ceremony. Supporting documents are on file at the Board Office.

REGULAR AGENDAS

ACADEMIC AFFAIRS

Presented by Trustee Steven Cunningham, Chair

On motion by Trustee Cunningham, seconded by Trustee McNair, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Academic Affairs Agenda. On motion by Trustee Cunningham, seconded by McNair, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #2.

1. **SYSTEM** – Approved the request to add the following new institutes or centers in accordance with Board Policy 502 New Academic Programs and Units.
 - a. **MSU** – Mississippi Institute on Disabilities (MIoD)
Location: College of Education
Scope: Limited Scope and Outreach
Type: Type 1 (Academic, Teaching, or Research)
Effective Date: January 2022
 - b. **USM** – Center for Digital Humanities (CDH)
Location: School of Humanities
Scope: Limited Scope and Outreach
Type: Type 1 (Academic, Teaching, or Research)
Effective Date: November 2021
2. **SYSTEM** – Approved the following recommended actions based on the Academic Productivity Reviews.
 - a. Continue with Stipulation
The following 19 academic programs are subject to additional review by the IHL Office of Academic and Student Affairs (OASA) for two years to assess progress toward future productivity.

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ASU – BS in Robotics and Automation Technology (CIP Code, Sequence: 150405, 5791)

DSU – MALS in Liberal Studies (CIP Code, Sequence: 24.0101, 4560)

JSU – MA in Political Science (CIP Code, Sequence: 45.1001, 4061)

JSU – MA in Sociology (CIP Code, Sequence: 45.1101, 4062)

JSU – MA in Criminology and Justice Services (CIP Code, Sequence: 43.0104, 4420)

MSU – MS in Biological Engineering (CIP Code, Sequence: 14.0501, 4434)

MSU – MS in Chemical Engineering (CIP Code, Sequence: 14.0701, 4119)

MSU – MS in Computational Engineering (CIP Code, Sequence: 14.9999, 4494)

MSU – MA in Political Science (CIP Code, Sequence: 45.1001, 4160)

MSU – PhD in Molecular Biology (CIP Code, Sequence: 26.0204, 1163)

MVSU – BA in Art (CIP Code, Sequence: 50.0101, 5397)

UM – MS in Hospitality Management (CIP Code, Sequence: 52.0901, 4589)

UM – MA in Interdisciplinary Studies (CIP Code, Sequence: 30.0000, 4567)

UM – MS in Interdisciplinary Studies (CIP Code, Sequence: 30.0000, 4568)

UM – MEd in Literacy Education (CIP Code, Sequence: 13.1315, 4540)

UM – DA in Chemistry (CIP Code, Sequence: 40.0501, 1047)

UM – PhD in Political Science (CIP Code, Sequence: 45.1001, 1054)

USM – MS in Geography (CIP Code, Sequence: 45.0701, 4393)

b. Delete

DSU – MEd in Health, Physical Education and Recreation (CIP Code, Sequence: 13.1314, 4016)

DSU – MEd in Secondary Education (CIP Code, Sequence: 13.1205, 4511)

JSU – MST in Science and Mathematics Teaching (CIP Code, Sequence: 13.9999, 4523)

MSU – MA in Economics (CIP Code, Sequence: 52.0601, 4487)

MVSU – BA in Sociology (CIP Code, Sequence: 45.1101, 5396)

MVSU – BS in Environmental Health (CIP Code, Sequence: 51.2202, 5740)

UMMC – PhD in Pathology (CIP Code, Sequence: 26.0910, 1200)

c. Suspend

Although students may earn degrees from suspended academic programs, no additional students will be accepted into these majors. If the institution does not request that a suspended program be deleted or removed from suspension within three (3) academic years, OASA will recommend to the Board that the program be deleted from the academic program inventory. Unless a request is made by the institution, this program will be recommended for deletion in October 2024.

MSU – MA in Economics (CIP Code, Sequence: 52.0601, 4487)

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FINANCE AGENDA

Presented by Trustee Tom Duff, Chair

Trustee Gee Ogletree recused himself from discussing or voting on item #1 on the Finance Agenda by leaving the room before there was any discussion or vote regarding the same. On motion by Trustee Martin, seconded by Trustee Cunningham, with Trustees Ogletree and Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Finance Agenda. Trustee Ogletree returned to the room following the discussion and vote on item #1 on the Finance Agenda. On motion by Trustee Rader, seconded by Trustee Martin, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve items #2 & #3.

1. **UMMC** – Approved the request to enter a new Customer Agreement with Iron Mountain Information Management, LLC (Iron Mountain) for shredding services at all UMMC facilities, including hospitals and clinics located throughout the State. Shredding services include destruction of all paper-based materials and non-paper-based materials such as media and binding material. The term of the agreement is five (5) years, from December 1, 2021, through November 30, 2026. The estimated total cost of the contract over the five (5) year term is \$1,050,000.00. Pricing is fixed for the first year, beginning in Year 2 of the Agreement rates will increase by three percent (3%) each year. UMMC has also factored in an annual volume growth of fifteen percent (15%) to account for new sites added during the term, as well as for potential increases in pick-up frequency for existing sites. The contract will be funded by general funds. 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.
2. **UMMC** – Approved the request to enter a Sales Agreement with One Lambda, Inc. (One Lambda) for the purchase of reagents and consumables for use in UMMC's Human leukocyte antigen (HLA) laboratory. These reagents and consumables are used together with One Lambda's HLA Fusion analysis software that UMMC currently owns. As the only HLA laboratory in the state of Mississippi, the UMMC HLA laboratory provides all the tissue typing and antibody screening services for the UMMC Transplant Center and the Mississippi Organ Recovery Agency. The HLA laboratory also performs HLA typing for the Bone Marrow Transplant Program and for various disease associations, including ankylosing spondylitis, celiac disease, and abacavir hypersensitivity (for HIV treatment). The Board approved the request for the institution to add or remove products under the agreement without seeking prior Board approval as long as it does not increase the approved expenditure level. The term of the agreement is five (5) years, from January 1, 2021, through December 31, 2026. The total estimated cost over the five (5) year term is \$14,225,000. Beginning in year two (2), UMMC has included an annual twenty percent (20%) increase for potential price and volume increases. Beginning January 1, 2023, One Lambda may increase prices annually by up to three percent (3%). The agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for

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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 issue through the University of Mississippi Educational Building Corporation (UMEBC) up to \$75,255,000 par value in fixed rate revenue refunding bonds in one or more taxable and/or tax-exempt series to finance the costs of the current and/or advance refunding and defeasance of all or a portion of 1) The UMEBC revenue bonds, Series 2015A Bonds, not to exceed \$14,670,000; 2) The UMEBC revenue bonds, Series 2015B Bonds, not to exceed \$4,360,000; 3) The UMEBC revenue bonds, Series 2015C Bonds, not to exceed \$29,350,000; (4) The UMEBC revenues bonds, Series 2015D Bonds, not to exceed \$12,085,000; and (5) The UM EBC revenue bonds, Series 2016A Bonds, not to exceed \$14,790,000. The Board also approved the request to pay the costs of issuance, sale, and delivery of the bonds and other necessary bond documents. Butler, Snow LLP will serve as the bond counsel. Raymond James & Associates, Inc. will serve as the senior underwriter. Hilltop Securities is the financial advisor. These bonds will be issued at fixed rates with a term that will closely mirror the existing remaining amortization schedules and monthly payments to semi-annual/annual payments. The bonds will be repaid with various athletic revenues, including annual seat donations, capital gift agreements, philanthropic athletic gifts, and other internally generated auxiliary revenues. Legal Staff has reviewed the documents for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

LEGAL AGENDA

Presented by Trustee Gee Ogletree, Chair

On motion by Trustee McNair, seconded by Trustee Cummings, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to move items #1 - #4 to the Executive Session Agenda.

1. **ASU** – Settlement of IHL Self-Insured Workers’ Compensation Claims Nos. 55-38711-1 and 55-43855-1. **(THIS ITEM WAS MOVED TO THE CONSENT AGENDA FOR CONSIDERATION.)**
2. **UMMC** – Settlement of Tort Claim No. 3266. **(THIS ITEM WAS MOVED TO THE CONSENT AGENDA FOR CONSIDERATION.)**
3. **UMMC** – Settlement of Tort Claim No. 3456. **(THIS ITEM WAS MOVED TO THE CONSENT AGENDA FOR CONSIDERATION.)**
4. **UMMC** – Settlement of Tort Claim No. 3107. **(THIS ITEM WAS MOVED TO THE CONSENT AGENDA FOR CONSIDERATION.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Alfred Rankins, Jr.

On motion by Trustee Morgan, seconded by Trustee McNair, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and

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participating voted unanimously to approve item #1 as submitted on the Administration/Policy Agenda.

1. **SYSTEM** – Approved the Board meeting dates and locations for January through December 2022 as follows.

Thursday, January 20, 2022	<i>Board Office</i>
Thursday, February 17, 2022	<i>Board Office</i>
Thursday, March 17, 2022	<i>Board Office</i>
Thursday, April 21, 2022	<i>University of Southern Mississippi</i>
Thursday, May 19, 2022	<i>Board Office</i>
Thursday, June 16, 2022	<i>Board Office</i>
Thursday, July 21, 2022	<i>Subject to Call</i>
Thursday, August 18, 2022	<i>Board Office</i>
Thursday, September 15, 2022	<i>Board Retreat</i>
Thursday, October 20, 2022	<i>University of Mississippi</i>
Thursday, November 17, 2022	<i>Board Office</i>
Thursday, December 15, 2022	<i>Subject to Call</i>

Should committee meetings be held, they will most likely occur on the Wednesday prior to the Board meeting dates shown above.

INFORMATION AGENDAS

Presented by Commissioner Alfred Rankins, Jr.

ACADEMIC AFFAIRS

1. **JSU** – Intent to offer existing degree programs by distance learning.
 - a. Master of Arts (MA) in Political Science
CIP Code, Sequence: 45.1001, 4061
Cost to offer by distance learning: \$0
Effective date: August 2022
 - b. Master of Public Accountancy (MPA) in Accounting
CIP Code, Sequence: 52.0301, 4029
Cost to offer by distance learning: \$0
Effective date: August 2022
2. **SYSTEM** – Intent to offer certificate programs.
 - a. **JSU** – Program title: Accounting Certificate
Responsible academic unit: College of Business, Department of Accounting, Finance, & Entrepreneurship
Level: Post-baccalaureate
Type certificate: vocational, credit-bearing program
Total credit hours: 18
CIP code: 52.0301
Effective date: January 2022
 - b. **MSU** – Program title: General Biology Certificate
Responsible academic unit: Department of Biological Sciences, College of Arts and Sciences
Level: Post-baccalaureate

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Type certificate: vocational, credit-bearing program

Total credit hours: 18

CIP code: 26.0101

Effective date: January 2022

c. **MSU** – Program title: Gerontology Certificate

Responsible academic unit: School of Human Sciences, College of Agriculture and Life Sciences

Level: Post-baccalaureate

Total credit hours: 12 (minimum)

CIP code: 30.1101

Effective date: January 2022

d. **MSU** – Program title: Precision Agriculture Certificate

Responsible academic unit: Plant and Soil Sciences, Agricultural and Biological Engineering

Level: Post-Baccalaureate and Post-Master's

Type certificate: vocational, credit-bearing program

Total credit hours: 16

CIP code: 01.1101

Effective date: January 2022

e. **MSU** – Program title: Trauma-Informed Child Advocacy Certificate

Responsible academic unit: School of Human Sciences, College of Agriculture and Life Sciences

Level: Post-baccalaureate

Total credit hours: 12 (minimum)

CIP code: 19.0708

Effective date: January 2022

3. **SYSTEM** – The Board received the annual report of winners of the Halbrook Awards for Academic Achievement Among Athletes for 2020-2021.

David C. Halbrook Awards for Academic Achievement Among Athletes ^a			
Public University Division – Men		Alcorn State University	
Public University Division – Women (<i>tie</i>)		Mississippi State University University of Southern Mississippi	
Independent College Division Overall		Mississippi College	
Community and Junior College Division Overall		Mississippi Gulf Coast Community College	
John C. and Ernestine McCall Halbrook Improvement Award ^b		Rust College	
David M. Halbrook Certificate Award for Academic Achievement Among Athletes ^c			
	Institution	Male Recipient	Female Recipient
Public Division	Alcorn State University	Jarius Colley (<i>Agribusiness Mgmt</i>)	Kiana Allen (<i>Biology</i>)
	Delta State University	Giulo Brugnoni (<i>Mgmt & Marketi</i>)	Lucia Martelli (<i>Sports Mgmt; Bus</i>)
	Jackson State University	Charles C. McClelland (<i>Business A</i>)	Kayla Owens (<i>Biomedical Eng.</i>)
	Mississippi State University	Gary Griffin Agent (<i>Business Adm</i>)	Elanor Grimwood (<i>History; Psych</i>)
	Mississippi University for Wome	Coleman Suber (<i>Kinesiology</i>)	Anna Kate O’Bryant (<i>Business Ad</i>)
	Mississippi Valley State Univ.	Mychael Jamison (<i>History</i>)	Tiara DeRosa (<i>Comp Science & M</i>)
	University of Mississippi	Tim Elko (<i>Exercise Science</i>)	Madeleine King (<i>Accountancy</i>)

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	Institution	Male Recipient	Female Recipient
	University of Southern Mississippi	Swayze Bozeman (<i>Exercise Science</i>)	JoAnnie Ramos Aleman (<i>Nursing</i>)
Ind. Division	Belhaven University	Reed Vincent (<i>Sports Medicine</i>)	Ellie Brooker (<i>Creative Writing</i>)
	Blue Mountain College	Owen J. Hill (<i>Biology (Edu)</i>)	Annie Lusby (<i>Social Science (Edu)</i>)
	Millsaps College	Newlon Gillihan (<i>Biology</i>)	Katelyn Norse (<i>Neuroscience</i>)
	Mississippi College	Zach Jones (<i>Kinesiology</i>)	Alexa Laurendine (<i>Kinesiology</i>)
	Rust College	Saul Gonzales-Nucete (<i>Biology</i>)	Tianna Smith (<i>Biology</i>)
	Tougaloo College	Tyler Hickman (<i>Mathematics</i>)	Morgan Hunter (<i>Health & Recreation</i>)
	William Carey University	Magruder O'Bannon (<i>Biol Science</i>)	McKinley Seal (<i>Biology</i>)
Comm. College Division	Coahoma Community College	Charles Yates	Millay Lambert
	Copiah-Lincoln Community College	William Lawson Harkins	Morgan Alexandria McCray
	East Central Community College	Robert Jonathan Holifield	Sidney Elaine Rone
	East Miss. Community College	Ian Richard	Lillian Ramsey
	Hinds Community College	Ethan Thomas Boyd	Rebecca Anne Blackwell
	Holmes Community College	Edwin Herard	Laney Smith
	Itawamba Community College	Noah Locastro	Hannah Henry
	Jones College	Zachary Diaz	Katherine Wallace
	Meridian Community College	John Etheridge	Sophie Roberts
	Miss. Delta Community College	Tailor Anderson	Danielle Tedder
	Miss. Gulf Coast Comm. College	Deon Travis	Kristina Georgieva
	Northeast Miss. Comm. College	Austin Shaw	Williette Kingdom
	Northwest Miss. Comm. College	Ryan Cade Spratlin	Katelyn Rock
	Pearl River Community College	Graham Crawford	Sydney Runnels
	Southwest Miss. Comm. College	Joshua Thomas Bailey	Anna Claire Crow

^a Trophy award to institution with the highest percentage of graduating student athletes.

^b Cash award to institution with greatest improvement in percentage of student athletes graduating.

^c Certificate awarded to student athletes who have excelled in academics, leadership, and/or service.

FINANCE

- SYSTEM** – As part of the *Ayers* Settlement Agreement, publicly and privately funded endowments were created for the benefit of Alcorn State University, Jackson State University, and Mississippi Valley State University. The *Ayers* Investment Report summarizes the activity in the endowment accounts for FY 2021. The report is on file in the Board Office.
- SYSTEM** – The Mississippi Department of Information Technology Services approved the continued use of Internet2's connector site in Jackson, Mississippi for the Institutions of Higher Learning (IHL) and four research institutions in the state. Jackson State University, Mississippi State University, the University of Mississippi, including the

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University of Mississippi Medical Center, and the University of Southern Mississippi use the high bandwidth optical network to share research material and data with other member universities and research institutions in the networking consortium. The Attorney General's staff assigned to the MS-ITS reviewed the agreement prior to execution. The Agreement is between Internet2 and MS-ITS on behalf of IHL.

6. **UMMC** – The Mississippi Department of Information Technology Services, as contracting agent for UMMC, entered Assignment and Amendment #1 to the Pager Agreement with Critical Alert to assign the agreement to American Messaging Services, LLC, to extend the term of the agreement for an additional three (3) years, to adjust the annual fees, and to update the notice provision section. The agreement provides pagers and associated services for UMMC employees and clinicians to be contacted twenty-four (24) hours a day, seven (7) days a week via pager. The total term of the amended Pager Agreement is now seven (7) years and six (6) months, from March 13, 2017, through September 30, 2024. The cost of Assignment and Amendment #1 is \$488,743.20. The total cost of the amended Pager Agreement is \$1,769,743.20.
7. **UMMC** – The Mississippi Department of Information Technology Services, as contracting agent for UMMC, entered Order Form 00245303.0 under the current Master Subscription Agreement with Workday, Inc. (Workday) for the purchase of training credits. Training credits are used for Workday training classes for UMMC's analyst and functional team leaders who support the application. The term of the Order Form 00245303.0 is one (1) year, from April 20, 2021, through April 19, 2022. The cost for Order Form 00245303.0 is \$54,800.00. The total cost of the Master Subscription Agreement is \$11,374,757.00.
8. **MVSU** – The University entered into a purchasing agreement with Mythics, Inc. for the acquisition of Oracle software support. MVSU entered into a mutual agreement with Mythics, Inc. that began on July 31, 2015 and ended July 30, 2018. Thereafter, MVSU submitted Form CP1 to extend the services through November 2018. MVSU entered into another mutual agreement with Mythics, Inc. that began December 1, 2018 and ends November 30, 2021. The purpose of this contract is to provide maintenance and support to the University's administrative software package, commonly known as Banner and Oracle database. The agreement will continue to provide maintenance to allow the user to keep the administrative system current and assist with troubleshooting when needed. The term of the contract begins December 1, 2021 and ends November 30, 2024. However, the period of performance of Oracle software support under this Agreement shall begin on the date it is signed by all parties and will continue through the close of business on November 30, 2024 as stated on page 1, Article 1 Term of Agreement section of the contract. The Mississippi Department of Information Technology Services (ITS) vetted and received approval from the Mississippi Department of Finance and Administration to reuse the Omnia Partners Region 4 Education Service Center RFP #19-08 for the establishment of an actual cooperative contract for the acquisition of Oracle products and services. Through this process, Mythics, Inc. was the successful proposer on an open, fair, and competitive procurement process.

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REAL ESTATE

9. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the October 21, 2021 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 2.)

LEGAL

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

ADMINISTRATION/POLICY

11. **SYSTEM** – 2021 Fall Commencement Schedules

Alcorn State University

Time/Date: 9:00 a.m., Saturday, December 11, 2021
Location: Jack Spinks and Marino Casem Stadium
Speaker: Dr. Dennis E. Thomas, Commissioner of the Mid-Eastern Athletic Conference

Delta State University

Graduate

Time/Date: 10:00 a.m., Friday, December 10, 2021
Location: Walter Sillers Coliseum
Speaker: Dr. Joseph Bentley, 2021 recipient of S. E. Kossman Outstanding Teacher Award, Delta State University

Undergraduate

Time/Date: 2:00 p.m., Friday, December 10, 2021
Location: Walter Sillers Coliseum
Speaker: Dr. Joseph Bentley, 2021 recipient of S. E. Kossman Outstanding Teacher Award, Delta State University

Jackson State University

Time/Date: 10:00 a.m., Friday, December 10, 2021
Location: Lee E. Williams Athletics and Assembly Center
Speaker: Dr. Kristen Broadly, '06, '11, Fellow in the Metropolitan Policy Program at the Brookings Institution

Mississippi State University

Meridian Campus

Time/Date: 11:00 a.m., Thursday, December 9, 2021
Location: MSU Riley Center
Speaker: Dr. Mark E. Keenum, President, Mississippi State University

Starkville Campus

College of Architecture, Art and Design; College of Arts and Sciences, College of Education; and Academic Affairs

Time/Date: 9:00 a.m., Friday, December 10, 2021
Location: Humphrey Coliseum
Speaker: Dr. Mark E. Keenum, President, Mississippi State University

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College of Agriculture and Life Sciences; College of Business; Bagley College of Engineering; College of Forest Resources; and College of Veterinary Medicine

Time/Date: 3:00 p.m., Friday, December 10, 2021
Location: Humphrey Coliseum
Speaker: Dr. Mark E. Keenum, President, Mississippi State University

Mississippi University for Women

College of Business and Professional Studies and School of Education

Time/Date: 1:00 p.m., Friday, December 3, 2021
Location: Rent Auditorium, Whitfield Hall
Speaker: No Speaker

College of Arts and Sciences and College of Nursing and Health Sciences

Time/Date: 3:00 p.m., Friday, December 3, 2021
Location: Rent Auditorium, Whitfield Hall
Speaker: No Speaker

Mississippi Valley State University

Time/Date: 8:00 a.m., Tuesday, November 23, 2021
Location: Rice-Totten Stadium
Speaker: Dr. Shaesae J. Spratt, M.D., a PGY-1 Emergency Medicine resident at Magnolia Regional Health Center in Corinth, MS

The University of Southern Mississippi

All ceremonies are open to graduates from Summer and Fall 2021.

Graduate Students – All Colleges

Time/Date: 6:00 p.m., Thursday, December 9, 2021
Location: Bernard Reed Green Coliseum, Hattiesburg, MS
Speaker: No Speaker

Undergraduates – College of Arts and Sciences

Time/Date: 9:00 a.m., Friday, December 10, 2021
Location: Bernard Reed Green Coliseum, Hattiesburg, MS
Speaker: No Speaker

Undergraduates – College of Business and Economic Development; College of Education and Human Sciences; College of Nursing and Health Professions

Time/Date: 2:00 p.m., Friday December 10, 2021
Location: Bernard Reed Green Coliseum, Hattiesburg, MS
Speaker: No Speaker

12. **SYSTEM** – The following items have been approved by the Commissioner on behalf of the Board and are available for review at the Board Office.

- a. **MUW** – On October 27, 2021, Commissioner Alfred Rankins, Jr., approved the Facilities Lease Agreement between the Mississippi University for Women and the Columbus Educational Foundation, Inc. d/b/a Heritage Academy for use of Heritage Academy's baseball field, indoor baseball facility and certain related athletic facilities. The term of the lease begins upon approval and execution and shall terminate on June 30, 2022, with an option for the parties to renew in writing

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for up to three (3) successive renewal terms commencing September 15 through June 30 of each year. The cost for the initial term of the agreement is \$10,000, payable within thirty (30) days of approval and execution of the agreement. It should be noted that Mrs. Nora Miller, President of MUW, acknowledges the business risk under the terms of the lease. The Attorney General's Office has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts and 707.03 Approval of Prepayment for Goods or Services. A copy of the documents is on file in the IHL Board Office.

- b. **USM** – On October 18, 2021, Commissioner Alfred Rankins, Jr., approved the Lease Agreement between the University of Southern Mississippi and CB Technical Services, LLC for approximately 162 square feet of lab space in USM's Accelerator building. This is a revenue generating lease with a term of one year with up to four one-year renewal periods. CB Technical Services will pay annual rent in the amount of \$4,860 for the initial term and for each renewal term for a total potential revenue of \$24,300. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
 - c. **USM** – On October 18, 2021, Commissioner Alfred Rankins, Jr., approved the Lease Agreement between the University of Southern Mississippi and Chromis Fiberoptics, Inc. d/b/a Chromis Technologies for approximately 614 square feet of lab space in USM's Accelerator building. This is a revenue generating lease with a term of one year with up to four one-year renewal periods. Chromis Fiberoptics will pay annual rent in the amount of \$18,420 for the initial term and for each renewal term for a total potential revenue of \$92,100. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
 - d. **SYSTEM** – On October 11, 2021, Commissioner Alfred Rankins, Jr. reviewed and approved the Quarterly Employment Reports (FY22 Q1) which lists all hires and all separations for the period beginning July 1, 2021 and ending September 30, 2021. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations. The Executive Office financial staff has reviewed and approved the institutions' submissions. A copy of this report will be maintained in the IHL Department of Finance and Administration.
13. **SYSTEM** – On August 19, 2021, the IHL Board granted all institutions through December 31, 2021 temporary relief and waiver of 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 Land, Property, and Service Contracts; 707.02 Other Official Documents, and 707.03 Approval of Prepayment for Goods or Services) 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

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with the Covid-19 pandemic. This request is for a temporary period through December 31, 2021, for the health and well-being of students, employees, and guests on all IHL campuses and facilities. Previously, the Board approved this waiver for UMMC effective March 19, 2020. This waiver was expanded to all institutions on September 4, 2020 with an original expiration date of December 31, 2020. At the November 19, 2020 meeting, this waiver was extended through May 31, 2021. On May 31, 2021 the temporary waiver expired for all institutions. Board Policy 707 Contracts governs, among other things, the contracts and leases entered 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 also approved the request that authority be delegated to the Commissioner, through December 31, 2021, 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. A summary of the items that have been submitted for reporting to the Board is as follows:

- a. **UMMC** – With the Commissioner’s approval, on August 11, 2021, UMMC entered a rental agreement with Mississippi Tent & Party Rental, LLC (MS Tent) to rent items needed to set up a temporary site located in Garage B for a field hospital in response to the COVID-19 pandemic and in order to provide medical care to UMMC’s patients. In conjunction with the Disaster Medical Assistance Team deployed by the US Department of Health and Human Services, it was necessary to rent the tent and related items to set up and operate a field hospital as soon as possible to respond to the latest wave of cases in the COVID-19 pandemic. Upon delivery of the items and set up of the temporary site, it was determined additional items were needed. Thus, on August 20, 2021, UMMC and MS Tent entered an amendment to adjust the items to be included under the agreement, which increased the total projected cost of the rental agreement. The initial term of the rental agreement was one (1) month beginning August 11, 2021, with monthly extensions thereafter if circumstances require continued operation at this location. To date, UMMC continues to operate at this location in the temporary clinic site. The agreement may be terminated by UMMC upon 30 days’ notice. The initial cost of the rental agreement for two (2) months was \$90,000. UMMC anticipates the amended agreement may cost up to \$300,000.00 with the additional items and potential extension. The agreement will be funded by general funds. UMMC’s Office of General Counsel reviewed the amendment to the agreement for compliance with applicable law and found the same to be acceptable.
- b. **USM** – On September 15, 2021, the UMMC entered an agreement with Cepheid US (Cepheid) to purchase reagent kits used to perform molecular tests to identify SARS-CoV-2, the virus that causes COVID-19. COVID-19 is a highly contagious

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and sometimes fatal respiratory illness. These supplies will allow UMMC's Clinical Laboratory to test patients who are symptomatic and asymptomatic for COVID-19. One of the molecular tests also checks for RSV and Flu. Given the ongoing unpredictability of the COVID-19 virus, UMMC testing volumes continue to fluctuate and require the laboratory to be flexible to ensure that reagents and quality control products are available allowing COVID testing to be completed quickly and efficiently. Cepheid offers the only rapid automated PCR test available on the market; therefore, they are inundated with customers leading to delays in receiving quotes and finalizing required purchase documents. Consequently, UMMC has not been able to contract well in advance for these items. UMMC needed to enter this agreement as soon as possible to allow its clinical laboratory to be able to respond timely to the rapidly changing testing volumes. The term of the agreement is twelve (12) months, from September 15, 2021, through September 14, 2022. The total estimated cost of the agreement is \$3,825,000. The contract will be funded by hospital patient revenue. UMMC's Office of General Counsel reviewed the Cepheid Sales Quote #0020075641 for compliance with applicable law and found the same to be acceptable.

- c. **USM** – On August 23, 2021, UMMC entered a Purchase Agreement with Inari Medical, Inc. (Inari) for the purchase of ClotTrievers and FlowTrievers products and accessories for the treatment of blood clots in patients. The ClotTrievers is a mechanical thrombectomy system designed to remove large clots from vessels in a single session, without the need for thrombolytic drugs or consequent stays in the Intensive Care Unit (ICU). The FlowTrievers is the first mechanical thrombectomy device FDA indicated and built to treat blood clots in the lungs, and Clots In Transit (CIT) by removing large clots from vessels which immediately restores blood flow and relieves right heart strain without the need for thrombolytic drugs or stays in the ICU. Doctors have found that people with COVID-19 have an increased risk of developing blood clots, including blood clots in the lungs called pulmonary emboli. When blood clots block the blood flow in the lungs, it puts pressure on the heart to pump against the resistance from the clots. Cardiologists, pulmonologists, and intensivists at UMMC and other facilities have determined that removing the large clots in the lungs of COVID-19 patients may reduce the chance of the patient requiring a ventilator or mechanical circulatory support as the heart function declines due to the increased pressure. For that reason, UMMC is aggressively trying to treat COVID-19 patients with blood clots in their lungs by removing the clots as soon as possible. UMMC currently has all the ECMO equipment that provide circulatory support in use, and ventilators are in short supply. Therefore, as the COVID-19 patient volume continues to remain high at UMMC, the FlowTrievers will allow UMMC physicians to treat COVID-19 patients who would otherwise need to be on a ventilator or ECMO, as well as conserve ICU space. The term of the Agreement is three (3) years, from August 23, 2021, through August 22, 2024. The total cost of the agreement over the three (3) year term is \$2,400,000. UMMC has included a ten percent (10%) volume increase beginning in year two (2) for potential volume growth. The agreement will be funded by hospital patient

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revenue. UMMC's Office of General Counsel reviewed the agreement for compliance with applicable law and found the same to be acceptable.

PERSONNEL

14. SABBATICAL

Mississippi State University

FROM: Prakash N. Patil; Professor of Mathematics and Statistics; salary \$94,221.00 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 16, 2021 to December 31, 2021; professional development.

[Originally approved by IHL Board March 18, 2021]

CORRECTED: This item was rescinded.

FROM: Chuanxi Qian; Professor of Mathematics and Statistics; salary of \$98,787.00 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 1, 2022 to May 15, 2022; professional development. *[Originally approved by IHL Board March 10, 2020; Revisions approved March 18, 2021 and June 17, 2021.]*

CORRECTED: This item was rescinded.

University of Mississippi

FROM: Kate Centellas; Croft Associate Professor of Anthropology; salary \$69,529 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 24, 2022 to May 14, 2022; professional development *[Originally approved by IHL Board March 18, 2021]*

CORRECTED: This item was rescinded.

**HEALTH AFFAIRS
COMMITTEE REPORT
Wednesday, November 17, 2021**

Committee members participated in the meeting in person or via Zoom. **In accordance with Miss. Code Ann., §25-41-5, as amended, all votes taken during this meeting were recorded by name in a rollcall. This was a regular monthly meeting of the Health Affairs Committee.** The meeting was called to order by Chairman Alfred McNair at approximately 3:00 p.m. The following items were discussed.

1. The Committee discussed received an update on COVID-19 matters and a quality update.
No action was taken.
2. Executive Session
On motion by Trustee Rader, seconded by Trustee Cunningham, with Trustees Cummings, Martin, Parker, and Starr absent and not voting and Trustee Luckey participating via Zoom, all Committee members legally present and participating voted unanimously to close the meeting to determine whether to declare an Executive Session. On motion by Trustee

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Cunningham, seconded by Trustee Ogletree, with Trustees Cummings, Martin, Parker, and Starr absent and not voting and Trustee Luckey participating via Zoom, all Committee members legally present and participating voted unanimously **to enter Executive Session** for the reason reported to the public and stated in these minutes, as follows:

Discussion of strategic business plans related to a public hospital.

During Executive Session, the following matters were discussed:

The Committee discussed the strategic business plans related to a public hospital. **No action was taken.**

On motion by Trustee Duff, seconded by Trustee Rader, with Trustees Cummings, Ogletree, Parker, and Starr absent and not voting and Trustees Luckey and Martin participating via Zoom, all Committee members legally present and participating voted unanimously to return to open session.

3. On motion by Trustee Duff, seconded by Trustee Hubbard, with Trustees Cummings, Martin, Ogletree, Parker, and Starr absent and not voting and Trustee Luckey participating via Zoom, all Committee members legally present and participating voted unanimously to adjourn at approximately 5:15 p.m.

The following Committee members were present: Dr. Alfred McNair (Chair), Dr. Steven Cunningham, Mr. Tom Duff, Ms. Teresa Hubbard, Ms. Jeanne Luckey (via Zoom), Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Gregg Rader, and Dr. Ormella Cummings, Mr. Bruce Martin, Mr. Hal Parker, and Dr. Walt Starr were absent.

ANNOUNCEMENTS

- Vice President Duff announced the December 2021 meeting remains subject to call. The next meeting is scheduled for January 20, 2022 at the Board Office.
- Vice President Duff invited the university presidents to report on current activities on their campuses.

EXECUTIVE SESSION

On motion by Trustee Cummings, seconded by Trustee Cunningham, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to close the meeting to determine whether to declare an Executive Session. On motion by Trustee Ogletree, seconded by Trustee Cunningham, with Trustees Cummings and Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously **to enter Executive Session** for the reason* reported to the public and stated in these minutes, as follows:

Discussion of a personnel matter at the University of Southern Mississippi.

Discussion of 3 litigation matters at the University of Mississippi Medical Center.

Discussion of a litigation matter at Alcorn State University.

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

The Board discussed a personnel matter at the University of Southern Mississippi. **No action was taken.**

On motion by Trustee Rader, seconded by Trustee McNair, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 3266, styled as *Robert Edwards and Teresa Edwards, parents of a minor child, vs. the University of Mississippi Medical Center, et al.*, as recommended by counsel.

On motion by Trustee Rader, seconded by Trustee Cunningham, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 3456, styled as *Billy Ables, widower of Sandra Ables, vs. the University of Mississippi Medical Center, et al.*, as recommended by counsel.

On motion by Trustee Cummings, seconded by Trustee McNair, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 3107, styled as *Earnestine Tatum, parent of a minor child, vs. the University of Mississippi Medical Center, et al.*, as recommended by counsel.

On motion by Trustee Ogletree, seconded by Trustee Cunningham, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Self-Insured Workers' Compensation Claims Nos. 55-38711-1 and 55-43855-1, styled as *Rubin Banks vs. Alcorn State University, et al.*, as recommended by counsel.

The Board discussed a personnel matter at the University of Mississippi. **No action was taken.**

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

In light of the one-time state-level American Rescue Plan Act (ARPA) funds that will be appropriated by the Mississippi Legislature during the 2022 session, Trustee Duff made a motion to delegate authority to the Commissioner to amend the system appropriation request based on needs across the system that align with the criteria for the additional funds. The motion was seconded by Trustee Ogletree, with Trustee Starr absent and not voting and Trustees Luckey and McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve this motion.

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ADJOURNMENT

There being no further business, the Board adjourned by consensus.

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 | Proposed amendment to Board Policy 703 Institutional Scholarships, Tuition Waivers, Assistantships, and Fellowships specifically Policy 703.04 Policy Guidelines subsection C for final approval. |
| Exhibit 2 | Real Estate items that were approved by the IHL Board staff subsequent to the October 21, 2021 Board meeting. |
| Exhibit 3 | Report of the payment of legal fees to outside counsel. |

Exhibit 1

November 18, 2021

SYSTEM – PROPOSED AMENDMENT TO BOARD POLICY 703 INSTITUTIONAL SCHOLARSHIPS, TUITION WAIVERS, ASSISTANTSHIPS, AND FELLOWSHIPS SPECIFICALLY TO 703.04 POLICY GUIDELINES SUBSECTION C

703.04 POLICY GUIDELINES

- A. Each Mississippi Institution of Higher Learning shall develop institutional policy guidelines for institutional financial support of both undergraduate and graduate students. The policy guidelines should explicitly include the following elements:
 - 1. Criteria for the inclusion of mission-related awards.
 - 2. Criteria for awards to part-time and full-time, resident and non-resident students based on need, academic merit, service or special talent --- (artistic, musical, and/or athletic), or a combination of either.
 - 3. Criteria for awards to students who transfer from Mississippi community colleges, from other Mississippi public four-year institutions, and from non-Mississippi institutions.
 - 4. Criteria for continued eligibility including reasonable academic progress, an appropriate probationary period, and a campus appeals policy.
 - 5. Criteria for relating institutional financial aid policies to recruiting practices.
 - 6. Criteria for establishing an “Annual Scholarships and Fellowships Operating Budget Plan” with specific strategies to reallocate and/or reduce expenditures to address Board or institutional priorities or concerns.
- B. The total annual expenditures for Scholarships, Tuition Waivers, Assistantships and Fellowships from institutional E&G funds shall be limited to the amount approved by the Board.
- C. If any E&G funds are used to scholarship a student, the total amount awarded to the student shall not exceed the “Cost of Attendance.” For individual students with scholarships from multiple sources; awards from sources other than E&G funds shall be applied to the student’s “Financial Aid Budget” first, and the institutional award(s) from E&G funds shall be applied last. This policy shall not supersede any Federal, State, NCAA, or athletic conference regulations. This policy shall not apply to student-athletes for scholarships to attend vocational or graduate schools, for student-athletes’ academic or graduation awards or incentives, or for other student-athlete benefits permitted by NCAA rules or applicable court orders.
- D. Institutional policy guidelines developed in response to this Board policy shall be placed on file with the Commissioner on schedule and in the prescribed format. Any changes in institutional policy guidelines must be reported to the Commissioner prior to implementation.

Exhibit 1

November 18, 2021

- E. Institutional Executive Officers shall submit the Scholarships and Fellowships Operating Budget Plan including budgeted expenditures by subcategory with the annual operating budget in a format prescribed by the Commissioner. The Commissioner, after consultation with Institutional Executive Officers, shall prepare and submit for approval by the Board an annual Scholarships and Fellowships supplement supporting the budget requests that shall consider prior-year expenditures, enrollment, tuition and fees increases, peer group and regional expenditure comparisons, number of awards data, academic and accreditation requirements, inflationary indicators, State and Federal financial aid issues, and other appropriate criteria.
- F. To provide the necessary accountability, each Institutional Executive Officer shall submit a report of actual Scholarships and Fellowships expenditures in comparison to budgeted expenditures by category in a format and schedule prescribed by the Commissioner. The report shall include expenditures for the fall and spring terms.

EXHIBIT 2

November 18, 2021

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE OCTOBER 21, 2021 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 102-276 – RESIDENCE HALL IMPROVEMENTS

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$1,337.48 and zero (0) additional days to the contract of Conerly Construction, Inc.

Approval Status & Date: APPROVED, October 18, 2021

Change Order Description: Change Order #2 includes the following items: replaced two (2) water-damaged cabinet doors in a room at Cain; add breakers, wiring, and conduit for new 3-phase blower units.

Change Order Justification: These changes are necessary due to errors and omissions in plans and specifications and latent job site conditions.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$28,553.58.

Project Initiation Date: February 18, 2021

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

General Contractor: Conerly Construction, Inc.

Total Project Budget: \$2,186,092.77

MISSISSIPPI STATE UNIVERSITY

2. MSU- IHL 205-283 – ADDITION AND RENOVATION OF HUMPHREY COLISEUM PHASE ONE

Approval Request #1: (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on October 8, 2021 to change the scope of work

EXHIBIT 2

November 18, 2021

requesting that the use of Construction Manager at Risk be omitted, and that the project delivery method be a traditional design, bid, build project.

Approval Status & Date: APPROVED, October 8, 2021

Project Initiation Date: June 16, 2018

Design Professional: Dale Partners Architects, P.A.

General Contractor: TBD

Total Project Budget: \$50,000,000.00

3. **MSU- IHL 205-310 – HIGH PERFORMANCE COMPUTING AND DATA CENTER**

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Dale Partners Architects, P.A.

Approval Status & Date: APPROVED, October 25, 2021

Project Initiation Date: August 20, 2020

Design Professional: Dale Partners Architects, P.A.

General Contractor: TBD

Total Project Budget: \$30,000,000.00

4. **MSU- IHL 205-312 – LAKEVIEW DRIVE RELOCATION**

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Smithers Engineers.

Approval Status & Date: APPROVED, October 25, 2021

Approval Request #2: Waiver Design Development Documents

Board staff approved the Design Development Documents as submitted by Smithers Engineers.

Approval Status & Date: APPROVED, October 20, 2021

Project Initiation Date: May 20, 2021

Design Professional: Smithers Engineers

General Contractor: TBD

Total Project Budget: \$2,900,000.00

5. **MSU- IHL 205-316– 2021 PARKING LOT IMPROVEMENTS**

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$134,623.65 and zero (0) additional days to the contract of Burns Dirt Construction, Inc.

Approval Status & Date: APPROVED, October 20, 2021

Change Order Description: Change Order #1 includes the following items: added full depth base repairs, milling, overlay, and striping to George Perry; added full depth base repairs and HMA leveling course at Bost and Fresh Food parking lots; added full depth base repairs at Bost Parking lot; base course asphalt added to HPCC to ensure sufficient asphalt base course depth to receive overlay; added striping to Bost and HPCC parking lots and full depth base repair at Dorman Hall parking lot.

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Change Order Justification: These changes are necessary due to latent job site conditions and user/owner requested modifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$134,623.65.

Approval Status & Date: APPROVED, October 20, 2021

Project Initiation Date: June 18, 2020

Design Professional: Neal-Schaffer, Inc.

General Contractor: Burns Dirt Construction, Inc.

Total Project Budget: \$1,200,000.00

UNIVERSITY OF MISSISSIPPI

6. UM- IHL 207-372.3 – SCRC FIELD LIGHTING

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by JBHM Architecture, P.A.

Approval Status & Date: APPROVED, October 20, 2021

Approval Request #2: Waiver Design Development Documents

Board staff approved the Design Development Documents as submitted by JBHM Architecture, P.A.

Approval Status & Date: APPROVED, October 20, 2021

Project Initiation Date: May 20, 2021

Design Professional: JBHM Architecture, P.A.

General Contractor: TBD

Total Phased Budget: \$593,100.00

Total Project Budget: \$33,250,000.00

7. UM- IHL 207-449– LYCEUM EXTERIOR WINDOW RESTORATION

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$17,256.00 and one hundred sixty-three (163) additional days to the contract of Tombigbee Contractors, LLC.

Approval Status & Date: APPROVED, October 21, 2021

Change Order Description: Change Order #2 includes the following items: added contract time due to COVID-19 protocols, investigations of west porch column capitals which impacted exterior repairs & painting, inclement weather; cost and time of separate phase for repairs & partial replacement of deteriorated capitals to be included in a future change order; added contract time for impact to the critical path of interior aluminum storm windows installation due to delay in shipping, storm window wood trim insulation; added interior wood standing and running trim repair and repainting; added wood windowsill spandrel panel repair and repainting; added interior plaster repair & repainting; added masonry restoration & cleaning; removed wallpaper, repaired plaster, primed & repainted walls in a reception area; and one hundred sixty-three days (163) to the contract.

EXHIBIT 2

November 18, 2021

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

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$17,256.00.

Approval Status & Date: APPROVED, October 21, 2021

Project Initiation Date: February 21, 2019

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

General Contractor: Tombigbee Contractors, LLC

Total Project Budget: \$1,725,000.00

8. **UM- IHL 207-457 – TRACK AND FIELD LOCKER ROOMS – PKG I MECHANICAL AND PLUMBING**

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$952.45 and zero (0) additional days to the contract of Upchurch Plumbing.

Approval Status & Date: APPROVED, OCTOBER 25, 2021

Change Order Description: Change Order #2 includes the following items: a deduct for unused controls allowance; installed a utility sink and faucet; installed an air compressor; and installed a domestic water line to the dryer.

Change Order Justification: These changes were necessary due to 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 \$2,499.681.

Project Initiation Date: February 21, 2019

Design Professional: Weir Boerner Allin Architecture

General Contractor: Upchurch Plumbing

Total Phased Budget: \$599,072.46

Total Project Budget: \$3,700,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

9. **UMMC- IHL 209-575– 6th FLOOR WEST RENOVATIONS**

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$81,894.94 and eleven (11) additional days to the contract of Fountain Construction Co., Inc.

Approval Status & Date: APPROVED, October 14, 2021

Change Order Description: Change Order #2 includes the following items: modifications made to some of the millwork and electrical in the nurses station; repairs made to the existing steam line; re-routed the existing mechanical and electrical in the penthouse; added a cased opening into the break room for the nurse's station; installed ParEx wall brackets; performed fire wall changes; installed tv mounts on patient room walls; performed miscellaneous work to prep the floor; hook up patient room tv cabling in

EXHIBIT 2

November 18, 2021

fourteen (14) patient rooms; investigate a leak in the existing steam line and cap the line; and eleven (11) days to the contract.

Change Order Justification: These changes are necessary due to latent job site conditions; user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$193,319.52.

Project Initiation Date: July 23, 2020

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Fountain Construction Co., Inc.

Total Project Budget: \$4,466,600.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

10. USM- GS 114-023 – SCIENCE BUILDING INFILTRATION REPAIRS

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. Chip Morgan, Chair of the Real Estate and Facilities Committee on November 8, 2021 to increase the project budget from \$2,700,000.00 to \$3,604,891.38, for an increase of \$904,891.30.

Approval Status & Date: APPROVED, November 8, 2021

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$2,968,000.00 to the apparent low bidder, Century Construction Group, Inc.

Approval Status & Date: APPROVED, November 8, 2021

Project Initiation Date: February 5, 2021

Design Professional: Shafer Zahner-Zahner

General Contractor: Century Construction Group, Inc.

Total Project Budget: \$3,604,891.38

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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 (statement dated 10/1/21) from the funds of Mississippi State University. (This statement, in the amount of \$3,000.00, represents services and expenses in connection with immigration/labor certification.)

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

Payment of legal fees for professional services rendered by The Winfield Law firm, P.A. (statement dated 10/26/21) from the funds of Mississippi State University. (This statement, in the amount of \$799.50, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 799.50

Payment of legal fees for professional services rendered by Brunini (statements dated 8/25/21, 9/28/21 and 10/20/21) from the funds of the University of Mississippi. (These statements, in the amounts of \$3,050.00, \$14,306.25 and \$750.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 18,106.25

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 10/14/21 and 10/21/21) from the funds of the University of Mississippi. (These statements, in the amounts of \$7,068.50 and \$88.50, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 7,157.00

Payment of legal fees for professional services rendered by Jackson Lewis P.C. (statements dated 7/20/21 and 8/23/21) from the funds of the University of Mississippi. (These statements, in the amounts of \$10,665.00 and \$362.32, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 11,027.32

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 12/21/20, 12/21/20, 12/21/20, 12/21/20, 12/21/20, 12/21/20, 12/21/20, 12/21/20 and 12/21/20) from the funds of the University of Mississippi. (These statements, in the amounts of \$66.19, \$2,087.05, \$41.25, \$2,100.00, \$4,500.00, \$57.47, \$27.44, \$34.83 and \$189.72, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 9,103.95

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Payment of legal fees for professional services rendered by Butler|Snow (statements dated 8/23/21, 9/16/21, 9/16/21, 10/18/21, 10/18/21 and 10/18/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$62,114.55, \$482.00, \$88,628.72, \$1,386.50, \$681.45 and \$5,450.75, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 158,743.97

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statement dated 9/10/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$5,247.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 5,247.00

Payment of legal fees for professional services rendered by Gore, Kilpatrick & Dambrino, PLLC (statement dated 9/27/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$82.50, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 82.50

Payment of legal fees for professional services rendered by Hagwood & Tipton, P.C. (statements dated 9/15/21, 10/6/21, 10/6/21, 10/6/21, 10/6/21, 10/6/21 and 10/6/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,687.90, \$921.70, \$243.40, \$14,416.50, \$ 158.81, \$2,617.25, \$1,009.60 and \$2,003.76, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 28,058.92

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statement dated 9/7/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$9,615.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 9,615.00

Payment of legal fees for professional services rendered by Page, Kruger & Holland (statement dated 10/13/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$33.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 33.00

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Payment of legal fees for professional services rendered by Steen, Dalehite & Pace (statement dated 9/15/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$297.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 297.00

Payment of legal fees for professional services rendered by Taylor, Wellons, Politz, Duhe, APLC (statements dated 10/5/21, 10/5/21, 10/5/21, 10/5/21, 10/5/21, 10/5/21, 10/8/21, 10/8/21, 10/8/21, 10/8/21, 10/8/21, 10/8/21 and 10/8/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$553.50, \$351.00, \$924.00, \$577.50, \$1,161.00, \$654.00, \$229.50, \$459.00, \$81.00, \$4,912.50, \$379.50, \$256.50 and \$894.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 11,433.00

Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statement dated 10/7/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$5,952.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 5,952.00

Payment of legal fees for professional services rendered by the Whitfield Law Group (statements dated 4/3/21, 10/3/21, 10/3/21 and 10/3/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$22,393.40, \$693.00, \$1,039.50 and \$4,746.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 28,871.90

Payment of legal fees for professional services rendered by Bryan, Nelson, Schroeder, Castigliola & Banahan (statement dated 10/12/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$5,498.30, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 5,498.30

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 10/7/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$7,541.20, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 7,541.20

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Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statement dated 10/6/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$2,515.50, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,515.50

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 10/1/21, 10/1/21, 10/1/21, 10/1/21, 10/1/21 and 10/1/21) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$67.74, \$26.94, \$81.28, \$2,250.00, \$3,000.00 and \$2,500.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 7,925.96

Payment of legal fees for professional services rendered by Wise Carter (statement dated 10/20/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$468.51, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 468.51

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

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 10/22/21) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Imaging Probe Adapter CIP Utility" - \$4,322.80.)

TOTAL DUE.....\$ 4,322.80

Payment of legal fees for professional services rendered by Conley Rose (statements dated 10/6/21 and 10/6/21) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Compositions and Methods for Use in Food Processing and Preservation" - \$290.00; and "System for Delivery of Biologics" - \$4,970.00.)

TOTAL DUE.....\$ 5,260.00

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dated 10/15/21 and 10/18/21) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Vaccine Composition Comprising Recombinant Protein of Staphylococcus Aureus Attenuated Enterotoxin and Cytotoxin" - \$1,045.60; and "Drugs Conjugated with Hexose Phosphate and Methods of Making and Using Same" - \$9,277.00, respectively.)

TOTAL DUE.....\$ 10,322.60

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Payment of legal fees for professional services rendered by Stites & Harbison (statement dated 10/21/21) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Fluoroalkylsilane-Modified Polystyrene-Coated Metal Electrodes for Sensitive Electrochemical Detection of Oil in Water” - \$6,368.50.)

TOTAL DUE.....	\$	6,368.50
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Payment of legal fees for professional services rendered by Butler|Snow (statement dated 10/22/21) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the following patent: “Polymergent, LLC License Agreement - \$1,032.50).

TOTAL DUE.....	\$	1,032.50
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**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
ACADEMIC AFFAIRS
JANUARY 20, 2022**

1. **SYSTEM – MODIFICATIONS TO EXISTING ACADEMIC DEGREE PROGRAMS**

In accordance with Board policies 503 and 504, University of Mississippi and University of Southern Mississippi submit requests to modify existing academic degree programs.

RENAMING

- A. **USM** – Current Program Title: Bachelor of Science (BS) in Recreation
Proposed Program Title: **Bachelor of Science (BS) in Recreational Therapy**
Academic Unit: School of Health Professions
Current CIP Code, Sequence: 31.0101, 5618
New CIP Code, Sequence: 51.2309, 5618
Total credit hours: 120
Effective date: August 2022

Program Summary and Reason for Request: Therapeutic recreation is a healthcare profession that uses recreation and activities as a means to address the health-related needs of individuals with illnesses and/or disabling conditions. The purpose of therapeutic recreation within healthcare is to contribute to the recovery of functioning, promote psychological and physical health, and improve quality of life and personal well-being.

Therapeutic Recreation at USM began as an option area under the Recreation Program in the School of Human Performance and Recreation and moved to the School of Health Professions during the university-wide reorganization in 2018. The terms therapeutic recreation and recreational therapy are often used interchangeably. The title Recreational Therapy better identifies the program as a health profession.

The proposed name change is a preliminary step toward the goal of seeking accreditation by the Committee on the Accreditation of Recreational Therapy Education (CARTE). The USM Recreational Therapy program will be the only one in the state with the title Recreational Therapy, and the only one that recognizes the national trend to be noted as a health profession.

SUSPENDING

- B. **UM** – Program Title: **Bachelor of Engineering (BE) in Engineering**
Academic Unit: School of Engineering
CIP Code, Sequence: 14.0101, 5432
Total credit hours: 127
Number of students presently enrolled: 82 (as of spring 2021)
Number of faculty affected: 0
Effective date: August 2022

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Reason for Request: UM seeks to discontinue the Bachelor of Engineering (BE) in Engineering, a general engineering degree offered to students who do not major in one of the main engineering fields/programs. Instead, the school will offer the Bachelor of Science in Engineering (BSE) degree program. The BE in Engineering curriculum was not ABET accredited, whereas the BSE curriculum has been designed to meet ABET accreditation standards and will undergo ABET accreditation in AY 2022-23.

Additionally, the replacement of the BE in Engineering program with the BSE program will align the general engineering degree with other BS programs in UM's School of Engineering.

Currently enrolled students who selected the BE in Engineering program will be supported by the School of Engineering and allowed to continue to graduation in this degree program. These students will have the option to change majors to the BSE if they so desire. After the currently enrolled BE in Engineering students are given the full opportunity to graduate, UM will submit a request to delete the program.

2. USM – MODIFICATION OF EXISTING ACADEMIC UNIT

RENAMING

Current Unit Title: Center for Science and Mathematics Education

Proposed Unit Title: **Center for STEM Education**

Unit Location: College of Arts and Sciences

Effective Date: January 2022

Cost of implementation: \$0

Reason for Request: The Center for Science and Mathematics Education is a degree-granting academic unit with two graduate programs, STEM Education MS and STEM Education PhD. USM would like to modernize and shorten the center name. The inclusion of the STEM acronym is aligned with the National Science Foundation (NSF) terminology and is also inclusive of technology, computer science, and coastal engineering, all of which are present and current research and outreach partner for the center.

STAFF RECOMMENDATION: Board staff recommends approval of these items.

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January 20, 2022

1. IHL-REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH SEJ SERVICES LLC

Agenda Item Request: The Institutions of Higher Learning requests Board approval to execute a service contract with **SEJ Services LLC** for janitorial services for the Education and Research Center campus buildings as follows: MS Public Broadcasting, University Center, Paul B. Johnson, and Power Plant.

Contractor's Legal Name: SEJ Services, LLC

History of Contract: This is a new contract for janitorial services.

Specific Type of Contract: This is a new service contract for janitorial services of the Education and Research Center campus.

Purpose: The purpose of this contract is to provide janitorial services on the Education and Research Center campus.

Scope of Work: The scope of the contract includes janitorial services for the Education and Research Center campus as detailed in the RFP 2021.1102. The buildings covered are as follows: MS Public Broadcasting, University Center, Paul B. Johnson, and Power Plant.

Term of Contract: The term of the agreement is for one year from February 1, 2022, with the option to renew for four additional one year terms for a total of 5 years.

Termination Options: IHL may terminate this contract with 10 days notice.

Contract Amount: The monthly amount due is \$15,740.00. If all options are exercised the total cost will be \$944,400 over the five year term.

Funding Source for Contract: General Funds

Contractor Selection Process: The IHL Executive Office issued a Request for Proposal (RFP 2021.1102) on October 11, 2021. Ten proposals were received. Four of the proposals received were responsive and evaluated on criteria outlined in the RFP. Of the four proposals received, SEJ Services provided the overall highest evaluated score. SEJ Services was the 2nd lowest proposal at a cost of \$944,400 compared to the lowest respondent's cost of \$917,940. SEJ Services was judged to have better service references and experience than the lowest respondent.

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*

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expenditure of more than \$250,000. Legal Staff has reviewed the proposed Agreement for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

2. JSU – REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH SECUREONE ACCESS, LLC

Agenda Item Request: Jackson State University (JSU) requests approval to enter into an agreement with **Secureone Access, LLC (Secureone)** for the replacement of JSU Emergency Phone Towers and Equipment.

Contractor's Legal Name: Secureone Access, LLC, 272 S. Perkins Street Ste. 500, Ridgeland, MS 39157

History of Contract: This is a new agreement.

Specific Type of Contract: This is a new contract for fulfillment of services to replace JSU emergency call towers with new equipment and enhanced safety features.

Purpose: The purpose of this agreement is to replace twenty-five (25) existing emergency tower phones, four (4) wall units, the installation of one (1) new emergency tower phone near the water tower, and one (1) new wall unit near the Administrative Tower; for a total of thirty (31) units. This agreement would benefit JSU by providing an (1) increased outside surveillance coverage for campus safety; (2) unified communication systems by converting remaining analog lines to an IP phone system; and (3) increased manageability, efficiency and response capabilities during emergencies.

Scope of Work: Under this agreement, Secureone Access, LLS will remove old equipment and install new Talk-a-Phone equipment with the following specifications.

- ETP-EL 120VAC LED Blue Light
- ETP-SM-1 SERIES SURFACE MOUNT
- ETP-MTE
- ECO TOWERTM EMERGENCY PHONE TOWER
- VOIP-500 SERIES IP CALL STATION
- ETP-TE-ARM CAMERA MOUNTING ARM-ECO TOWER
- ETP-MBKT MOUNTING BRACKET F/ETPEL

Secureone will supply the network connection for the new freestanding unit by installing a point-to-point network bridge and will supply the network cable for the new wall unit to be installed. JSU will replace any inoperable network cables discovered during installation. Otherwise, existing network cables are to be utilized in this project. Secureone will supply and install concrete bases for freestanding towers in one new location and five locations needing repair on JSU campus. Secureone Access will provide

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training on maintenance requirements at the completion of installations. Secureone will provide a one year materials and work warranty.

JSU shall be credited with its proportionate share of salvage recoveries from all equipment being replaced (i.e., reimbursement obtained, or recovery made by Secureone, less the actual disposal costs).

JSU will provide 120v AC power to all tower locations prior to the start of services and will provide a location for a storage container to be placed on site for the storage of equipment to be installed. JSU will provide Secureone a list of IP addresses to be used in programming of the 31 call stations 5 days prior to the start of services.

Term of Contract: The term of this contract is for a period of one hundred and twenty (120) days after Contractor receives the Notice to Proceed. The Contract shall pay liquidated damages for failure to complete the work within the time specified above in the amount of Two Hundred Dollars (\$200.00) for each calendar day beyond 120 days from the date of Notice to Proceed. Any days during the first 120 days or thereafter that prevent work to be performed such as Acts of God, such as pandemic where facility is shut down, war, weather or materials delayed from the suppliers or other reasons not in control of Secureone shall not count towards the first 120 days.

Termination Options: Either party may terminate this contract with or without cause upon thirty (30) days written notice to the other party. In the event that JSU elects to terminate this contract without cause, it agrees to pay the Contractor for all work and services performed pursuant to this agreement by the Contractor through the date of termination. Upon such notice of termination by JSU, Contractor shall remit a final invoice for payment for all work and services performed as of the date of termination. JSU agrees to make payment in accordance with Mississippi law on "Timely Payments for Purchases by Public Bodies", Section 31-7-301, et seq. of the 1972 Mississippi Code Annotated, as amended, which generally provides for payment of undisputed amounts within forty-five (45) days of receipt of the invoice. In the event that Contractor terminates this contract without cause, it will deliver to JSU any uninstalled materials and equipment that was paid for by JSU to the Contractor and complete any work tasks paid for by JSU up to the date of termination.

Contract Amount:

	Current Budget
Equipment and Materials	\$190,577.00
Insurance	\$ 5,480.00
Overhead	\$ 9,489.00
Transportation	\$ 6,970.00
Labor Costs	\$ 118,605.00
Contingency	
Total Contract	\$331,121.00

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Funding Source of Contract: The agreement will be funded with E&G Funds.

Contractor Selection Process: Competitive solicitations were sought through the RFP process and publicly advertised July 21, 2021 to July 28, 2021. All potential bidders were required to attend a mandatory pre-bid conference. Secureone Access, LLC was the only bidder to attend the required pre-bid conference and was the only bid received.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

3. MSU-REQUEST FOR APPROVAL TO ENTER INTO A CLEANING SERVICES AGREEMENT WITH ABM INDUSTRY GROUPS, LLC

Agenda Item Request: Mississippi State University is requesting approval to enter into a contract with **ABM Industry Groups, LLC (ABM)** to provide daily cleaning of athletic facilities and athletic venue cleaning services.

Contractor's Legal Name: **ABM Industry Groups, LLC**

History of Contract: MSU's current contract with ABM Industry Groups, LLC (as successor in interest to GCA Education Services, Inc.) expires January 24, 2022. MSU issued a new Request for Proposal (RFP) on August 11, 2021 and selected ABM Industry Groups, LLC as the vendor to continue providing these services.

Specific Type of Contract: This is a new contract for daily cleaning of athletic facilities and athletic event venue cleaning services.

Purpose: To provide athletic event venue cleaning services and daily cleaning of athletic facilities for its Starkville, MS campus. Game Day grounds cleaning may be included. The external cleaning service contractor plays an integral part in the ability of MSU Athletics to daily provide to athletic department staff, coaches, student athletes and guests a clean, safe and well-maintained facility, as well as host major sporting events and other external events on the campus of MSU on the Starkville campus. The contractor selected represents MSU and is has a vital role in the daily and game day experience of our customers and staff.

Scope of Work: Daily custodial services of Athletic facilities. Pre-event, during event and post-event custodial cleaning for events held at MSU Athletic venues.

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Term of Contract: 5 years.

Termination Options: In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party. The breaching party shall be permitted ten (10) days from receipt of written notice to Cure any breach. Such termination shall not prejudice the non-breaching party's right to pursue any and all other legal or equitable remedies available to it. Either party may, without cause and for any reason, terminate this Agreement at any time upon giving one hundred twenty (120) days written notice to the other party.

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

Contract Amount: MSU will pay ABM on a monthly basis for daily athletic facility cleaning and on a per event basis for athletic venue cleaning. MSU projects its annual cost for these services will be \$1,050,000; however, actual cost will be dependent upon services rendered.

Funding Source for Contract: MSU Athletic Funds.

Contractor Selection Process: MSU issued RFP 21-84 on August 11, 2021, and received 4 proposals. ABM received the highest technical score and had the lowest projected fees. Out of 100 possible total points (cost and technical), ABM received 9.5 more points than the next highest scoring responder.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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4. MSU– REQUEST FOR APPROVAL TO ENTER INTO A SUBSCRIPTION SERVICES AGREEMENT WITH EBSCO INFORMATION SERVICES

Agenda Item Request: Mississippi State University requests permission to enter into a service agreement with EBSCO Information Services for and on behalf of the MSU Libraries. EBSCO would act as the agent for MSU in the ordering, invoicing, and paying for the journal and standing order subscriptions requested by MSU. EBSCO also helps resolve access or delivery problems and helps track available electronic access.

MSU further requests permission to use the prepayment option described in the service agreement to put the expected amount for subscriptions in the following year on deposit with EBSCO prior to receiving the specific invoices. This deposit decreases the amount of service charge and assures that there are no delays in access to ordered content due to delayed payment.

Contractor's Legal Name: EBSCO Information Services

History of Contract: EBSCO has been the MSU Libraries' primary agent since 1982.

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

Purpose: The purpose of the agreement is to secure the services of an agent in the ordering, invoicing, and payment of journal and standing order subscriptions.

Scope of Work: EBSCO will consolidate the processing of more than 3,600 individual subscriptions from multiple publishers with an annual value of about \$2.9 million.

Term of Contract: The service agreement will last for five subscription years beginning January 2022 and ending December 2026.

Termination Options: If MSU determines, in its sole judgment, that EBSCO is not performing to reasonably accepted standards for a subscription agency, EBSCO will be notified of its performance deficiencies and be given a reasonable period not exceeding seventy-five (75) days in which to correct such deficiencies. If EBSCO fails to correct such performance deficiencies, MSU shall have the right to terminate this Agreement. EBSCO shall have the right to terminate this Agreement if MSU fails to pay its invoices in a timely manner or materially changes its ordering of serials to the point where, in EBSCO's sole judgment, the financial incentive to perform is no longer present. Termination of this Agreement will become effective at the end of the subscription period for the serials, which are, then currently under term with publisher(s).

Neither party shall be deemed in default or otherwise liable hereunder due to its inability to perform by reason of any fire, earthquake, flood, epidemic, accident, explosion, casualty, strike, lockout, labor controversy, riot, civil disturbance, act of public enemy,

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embargo, war, act of God, or similar causes beyond the party's control. Any delay in performance shall be no greater than the event of force majeure causing the delay. If an event of force majeure continues uninterrupted for a period of six (6) calendar months, either party may elect to terminate this Service Agreement upon notice to the other, but such right of termination, if not exercised, shall expire immediately upon the discontinuance of the event of force majeure.

Contract Amount: The amount paid to EBSCO through the service charge is dependent on the amount of subscription business transacted through them. The base service charge will be 1.39%, and that charge will be discounted if prepayment is made. The estimated cost per year is shown below. The actual costs may vary depending upon inflation and MSU's choice of subscriptions. MSU anticipates an increase of 4% per year.

Year 1 – 2022 - \$2,900,000
Year 2 – 2023 - \$3,106,000
Year 3 – 2024 - \$3,136,640
Year 4 – 2025 - \$3,262,105
Year 5 – 2026 - \$3,392,589
Total estimated cost over five years is: \$15,797,334

Funding Source for Contract: Subscription costs and service charge will be paid from general funds.

Contractor Selection Process: In 1982, EBSCO was chosen as the primary subscription agent for MSU based on their ability to handle the size of the MSU Library account, their location (Birmingham, AL) being close and convenient to MSU, the services they offered for managing journal subscriptions, and their low service charge. MSU has remained a long-term customer of EBSCO due to their deep knowledge of the history of the MSU Library account and subscriptions, their commitment to quality customer service, and their assistance is helping MSU through hard financial times.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

5. MSU – REQUEST FOR APPROVAL OF A SUBSCRIPTION AGREEMENT WITH SAGE PUBLICATIONS, INC.

Agenda Item Request: Mississippi State University requests approval to subscribe to electronic journals from **Sage Publications, Inc.** These research oriented journals are used by MSU faculty, staff and students for educational and research purposes.

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Contractor's Legal Name: Sage Publications, Inc.

History of Contract: MSU first entered into an agreement with Sage Publications on January 1, 2007. The agreement has subsequently been renewed on a number of occasions. Most recently, MSU entered into a Master License Agreement with Sage Publication effective January 1, 2019 through December 31, 2021. MSU now seeks to amend the Master License Agreement to, among other things, extend the term an additional two years through December 31, 2023.

Specific Type of Contract: This is an amendment to an existing subscription agreement.

Purpose: The purpose of this amendment is to license access to 1,211 electronic journals used for educational and research purposes and to make other technical amendments.

Scope of Work: Sage will provide all MSU faculty, staff and students with access to 1,211 journals. During the license term, patrons will have access the current electronic file and retrospective content.

Term of Contract: Start date: January 1, 2022. End date: December 31, 2023.

Termination Options: Either party may terminate the license if the other party materially breaches its obligations under this license and fails to cure such materials breach, provided that the non-breaching party shall give written notice of its intention to terminate and shall allow the breaching party 60 days after receipt of such notice to remedy the breach.

Contract Amount: Total two-year cost: \$371,046.94

Year	2022	2023
Pricing	\$183,097.43	\$187,949.51

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

Contractor Selection Process: These journals are only available online through Sage. They are not made accessible online by other publishers.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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6. UM – REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH MICROSOFT CORPORATION AND DELL INC.

Agenda Item Request: The University of Mississippi Office of Information Technology requests approval to enter into a contract with **Dell Technologies** to provide Microsoft Office licensing for all UM faculty, staff, and students.

Contractor's Legal Name: Microsoft Corporation and Dell Inc.

History of Contract: This is a new agreement for a service we have not purchased previously.

Specific Type of Contract: This is a software licensing agreement.

Purpose: The proposed agreement provides licensing for Microsoft Office for all faculty, staff, and students at the University of Mississippi. The agreement excludes those who are exclusively employed by or enrolled at the UM Medical Center.

Scope of Work: The contractor will provide licensing for Microsoft Office to be administered through UM's existing Office 365 tenant. Further, the contractor will provide support as we reconfigure the tenant to deliver these licenses to end users.

Term of Contract: The term of the agreement is twelve months.

Termination Options: The contract may be terminated without cause, for cause, for regulatory reasons, and for program updates.

Contract Amount: The contract amount is \$299,343.

Funding Source for Contract: The funding source for this agreement is the US Federal Higher Education Emergency Relief Fund.

Contractor Selection Process: The proposed agreement is made with Dell under the Mississippi Department of Information Technology Services (ITS) Microsoft EPL Agreement 3736. Pursuant to EPL 3736, we obtained pricing from both Dell and CDWG and selected Dell as they offered the lower price.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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7. UM – REQUEST FOR APPROVAL TO AMEND A CONTRACTUAL SERVICES AGREEMENT WITH SALESFORCE.ORG

Agenda Item Request: The University of Mississippi Graduate School and Division of Outreach requests approval to amend a contract with **Salesforce.org**.

Contractor's Legal Name: **Salesforce.org**.

History of Contract: The original Master Services Agreement was approved in February 2018 for other services on campus. A new order form was approved by the IHL Board of Trustees in February 2020.

Specific Type of Contract: This is a contract to secure a customer relationship management (CRM) software solution.

Purpose: The purpose of this agreement is to provide a platform for a customer relationship management solution for the Graduate School and Division of Outreach for tracking, communicating, and recruiting of prospective students. Implementation services, on-going training, support, and maintenance will also be provided. The Salesforce platform requires a separate contract with the TargetX CRM Software solution.

Scope of Work: The vendor will provide a CRM software solution for maintaining data on prospective students. The CRM will also facilitate:

- a. communication and marketing efforts
- b. status changes
- c. event registration and management
- d. application for admission
- e. mobile access for external users and university staff
- f. predictive analytics and reporting
- g. address verification

The vendor will also supply implementation support, ongoing support, training, and software updates.

Term of Contract: The initial term of the order form is in effect from February 24, 2020 through February 23, 2025. The term tied to this revision extends the agreement to 3/19/2025.

Termination Options: This agreement may be terminated for cause upon 30 days written notice to the other party of a material breach if such breach remains uncured at the expiration of such period, or if the other party becomes the subject of a petition in bankruptcy or any other proceeding relating to insolvency, receivership, liquidation or assignment for the benefit of creditors.

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Contract Amount: The total previous contract amount was \$436,875. The new order form for Pardot represents a \$29,790 annual investment increase over the existing amount, and the new order form for the CRM licensing represents a \$12,505 annual investment increase. The total investment increases over three years equal \$126,885 and bring the contract total to \$563,760.

Funding Source for Contract: The contract will be funded by E&G sources.

Contractor Selection Process: An RFP (#642) process was conducted. Seven vendors submitted responses. The responses were reviewed and scored by a committee. Three finalists were invited to conduct on-campus demonstrations. The demonstrations were scored by the selection committee, and the preferred candidate was identified. The cost of the solution presented by the preferred candidate (TargetX) ranked second among the three finalists. This Salesforce.org agreement is required for our TargetX contract (Item #8 on the Consent Agenda).

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

8. UM – REQUEST FOR APPROVAL TO AMEND A CONTRACTUAL SERVICES AGREEMENT WITH TARGETX.COM, LLC

Agenda Item Request: The University of Mississippi Graduate School and Division of Outreach requests approval to amend a contract with **TargetX**.

Contractor's Legal Name: TargetX.com, LLC

History of Contract: The original contract for Office of Admissions needs was approved by the IHL Board of Trustees in February 2020.

Specific Type of Contract: This is a contract to secure a CRM software solution.

Purpose: The purpose of this agreement is to provide a customer relationship management (CRM) solution for the Graduate School and Division of Outreach for tracking, communicating, and recruiting of prospective students. Implementation services and on-going training, support, and maintenance will also be provided.

Scope of Work: The vendor will provide a CRM software solution for maintaining data on prospective students. The CRM will also facilitate:

- a. communication and marketing efforts
- b. status changes
- c. event registration and management

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- d. application for admission
- e. mobile access for external users and university staff
- f. predictive analytics and reporting
- g. address verification

The vendor will also supply implementation support and ongoing support, training, and software updates.

Term of Contract: The term of the agreement is in effect from February 28, 2022 through February 27, 2025.

Termination Options: UM may terminate this Agreement upon ninety (90) days' prior written notice if TargetX fails to comply with any of the terms and conditions of this Agreement, and such noncompliance is not cured within such ninety (90)-day period.

TargetX may terminate this Agreement upon ninety (90) days' prior written notice if Client fails to comply with any of the terms and conditions of this Agreement, and such noncompliance is not cured within such ninety (90)-day period.

Client's insolvency, receivership, bankruptcy, or assignment for the benefit of creditors will immediately terminate this Agreement without the need for any notice being given. Should there be no funds available for any succeeding funding period; the contract will be cancelled as of the end of the funding period with no further obligation on the part of UM.

Contract Amount: The contract amount for the initial term of the new order form is \$122,750. If all options to renew are exercised, the total order form amount would be \$275,750. Annual renewals shall be contingent upon the university's satisfaction with the performance of the software and related support services. Combined with the existing agreement, the total expense of the agreement if renewed would be \$718,125.

Funding Source for Contract: The contract will be funded by E&G sources.

Contractor Selection Process: An RFP (#642) process was conducted. Seven vendors submitted responses. The responses were reviewed and scored by a committee. Three finalists were invited to conduct on-campus demonstrations. The demonstrations were scored by the selection committee, and the preferred candidate was identified. The cost of the solution presented by the preferred candidate (TargetX) ranked second among the three finalists. Item #7 on the Consent Agenda (Salesforce.com) is required as a companion to this item due to companion software needed in conjunction.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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9. UMMC – REQUEST FOR APPROVAL TO AMEND A LEASE AGREEMENT WITH 300 RENAISSANCE, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its Lease Agreement with **300 Renaissance, LLC (Renaissance)** to revise the optional renewal clause from one (1) five (5) year period to one (1) three (3) year period. The agreement is for the lease of approximately 11,472 square feet of office space located in the building known as 300 Renaissance and is utilized by UMMC's Center for Telehealth as its primary administrative offices. Pursuant to IHL policy 707.03, *Approval of Prepayment for Goods and Services*, UMMC also requests a waiver to allow prepayment of rent on the first of each month.

Contractor's Legal Name: 300 Renaissance, LLC

History of Contract: On January 19, 2017, the Board approved the current Lease Agreement with Renaissance for the initial term of five (5) years, from September 1, 2017, through August 31, 2022, with the option to extend the term of the Lease for one (1) successive five (5) year period. The Board approved the entire ten (10) year potential term of the Lease Agreement. UMMC exercised its option to renew in accordance with the terms of the agreement. The proposed amendment will modify the renewal term from one (1) successive five (5) year period to one (1) successive three (3) year period.

Specific Type of Contract: This is the first amendment to the Lease Agreement.

Purpose: The purpose of the First Amendment is to revise the optional renewal clause from one (1) successive five (5) year period to one (1) three (3) year period.

Scope of Work: Pursuant to the amended lease, Renaissance will continue to:

- lease to UMMC 11,472 square feet of space.
- provide all normal maintenance and repair of the exterior and the structural portions of the building and common areas such as lobbies, stairs, corridors, restrooms, roof, and elevators.
- provide the following:
 - cleaning and janitorial services;
 - hot and cold domestic water at those points of supply provided for general use of other tenants in the Building;
 - elevator service at the times and frequency required, in Renaissance's judgment, for normal business use of the Premises by Tenant;
 - standard Interior and exterior lamp and ballast replacement for light fixtures as normally required for an office building of similar type and quality but not specialty lighting and non-standard bulbs;
 - landscape and parking lot maintenance;

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- security monitoring service; and
 - heating, ventilating, and air conditioning.
- maintain during the term both property and commercial general liability insurance.
- allow quiet possession of premises to UMMC.
- provide tenant with a turn-key premises to include improvements as provided in the contract.
- provide UMMC with the option to renew the lease for one successive five (5) year period.
- allow UMMC to possess the building earlier than the occupancy date in order to install furniture and voice/data systems.
- grant to UMMC, at UMMC's expense, the right to audit the operating expenses once per year and pay UMMC for any variances that are found to be in UMMC's favor.
- provide to UMMC parking, at a ratio of three and one half (3.5) parking spaces per thousand (1,000) rented square feet of office space. The parking will be located adjacent to the building, and be made available twenty-four (24) hours per day, seven (7) days per week. In addition, fifteen (15) reserved parking spaces on the lower level of the parking garage will be made available to UMMC.
- include UMMC's name on the building directory, on the ground sign outside the building and at the entrance to UMMC's leased space. In addition, so long as UMMC occupies a minimum of 11,472 square feet, UMMC will be allowed to place its name sign on the building exterior at UMMC's expense.

UMMC will continue to:

- make all payments in accordance with the lease agreement.
- utilize the space as authorized by the lease agreement, which includes making no alterations to and refraining from installing fixtures, equipment, etc. in the premises without Renaissance's written consent to do so. Should Renaissance grant permission to install fixtures, equipment, etc., UMMC will provide written agreement indicating that UMMC will pay for such install.
- perform and comply with rules and regulations of the building as ascribed in the lease.
- comply with all laws, statutes, ordinances, and governmental rules, regulations and requirements.
- surrender the property to Renaissance upon termination of the lease.

Term of Contract: The term of the amended agreement is eight (8) years, from September 1, 2017, through August 31, 2025.

Termination Options: The termination options are as follows:

- In the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC.

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- UMMC may consider Renaissance in default and terminate the lease if Renaissance fails to perform any of its obligations under the lease, so long as UMMC provides Renaissance written notice that provides details as to the nature and extent of the default, provides Renaissance thirty (30) days in which to cure the default and Renaissance fails to cure the default within that time.
- UMMC may elect not to renew the lease at the end of the initial five (5) year term.
- If more than twenty-five percent (25%) of the interest in the premises should be taken by eminent domain, the lease may terminate as to the part taken.
- If less than twenty-five percent (25%) of the premises or building is to be taken by eminent domain, Renaissance may terminate this agreement as to the balance of the premises by written notice to the UMMC within thirty (30) days after the date of taking and UMMC can terminate as to the balance of the premises by written notice to the Renaissance within thirty (30) days after the date of taking, provided that loss of such premises impedes or handicaps UMMC's ability to conduct business.
- Renaissance may terminate the lease upon default by UMMC. Default includes the following:
 - Failure of UMMC to pay Rent after forty-five (45) days written notice from Renaissance;
 - After thirty (30) days written notice from Renaissance of UMMC's default in the performance of any of UMMC's other obligations, covenants or agreements under this lease to do, observe, keep, and perform with diligence and continuity any of such obligations, covenants or agreements and UMMC fails to cure the failure within the thirty (30) day period following delivery of such notice or fails to begin the cure, if such failure cannot reasonably be cured within such thirty (30) day period;
 - The adjudication of UMMC to be bankrupt;
 - The filing by UMMC of a voluntary petition in bankruptcy, receivership or other related or similar proceedings;
 - The making by UMMC of a general assignment for the benefit of its creditors;
 - The failure of UMMC for sixty (60) days to obtain an order vacating any appointment of receiver of UMMC's interest in the premises in any action, suit or proceeding by or against UMMC's interest in the premises or by or against UMMC;
 - Any other voluntary or involuntary proceeding instituted by or against UMMC under any bankruptcy or similar laws unless the occurrence of any such involuntary receivership or proceeding is cured by the same being dismissed or stayed within sixty (60) days thereafter;
 - The sale or attempted sale under execution or other legal process of the interest of UMMC in the premises; or
 - The abandonment of the premises by UMMC for more than thirty (30) consecutive days.

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Contract Amount: The total cost of the amended Lease Agreement over the eight (8) year term is \$3,152,488.59, including rent and operating expenses. The total estimated cost of the original Lease Agreement over the total potential ten (10) year term was \$4,177,048.87. Reducing the renewal term by two (2) years in the proposed amendment reduces the total cost accordingly.

Funding Source for Contract: The lease will be funded by patient revenue.

Contractor Selection Process: UMMC is currently contracted with Renaissance for the lease of this space.

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 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 A PURCHASE AGREEMENT WITH ASSESSMENT TECHNOLOGIES INSTITUTE, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Purchase Agreement with **Assessment Technologies Institute, LLC (ATI)** to provide licenses for supplementary nursing education materials, including assessments and review programs, review modules, study sessions, and proctored exams for UMMC nursing students. Pursuant to IHL policy 707.03 *Approval of Prepayment for Goods and Services*, UMMC also requests waiver to prepay the fees at the beginning of each new cohort of students.

Contractor's Legal Name: Assessment Technologies Institute, LLC

History of Contract: This is a new agreement with ATI. Previously, UMMC contracted with ATI to provide comprehensive nursing assessment and review program modules for UMMC nursing students for an amount less than \$250,000. In September 2020 UMMC conducted Request for Proposal (RFP) # 1274 for an Assessment Package and EHR Software for a long term agreement. UMMC received two (2) responses to the RFP. Proposals were evaluated based upon cost and the lowest and best proposal was selected. The UMMC selection committee selected ATI as the awarded bidder.

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

Purpose: The purpose of this agreement is to purchase licenses to supplementary nursing education materials, including assessments and review programs, review modules, study sessions, and proctored exams for UMMC nursing students.

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Scope of Work: ATI will provide UMMC with licenses to supplementary nursing education materials, including assessments and review programs, review modules, study sessions, and proctored exams. The licenses will provide nursing students access to the materials for the full duration of their nursing program.

Term of Contract: The term of the agreement is three (3) years, from January 21, 2022, through December 31, 2025.

Termination Options: The agreement may be terminated as follows:

- if UMMC misuses any ATI product or fails to comply with ATI requirements regarding exam administration and security;
- if UMMC's nursing program is no longer approved by applicable state agencies;
- if UMMC infringes or misappropriate any ATI IP rights;
- by ATI upon written notice if all fees are not paid when due and payable; and
- if UMMC fails to cure any other material breach within thirty (30) days after receipt of written notice from ATI.
- if ATI materially breaches the agreement; and
- in the event that funds are not available.

Contract Amount: The total contract cost over the three (3) year term is \$829,260.

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

Contractor Selection Process: In September 2020, UMMC conducted RFP 1274, Assessment Package and EHR Software. Two (2) bidders submitted proposals, including Elsevier and Assessment Technologies, Inc. (ATI). Proposals were evaluated based upon cost and responses to specifications so that the lowest and best proposal would be selected. The UMMC selection committee selected ATI as the awarded bidder for the services. The following reflects the scoring for the proposals.

	RFP Score	Cost
Elsevier	59.54	\$ 1,476,300.00
Assessment Technologies, Inc.	88.39	\$ 849,150.00

The above costs were calculated based on a higher projected student count, which accounts for the difference in the proposed agreement cost.

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*

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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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

11. UMMC – REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH BAYER HEALTHCARE, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a service agreement with **Bayer HealthCare, LLC (Bayer)** to provide service and maintenance repair of twenty-four (24) UMMC-owned power injectors used in conjunction with imaging equipment. The agreement includes preventive maintenance, such as calibration per factory specifications, along with software updates, certified part replacements, complete inspection, safety testing, and onsite service by a Bayer certified field engineer. UMMC also requests approval to amend the Agreement without seeking prior Board approval to add or remove equipment covered by the Agreement, as long as it does not increase the approved expenditure level. Additionally, pursuant to IHL policy 707.03 *Approval of Prepayment for Goods and Services*, UMMC requests a waiver to allow prepayment of service on an annual basis.

Contractor's Legal Name: Bayer HealthCare, LLC

History of Contract: On January 19, 2017, the Board approved a five (5) year maintenance service contract for repairs on Bayer brand equipment. The agreement expires on January 19, 2022. UMMC has ensured that the injectors will receive service prior to January 19, 2022, so that there should be no problem that would be detrimental to patient care during the period between contracts.

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

Purpose: The purpose of the agreement is to provide service and maintenance repair of twenty-four (24) UMMC-owned power injectors used in conjunction with imaging equipment. Used for contrast-enhanced exams, the power injectors inject contrast and saline into the patient during the radiological scan. The contrast allows radiologists to rule out bleeds and or pulmonary emboli, among other uses. The agreement also includes preventive maintenance for the injectors, such as calibration per factory specifications, along with software updates, certified part replacements, complete inspection, safety testing, and onsite service by a Bayer certified field engineer.

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

- calibration of equipment;
- software updates;
- certified part replacement;

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- hardware system coverage;
- 24/7 technical support; and
- remote support.

Term of Contract: The term of the agreement is five (5) years, from February 2, 2022, through February 1, 2027.

Termination Options: The agreement may be terminated as follows:

- by Bayer, upon written notice if UMMC has not made payment by the due date;
- by Bayer, upon written notice, if UMMC does not give Bayer access to the equipment at the scheduled time for service; and
- by either party upon sixty (60) days' written notice.

Contract Amount: The total estimated cost of the agreement over the five (5) year term is \$675,000. The cost of service on the equipment is \$586,866.13 to be paid in annual installments in advance over the term. UMMC has also included an additional \$88,133.87 for variable fees for services required by not included in the service plan, such as on-site corrective maintenance as well as labor and travel time outside of normal business hours.

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

Contractor Selection Process: UMMC sought competitive price quotes from both Bayer and Siemens Medical Solutions, and Bayer is able to provide the required services at a lower cost.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

12. UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PRICING AGREEMENT WITH CARDIACASSIST, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Pricing Agreement **with CardiacAssist, Inc. d/b/a TandemLife (CAI)** for the purchase of equipment, disposable products, and accessories used to provide temporary cardiac bypass for patients with failing heart

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function. UMMC also requests approval to amend the agreement to add or remove products under the agreement without seeking prior Board approval as long as adequate funds are available.

Contractor's Legal Name: CardiacAssist, Inc.

History of Contract: UMMC is currently contracted with CAI for the purchase of equipment, disposable products, and accessories used to provide temporary cardiac bypass for patients with failing heart function. The existing two (2) year agreement with CAI was projected to cost less than \$250,000 over the term and therefore did not require Board approval. However, due to an increased volume of patients needing mechanical circulatory support during or after heart surgeries, recruitment of a new cardiac surgeon who treats complex cardiac patients, and the use of these products to meet the circulatory and pulmonary needs of COVID-19 patients, UMMC projects a greater need for these products in the future. The proposed agreement will replace the existing agreement with CAI.

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

Purpose: The purpose of this agreement is to purchase equipment, disposable products, and accessories used to provide temporary cardiac bypass for patients with failing heart function at discounted pricing.

Scope of Work: Under the agreement, CAI will:

- provide equipment, disposable products, and accessories to UMMC; and
- provide the procedure kits to UMMC at discounted rates based on UMMC's purchase volume.

Term of Contract: The term of the agreement is five (5) years, from February 1, 2022, through January 31, 2027.

Termination Options: Termination options include the following:

- by either party upon sixty (60) days' written notice; and
- by CAI immediately upon written notice to UMMC if UMMC fails to pay CAI an amount owed when due; and
- by CAI immediately upon written notice to UMMC if UMMC breaches the terms of the agreement.

Contract Amount: The total projected cost of the agreement over the five (5) year term is \$2,625,000. UMMC has included a fifty percent (50%) increase in year one (1) to account for the greater need projected for these products in the future. Beginning in year two (2), UMMC has included an additional twenty percent (20%) for potential patient volume and price increases. CAI may increase the price of the products by three percent (3%) in contract years four (4) and (5).

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

Contractor Selection Process: The CAI equipment, disposable products, and accessories 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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

13. UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PRODUCT RENTAL AGREEMENT WITH CARL ZEISS MEDITEC USA, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Product Rental Agreement with **Carl Zeiss Meditec USA, Inc. (Zeiss)** to rent the INTRABEAM 600 System and treatment applicators. Intraoperative radiation treatment (IORT) is provided to patients with various forms of cancer, such as cancers of the breast, colon, liver, and spine, delivering radiation during surgery directly to the tumor bed. The INTRABEAM 600 System allows for higher effective doses to be delivered to the microscopic disease site.

Contractor's Legal Name: Carl Zeiss Meditec USA, Inc.

History of Contract: This is a new agreement with Zeiss for the rental of IORT equipment and treatment applicators, which will allow UMMC to perform new procedures. Currently, UMMC cancer treatments include pre- or post-external beam radiation treatments before or after a surgical procedure. Renting the IORT equipment will allow UMMC to provide the most comprehensive and state of the art technologies to patients.

Specific Type of Contract: This is a new Product Rental Agreement.

Purpose: The purpose of this agreement is to rent the INTRABEAM 600 System and treatment applicators. Intraoperative radiation treatment (IORT) is provided to patients with various forms of cancer, such as cancers of the breast, colon, liver, and spine, delivering radiation during surgery directly to the tumor bed. The INTRABEAM 600 System allows for higher effective doses to be delivered to the microscopic disease site.

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Scope of Work: Under the agreement, Zeiss will provide the Zeiss INTRABEAM 600 System, which includes six (6) Spherical Applicators and four (4) Flat Applicators, as well as a twelve (12) month warranty.

Term of Contract: The term of the agreement is one (1) year and twelve (12) weeks, from February 1, 2022, through one (1) year from the date of installation, which is expected to be on or about April 26, 2022.

Termination Options: Termination options include the following:

- by either party upon ninety (90) days' advance written notice to the other party; and
- by either party if a section of the agreement is found to be illegal or unenforceable and the intent of the parties cannot be preserved or the removal of the voided section materially and deleteriously affects the rights and obligations of either party.

Contract Amount: The expected cost of the agreement over the one (1) year and twelve (12) week term is \$225,000. UMMC has included an additional ten percent (10%) for any potential additional fees.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: The INTRABEAM 600 System and treatment applicators 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 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 A CONSULTING AGREEMENT WITH CHANCELLOR CONSULTING GROUP, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its **Consulting Services Agreement with Chancellor Consulting Group, Inc. (Chancellor)** to extend the term of the agreement to provide managed care contract analytics and negotiation assistance, as well as interim staffing support.

Contractor's Legal Name: Chancellor Consulting Group, Inc.

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History of Contract: On September 15, 2021, UMMC entered into a Consulting Services Agreement with Chancellor for managed care contract data analytics and negotiation assistance, as well as interim staffing support. The cost of the original agreement was less than \$250,000 and did not require Board approval. Due to ongoing payor contract negotiations and staffing needs, UMMC seeks to extend the term of the agreement through the fiscal year. The amendment will cause the Consulting Services Agreement to exceed \$250,000; thus, UMMC now presents the proposed amendment to the Board for consideration.

Specific Type of Contract: This is the first amendment to the Consulting Services Agreement.

Purpose: The purpose of the amendment is to extend the term of the agreement an additional five (5) months. The purpose of the agreement is to provide payor contract analytics and assistance, as well as interim staffing support.

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

- Development of best practices for managed care contract language;
- Development of checklists to be used in managed care contract negotiations;
- Assistance in data analytics and contract negotiation strategy for ongoing managed care contract renewals; and
- Interim staffing support as requested by UMMC.

Term of Contract: The total term of the amended Consulting Services Agreement is nine and one-half (9.5) months, from September 15, 2021, through June 31, 2022. The original term of the agreement was four and one-half months (4.5). The amendment will extend the term an additional five (5) months.

Termination Options: Termination options include the following:

- by agreement of the parties;
- by UMMC upon thirty (30) days' written notice with or without cause;
- if Chancellor 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 the contract, and fails to cure the breach within ten (10) days of receiving written notice from UMMC;
- immediately upon Chancellor's breach of any of the following ongoing representations and warranties that Chancellor, 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,

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- 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 Chancellor being excluded from participation in the Federal Healthcare Programs or any state healthcare programs; and
 - if Chancellor is to receive any patients' personal health information, Chancellor represents and warrants that it has implemented safeguards to ensure that the privacy and confidentiality of patients' personal health information is protected.
- in the event of a reduction in or no funds available; and
- in the event of an adverse change in law and the parties cannot agree upon renegotiated terms within thirty (30) days.

Contract Amount: The total cost of the amended Consulting Services Agreement over the nine and one-half (9.5) month term is \$475,000.00. The flat monthly fee includes professional fees, potential travel, and all other expenses.

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

Contractor Selection Process: UMMC has contracted with Chancellor previously and was pleased with the level of service provided.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

15. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A LABORATORY SERVICES AGREEMENT WITH CYTOMETRY SPECIALISTS, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Laboratory Services Agreement with **Cytometry Specialists, Inc., d/b/a CSI Laboratories (CSI)** to provide diagnostic laboratory testing for adult and pediatric patients. The services include testing for a variety of hematological cancers, including those involving solid tumors, as well as testing for complex cancers such as blood and bone marrow cancers. In addition, UMMC requests the ability to add and/or

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remove tests from the schedule of tests and to update pricing as needed, as long as it does not increase the approved expenditure level.

Contractor's Legal Name: Cytometry Specialists, Inc.

History of Contract: This is a new laboratory services agreement with CSI. UMMC currently utilizes CSI's services without the requirement of a contract. UMMC seeks to enter into a contract at this time to lock in pricing of the testing services over the two (2) year term.

UMMC utilizes multiple vendors to provide diagnostic, genetic, or other reference laboratory testing depending on the volume and specific testing each vendor offers.

Specific Type of Contract: This is a new Laboratory Services Agreement.

Purpose: The purpose of this agreement is to provide diagnostic laboratory testing for adult and pediatric patients. The services include testing for a variety of hematological cancers, including those involving solid tumors, as well as testing for complex cancers such as blood and bone marrow cancers.

Scope of Work: Under this agreement, CSI Laboratories will provide reference testing services to UMMC upon request.

Term of Contract: The term of the agreement is two (2) years, from February 1, 2022, through January 31, 2024.

Termination Options: Termination options include the following:

- by either party at any time without cause upon sixty (60) days written notice to the other party;
- by UMMC for reduction of funds; and
- by UMMC should CSI Laboratories not be able to provide the services for a period of thirty (30) consecutive days as a result of a continuing force majeure event.

Contract Amount: The total estimated cost over the two (2) year term is \$975,000.00. UMMC has included a ten percent (10%) increase in year two (2) for potential price and patient testing volume changes. CSI Laboratories may increase the pricing for services in year two (2) up to a maximum of three percent (3%).

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

Contractor Selection Process: CSI is a specialty cancer testing laboratory that was selected based on CSI's test menu and turnaround time. While there are a few laboratories

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that provide the same testing that CSI offers, CSI is significantly lower in cost for the same tests.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

16. UMMC-REQUEST FOR APPROVAL TO AMEND A LICENSE AND SUPPORT AGREEMENT WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into Amendment No. 29 to the License and Support Agreement with **Epic Systems Corporation (Epic)** to add a clinical device decision support module to the current program property licensed under the agreement. The module will allow UMMC to configure decision support and patient acuity scoring into medical workflows using data from various medical devices, aiding medical staff in the remote monitoring of patients. Pursuant to IHL policy 707.03 *Approval of Prepayment for Goods or Services*, UMMC also requests a waiver to allow prepayment of license fees for the clinical device decision support module set at fifty percent (50%) of the total license fee.

Contractor's Legal Name: Epic Systems Corporation

History of Contract: On August 19, 2010, the Board approved the original License and Support Agreement with Epic for licensing and support of UMMC's electronic health record. The agreement subsequently has been amended upon Board approval. The term of the amended agreement is nine (9) years, from August 23, 2010, through August 22, 2024, with an estimated total cost of \$105,083,182.99. A complete history of the Epic contract is on file at the Board office.

Specific Type of Contract: This is Amendment No. 29 to the License and Support Agreement.

Purpose: The purpose of Amendment No. 29 is to add the clinical device decision support module to the current program property licensed under the agreement. This will allow UMMC to configure decision support and patient acuity scoring into medical workflows using data for various medical devices, aiding medical staff in the remote monitoring of patients.

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Scope of Work: Under Amendment No. 29, Epic will:

- Provide the license and subscription for the clinical device decision support module; and
- Provide ongoing maintenance and support for the licensed module.

Term of Contract: The term of Amendment No. 29 will begin upon execution and end coterminous with the current agreement term ending August 22, 2024.

Termination Options: The License and Support Agreement may be terminated as follows:

- Upon ninety (90) days' notice prior to the end of an annual term;
- Breach due to failure of system to operate properly after warranty, provided a forty-five (45) day warranty period is allowed for Epic to cure such breach;
- Upon notice of infringement claim against Epic, if Epic is unable to modify the infringing program property or to provide UMMC with an appropriate replacement program;
- Upon bankruptcy, insolvency and the like;
- Upon material breach of the agreement after the breaching party has been allowed sixty (60) days to cure the breach after receiving written notice of the breach.

Contract Amount: The estimated cost of Amendment No. 29 is \$45,300.00. The previously approved cost of the entire Agreement included projections for this type of additional license. The total estimated cost of the Agreement remains \$105,083,182.99.

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

Contractor Selection Process: UMMC is currently contracted 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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

17. UMMC – REQUEST FOR APPROVAL TO ENTER INTO A LABORATORY SERVICES AGREEMENT WITH LABORATORY CORPORATION OF AMERICA HOLDINGS

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Laboratory Services Agreement with **Laboratory Corporation of**

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America Holdings on behalf of its subsidiary Esoterix Genetic Laboratories, LLC (Esoterix) to provide specific genetic testing for maternal and pre-natal testing. Testing services include screening for cystic fibrosis, Fragile X, and Spinal Muscular Atrophy. In addition, UMMC requests the ability to amend the agreement to add and/or remove tests from the schedule of tests as needed, as long as it does not increase the approved expenditure level.

Contractor's Legal Name: **Laboratory Corporation of America Holdings**

History of Contract: This is a new service agreement with Esoterix for maternal and pre-natal genetic testing. UMMC currently utilizes the maternal and pre-natal genetic testing services without the requirement of a contract. UMMC seeks to enter into a contract at this time to secure discounted pricing of the testing services over the two (2) year term.

UMMC utilizes multiple vendors to provide diagnostic, genetic, or other reference laboratory testing depending on the volume and specific testing each vendor offers.

Specific Type of Contract: This is a new Laboratory Services Agreement.

Purpose: The purpose of this agreement is to provide specific genetic testing for cystic fibrosis, Fragile X, and Spinal Muscular Atrophy in maternal and pre-natal patients.

Scope of Work: Under this agreement, Esoterix will provide reference testing services, including specimen pick up, report delivery, and consultation services, at discounted pricing.

Term of Contract: The term of the agreement is two (2) years, from February 1, 2022, through January 31, 2024.

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

- by either party, with or without cause, at any time upon sixty (60) days' prior written notice;
- by either party if services are not provided for fourteen (14) days due to a continuing force majeure event; and
- by either party for the specific test if a nationally recognized professional medical association makes recommendations that establish or change a standard of care for testing that results in a change to the rate or fee for testing that cannot be agreed upon by both parties.

Contract Amount: The estimated cost over the two (2) year term is \$275,000.00. This includes a ten percent (10%) increase in year two (2) for potential patient testing volume increases.

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

Contractor Selection Process: Esoterix is a specialty diagnostic genetic testing laboratory that was selected based on Esoterix's specific test menu and cost. Esoterix provides a combination of genes in their testing panel that are not available with other vendors.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

18. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PARKING SERVICES AGREEMENT WITH LANIER PARKING METER SERVICES, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Parking and Valet Services Agreement with **Lanier Parking Meter Services, LLC (Lanier)** for parking management/staffing and valet services at UMMC's main campus.

Contractor's Legal Name: Lanier Parking Meter Services, LLC

History of Contract: On October 18, 2018, the Board approved UMMC's current contract with ParkMed of Mississippi, LLC (ParkMed) for parking management/staffing and valet services on UMMC's main campus. In November 2020, UMMC conducted Request for Proposal (RFP) 8022 for Transportation, Parking and Valet Services. UMMC received four (4) responses to the RFP. Proposals were evaluated based upon cost and quality so that the lowest and best proposal would be selected. The UMMC selection committee selected Lanier as the awarded bidder for parking and valet services. Transportation was awarded separately.

Specific Type of Contract: This is a new Parking and Valet Services Agreement.

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

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

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Term of Contract: The term of the agreement is five (5) years, from February 1, 2022, through January 31, 2027.

Termination Options: This agreement may be terminated as follows:

- By either party with or without cause upon 120 days' written notice to the other party;
- In the event that either party 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, the non-breaching party may terminate the breaching party's rights if the breach is not cured in ten (10) days or any longer time specified in writing by the non-breaching party;
- By UMMC immediately upon Lanier's breach of any of the following ongoing representations and warranties that Lanier, 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 Lanier is to receive any patients' personal health information, Lanier 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 \$4,860,000 for the five (5) year term. The estimated total cost includes an annual three percent (3%) price increase and a graduated escalation of 15% beginning in year two (2) for new locations added during the term of the agreement, additional FTEs, increase in services hours, 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 November 2020, UMMC conducted Request for Proposal (RFP) 8022 for Transportation, Parking and Valet Services. Four (4) bidders submitter proposals, including Groome, ParkMed, WeDrive, and Lanier. Proposals were evaluated based upon cost and responses to specifications so that the lowest and best proposal would be selected. WeDriveU did not include a response to the parking and valet portion of the RFP and was eliminated. The UMMC selection committee selected Lanier as the awarded bidder for parking and valet services. The following reflects the scoring for the proposals. The overall score indicated below is based upon criteria including cost as well as other factors.

Bidder	RFP Score	Proposed Price
Groome Transportation	43.00	\$9,722,457.00
Lanier	66.00	\$1,708,648.50
ParkMed	36.00	\$2,905,090.50

The above costs were calculated upon the number of hours and hourly rates included in the bidders' proposals for services, without factoring in future volume growth. The cost for the proposed agreement includes future volume growth, which accounts for the difference in cost.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

19. UMMC- REQUEST FOR APPROVAL TO AMEND A PURCHASE AGREEMENT WITH LIVANOVA USA, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its agreement with **LivaNova USA, Inc. (LivaNova)** to extend the term, revise the business associate agreement language, add information security language, and include a discounted price list for items covered under the agreement. The agreement is for the purchase of Vagus Nerve Stimulation (VNS) Therapy Systems. These systems include generators, leads, tunnelers, accessory packs, programming wands, and patient essential kits. The VNS Therapy System is a surgical implant that delivers pulsed electrical signals to the vagus nerve, and is used to treat epilepsy and treatment-resistant depression in pediatric and adult populations. UMMC also requests approval to add or remove products under the agreement without seeking prior Board approval as long as adequate funds are available.

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Contractor's Legal Name: LivaNova USA, Inc.

History of Contract: On January 17, 2019, the Board approved a thirty-six (36) month agreement with LivaNova for the purchase of the VNS therapy systems. The agreement will expire on January 31, 2021, unless extended.

Specific Type of Contract: This is the first amendment to the VNS Therapy System Purchase Agreement.

Purpose: The purpose of the amendment is to extend the term of the agreement, revise the business associate agreement language, add information security language, and include a discounted price list for items covered under the agreement. The purpose of the agreement is to purchase VNS Therapy Systems including, but not limited to, generators, leads, tunnelers, accessory packs, programming wands, and patient essential kits. The VNS Therapy System is a surgical implant that delivers pulsed electrical signals to the vagus nerve and is used to treat epilepsy and treatment-resistant depression in pediatric and adult populations.

Scope of Work: Under this amended agreement, LivaNova will provide the VNS Therapy Systems, including generators, leads, tunnelers, accessory packs, programming wands, and patient essentials kits, at discounted pricing.

Term of Contract: The term of the amended agreement is forty-seven (47) months, from February 1, 2019, through December 31, 2022. The original agreement was thirty six (36) months beginning February 1, 2019. The amendment extends the term for an additional eleven (11) months through December 31, 2022.

Termination Options: Either party will have the right to terminate the agreement by providing a thirty (30) day written notice to the other party.

Contract Amount: The total amended cost over the extended term is \$4,175,000. The total cost of the original agreement was \$3,010,854. The first amendment will add \$1,164,146.

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

Contractor Selection Process: UMMC is currently contracted with LivaNova.

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

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for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

20. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH MICROVENTION, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Purchase Agreement with **MicroVention, Inc. (MicroVention)** for the purchase of neurovascular interventional products used in the treatment of aneurysms, strokes, and other neurovascular interventions for adult and pediatric patients. UMMC also requests approval to add or remove products under the agreement without seeking prior Board approval as long as adequate funds are available.

Contractor's Legal Name: MicroVention, Inc.

History of Contract: This is a new product purchase agreement with MicroVention. UMMC currently purchases these products from MicroVention without the requirement of a contract, but seeks to enter into a contract at this time to secure discounted pricing. In June 2021, UMMC sought competitive quotes from vendors for neurovascular interventional products. Based on the analysis of quotes received, UMMC selected MicroVention, Stryker Sales, LLC (Stryker) and Medtronic USA, Inc. (Medtronic) for neurovascular interventional products. Medtronic did not require a purchase agreement for the discounted pricing. UMMC has submitted for consideration a separate agreement with Stryker. Stryker and MicroVention both offer some unique products that the other does not.

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

Purpose: The purpose of the agreement is to purchase neurovascular interventional products used in the treatment of aneurysms, strokes, and other neurovascular interventions for adult and pediatric patients.

Scope of Work: Under the agreement, UMMC will purchase neurovascular interventional products at a discounted price.

Term of Contract: The term of the agreement is three (3) years, from February 1, 2022, through January 31, 2025.

Termination Options: The agreement may be terminated as follows:

- by either party upon sixty (60) days' prior written notice; and
- by UMMC if MicroVention is unable to provide the products for a period of forty-five (45) consecutive days due to a continuing force majeure event.

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Contract Amount: The total estimated cost of the agreement over three (3) years is \$500,000. UMMC has included a twenty percent (20%) increase beginning in year two (2) for potential patient volume increases.

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

Contractor Selection Process: The neurovascular interventional products 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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

21. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH NEPHROPATHOLOGY ASSOCIATES, PLC

Agenda Item: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Pathology Services Agreement with **Nephropathology Associates, PLC (Nephropathology)** to provide anatomical pathology services for renal biopsy samples. The services will include technical testing and consultation to determine the type and severity of kidney disease, as well as the best treatment options for the patient. In addition, UMMC requests the ability to add and/or remove tests from the schedule of tests and to update pricing as needed, as long as it does not increase the approved expenditure level.

Contractor's Legal Name: Nephropathology Associates, PLC

History of Contract: This is a new pathology services agreement with Nephropathology. UMMC is currently using these services without the requirement of a contract. UMMC seeks to enter into a contract at this time to lock in pricing of the testing services over the two (2) year term.

UMMC utilizes multiple vendors to provide diagnostic, genetic, or other reference laboratory testing depending on the volume and specific testing each vendor offers.

Specific Type of Contract: This is a new Pathology Services Agreement.

Purpose: The purpose of the agreement is to provide anatomical pathology services for renal biopsy samples. The services will include technical testing

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and consultation to determine the type and severity of kidney disease, as well as the best treatment options for the patient.

Scope of Work: Under the agreement, Nephropathology will provide anatomical pathology consultation and technical testing for UMMC renal biopsy samples.

Term of Contract: The term of the agreement is two (2) years, from February 1, 2022, through January 31, 2024.

Termination Options: Termination options include the following:

- by the non-breaching party upon written notice to the breaching party if the breach is not cured within thirty (30) days of the notice.
- by either party, with or without cause, upon one hundred twenty (120) days' written notice to the other party;
- by the non-breaching party immediately without notice in the following circumstances:
 - if someone performing services pursuant to this agreement is arrested and charged with a felony, misdemeanor or other crime;
 - if the IRS determines that a party performing services on behalf of either party is the employee of the other party;
 - the loss, suspension, or restriction of Nephropathology or UMMC's medical license;
 - the initiation of sanction proceedings by any governmental agency against any party or physician submitting specimens or orders on behalf of UMMC or performing services on behalf of Nephropathology or the exclusion of any such party or such physician from participation in the Medicare or Medicaid programs or any other state or federal health care program;
- by either party without penalty if there is a change in law, regulation or policy that requires a change in the reimbursement methodology for pathology services and a mutually satisfactory amendment cannot be negotiated between the parties;
- by the non-assigning party, if the agreement is assigned or attempted to be assigned without approval of the other party;
- by either party if there is a change in the law or policy of the State of Mississippi which alters the enforceability of any section of this agreement and a mutually agreeable modification cannot be reached;
- by UMMC if Nephropathology is unable to provide the services for a period of thirty (30) consecutive days due to a continuing force majeure event; and
- upon written notice to Nephropathology of a material breach of the agreement or violation of the HIPAA Regulations that remains uncured following ten (10) days written notice, or immediately if cure is not possible, in

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the event Nephropathology improperly uses or discloses protected health information.

Contract Amount: The total estimated cost over the two (2) year term is \$975,000.00. This includes a fifteen percent (15%) increase in year two (2) for potential volume and price modifications. Nephropathology may increase pricing by five percent (5%) in year two (2) of the agreement.

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

Contractor Selection Process: Nephropathology Associates specializes in the diagnosis of medical diseases of the kidney and was selected based on turnaround time, variations in levels of services, billing, and price.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

22. UMMC-REQUEST FOR APPROVAL TO AMEND AN AGREEMENT WITH PHILIPS IMAGE GUIDED THERAPY CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its Equipment and Disposable Products Agreement with **Philips Image Guided Therapy Corporation ("Philips")** to extend the term, as well as remove references to Spectranetics Corporation and Spectranetics products from the agreement. The agreement is for the rental of two (2) Volcano CORE Mobile Systems and purchase of the associated disposable products, such as catheters, used with the systems. UMMC physicians use the Volcano CORE systems and disposables to treat patients with high-risk occlusive coronary and peripheral arterial disease. UMMC also requests approval to add or remove disposable products under the agreement without seeking prior Board approval as long as adequate funds are available.

Contractor's Legal Name: Philips Image Guided Therapy Corporation

History of Contract: On April 16, 2020, the Board approved a twenty-four (24) month agreement with Philips for the rental of equipment and purchase of supplies. The agreement will expire on April 19, 2022, unless extended. Philips Image Guided Therapy Corporation is formerly known as Volcano Corporation and The Spectranetics Corporation, but continues to offer products previously manufactured by those companies as separate business departments or entities within Philips. For ease of ordering and

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billing the different products, UMMC and Philips have agreed to separate the Volcano products from the Spectranetics products, leaving only the Volcano products under this agreement. UMMC and Philips will enter into a separate agreement for the Spectranetics products for a cost less than \$250,000, for orders to be placed separately from the Volcano products.

Specific Type of Contract: This is the first amendment to the Equipment and Disposable Products Agreement.

Purpose: The purpose of the amendment is to extend the term, as well as remove references to Spectranetics Corporation and Spectranetics products from the agreement. The purpose of the agreement is to rent two (2) Volcano CORE Mobile Systems and purchase the associated disposable products, such as catheters, used with the systems. The Volcano CORE systems assess the location and severity of disease and lesions in arteries. UMMC physicians use the Volcano CORE systems and disposables to treat patients with high-risk occlusive coronary and peripheral arterial disease.

Scope of Work: Under the amended agreement, UMMC will continue to rent two (2) Volcano CORE Systems and purchase the associated disposable products. If UMMC purchases at least \$110,000 of disposables per year, Philips will waive the rental fee of \$84,000.

Term of Contract: The term of the amended agreement is three (3) years and eleven (11) days, from April 20, 2020, through April 30, 2023. The original agreement was for a term of twenty-four (24) months, beginning upon execution by both parties that occurred on April 20, 2020. The amendment extends the term for an additional one (1) year and eleven (11) days through April 30, 2023.

Termination Options: This agreement may be terminated:

- by UMMC may if products are continuously delayed for thirty (30) days due to a continuing Force Majeure event;
- by either party if the other party is excluded from participation in any Federal Health Care Program or debarred, suspended, or otherwise excluded from participating in any other federal procurement program or activity;
- by either party upon thirty (30) days' advance written notice to the other party;
- by either party for a material breach of this Agreement, upon fifteen (15) days' notice and opportunity to cure; and
- by either party upon appointment of a receiver for the other party, assignment for the benefit of creditors by the other party, or commencement of any voluntary or involuntary proceedings under any bankruptcy or insolvency laws against the other party.

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Contract Amount: The total amended cost over the extended term is \$950,000. The total cost of the original agreement was \$800,000. The first amendment will add \$150,000 to the total amended cost.

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

Contractor Selection Process: UMMC is currently contracted with Philips.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

23. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A GENETIC TESTING SERVICE AGREEMENT WITH PREVENTIONGENETICS, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Clinical Genetic Testing Service agreement with **PreventionGenetics, LLC (Prevention)** to provide diagnostic genetic testing for adult and pediatric patients. The services include testing for genetic disorders and genetic conditions such as intellectual disabilities, autism, hydrocephalus, as well as rare conditions such as, Wilson disease, and angioedema. In addition, UMMC requests the ability to add and/or remove tests from the schedule of tests as needed, as long as it does not increase the approved expenditure level.

Contractor's Legal Name: PreventionGenetics, LLC

History of Contract: This is a new clinical genetic testing services agreement with Prevention. UMMC currently utilizes these services without the requirement of a contract. An agreement is being entered into at this time to secure discounted pricing.

UMMC utilizes multiple vendors to provide diagnostic, genetic, or other reference laboratory testing depending on the volume and specific testing each vendor offers.

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

Purpose: The purpose of the agreement is to provide diagnostic genetic testing for adult and pediatric patients. The services include testing for intellectual disabilities, autism, bone marrow failures, hydrocephalus, connective tissue disorders, hypothyroidism, hemophilia as well as rare conditions such as congenital myopathy, retinitis pigmentosa, Wilson disease, and angioedema.

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Scope of Work: Under this agreement, Prevention will provide reference diagnostic genetic testing services to UMMC.

Term of Contract: The term of the agreement is two (2) years, from February 1, 2022, through January 31, 2024.

Termination Options: Termination options include the following:

- by mutual written agreement of the parties;
- upon written notice to the defaulting party, where such default continues uncured (i) for a period of twenty (20) days for nonpayment default or (ii) for a period of ten (10) days for a payment default;
- by either party, without cause, upon sixty (60) days' written notice to the other party;
- by either party immediately upon filing of voluntary or involuntary bankruptcy or similar insolvency proceedings;
- by UMMC immediately upon Prevention's loss or revocation of license, accreditation, certification or liability insurance for the services; and
- by UMMC immediately upon notice that Prevention has been suspended, declared ineligible or excluded from a federal or state health care program, including but not limited to the Medicare and Medicaid programs.

Contract Amount: The total estimated cost over the two (2) year term is \$400,000. UMMC has included a ten percent (10%) increase in year two (2) for potential price and patient testing volume changes. Prevention may increase the pricing for services in year two (2) up to three percent (3%).

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

Contractor Selection Process: Prevention is a specialty diagnostic genetic testing laboratory that was selected based on Prevention's test menu and cost. Prevention offers a wide variety of both routine and custom testing panels that are built with smaller numbers of targeted genes at a lower cost than other vendors.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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24. UMMC-REQUEST FOR APPROVAL TO AMEND A SERVICES AGREEMENT WITH SPHERECOMMERCE, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into Amendment 1 to the Client Services Agreement (Agreement) with **SphereCommerce, LLC**, formerly TCPP, LLC d/b/a TrustCommerce (SphereCommerce) to add new processing equipment and Automated Clearing House (ACH) transaction services to the existing agreement. These additions will allow UMMC to purchase updated processing equipment and the ability to process check payments. The agreement is for hardware, software license, and gateway payment processing services. SphereCommerce, as the gateway vendor, serves as an intermediary between UMMC and a credit card processor, as well as integrates with Epic to provide a convenient means for patients to pay medical bills online directly.

Contractor's Legal Name: SphereCommerce, LLC

History of Contract: On January 16, 2020, the Board approved the Client Services Agreement and Software License Agreement for hardware, software license, and gateway payment processing services. The term of the agreement is three (3) years, from February 1, 2020, through January 31, 2023. On March 6, 2021, pursuant to the terms of the Agreement, UMMC was notified by TCPP, LLC d/b/a TrustCommerce that it was assigning all rights and obligations to its parent company SphereCommerce, LLC. The Software License Agreement is unchanged by the proposed Amendment 1.

Specific Type of Contract: This is Amendment 1 to the Client Services Agreement.

Purpose: The purpose of Amendment 1 is to add new processing equipment and ACH transaction services to the existing agreement. The current equipment in the agreement has become obsolete, requiring updated equipment be added at this time. ACH transactions will allow for the automatic processing of check payments. The purpose of the Agreement is to purchase hardware, software license, and gateway payment processing services for all UMMC's credit card transactions, including patient, student, and retail, whether transacted in person, online, via phone, or via mail. The gateway vendor serves as an intermediary between UMMC and a credit card processor. TrustCommerce will also integrate with Epic to provide a convenient means for patients to pay their portion of their medical bills, as well as eliminate manual payment posting.

Scope of Work: Under the Amended Agreement, SphereCommerce will:

- Provide ACH services and updated point of sale hardware;
- Provide gateway services, licensed software, tokenization services, secure e-commerce payment acceptance, and semi-integrated payment applications for encrypted transactions;

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- Transport payment transactions to and from UMMC and UMMC's processor for authorization and/or settlement;
- Provide access to its control panel via a web browser for the purposes of reporting, managing, and reconciling transactions;
- Provide UMMC with the software, rules, and methodology developed by TrustCommerce to be used by UMMC to connect to the TrustCommerce server to enable transmission of transaction data; and
- Maintain all applicable Payment Card Industry Data Security Standards (PCI DSS) requirements.

Term of Contract: The term of Amendment 1 is one (1) year, from February 1, 2022, through January 31, 2023. The term of the agreement remains three (3) years, from February 1, 2020, through January 31, 2023.

Termination Options: The Client Services Agreement may be terminated as follows:

- By either party upon thirty (30) days' prior written notice to the other party in the event of a breach of the agreement by the other party; and
- Immediately upon written notice by either party in the event of a force majeure event that continues to prevent or delay performance for more than 90 days.

The Software License Agreement may be terminated as follows:

- In the event UMMC fails to comply with the terms or fails to make prompt payment, the rights of use of the software shall immediately terminate;
- Upon expiration of the Client Services Agreement;
- In the event a claim is made that the software infringes any United States patent, copyright, trade secret, or other proprietary right, SphereCommerce may terminate the license and refund the license fees; or
- As allowed by the Client Services Agreement.

Contract Amount: There is no additional cost for Amendment 1 as the cost of the equipment and additional services is included in the total contract cost previously approved. The total estimated cost remains \$500,000.00.

Funding Source for Contract: This Agreement will be funded by the amounts collected in the credit card transaction, including patient, student, and retail transactions. Purchase of equipment and implementation fees will be funded through hospital patient revenue.

Contractor Selection Process: UMMC is currently contracted with SphereCommerce to provide these services and equipment.

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

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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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

25. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH STRYKER SALES, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Purchase Agreement with **Stryker Sales, LLC (Stryker)** for the purchase of neurovascular interventional products used in the treatment of aneurysms, strokes, and other neurovascular interventions for adult and pediatric patients. UMMC also requests approval to amend the agreement to add or remove products without seeking prior Board approval as long as adequate funds are available.

Contractor's Legal Name: Stryker Sales, LLC

History of Contract: This is a new product purchase agreement with Stryker. UMMC currently purchases these products from Stryker without the requirement of a contract, but seeks to enter into a contract at this time to secure discounted pricing. In June 2021, UMMC sought competitive quotes from vendors for neurovascular interventional products. Based on the analysis of quotes received, UMMC selected Stryker, MicroVention, Inc. (MicroVention), and Medtronic USA, Inc. (Medtronic) for neurovascular interventional products. Medtronic did not require a purchase agreement for the discounted pricing. UMMC has submitted for consideration a separate agreement with MicroVention. MicroVention and Stryker both offer some unique products that the other does not.

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

Purpose: The purpose of the agreement is to purchase neurovascular interventional products used in the treatment of aneurysms, strokes, and other neurovascular interventions for adult and pediatric patients.

Scope of Work: Under the agreement, UMMC will purchase neurovascular interventional products at a discounted price.

Term of Contract: The term of the agreement is three (3) years, from February 1, 2022, through January 31, 2025.

Termination Options: The agreement may be terminated as follows:

- by either party upon thirty (30) days' prior written notice;

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- by Stryker immediately upon written notice to Customer if Customer fails to meet its financial obligations to Stryker in a timely manner;
- by mutual written agreement of the parties; and
- by UMMC if Stryker is unable to provide the products for a period of thirty (30) consecutive days due to a continuing force majeure event.

Contract Amount: The total estimated cost of the agreement over three (3) years is \$3,050,000.00. UMMC has included a twenty percent (20%) increase beginning in year two (2) for potential increases.

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

Contractor Selection Process: The neurovascular interventional products 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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

26. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A STATEMENT OF WORK WITH SULLIVANCOTTER SOLUTIONS, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into Statement of Work No. 2 (SOW2) to the Master Services Agreement with **SullivanCotter Solutions, Inc. (SullivanCotter)** for physician faculty compensation consulting services. SOW2 includes the development of compensation models for all clinical specialty departments, as well as performance modeling and financial impact testing.

Contractor's Legal Name: SullivanCotter Solutions, Inc.

History of Contract: On July 21, 2021, UMMC entered into a Master Services Agreement and Statement of Work No. 1 (SOW1) with SullivanCotter for a quantitative market assessment compared to UMMC's current state, as well as preliminary development of a general compensation philosophy and common framework for all School of Medicine departments. The cost of SOW1 was less than \$250,000 and did not require Board approval. On May 20, 2021, the Board approved SOW2 for assistance in identifying the highest priority clinical expansion investments based on the financial capacity identified under SOW1. Based upon initial feedback of the assessments to date,

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UMMC now desires to engage SullivanCotter to develop compensation models for all clinical specialty departments, as well as performance modeling and financial impact testing. The addition of SOW2 will cause the Master Services Agreement to exceed \$250,000; thus, UMMC now presents the proposed SOW2 to the Board for consideration.

Specific Type of Contract: This is a new Statement of Work No. 2 to the existing Master Services Agreement.

Purpose: The purpose of the agreement is to seek outside expertise and guidance for physician compensation. The services will provide support of a physician faculty design process with the primary objectives of supporting the continuing shift in reimbursement from volume to value, strengthening financial sustainability, standardizing compensation and performance metrics across departments as appropriate, and creating an adequate risk/reward structure for low and high performers.

Scope of Work: Under SOW2, SullivanCotter develop compensation models for all clinical specialty departments, performance modeling and financial impact testing, and optional services for additional modeling and implementation support.

Term of Contract: The term of the Master Services Agreement is three (3) years, from July 21, 2021, through July 20, 2022. The term of SOW2 is January 21, 2022, through July 31, 2022.

Termination Options: Termination options include the following:

- by either party upon ninety (90) days' written notice with or without cause;
- in the event of a breach of the agreement, the non-breaching party may terminate the agreement upon ten (10) days' prior written notice; and
- immediately if SullivanCotter is excluded from any Federal health care program or placed on the Office of Foreign Assets Control's blocked list.

Contract Amount: The total estimated cost of the Master Services Agreement, including SOW1 and SOW2, is \$620,000. There is no cost to the Master Services Agreement. The cost of SOW1 was \$245,000. The estimated cost of SOW2 is \$375,000. The hourly rates are all-inclusive of professional and administrative fees, travel, and any other expenses, as well as optional services at UMMC's election.

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

Contractor Selection Process: SullivanCotter was selected based on its expertise and reputation for providing physician compensation design services in the health care industry, as seen through its recommendation by the Association of American Medical Colleges. SullivanCotter has extensive experience working with academic medical

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centers, health systems, hospitals, and medical groups and has successfully developed comprehensive physician compensation performance models for its clients.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

27. USM – REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT WITH PROFESSIONAL COMPUTING RESOURCES, INC.

Agenda Item Request: The University of Southern Mississippi requests Board approval of a new contract with **Professional Computing Resources, Inc.** for a Telecommunications and Billing Management software called PCR-360. The five-year contract will consist of a licensing agreement and a software maintenance agreement that will provide USM with a means to continue to effectively manage its telecommunications and networking cable plant infrastructure. Additionally, in accordance with IHL Board Policy 707.03 Approval of Prepayment for Goods or Services, USM requests the Board's approval to make multi- year pre-payments at the beginning of each contract year.

Contractor's Legal Name: Professional Computing Resources, Inc.

History of Contract: This is a new contract for telecommunications and billing management software. This new system will replace the University's current system, Pinnacle.

Specific Type of Contract: This will be a software Licensing Agreement and a Maintenance Agreement. The initial implementation will include the following services: Professional services; product configuration and implementation, training, migration of existing data; integration of the new software with the University's third-party product – Cherwell; maintenance and support of the PCR-360 product; licensing for the PCR-360 product.

Purpose: The purpose of the agreement is to purchase a license for software to be used to manage the system will fully manage the telecommunications order process from the initial request through billing the customer. This software will be hosted on-premise and will be accessible anywhere in the world that has internet service.

Scope of Work: The scope of the work will include providing product implementation, licensing, integration, and ongoing support related to the following.

1. Software

PCR Software: PCR-360 with the following functions:

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- Service Desk Management (Requests, Service Order, Incident Reports, Purchase orders, Projects and Problems)
 - Services Inventory
 - Equipment & Asset Inventory/Warehouse Management
 - Cable Management
 - Service Catalog
 - Call Accounting
 - Billing/Chargeback
 - Reporting
 - Personnel/User Management
 - Carrier File Import Management
 - Customer Center Portal (Service Requests, Incident Reporting, Bill View, and Help Center Knowledge Base)
 - Integration for General Ledger Billing Feeds
 - E911 formatted interfaces
 - CDR Collection/Processing Imports
 - LDAP, Active Directory, TLS 1.2 or Shibboleth Interface
2. License Fee, Installation Charge and Payment Terms.
- Product License Fee \$133,780 – 75% on software delivery, 25% upon completion of implementation
 - Implementation Support - \$38,250.00, invoiced at \$4,781.25 upon completion of each of the following Project Timeline Milestones:
 - PCR-360 System Setup
 - Training 1
 - Data Migration 1
 - Training 2
 - Training 3
 - System Interfaces
 - Post Cut-Over Tasks
 - Testing/Acceptance
 - Legacy Data Conversion/Migration - \$10,000, invoiced at \$5,000 upon completion of each of the Project Timeline Milestones
 - Data Migration 2
 - Data Migration 3
 - Cherwell Integration - \$20,000, invoiced upon completion of PCR's portion of the integration setup.
 - Accounts Receivable - \$18,000, invoiced upon completion of the AR setup.
 - Auth Code Integration - \$5,000, invoiced upon completion of the Auth Code Integration setup.
 - Ongoing maintenance and support – invoiced for years two through five at the beginning of each of those four years.

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Term of Contract: The contract term will be five (5) years. Start date: February 1, 2022
End date: January 31, 2027.

Termination Options: Termination options per the contracts are as follows:

License Agreement

- If the Software does not perform in accordance with the specifications, and if after a reasonable period of time PCR is unable to correct a deficiency in the Software, Customer may, return the Software and Documentation to PCR and terminate this Agreement, and PCR shall return to Customer any license fee payments.

- PCR may terminate this Agreement immediately upon the occurrence of any of the following:

If Customer fails to pay, when due, any amount payable under this Agreement, and such failure shall continue for a period of ten (10) days after PCR has given Customer written notice;

If Customer violates Section 5 of this Agreement;

If Customer breaches any other term or condition of this Agreement and such breach shall continue for a period of thirty (30) days after PCR has given Customer written notice; or

If Customer ceases conducting business in the normal course, admits its insolvency, makes an assignment for the benefit of creditors, or becomes a party to any judicial or administrative proceeding in bankruptcy, receivership or reorganization.

- Customer may terminate this Agreement immediately upon the occurrence of any of the following:

If PCR breaches any term or condition of this Agreement and such breach continues for a period of thirty (30) days after Customer has given PCR written notice; or

If PCR ceases conducting business in the normal course, admits its insolvency, makes an assignment for the benefit of creditors, or becomes a party to any judicial or administrative proceeding in bankruptcy, receivership or reorganization; or

If PCR does not comply with E-Verify requirements if applicable, Customer may terminate the Agreement.

- This agreement may be terminated if sufficient appropriation funding is not allocated for subsequent terms. Customer's decision as to whether sufficient appropriations and authorizations are available will be accepted by the vendor as final.

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- Termination by Either Party. Either Party may terminate this Agreement for convenience upon sixty (60) days' written notice to the other party. Also, if an event of force majeure continues uninterrupted for a period exceeding six (6) calendar months, either party may elect to terminate this Agreement upon notice to the other, but such right of termination, if not exercised, shall expire immediately upon the discontinuance of the event of force majeure.

Maintenance Agreement

- Either party shall have the right to terminate this Agreement at any time upon default by the other party if such default is not cured within thirty (30) days after receipt of written notice specifying the nature of such default.

- This agreement may be terminated if sufficient appropriation funding is not allocated for subsequent terms. Customer's decision as to whether sufficient appropriations and authorizations are available will be accepted by the vendor as final.

- PCR shall have the right to terminate this Agreement immediately upon the occurrence of any of the following:

(a) If Customer fails to pay, when due, any amount payable under this Agreement, and such failure continues for a period of ten (10) days after receipt of written notice from PCR;

(b) Upon termination of the License Agreement.

Contract Amount: Total amount of the contract for the five (5) year period will be \$342,096.00. These costs consist of recurring annual costs for licensing, patches/upgrades, and support. The licensing, patches/upgrades, and support fees totaling \$117,066.00 will be paid annually on the anniversary date of the contract (February 1).

Year	Due Date	Description	Amount
1	February 1, 2022	License Fee – 75% on software delivery, 25% upon completion of implementation (Annual Maintenance Year 1 is included at no cost)	\$133,780
1		Implementation Support – invoiced at \$4,781.25 upon completion of Project Timeline Milestones listed above.	\$38,250
1		Legacy Data Conversion/Migration – invoiced at \$5,000 upon completion of Project Timeline Milestones listed above.	\$10,000
1		Cherwell Integration –payable upon completion of PCR's portion of the integration setup.	\$20,000

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1		Accounts Receivable – payable upon completion of AR setup.	\$18,000
1		Auth Code Integration – payable upon completion of integration setup.	\$5,000
2	February 1, 2023	Annual Maintenance Fee for Year 2	\$26,760
3	February 1, 2024	Annual Maintenance Fee for Year 3	\$28,366
4	February 1, 2025	Annual Maintenance Fee for Year 4	\$30,068
5	February 1, 2026	Annual Maintenance Fee for Year 5	\$31,872

Funding Source for Contract: The contract will be funded by Education and General funds.

Contractor Selection Process: The vendor was selected via the University’s standard Request for Proposal (RFP) process. The Telecom Management and Billing RFP was published July 22nd and opened August 10th. The RFP review committee reviewed and scored the two proposals received following the process documented in the RFP. Based on the committee’s evaluation and scoring of the vendors, the lowest cost and overall best proposal was from Professional Computing Resources, Inc. The ITS approved and issued a CP1 on 10/22/2021 in the amount of \$377,096.00 under CP-1 20220159.

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 for compliance with applicable law and finds same to be acceptable. 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 easements or non-oil, non-gas and non-mineral leases in an amount greater than \$100,000. The Commissioner is authorized to approve leases (other than oil, gas and mineral leases) or easements in amounts equal to or less than \$100,000. The Commissioner may further delegate the Commissioner's approval authority regarding easements and leases to the applicable IEO or his/her designee(s) provided that the requirements of Policy 707.01 D. are met. Board approval is required for timber sales in an amount greater than \$500,000. For timber sales of an amount \$500,000 or less, the Chair of the Real Estate Committee is authorized to approve sales on behalf of the Board upon satisfactory legal review and recommendation from the Commissioner. Board approval prior to the execution of the contract is required for all other land contracts requiring an aggregate total expenditure of more than \$250,000. Requests 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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Board Policy §919, Pre-requisites for Building Modification or Demolition

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

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. USM – GS 108-301 – REED GREEN COLISEUM RENOVATION

Project Request: The University of Southern Mississippi requests approval to initiate a project, Reed Green Coliseum Renovation and to appoint Weir Boerner Allin Architecture, PLLC as the design professional.

Proposed Project Professional: Weir Boerner Allin Architecture, PLLC

Selection Method: The project budget is anticipated to exceed \$3M therefore it is required that the university use the RFQ method for the selection of the design professional.

Purpose: The University of Southern Mississippi is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to begin the pre-planning phase of the project.

Project Scope: The scope of the project will include the design of renovations to upgrade Reed Green Coliseum. Pre-Planning will include code upgrades to current standards, updated bathroom facilities, along with new mechanical and electrical infrastructure and enhanced performance lighting.

History: Reed Green Coliseum was built in 1964 to serve as a multipurpose building and an athletic venue. Currently, the athletic department is the main tenant of the building. Men's and Women's basketball have their offices in the building.

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

Project Initiation Date: January 20, 2022

Date of Original Construction:

Date of Last Renovation:

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 9,750,000.00
Architectural and Engineering Fees:	900,000.00
Misc. Project Costs:	3,000,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>1,350,000.00</u>
Total Project Budget	\$ 15,000,000.00

Proposed Funding Source(s): Athletic Funds; Private Funds; & SB 3069 – 72-19-04 - Hattiesburg Tourism Tax. The amounts from each funding source are still being determined by USM. As the University works through the design process of the project, the exact amounts from each funding source will be more easily determined.

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

IHL PROJECTS

2. UM – IHL 207-474 – SOUTH OXFORD CENTER – 2ND FLOOR COSTUME AND CRAFT SUITE

Project Request: The University of Mississippi requests approval to initiate a project, South Oxford Center – 2nd Floor Costume and Craft Suite, and to appoint McCarty Architects, P.A. as the design professional.

Proposed Project Professional: McCarty Architects, P.A.

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

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

Project Scope: This project will renovate 8,900 square feet of the 2nd Floor of the South Oxford Center, formerly the Baptist Hospital Heart Center, to provide a new expanded costume shop, craft shop, classroom, and support areas (offices, laundry, storage, etc.) for the Theatre Department. Once the spaces are adequately modified, the existing costume and craft shops will be relocated to the SOC from the main campus.

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

Project Initiation Date: January 20, 2022

Date of Original Construction: 1955

Date of Last Renovation: 2019

Proposed Project Budget:

		<u>Estimated</u>
Construction Cost:	\$	825,000.00
Architectural and Engineering Fees:		72,350.00
Misc. Project Costs:		47,940.00
Furniture & Equipment Costs:		125,000.00
Contingency:		<u>108,500.00</u>
Total Project Budget	\$	1,178,790.00

Proposed Funding Source(s): Internal R&R Funds (\$203,790); Provost/Department Donor Gift (\$975,000)

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

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

BUREAU OF BUILDING PROJECTS

3. ASU – GS 101-320 – CAMPUS-WIDE ADA IMPROVEMENTS

Project Request: Alcorn State University is requesting approval to increase the budget from \$4,120,000 to \$4,870,000 for an increase in the amount of \$750,000. In addition, ASU requests approval to add University Plant Funds as a funding source to the project to allow for the budget increase.

Current Project Phase: Design Phase

Design Professional: Canizaro Cawthon Davis

General Contractor: TBD

Purpose/Justification: This project budget increase is needed to fund some additional items in the project that were originally projected to be alternates.

Project Scope: The project scope includes ADA improvements across the entire campus to include but not limited to curb cuts, street crossings, sidewalk repairs, wayfinding and signage, elevator repairs, and other related improvements

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

Project Initiation Date: June 20, 2019

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Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 3,543,085.00	\$ 4,258,962.00	\$ 715,877.00
Architectural and Engineering Fees	\$ 261,293.00	\$ 334,074.00	\$ 72,781.00
Miscellaneous Project Costs	\$ 138,468.00	\$ 90,020.00	\$ (48,448.00)
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 177,154.00	\$ 186,944.00	\$ 9,790.00
Total Project Budget	\$ 4,120,000.00	\$ 4,870,000.00	\$ 750,000.00

Proposed Funding Source(s): SB 3065, Laws of 2019 (\$4,20,000) and ASU Plant Funds (\$750,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

4. UM – NAMING OF THE TRACK AND FIELD LOCKER ROOMS AS THE “JERRY HOLLINGSWORTH TRACK AND FIELD / CROSS COUNTRY FACILITY”

Project Request: The University of Mississippi requests permission to name the Track and Field Locker Rooms as the “Jerry Hollingsworth Track and Field / Cross Country Facility”.

Purpose: The University of Mississippi seeks approval to name the Track and Field Locker Rooms as the “Jerry Hollingsworth Track and Field/Cross Country Facility” in honor of a generous donation by Dr. Gerald M. Hollingsworth, a Mississippi native and University of Mississippi alumnus.

Dr. Gerald M. Hollingsworth Bio: Dr. Hollingsworth is a longstanding supporter of Ole Miss Athletics and The University of Mississippi. Previous gifts contributed to the Ole Miss Athletics Foundation Forward Together campaign and created the

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Gerald M. Hollingsworth, M.D., Athletic Scholarship Endowment, the Ida Jo Gallant Ole Miss Women's Council Scholarship Endowment, and the Billie Nell Jensen Ole Miss Women's Council Scholarship Endowment. For contributions to the collegiate athletic world, the Ole Miss chapter of the National Football Foundation and Hall of Fame honored the physician with the Amateur Football Award. He received the 2018 Legacy Award from the Ole Miss Women's Council for Philanthropy.

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

Staff Recommendation: Board staff recommends approval of this item.

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1. **MSU – APPROVAL TO ENTER INTO AN INTERLOCAL AGREEMENT WITH
THE CITY OF STARKVILLE, MISSISSIPPI AND OKTIBBEHA COUNTY,
MISSISSIPPI**

Mississippi State University requests approval to enter into an Interlocal Agreement with the City of Starkville, Mississippi and Oktibbeha County, Mississippi, which establishes a Joint Board to govern the operations of the Starkville Municipal Airport, George M. Bryan Field. Since 1986, the University has had only one member of the Joint Board which governs the airport. With this new Interlocal Agreement, a nine-person board will be formed with equal representation from the city, county and university. The cost of operating the airport will be shared as follows: 35% by the City of Starkville, 35% by Oktibbeha County, and 30% by Mississippi State University. The proposed term of the agreement is ten years effective upon approval by the Office of the Attorney General and IHL Board. This request has been approval by the Attorney General.

**GEORGE M. BRYAN FIELD
AIRPORT CONTRACT**

STATE OF MISSISSIPPI
COUNTY OF OKTIBBEHA

THIS AGREEMENT made and entered into this ____ day of _____, 2021, between the City of Starkville, Mississippi, a municipal corporation located within Oktibbeha County, Mississippi, acting by and through its Mayor under the authority of an order of its Board of Aldermen authorizing the same and enrolled upon its minutes, hereafter called the “CITY” and Oktibbeha County, Mississippi, by and through its President of the Board of Supervisors under the authority of an order of the Board of Supervisors spread upon its minutes and hereafter called the “COUNTY” and Mississippi State University acting by and through its President and hereafter called the “UNIVERSITY”, witnesseth:

A. PARTIES

1. The parties recite that the Starkville Municipal Airport, George M. Bryan Field, hereafter called “BRYAN FIELD” is a Federal Aviation approved airport owned and operated by the City of Starkville under the provisions of Miss. Code Ann. §61-5-1 *et seq.*, cited as the Municipal Airport Law.

2. The parties further recite that the airport is located within the local multi-industry standard industrial park and has been, and will be in the future, a material factor in the industrial, education and economic growth of the County and City and the University.

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3. The parties further recite that the acquisition of strategically placed additional land adjacent to BRYAN FIELD, certain improvements in the physical facilities, the provision of ten percent (10%) matching funds required for receipt of Federal Aviation Agency grants to acquire a portion of such additional land, and participation of the University, the County and City in the management and operation of Bryan Field, will serve the public interest, convenience and necessity of the county, the City, the University and its citizens.

4. The parties further recite that Mississippi State University has entered into this agreement under the provisions of Miss. Code Ann. §61-5-71 to provide additional funding for airport improvement and maintenance.

5. The parties stipulate further that Bryan Field is a public facility within the meaning of Miss. Code Ann. §17-13-7, that the parties are each public agencies and governing bodies within the meaning of Miss. Code Ann. §61-5-33, enjoying all the powers, privileges and authority conferred by the Municipal Airport Law upon such entities.

6. It is recognized that the parties entered into the original agreement as spread upon the minutes in Minute Book 30, Pages 121-123 of the governing body of the City of Starkville in April, 1986, attached as Exhibit "A," and as amended by the First Amendment to Airport Contract Interlocal Agreement dated December 7, 1992, attached as Exhibit "B."

B. TERM

The term of this agreement shall be for a period of ten (10) years beginning with the date of actual or constructive approval by the Attorney General of Mississippi in accordance with Miss. Code Ann. §17-13-11. This agreement will automatically extend and renew for successive one-year periods except that any party may terminate the same on any anniversary date by notice in writing delivered to the authorized representative of the governing bodies no less than 180 days prior to any effective anniversary.

C. OWNERSHIP

Presently existing property and facilities of Bryan Field will continue to be owned by the City. Property and facilities acquired during the effective life of this contract shall be owned by the parties, which shall be reconveyed to the City upon termination of this agreement by any party.

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D. ADMINISTRATION

1. During the life of this agreement, the cost of acquisition, establishment, construction, enlargement, improvements, maintenance, management and regulation of Bryan Field will be borne thirty-five (35%) by the City of Starkville, thirty-five (35%) by Oktibbeha County and thirty (30%) by Mississippi State University. Notwithstanding any other provisions of this agreement, however, the total expenditures to be made for any purpose in any year shall be determined by a budget approved by the University and the governing bodies of both the City and the County on or before the beginning of any contract year. No airport, air navigation facility, airport hazard, or real or personal property, the cost of which is in excess of sums fixed by the joint agreements or allotted in the annual budget, may be acquired without separate approval of the University and the governing bodies of the City and the County.

2. Eminent domain proceedings may be instituted by the authority of the City and County governing bodies. If so authorized, such proceedings shall be instituted in the names of the City and County jointly and the property so acquired shall be held by the public agencies as tenants in common.

3. Resolutions, rules, regulations, and orders of the joint board, as identified and described in Section E below, shall become effective only upon the approval of the University and the governing bodies of the City and County. Upon approval, such resolutions, rules, regulations, or orders of the joint board shall have the same effect as ordinances, resolutions, rules, regulations or orders of the University, the City and the County as the parties would have in their own territory or jurisdiction.

4. No indebtedness arising from the joint operation of Bryan Field shall be incurred except upon approval of the University and the governing authority of the City and County. It is stipulated by the City that no indebtedness exists against Bryan Field property or facility. It is understood however that the property and facilities of Bryan Field are held subject to certain covenants with the United States with which all parties to this agreement are familiar.

5. The City is hereby designated to receive, disburse and account for all funds of the joint undertaking and shall account to the County and the University annually or more often upon the specific request of the Board of Supervisors of Oktibbeha County or the University.

E. JOINT BOARD

1. Pursuant to Miss. Code Ann. §61-5-37, there is hereby created a joint board consisting of three (3) members serving as the City representatives, three (3)

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members serving as County representatives, and three (3) serving as University representatives. Members of the joint board will serve without compensation for such term as the University or the governing authority of the City and the governing authority of the County may designate for the respective appointees of each.

2. Upon required approval of this contract and appointment (or continuation of same) by the respective governing authorities, the joint board shall organize, select officers for terms designated by the joint board, not exceeding two (2) years, and adopt rules of procedure for its own operation. The joint board shall have power to plan, acquire, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect, and police Bryan Field or air navigation facilities or airport hazards to be jointly controlled and operated subject to the limitations imposed by Miss. Code Ann. §61-5-39, and subject to the further limitation that expenditures of funds shall be limited to those items budgeted, approved and allocated in accordance with approved line budget items. Further, all public works contracts, public purchases and employment will be made by and through the governing authorities of the respective parties in accordance with statutory requirements imposed upon the governing authorities of the parties.

F. STIPULATIONS

1. The parties stipulate that the acquisition of lands, enlargement, improvement, maintenance, equipping and operation of Bryan Field and other navigation facilities by the respective governing authorities, the joint board, and the members thereof, are public and government functions exercised for a public purpose, being matters of public necessity within the meaning of Miss. Code Ann. §61-5-47.

Approved by a vote of the majority of the Board of Aldermen of the City of Starkville and executed to be effective this date as specified above and entered upon the minutes of the governing authorities.

CITY OF STARKVILLE

D. LYNN SPRUILL, MAYOR

Approved by a vote of the majority of the Board of Supervisors of Oktibbeha County and executed to be effective this date as specified above and entered upon the minutes of the governing authorities.

OKTIBBEHA COUNTY

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JOE WILLIAMS, PRESIDENT
BOARD OF SUPERVISORS, 2021

Approved by the IHL Board of Trustees for and on behalf of Mississippi State University.

MISSISSIPPI STATE UNIVERSITY

DR. MARK KEENUM, PRESIDENT
MISSISSIPPI STATE UNIVERSITY

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

2. **UM – APPROVAL TO CONTRACT WITH BUTLER SNOW LLP AS OUTSIDE COUNSEL**

The University of Mississippi requests retroactive approval to enter into a contract with Butler Snow LLP to serve as Bond Counsel in connection with EBC Bonds. The EBC has previously issued its Series 2015A Bonds, Series 2015B Bonds, Series 2015C Bonds, Series 2015D Bonds and Series 2016A Bonds (together, the “Bonds”) and based on current market conditions desires to current and/or advance refund and refinance all or a portion of the Bonds (the “Refunding Project”). Specific attorneys will include Thad Varner and Michael Russ. The term of the agreement is one year and began on November 18, 2021, with the option to renew for one year if mutually agreed by all parties. The firm will be compensated on a fixed fee basis as follows: \$1.90 per \$1,000 for the first \$25,000,000 of bonds issued and \$1.15 per \$1,000 of bonds issued over and above \$25,000,000. This firm carries professional liability insurance coverage in the amount of \$50,000,000 per claim with an annual aggregate of \$100,000,000. This request has been approved by the Attorney General.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

3. **UM – APPROVAL TO CONTRACT WITH BUTLER SNOW LLP AS OUTSIDE COUNSEL**

The University of Mississippi requests retroactive approval to enter into a contract with Butler Snow LLP to serve as Bond Counsel in connection with EBC Bonds to be used as a source of financing for the STEM Building Project. Specific attorneys will include Thad Varner and Michael Russ. The term of the agreement is one year and began on June 17, 2021, with the option to renew for one year if mutually agreed by all parties. The firm will be compensated on a fixed fee basis as follows: \$1.90 per \$1,000 for the first

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\$25,000,000 of bonds issued and \$1.15 per \$1,000 of bonds issued over and above \$25,000,000. This firm carries professional liability insurance coverage in the amount of \$50,000,000 per claim with an annual aggregate of \$100,000,000. This request has been approved by the Attorney General.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

4. **UM – APPROVAL TO CONTRACT WITH SPEIGHTS LAW, LLC AS OUTSIDE COUNSEL**

The University of Mississippi requests approval to enter into a contract with Speights Law, LLC as outside counsel to perform services necessary in the review of contracts and other legal matters as assigned from time to time, as needed. The term of the contract is approximately six-months beginning January 21, 2022 through June 30, 2022. The hourly rate is \$95 with a maximum amount payable of \$50,000. This firm carries professional liability insurance coverage in the amount of \$1,000,000 per claim with an annual aggregate of \$1,000,000. This request has been approved by the Attorney General.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

5. **UM – APPROVAL TO AMEND CONTRACT WITH WISE CARTER, LLP AS OUTSIDE COUNSEL**

The University of Mississippi requests approval to amend an existing contract with Wise Carter, LLP as outside counsel to increase the maximum amount payable from \$25,000 to \$75,000 for FY 2022. The analysis and resolution of potential employment matters have required additional attorney work product and legal advice that was necessary and essential and that the parties could not have either known or reasonably anticipated when they first executed their legal services agreement for FY2022. The one-year term of the current contract began on July 1, 2021 with hourly rates ranging from \$300 to \$350 for attorneys and \$95 for paralegal services. All other provisions of this contract remain unchanged. 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 request has been approved by the Attorney General.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

6. **USM – APPROVAL TO AMEND CONTRACT WITH BUTLER SNOW LLP AS OUTSIDE COUNSEL**

The University of Southern Mississippi requests approval to amend an existing contract with Butler Snow LLP, as outside counsel to increase the maximum amount payable

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from \$100,000 to \$200,000. The necessity for an increase in authorized fees relates to pending legal matters, including intellectual property matters, as well as ongoing litigation. The one-year term of this contract began on July 1, 2021 with hourly rates of \$295 for attorneys and \$95 for paralegal services. All other provisions of this contract remain unchanged. This firm carries professional liability coverage in the amount of \$50 million per claim with an annual aggregate of \$100 million. This request has been approved by the Attorney General.

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

7. **UMMC – APPROVAL OF ANNA MOAK SPARKS AS LEGISLATIVE LIAISON**

The University of Mississippi Medical Center requests approval of Anna Moak Sparks as its legislative liaison.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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PERSONNEL
January 20, 2022

APPROVAL OF PERSONNEL ACTION REQUEST

1. Employment

Mississippi State University

Bimal Balakrishnan; *hired with tenure*; Associate Dean and Professor; Department of Architecture, Art and Design; salary \$150,000.00 per annum, pro rata; E&G Funds; 12-month contract; effective January 1, 2022

Michael J. Mulvaney; *hired with tenure*; Associate Professor; Department of Plant and Soil Sciences; salary \$142,500.00 per annum, pro rata; E&G and Restricted Funds; 12-month contract; effective November 1, 2021

Elisabeth Erin Pankl; *hired with tenure*; Dean and Professor of University Library; salary \$240,000.00 per annum, pro rata; E&G Funds; 12-month contract; effective January 1, 2022

2. Change of Status

Mississippi State University

Loren W. Burger, Jr; *from* Interim Dean of College of Forest Resources and Interim Director and Professor of Forest and Wildlife Research Center; salary \$235,592.00 per annum, pro rata; E & G Funds, Designated Funds and Restricted Funds; 12-month contract; *to* Dean of College of Forest Resources and Director and Professor of Forest and Wildlife Research Center; salary \$265,000.00 per annum, pro rata; E & G Funds; 12-month contract; effective November 16, 2021

Mississippi Valley State University

Dameon Shaw; *from* Interim Vice President for University Advancement; salary \$93,495 per annum, pro rata; E&G Funds; 12-month contract; *to* Vice President for University Advancement, External Relations and Information Security; salary \$110,000 per annum, pro rata; E&G Funds; 12-month contract; effective December 1, 2021

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1. **USM – REQUEST TO ADD NEW ACADEMIC DEGREE PROGRAM**

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 502, the University of Southern Mississippi requests to establish a new degree program.

Program Title: **Bachelor of Science in Business Administration (BSBA) in Human Resources Management**

Program Location: School of Management

CIP code: 52.1001

Total credit hours: 120

Effective date: August 2022

Incremental, five-year cost of implementation: \$0

Potential five-year, new revenue: \$3,116,592 (\$9,204 per student based on annual tuition)

Institution(s) offering similar program(s): DSU, MUW, and UM offer a Human Resources emphasis within a Management degree, but none offer a Human Resources Management degree.

Rationale: Human Resources Management is a current emphasis area of Management BSBA. This proposal would elevate the emphasis to a stand-alone program. The field of Human Resources Management is strong and growing. Becoming a HR manager is viewed as a practical and solid career choice. The Human Resources Management major at Southern Miss has an opportunity to be distinctive. First, the coursework is already aligned with the Society for Human Resource Management (SHRM). SHRM is the largest and most well-known professional association for human resources management. SHRM alignment is an important validity of the quality of the program. Second, this program will be offered as a face-to-face program as well as an online program. Third, the program will have a significant focus on students completing internships as well as project based "mini-internships."

Number of students expected to enroll in first five years: 338

Number of students expected to graduate in first five years: 134

National and state supply and demand: According to the Bureau of Labor Statistics, 5.6 million people currently work in the field of HR management. The need for HR professionals can be found in all industries, including banking, education, entertainment, food and hospitality, government, manufacturing, military, non-profits, retail, sports, and technology. The growth rate for HR managers is solid in Mississippi at 6.5% and nationally at 6%. At both the state and national levels, these are good, financially secure positions.

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Average wages: According to the Bureau of Labor Statistics, the 2019 median pay for human resources managers in Mississippi was \$84,989. The median pay for human resources managers nationally was even higher at \$116,720.

2. UMMC – REQUEST TO ADD NEW ACADEMIC UNIT

In accordance with Board Policy 502, the University Mississippi Medical Center requests to establish a new academic unit.

Unit Title: **Department of Integrated Patient Care (IPC)**

Unit Location: UMMC School of Dentistry

Effective date: April 2022

Five-year cost of implementation: \$0 (cost reallocated from existing departments)

Total number of new faculty/staff: The new department will use existing faculty and staff resources that will be reallocated from existing departments.

Degree programs to be offered within the proposed unit: DMD and BS (dental hygiene)

Reason for request: The current educational patient-care model is a specialty-driven model that is not-integrated. The new structure will provide care to benefit both students and patients in a seamless, coordinated, and timely manner. The mission for the School of Dentistry is to educate the next generation of health care providers (dentists and dental hygienists) to serve the citizens of Mississippi. The new department will improve accomplishing the educational mission by facilitating integrated comprehensive general dentistry and dental hygiene care for our patient.

3. SYSTEM – REQUEST TO ADD NEW INSTITUTES OR CENTERS

In accordance with Board policy 502 and the approved Academic Guidelines for establishing and modifying institutes and centers, the University of Mississippi and University of Southern Mississippi request approval for the creation of the following centers at their respective institutions.

A. UM – National Center for Cannabis Research and Education

Unit Location: Research Institute of Pharmaceutical Sciences, School of Pharmacy

Scope: Limited Scope and Outreach

Type: Type 1 (Academic, Teaching, or Research)

Effective Date: January 2022

Total number of current faculty/ Total number of new faculty: 8/4 (faculty/research scientists)

Total number of current staff/ Total number of new staff: 8/4 (business, administrative, regulatory)

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Six-year cost of implementation: \$14,400,000 (The University, School of Pharmacy, and the Research Institute of Pharmaceutical Sciences have adequate funding in place to support the start-up of the proposed Center. No additional General Funds are being requested at this time. Funding will come from state or federal grants and contracts, pharmaceutical industry research agreements, and other support generated through federal, state, and private fundraising endeavors. UM will request additional funds from the state through the Research Institute of Pharmaceutical Sciences to help expand medical cannabis services and research.)

Purpose: As the state of Mississippi will likely approve a National Medical Cannabis Act and create a National Medical Cannabis Program in the next few months, it is important that the University of Mississippi School of Pharmacy (UMSOP) prioritize resources toward helping the state ensure patient and public safety as the program is implemented. UMSOP is home to the Research Institute of Pharmaceutical Sciences (RIPS), which was established to discover and disseminate knowledge of natural drug products, develop and commercialize new products, and improve public health.

There are currently four centers within RIPS: the National Center for Natural Products Research (NCNPR), the Pii Center for Pharmaceutical Technology, the Center for Pharmaceutical Marketing and Management (CPMM), and the Center for Clinical and Translational Science (CCTS). Within these Centers and in the SOP, there are expert faculty and research scientists in cannabis, dietary supplements, natural products, clinical pharmacy, drug delivery, and pharmaceutical outcomes and policy, who are nationally and internationally recognized as scholars, educators, and leaders. For more than 50 years, the UMSOP (RIPS/NCNPR) has been the sole contractor for the federal government's National Institute on Drug Abuse (NIDA) Drug Supply Program, to provide cannabis and cannabis-derived products for research.

With decades of experience in both cannabis research and health education, UM is uniquely positioned to advance the science of medical cannabis and serve the state as a medical cannabis program is created. The UMSOP and the RIPS can offer the professional leadership and comprehensive capabilities related to medical cannabis to the state and other stakeholders. The establishment of this Center will create the proper infrastructure to house cannabis research and education initiatives and ensure that the proper visibility would be cast on the important and cutting-edge work being done in this area. The vision is to be the leading source of expertise on medical cannabis in the nation, with a mission to provide support services and resources to help patients use medical cannabis safely and effectively and to conduct multidisciplinary research to advance the scientific knowledge of medical cannabis and its application to improve patient outcomes.

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B. USM – Center for Ethics and Health Humanities (CEHH)

Unit Location: College of Arts and Sciences

Scope: Limited Scope and Outreach

Type: Type 2 (Student, Faculty, or Community Service)

Effective Date: August 2022

Total number of faculty/total number of new faculty: 3/0

Faculty will affiliate based on projects developed in conjunction with the Center.

Total number of staff/total number of new staff: 0/0.5

One part-time graduate student will be hired to assist for the first two years. Beyond that, staff costs will be borne by grant-funded projects from affiliated faculty.

Five-year cost of implementation: \$18,000

Otherwise, the Center will be funded with external funding (grants) developed by affiliated faculty. The State will incur no additional costs.

Purpose: Ethics Centers in general and Centers for Bioethics and Medical/Health Humanities, in particular, are common at top R1 institutions, given their proven value in augmenting core institutional functions. In addition, issues of ethics and health are of central importance to many domains of research and scholarship at The University of Southern Mississippi. Many existing programs at USM emphasize health and addressing health disparities across the state of Mississippi. Having a Center dedicated to issues of ethics in health and health care thus fits our institutional identity and mission, and it epitomizes Vision 2020's goal of multi-disciplinarity and collaboration.

The proposed Center would offer exciting new opportunities for students and health researchers, and it would encourage innovative new partnerships between Hattiesburg's well-respected medical providers and the University. The main focus of the Center will be the development of educational initiatives related to health humanities, a cutting-edge discipline that focuses on the impact of the humanities and the social sciences to health and health care. The Center would thus leverage current strengths in the Humanities and Health Care Ethics to existing programs in nursing, pre-medicine, public health, and health professions.

Since the humanities and social science have great relevance to health and health practitioners, the CEHH will improve the competitiveness of our undergraduate and graduate student populations aspiring to attend professional or graduate schools. Additionally, the Center will provide vital support to three newly approved minors (Disability Studies, Health and Medical Humanities, Social Science and Medicine), all housed in Interdisciplinary Studies and Professional Development (ISDP) in conjunction with the School of Humanities and the School of Social Science and Global Studies.

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The Center will sponsor workshops, interactive sessions, and continuing education opportunities for students from across the University and local health care providers to work on active, funded projects with faculty. These initiatives will both increase opportunities for undergraduate and graduate students to participate in research and will broaden research opportunities available to faculty.

STAFF RECOMMENDATION: Board staff recommends approval of these items.

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1. UM– REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH JOHN WILEY & SONS, INC.

Agenda Item Request: The University of Mississippi Libraries request approval to enter into a contract with **John Wiley & Sons, Inc.** Pursuant to Board Policy 707.03, *Approval of Prepayment for Goods and Services*, UM also requests a waiver to allow prepayment of the annual payment each year.

Contractor’s Legal Name: **John Wiley & Sons, Inc.**

History of Contract: The University of Mississippi Libraries entered into a single year pricing agreement with John Wiley & Sons for a list of selected titles on January 17, 2019, and renewed that agreement for two (2) more years on Nov. 23, 2019. This current agreement continues the same terms as the previous agreements with a slightly modified list of journal titles. The previous agreements were approved by the IHL Board of Trustees.

Specific Type of Contract: The contract will be a site license for specified electronic journals from a single publisher.

Purpose: The purpose of this contract is to secure perpetual access to electronic journal content for an unlimited number of authorized users, to set the price of those journals, and to purchase a specified number of tokens for access to unsubscribed journal articles.

Scope of Work: This contract is for informational content.

Term of Contract: This contract will be in place from January 1, 2022 to December 31, 2024.

Termination Options: This contract may be terminated for breach of the terms of use with 30 days’ notice or if the funding of the Library is significantly reduced.

Contract Amount: This contract includes a list of Core titles, two subject area packages of journals (AnthroSource and Cochrane Library), and up to 2,000 tokens providing article-level access to unsubscribed content. These totals may vary some due to changes in the Core title list and in the number of tokens required in each year. Prepayment will be made for this content before the start of each subscription year.

2022 = \$307,746.98

2023 = \$307,881.72

2024 = \$308,019.15

Total = \$923,647.85

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Funding Source for Contract: Cost for this contract will be funded by the Library's materials budget which is derived from state appropriation and from specified endowments.

Contractor Selection Process: The vendor for this contract is the publisher of the specified journals. These individual titles were selected by subject specialist librarians and have been standing subscriptions to support the University's curriculum and research needs. These titles are only published by this vendor.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

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

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a Structural Intervention Congenital Heart Disease Products Purchase Agreement with **Abbott Laboratories, Inc. (Abbott)** to purchase structural intervention heart products used in pediatric and adult cardiac catheterization laboratories. The structural intervention heart products, or occluders, are used to fix a hole in a patient's heart without open heart surgery. Some of the defects that may be corrected by these devices are Atrial Septal Defects, Patent Ductus Arteriosus, Ventricular Septal Defects, and Patent Foramen Ovale. In addition, UMMC requests the ability to add and/or remove products from the agreement, to update pricing as needed, and amend the rebate requirements as long as it does not increase the approved expenditure level.

Contractor's Legal Name: **Abbott Laboratories, Inc.**

History of Contract: On January 16, 2020, the Board approved a two (2) year purchase agreement with Abbott for the purchase of structural intervention heart products. The agreement expired on January 16, 2022. UMMC has prepared for the eight (8) day gap between the existing agreement and the proposed agreement by purchasing additional products under the existing agreement for that time period.

Specific Type of Contract: This is a new Structural Intervention Congenital Heart Disease Products Purchase Agreement.

Purpose: The purpose of the agreement is to purchase structural intervention heart products used in pediatric and adult cardiac catheterization laboratories. The structural intervention heart products, or occluders, are used to fix a hole in a patient's heart without open heart surgery. Some of the defects that may be corrected by these

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devices are Atrial Septal Defects, Patent Ductus Arteriosus, Ventricular Septal Defects, and Patent Foramen Ovale.

Scope of Work: Under this agreement, UMMC will purchase structural intervention heart products. UMMC will receive a rebate on eligible products upon meeting a ninety percent (90%) market share quarterly commitment and a \$63,000 spend per quarter commitment on the eligible products.

Term of Contract: The term of this agreement is three (3) years and seven (7) days, from January 24, 2022, through January 31, 2024.

Termination Options: Termination options include the following:

- by either party upon ninety (90) days' written notice to the other party;
- by either party for a material breach by either party under the agreement upon thirty (30) days' notice provided the breach is not cured within such period;
- by UMMC, if the product is continuously unavailable for a period of thirty (30) days due to discontinuance or shortage of a product; and
- by UMMC, if the product is continuously unavailable for a period of thirty (30) days due to a force majeure event.

Contract Amount: The total estimated cost over the three (3) year term is \$2,550,000. This amount includes an annual fifteen percent (15%) increase for potential patient volume growth.

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

Contractor Selection Process: The structural intervention heart products 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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.

3. UMMC–REQUEST FOR APPROVAL TO ADD FUNDS TO A PRODUCT SALE AGREEMENT WITH AIRGAS USA, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval for additional funding for its current Product Sale Agreement with **Airgas USA**,

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LLC (Airgas). The agreement is for the purchase of cylinder medical gas and rental of the cylinders used to house the medical gas. Medical gases are consumed by adult and pediatric patients in inpatient and outpatient care areas at UMMC facilities in Jackson, Grenada, and Lexington.

Contractor's Legal Name: Airgas USA, LLC

History of Contract: On November 16, 2017, the Board approved a five (5) year agreement with Airgas for cylinder medical gas. Additional funds are requested for this agreement due to increased demand for medical gas because of heightened patient acuity, increased patient volume, and COVID-19 treatment and readiness. In response to the COVID-19 pandemic, UMMC operated/housed two (2) temporary field hospitals and expanded patient care areas. Additionally, during the term of the agreement, UMMC opened one (1) new Intensive Care Unit floor and two (2) new medical surgical general floor units.

Specific Type of Contract: This is a request to add funds to the Product Sale Agreement.

Purpose: The purpose of the request is to add funds to the agreement. The purpose of the agreement is to provide cylinder medical gases for patient consumption in all adult and pediatric inpatient and outpatient care areas at UMMC facilities in Jackson, Grenada, and Lexington.

Scope of Work: Under the agreement, Airgas will:

- provide industrial, specialty, and/or medical gases to all UMMC locations;
- deliver cylinder medical gases during normal business hours or after hours as needed; and
- maintain records of cylinder deliveries and returns.

Term of Contract: The term of the agreement remains unchanged at five (5) years, from December 1, 2017, through November 30, 2022.

Termination Options: The termination options under the agreement are:

- by either party upon not less than three (3) months' prior written notice prior to the end of the term;
- in the event of a reduction in funds;
- in the event Airgas fails to comply with the federal E-Verify Program;
- upon a material breach of the Agreement between Airgas and Vizient that is not cured within 30 days;
- by Airgas or Vizient, immediately, if the other breaches its representations and warranties regarding compliance with all applicable laws, that it is not excluded from participating in any federal healthcare program, or that it is not

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debarred, suspended, declared ineligible, or voluntarily excluded by any federal department or agency;

- by Vizient in the event Airgas becomes bankrupt or insolvent; and
- by Airgas in the event UMMC becomes bankrupt or insolvent.

Contract Amount: The new estimated total cost over the five (5) year term is \$1,050,000. The original estimated cost was \$826,018.02. UMMC anticipates the need for an additional \$198,981.98 for the remainder of the term.

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

Contractor Selection Process: UMMC is currently contracted with Airgas.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

4. UMMC–REQUEST FOR APPROVAL TO AMEND A SALES AND SUPPORT AGREEMENT WITH MEDTRONIC USA, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its Sales and Support Proposal, including Quotation Number: 155335-0001107577-3-9 (Agreement) with **Medtronic USA, Inc. (Medtronic)** to revise the number of StealthStation ENT Software licenses included in the agreement. The agreement is for the purchase of four (4) StealthStation surgical navigation systems for neurosurgery and otolaryngology (ENT) procedures.

Contractor’s Legal Name: Medtronic USA, Inc.

History of Contract: On May 20, 2021, the Board approved the current Agreement between UMMC and Medtronic for the purchase of four (4) StealthStation surgical navigation system for neurosurgery (Neuro) and otolaryngology (ENT) procedures. Upon installation of the systems, it was discovered that the systems did not include the software necessary to allow the ENT and Neuro systems to communicate properly together. As the license needed for this functionality was not included in the original quote, an amendment is needed to add the applicable license at no additional cost to UMMC.

Specific Type of Contract: This is the first amendment to the Agreement.

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Purpose: The purpose of the amendment is to include an additional software license for the StealthStation S8 to allow the ENT and Neuro components of the system the ability to communicate with each other. The purpose of the agreement is to purchase two (2) StealthStation S8 and two (2) StealthStation ENT surgical navigation systems, including software, hardware, instrumentation, tracking algorithms, image data resections, accessories, and two (2) year warranty for each. The StealthStation S8 navigation system is used in cranial, deep brain stimulation, and other neurological procedures. The Stealthstation ENT navigation system is used head and neck surgeries, such as sinus surgeries and complex skull procedures. These surgical navigation systems provide minimally invasive approaches, improve imaging and visualization, and reduce sedation time in complex neurosurgery and ENT procedures for pediatric and adult patients.

Scope of Work: Under the amended agreement, Medtronic will continue to provide software, hardware, instrumentation, tracking algorithms, image data resections, accessories, and two (2) year warranty for each of the four (4) purchased StealthStation surgical navigation systems. Upon request, Medtronic will also provide on-site surgical support.

Term of Contract: The term of the agreement remains unchanged, approximately two (2) years, from June 11, 2021, through approximately July 18, 2023.

Termination Options: Termination options include the following:

- by UMMC for any reason or no reason, with thirty (30) days' prior written notice to Medtronic;
- by either party, immediately upon prior written notice to the other party, if the other party:
 - makes an assignment for the benefit of creditors, or a receiver, trustee in bankruptcy or similar officer is appointed to take charge of all or any part of the other party's property or business;
 - is adjudicated bankrupt;
 - neglects or fails to perform or observe any of its obligations under the agreement and does not cure such neglect or failure within thirty (30) days after receipt of written notice from the party alleging such non-compliance;
- by Medtronic immediately upon prior notice to UMMC if UMMC misuses licensed material and/or uses the licensed material in violation of any license provided under this agreement; and
- UMMC may terminate the software license at any time by destroying the licensed materials and all copies.

Contract Amount: The total cost of the amended agreement is unchanged and remains \$1,283,060.60. The additional license for the equipment is provided at no additional cost to UMMC.

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Contractor Selection Process: UMMC is currently contracted with Medtronic.

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 for compliance with applicable law and finds same to be acceptable. Board staff recommends approval of this item.*

5. MUW – REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH BUSINESS COMMUNICATIONS, INC.

Agenda Item Request: The Mississippi University for Women requests approval for a purchase agreement with **Business Communications, Inc.** to purchase networking switch hardware.

Contractor's Legal Name: Business Communications Inc.

History of Contract: This is a new agreement for the purchase of networking switch hardware.

Specific Type of Contract: This is a Purchase Agreement for equipment.

Purpose: To replace end of life network switch hardware that is 7-8 years old. Cisco networking switch hardware will be replaced in 41 buildings on campus. The Cisco network switch hardware supports the entire campus Internet/network backbone including but not replacing, WiFi and the VoIP phone system. The specific hardware is Cisco Catalyst 9200, Cisco Catalyst 9200, Cisco Nexus 9300, Cisco 9500, and Cisco 9400 Series.

Scope of Work: Purchase of Hardware/Equipment

Term of Contract: Licenses for the equipment are for a term of 5 years

Termination Options: The agreement may be terminated with 30 days notice

Contract Amount: \$804,129.05

Funding Source for Contract: CRRSAA: Higher Education Emergency Relief Fund (HEERF II)

Contractor Selection Process: Competitive Bid advertised on December 16, 2021 through January 11, 2022. Three bids were obtained and the lowest bid was selected. Due to published Cisco price increase, Bid expires 1/26/22.

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

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1. **USM – INTENT TO OFFER EXISTING DEGREE PROGRAM BY DISTANCE LEARNING**

In accordance with Board policy 509, the intent to offer already approved degree programs by distance learning is presented to the Board for information.

Program Title: **Bachelor of Science in Business Administration (BSBA) in Marketing**

Program Location: School of Marketing, College of Business and Economic Development

Total credit hours: 120

CIP Code, Sequence: 52.1401, 5538

Cost to offer by distance learning: \$0 cost to State (Cost will be offset by the University's online course fee)

Effective date: August 2022

2. **USM – INTENT TO OFFER CERTIFICATE PROGRAMS**

A. Program title: **Diversity, Equity, and Inclusion Certificate**

Responsible academic unit: School of Social Science and Global Studies

Level: pre-baccalaureate (less than 1 year)

Total credit hours: 12

CIP code: 45.1101

Effective date: January 2022

Rationale: The purpose of this certificate program is to provide students and existing professionals the skills necessary to be leaders on issues of diversity, equity, and inclusion within their chosen career field. The certificate curriculum will achieve this goal through a series of courses focusing on broadening cultural awareness and appreciation of human diversity, providing a rigorous social science foundation, and developing research and analytical skills needed to identify and address systemic inequalities and multicultural and social justice issues.

B. Program title: **Personal Finance Certificate**

Responsible academic unit: School of Finance, College of Business and Economic Development

Level: pre-baccalaureate (less than 1 year)

Total credit hours: 12

CIP code: 52.0801

Effective date: January 2022

Rationale: A strong understanding of finance is important regardless of career path to manage both business and personal finances. The Personal Finance certificate focuses on the skills most important to establishing a lifetime of financial wellness. The courses focus on financial decisions most relevant to individual small business owners and are not intended to take the place of a finance degree for professional financial management careers.

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C. Program title: **STEM Education Certificate**

Responsible academic unit: Center for Science and Mathematics Education (proposed name change to Center for STEM Education)

Level: post-baccalaureate

Total credit hours: 15

CIP code: 13.1213

Effective date: January 2022

Rationale: A five course certificate that will support interdisciplinary STEM teaching, learning, and curriculum development. Students will explore computer science, mathematics concepts, engineering and the engineering-design process, making- and makerspace-based learning, and ways to weave and connect the individual STEM content areas in meaningful ways.

STAFF RECOMMENDATION: Board staff recommends these items be accepted as information.

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1. UMMC – AMENDED MS DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES AGREEMENT WITH HEALTHSTREAM, INC.

Agenda Item Request: The Mississippi Department of Information Technology Services (ITS), as contracting agent for UMMC, entered into Amendment #3 to the Master Services Agreement with **HealthStream, Inc. (HealthStream)** to replace the American Red Cross Resuscitation Suite with the nThrive Education Revenue Cycle Enterprise content.

Contractor's Legal Name: HealthStream, Inc.

Specific Type of Contract: This is Amendment #3 to the Master Services Agreement.

Purpose: The purpose of Amendment #3 is to replace the American Red Cross Resuscitation Suite with the nThrive Education Revenue Cycle Enterprise content.

Term of Contract: Amendment #3 does not amend the term of the agreement. The total term of the Master Services Agreement remains six (6) years, from February 8, 2017 through December 31, 2023.

Contract Amount: The total cost of the amended agreement remains \$1,429,596.36. The nThrive Education Revenue Cycle Enterprise content is the same cost as the replaced American Red Cross Resuscitation Suite.

2. UMMC – AMENDED MS DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES AGREEMENT WITH OPTUMINSIGHT, INC.

Agenda Item: The Mississippi Department of Information Technology Services (ITS), as contracting agent for UMMC, entered into Amendment #15 to the Master Services and License Agreement with **OptumInsight, Inc. (Optum)**. Amendment #15 will increase the total number of licensed users for the RevenueCyclePro product. Amendment #15 also extends the term of the current RevenueCyclePro licenses through September 30, 2022. The Master Services and License Agreement provides claims scrubbing and claims clearinghouse services, including the RevenueCyclePro product.

Contractor's Legal Name: OptumInsight, Inc.

Specific Type of Contract: This is Amendment #15 to the Master Services and License Agreement.

Purpose: The purpose of Amendment #15 is to increase the total number of licensed users for the RevenueCyclePro product from sixty-one (61) users to one hundred and one (101) users. Amendment #15 also will extend the term of the current users through

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September 30, 2022. The Master Services and License Agreement provides claims scrubbing and claims clearinghouse services, including the RevenueCyclePro product.

Term of Contract: Amendment #15 extends the current RevenueCyclePro licenses one (1) year, through September 30, 2022. The total term of the amended Master Services and License Agreement is nine (9) years and five (5) months, from May 31, 2012, through October 31, 2022.

Contract Amount: The cost of Amendment #15 is \$48,500.00. The total cost of the amended Master Services and License Agreement is \$4,185,349.08.

3. UMMC – AMENDED MS DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES AGREEMENT WITH PREMIER HEALTHCARE SOLUTIONS, INC.

Agenda Item: The Mississippi Department of Information Technology Services (ITS), as contracting agent for UMMC, entered into Amendment Three (3) to the Performance Suite Solutions Subscription Agreement. Amendment Three (3) provides the PremierConnect Single Sign-On (SSO) solution to UMMC, which allows UMMC users to use their current UMMC log-in and password to access the Premier application. This will alleviate the need for separate log-ins and passwords for only the Premier application.

Contractor's Legal Name: Premier Healthcare Solutions, Inc.

Specific Type of Contract: This is Amendment Three (3) to the Performance Suite Solutions Subscription Agreement.

Purpose: The purpose of Amendment Three (3) is to provide the PremierConnect Single Sign-On (SSO) solution. The solution is a cloud based service where an individual account can be accessed with their network password. The SSO will allow UMMC users to use their current UMMC log-in and password to access the Premier applications. This will alleviate the need for separate log-ins and passwords for only the Premier application.

Term of Contract: Amendment Three (3) does not change the term of the agreement. The term of the amended Performance Suite Solutions Subscription Agreement remains six (6) years, from November 1, 2017, through June 30, 2022.

Contract Amount: There is no cost associated with Amendment Three (3). The total overall cost of the Performance Suite Solutions Subscription Agreement remains \$1,168,096.00.

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4. UM – AMENDED MS DEPARTMENT OF INFORMATION TECHNOLOGY SERVICES AGREEMENT WITH BLACKBOARD, INC.

Agenda Item Request: The Mississippi Department of Information Technology Services (ITS), as contracting agent for UMMC, entered into Amendment #2 to the Master License and Application Service Provider Agreement with **Blackboard, Inc.** to provide additional ASP services.

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

Specific Type of Contract: This is Amendment #2 to the Master License and Application Service Provider Agreement.

Purpose: The purpose of Amendment #2 is to provide additional ASP services.

Term of Contract: Amendment #2 does not amend the term of the agreement. The original agreement was entered into on September 25, 2015 and amended on December 19, 2019. The agreement will continue through December 11, 2024.

Contract Amount: The total cost of the amended agreement is \$811,006.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
NOVEMBER 18, 2021 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 – NEW FACULTY AND STAFF HOUSING

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the amount of \$16,344.00 and ten (10) additional days to the contract of Ergon Construction Group, Inc.

Approval Status & Date: APPROVED, November 18, 2020

Change Order Description: Change Order #5 includes the following items: installed four (4) total security cameras, two (2) at the north gate and two (2) at the south gate. One (1) for driver face and one (1) for car tag documentation to include programming of the new cameras into the CCTV server in the security office and a three (3) year manufacturer's warranty on the cameras and a one (1) year warranty on the installation; and ten (10) days to the contract.

Change Order Justification: These changes were necessary 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 amount of \$677,011.80.

Project Initiation Date: April 20, 2017

Design Professional: Architecture South, P.A.

General Contractor: Ergon Construction Group, Inc.

Total Project Budget: \$10,400,000.00

DELTA STATE UNIVERSITY

2. DSU- GS 102-271- NURSING SCHOOL EXPANSION AND RENOVATION

NOTE: This is a Bureau of Building project

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real

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Estate and Facilities Committee on December 9, 2021 to approve the budget increase on the Nursing School Expansion and Renovation project from \$125,000.00 to \$11,875,000.00, for an increase of \$11,750,000.00 and added funding sources HB 1730 Laws of 2020 (\$950,000.00); SB 2971, Laws of 2021 (\$10,800,000.00).

Interim Approval Status & Date: APPROVED, December 9, 2020

Approval Request #2: Contract Documents

Board staff approved Contract Documents as submitted by Eley Guild Hardy Architects

Approval Status & Date: APPROVED, December 9, 2021

Approval Request #3: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, December 9, 2021

Approval Request #4 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on December 20, 2021 to approve the budget increase on the Nursing School Expansion and Renovation project from \$11,875,000.00 to \$12,310,000.00, for an increase of \$435,000.00. Additional funds for this budget increase will be provided by private donations.

Interim Approval Status & Date: APPROVED, December 20, 2021

Project Initiation Date: February 18, 2021

Design Professional: Eley Guild Hardy Architects

General Contractor: TBD

Total Project Budget: \$12,310,000.00

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MISSISSIPPI STATE UNIVERSITY

3. MSU– GS 105-355 – ENGINEERING & SCIENCE COMPLEX

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #10

Board staff approved Change Order #10 in the amount of \$5,285.44 and fifty (50) additional days to the contract of West Brothers Construction, Inc.

Approval Status & Date: APPROVED, December 1, 2021

Change Order Description: Change Order #10 includes the following items: installed a quazite pull box north of the material storage building for protection and future access to electrical conduits; installed a door access control rough-ins inside of the material storage building; and fifty (50) days to the contract.

Change Order Justification: These changes were necessary due to user/owner requested modifications and loss of time due to adverse weather conditions.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$1,527,540.53.

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

4. MSU- IHL 205-283– ADDITION AND RENOVATION OF HUMPHREY COLISEUM

Approval Request #1: Contract Documents

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

Approval Status & Date: APPROVED, December 21, 2021

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

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Approval Status & Date: APPROVED, December 21, 2021

Project Initiation Date: June 16, 2018

Design Professional: Dale partners Architects, P.A.

General Contractor: TBD

Total Project Budget: \$80,000,000.00

5. MSU- IHL 205-291– TRANSIT FACILITY

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$168,425.07 and zero (0) additional days to the contract of J.T. Harrison Construction Co., Inc.

Approval Status & Date: APPROVED, November 23, 2021

Change Order Description: Change Order #1 includes the following items: removed the soap dispenser, paper towel dispensers and warm air dryers from the scope of work; credit issued to remove two (2) evacuation maps from the scope; deleted the banner arms from the fixture type 9 poles; added an annunciator panel in the fire riser room; relocated the fuel controls; and added a new concrete paving area.

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

Approval Request #2: Change Order #2

Board staff approved Change Order #2 in the amount of \$90,634.95 and zero (0) additional days to the contract of J.T. Harrison Construction Co., Inc.

Approval Status & Date: APPROVED, December 1, 2021

Change Order Description: Change Order #2 includes the following items: added audio/visual equipment.

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

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Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$259,060.02.

Project Initiation Date: April 18, 2019

Design Professional: Shafer-Zahner-Zahner

General Contractor: J. T. Harrison Construction Co., Inc.

Total Project Budget: \$4,950,000.00

6. MSU- IHL 205-306– IED PARKING LOT IMPROVEMENTS

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$9,106.35 and three (3) additional days to the contract of Burns Dirt Construction, Inc.

Approval Status & Date: APPROVED, November 17, 2021

Change Order Description: Change Order #2 includes the following items: removed deleterious material and backfill and replaced with suitable material prior to placing subbase and paving; old water line was demolished and replaced; a precast concrete inlet was designed and placed at H2 that was big enough to support the additional storm drainage pipes; the prefabricated inlet H2 was slightly modified and placed in the location of the existing inlet H1; an existing steam line was removed; credit issued for electric box drain pipe material substitution; credit issued for electric box/fiber work that was not done between IED and Herbert Hall as the existing electrical lines were of adequate depth and did not require that work; installed two (2) valves were installed to separate the irrigation zone between Herbert Hall and IED; and three (3) days to the contract.

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

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$10,911.20.

Project Initiation Date: June 18, 2020

Design Professional: Pickering Firm, Inc.

General Contractor: Burns Dirt Construction, Inc.

Total Project Budget: \$2,000,000.00

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7. MSU- IHL 205-308 – CVM FACILITY EXPANSION

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$15,548.70 and zero (0) additional days to the contract of The ArCon Group, LLC.

Approval Status & Date: APPROVED, November 17, 2020

Change Order Description: Change Order #1 includes the following items: modifications made to the door hardware, door changes for the CT equipment and elevator waterproofing.

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

Total Project Change Orders and Amount: One (1) change order for a total amount of \$15,548.70.

Project Initiation Date: April 16, 2020

Design Professional: Machado Patano, PLLC

General Contractor: The ArCon Group, LLC

Total Project Budget: \$5,600,000.00

8. MSU- IHL 205-317 – IED CNC LAB RENOVATION

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$45,036.93 and twenty-eight (28) additional days to the contract of Ethos Contracting Group, LLC.

Approval Status & Date: APPROVED, November 22, 2021

Change Order Description: Change Order #1 includes the following items: removed two (2) full piers; demolished additional closets; door size changes for the CNC lab equipment accommodations; revisions to the arches and trim detail; wall framing performed at the tip of the perimeter wall; removed wallpaper and sanded eight (8) wood columns; repaired holes in the ceiling; trimmed around the electrical enclosures; grinding of concrete pier protrusions; changed 1" metal hat channel to 7/8" metal hat channel; added a main breaker to a panel; removed gas, air and sanitary sewer piping; furring

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around a fire riser; replaced a damaged floor; mitigated termite damage; and twenty-eight (28) days to the contract..

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

Total Project Change Orders and Amount: One (1) change order for a total amount of \$45,036.93.

Project Initiation Date: July 18, 2021

Design Professional: Beard + Riser Architects, PLLC

General Contractor: Ethos Contracting Group, LLC

Total Project Budget: \$1,400,000.00

9. MSU- IHL 205-321- SUMMER 2022 PAVING

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on December 9, 2021 to approve the initiation, budget increase and design professional for the Summer 2022 paving project. The budget increased from \$990,000.00 to \$1,200,000.00, for an increase of \$870,000.00 .

Interim Approval Status & Date: APPROVED, December 9, 2020

Project Initiation Date: December 9, 2021

Design Professional: Neel-Schaffer, Engineers and Planners, Inc.

General Contractor: TBD

Total Project Budget: \$1,200,000.00

10. MSU- IHL 405-001– MUSIC BUILDING RE-BID

Approval Request #1: Change Order #4

Board staff approved Change Order #4 in the amount of \$37,561.09 and zero (0) additional days to the contract of Mac's Construction Company, Inc.

Approval Status & Date: APPROVED, January 5, 2022

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Change Order Description: Change Order #4 includes the following items: changes made to the interior finishes; changes made to the electrical for audio/visual; added an additional Annunciator panel at the fire riser in a mechanical room; electrical audio/visual coordination done; credit for miscellaneous changes; added wall track lighting and an art suspension system; and additional graphic wall covering.

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

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$253,656.09.

Project Initiation Date: May 18, 2017

Design Professional: Allred Stolarski Architects

General Contractor: Mac's Construction Company, Inc.

Total Project Budget: \$21,000,000.00

11. MSU- IHL 413-001 – BALLEW HALL RENOVATION

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Belinda Stewart Architects.

Approval Status & Date: APPROVED, December 9, 2021

Project Initiation Date: March 1, 2019

Design Professional: Belinda Stewart Architects

General Contractor: TBD

Total Project Budget: \$1,700,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

12. UMMC– GS 109-223 – CLINICAL RESEARCH UNIT

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #13

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Board staff approved Change Order #13 in the credit amount of \$25,000.00 and one hundred sixty-two (162) additional days to the contract of Fountain Construction Co., Inc.

Approval Status & Date: APPROVED, January 7, 2022

Change Order Description: Change Order #13 includes the following items: deducted the contingency allowance for the elevator installation; and added time extensions.

Change Order Justification: These changes were necessary as the contingency allowance for the new elevator installation was not needed or used; and days for work as indicated herein due to manufacturing delays with the elevator and unexpected difficulties scheduling the testing as its operation affected the Day Surgery Center.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total amount of \$1,015,824.80.

Project Initiation Date: May 18, 2017

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Fountain Construction Co., Inc.

Total Project Budget: \$7,683,767.14

13. UMMC- IHL #209-578– GROSS ANATOMY PHASE III

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on December 9, 2021 to approve the Initiation and appointment of the design professional.

Interim Approval Status & Date: APPROVED, December 9, 2021

Project Initiation Date: February 18, 2021

Design Professional: Eley Guild Hardy Architects

General Contractor: TBD

Total Project Budget: \$11,875,000.00

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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 10/1/21, 11/1/21 and 12/2/21) from the funds of Alcorn State University. (These statements, in the amounts of \$81.28, \$960.00 and \$2,500.00, respectively, represent services and expenses in connection with immigration/labor certification.)

TOTAL DUE.....\$ 3,541.28

Payment of legal fees for professional services rendered by Ware|Immigration (statement dated 10/4/21, 11/8/21) from the funds of Jackson State University. (These statements, in the amounts of \$3,460.00 and \$9,425.00, respectively, represent services and expenses in connection with immigration/labor certification.)

TOTAL DUE.....\$ 12,885.00

Payment of legal fees for professional services rendered by Brunini, PLLC (statements dated 10/20/21 and 10/20/21) from the funds of Mississippi State University. (These statements, in the amounts of \$343.75 and \$5,981.25, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 6,325.00

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 11/15/21 and 12/8/21) from the funds of Mississippi State University. (These statements, in the amounts of \$649.00 and \$826.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 1,475.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 9/1/21, 10/1/21, 11/1/21, 12/1/21, 12/1/21 and 12/1/21) from the funds of Mississippi State University. (These statements, in the amounts of \$2,500.00, \$2,000.00, \$2,500.00, \$2,500.00, \$682.50 and \$702.50, respectively, represent services and expenses in connection with immigration/labor certification.)

TOTAL DUE.....\$ 10,885.00

Payment of legal fees for professional services rendered by Brunini, PLLC (statement dated 11/10/21) from the funds of the University of Mississippi. (This statement, in the amount of \$525.00, represents services and expenses in connection with general legal advice.)

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TOTAL DUE.....\$ 525.00

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 11/11/21) from the funds of the University of Mississippi. (This statement, in the amount of \$10,200.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 10,200.00

Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 12/7/21) from the funds of the University of Mississippi. (This statement, in the amount of \$577.18, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 577.18

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 11/1/21, 11/1/21, 11/1/21, 11/1/21 and 11/1/21) from the funds of the University of Mississippi. (These statements, in the amounts of \$40.35, \$40.30, \$75.35, \$6,000.00 and \$2,500.00, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 8,656.00

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz, PC (statement dated 12/3/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$3,094.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 3,094.00

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 10/18/21, 11/5/21, 11/5/21, 11/15/21, 11/15/21 and 12/9/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$68,506.89, \$9,360.00, \$423.40, \$88,197.69, \$10,591.25 and \$2,712.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 179,791.73

Payment of legal fees for professional services rendered by Gore, Kilpatrick & Dambrino, PLLC (statements dated 9/27/21, 10/25/21, 10/25/21 and 11/24/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,154.34, \$1,353.00, \$693.00, and \$148.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 4,348.84

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Payment of legal fees for professional services rendered by Hagwood & Tipton, P.C. (statements dated 11/10/21, 11/10/21, 11/10/21 and 11/10/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$99.00, \$3,105.00, \$1,687.94 and \$231.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 5,122.94

Payment of legal fees for professional services rendered by Hogan Lovells, US, LLP (statement dated 11/29/21) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$1,000.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,000.00

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 10/6/21, 11/4/21, 11/4/21, 11/4/21 and 12/6/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,105.50, \$3,623.70, \$2,714.70, \$2,808.90 and \$4,081.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 14,334.30

Payment of legal fees for professional services rendered by Page, Kruger & Holland (statements dated 11/5/21 and 11/9/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$99.00 and \$1,815.07, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,914.07

Payment of legal fees for professional services rendered by Steen, Dalehite & Pace (statements dated 11/12/21 and 11/12/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$676.50 and \$148.50, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 825.00

Payment of legal fees for professional services rendered by Taylor, Wellons, Politz, Duhe, APLC (statements dated 11/11/21, 11/11/21, 11/11/21, 11/11/21, 11/11/21 and 11/11/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$108.00, \$405.00, \$1,102.50, \$688.50, \$7,294.80 and \$391.50, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 9,990.30

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Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statements dated 10/21/21, 10/21/21, 10/25/21, 10/25/21, 10/25/21, 10/25/21, 11/18/21 and 11/29/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$181.50, \$231.00, \$9,732.60, \$31.50, \$120.00, \$815.85, \$17,208.00 and \$1,693.56, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 30,014.01

Payment of legal fees for professional services rendered by the Whitfield Law Group (statements dated 11/14/21 and 11/14/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,386.00 and \$20,800.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 22,186.00

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 11/4/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$25,415.60, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 25,415.60

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statement dated 12/6/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$2,533.50, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,533.50

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 11/1/21, 11/1/21, 11/1/21 and 11/1/21) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$51.13, \$83.23, \$2,250.00 and \$3,000.00, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 5,384.36

Payment of legal fees for professional services rendered by Wise Carter (statement dated 11/8/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$741.53, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 741.53

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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 with the Office of the Attorney General (statement dated 7/23/21) from the funds of Mississippi State University. (This statement represents the reimbursement of fees and expenses incurred in connection with the following intellectual property matter: "Learning Service Research 1878 (Seal Logo)" - \$525.00.)

TOTAL DUE.....\$ 525.00

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 11/15/21, 11/17/21, 11/17/21) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Permitting and Regulatory Compliance with MS Alcohol Beverage Control and related laws" - \$649.00; Therapeutics for Breathing Disorders" - \$862.00; and "Buckscore Trademark Application" - \$1,049.50, respectively.)

TOTAL DUE.....\$ 2,560.50

Payment of legal fees for professional services rendered by Conley Rose (statements dated 11/4/21, 11/4/21, 11/4/21 and 11/4/21) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Face Mask Testing" - \$295.00; "Common Mode EMI Modeling and Mitigation Techniques" - \$10,455.00; "Wearable Flexible Sensor Motion Capture System" - \$2,595.00; and "Accessories for Raman and Luminescence Spectral Acquisitions" - \$1,605.00.)

TOTAL DUE.....\$ 14,950.00

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dated 12/8/21, 12/8/21, 12/8/21 and 12/8/21) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Drugs Conjugated with Hexose Phosphate and Methods of Making and Using Same" - \$87.50; "Drugs Conjugated with Hexose Phosphate and Methods of Making and Using Same" - \$70.00; "Vaccine Composition Comprising Recombinant Protein and Staphylococcus Aureus Attenuated Enterotoxin and Cytotoxin" - \$4,227.50; and "Utilization of Oleaginous Microorganisms as an Oral Supplement for Animals" - \$770.00, respectively.)

TOTAL DUE.....\$ 5,155.00

Payment of legal fees for professional services rendered by Stites & Harbison (statement dated 11/15/21) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Coal Char-Production and Properties" - \$188.00.)

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TOTAL DUE.....\$ 188.00

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 8/27/21, 9/14/21, 10/20/21 and 10/29/21) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Topical Compositions for Treating Peripheral Neuropathic Pain” - \$930.00; “Stuttering Inhibition Method and Device” - \$1,180.00; “Stuttering Inhibition Method and Device” - \$5,015.00; and “Topical Compositions for Treating Peripheral Neuropathic Pain” - \$1,280.00, respectively.)

TOTAL DUE.....\$ 8,405.00

Payment of legal fees for professional services rendered by Thomas|Horstemeyer, L.L.P. (statements dated 8/30/21, 8/30/21, 8/30/21, 8/30/21, 8/30/21, 8/30/21, 8/30/21, 8/30/21, 8/30/21, 9/30/21, 9/30/21, 9/30/21, 10/27/21, 10/27/21, 10/27/21, 10/27/21, 10/27/21, 10/27/21, and 10/27/21) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Isolation of Pure Cannabinoids from Cannabis” - \$1,100.00; “Dyes, Dye-Sensitized Solar Cells, and Methods of Making and Using Same” - \$623.66; “Highly Selective Sigma Receptor Ligands and Radioligands as Probes in Nociceptive Processing and the Pathophysiological Study of Memory Deficits and Cognitive Disorders” - \$1,331.75; “Biologically Active Cannabidiol Analogs” - \$1,667.60; “Biologically Active Cannabidiol Analogs” - \$2,274.00; “Isolation of Pure Cannabinoids from Cannabis” - \$1,743.40; “Cytochrome bc1 Complex Inhibitors and Methods of Use Thereof” - \$1,860.00; “Cannabichromene-Valinate-Hemisuccinate (CBC-Val-HS) A New Derivative with Improved Oral Bioavailability” - \$3,150.00; “pH- and Reduction-Responsive Polymeric Nanoparticles for Co-Delivery of Peptide Antigens and Hydrophobic Adjuvants” - \$1,000.00; “Design, Synthesis, and Photophysical Properties of a Novel NIR II Dye for Biological Imaging and Optoelectronic Devices” - \$6,410.00; “Biologically Active Cannabidiol Analogs” - \$634.71; “Discovery of 5a-prenan-2β, 3a-diol-20-one as a neuroHIV Protective Agent” - \$1,650.00; “Biologically Active Cannabidiol Analogs” - \$1,350.00; “Biologically Active Cannabidiol Analogs” - \$1,350.00; “Biologically Active Cannabidiol Analogs” - \$1,350.00; “Biologically Active Cannabidiol Analogs” - \$250.00; “Biologically Active Cannabidiol Analogs” - \$3,000.00; and “Biologically Active Cannabidiol Analogs” - \$1,315.00.)

TOTAL DUE.....\$ 33,410.12

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 9/22/21, 10/12/21, 10/12/21, 10/12/21, 10/12/21, 11/11/21, 11/11/21, 12/15/21 and 12/15/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$182.00, \$1,584.00, \$792.00, \$1,142.00, \$572.50, \$130.00, \$260.00, \$286.00 and \$130.00, respectively, represent services and expenses in connection with intellectual property patents.)

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TOTAL DUE.....\$ 5,078.50

Payment of legal fees for professional services rendered by Workman Nydegger (statements dated 8/20/21, 8/20/21, 10/13/21, 10/13/21, 10/13/21 and 10/13/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$9,907.50, \$3,953.90, \$545.00, \$365.75, \$6,865.00 and \$108.75, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 21,745.90

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 10/29/21, 10/29/21, 10/29/21, 11/30/21 and 11/30/21) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Phenylphosphine Oxide Epoxy Polymer and Atomic Oxygen Stable Epoxy Polymer” - \$17,122.50; “Infrared Detection with Intrinsically Conductive” - \$18,246.00; “Methodology and Instrumentation for Thin Film Mechanical Analysis” - \$826.00; “Polymergent LLC License Agreement” - \$295.00 and “Gulf Blue Trademark” - \$147.50, respectively.)

TOTAL DUE.....\$ 36,637.00

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1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

The following items have been approved by the Commissioner on behalf of the Board and are available for review in the Board Office.

- a. **MSU** – On November 1, 2021, Commissioner Alfred Rankins, Jr., approved the request to Lease Renewal between the Mississippi State University and Petro Medical Properties, LLC for approximately 2,041 square feet of space in Petro Medical Building located at 2628 Courthouse Circle, Suite B., Flowood, MS, for temporary space for MSU’s Animal Emergency and Referral Center (AERC) Rehab service. This is a renewal of an existing lease effective December 1, 2021 through May 31, 2023. The monthly rent is \$2,551.25 due on the 1st of each month. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts and 707.03 Approval of Prepayment for Goods or Services. A copy of the documents is on file in the IHL Board Office.
- b. **MSU** – On November 19, 2021, Commissioner Alfred Rankins, Jr., approved the Lease Agreement between Mississippi State University and Bernardo Caraballo Perez for a 4-bedroom, 1-bath residential property located at #100 ole Ojea, Cabo Rojo, Puerto Rico, for the purpose of housing students, staff and faculty and storing research equipment used to conduct fisheries research funded by the Puerto Rico Department of Natural and Environmental Resources. The original lease term was five years beginning March 1, 2017 through February 28, 2022. This request is to extend the lease for one year or until February 28, 2023, at a cost of \$7,200 to be prepaid on or before March 1, 2022. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts and 707.03 Approval of Prepayment for Goods or Services. A copy of the documents is on file in the IHL Board Office.
- c. **MSU** – On December 2, 2021, Commissioner Alfred Rankins, Jr., approved the Lease Agreement between Mississippi State University and Five J Farms, LLC for the use of five acres of land in Greenwood, MS, including 2 temporary storage containers and a 20x20 shop space with utilities for the placement and operation of beehives. The term of the lease is five years effective January 1, 2022, at a cost of \$6,000 per year. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
- d. **MSU** – On December 2, 2021, Commissioner Alfred Rankins, Jr., approved the Lease Agreement between Mississippi State University and Mississippi State University Foundation, Inc. for the renovation of the Walker Engineering Annex Building and construction of an addition to that building. Effective February 1, 2022, the Foundation will lease property described in Exhibit A to the Lease Agreement for a 24-month period or until the completion of the renovation and construction improvements, whichever occurs first. Consideration for the lease

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will be the Foundation's provision of all renovation and construction of improvements at not cost or other expense to the university and with all improvements to and on the premises being owned "free and clear" by the university upon the termination of the lease. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.

- e. **UMMC** – On November 30, 2021, Commissioner Alfred Rankins, Jr., approved the Lease between the University of Mississippi Medical Center and Jackson Brew, LLC d/b/a PJ's Coffee for space in the University Pavilion where lessee will provide coffee services to patients, staff, and visitors. The term of the lease is 5-years to begin no later than January 1, 2022. This is a revenue generating lease estimated to earn approximately \$24,707 over its 5-year term. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
- f. **UMMC** – On November 30, 2021, Commissioner Alfred Rankins, Jr., approved the Lease Agreement between the University of Mississippi Medical Center and Hometown Diagnostics, LLC for 833 square feet of lab and office space in the Pitney Bowes, Inc. for the rental of a postage meter at the UMMC Center for Holmes County. The term of the Lease is 60 months beginning February 1, 2022 at a cost of \$15879 per month as set out in Exhibit A to the Rental Agreement. UMMC has included a 5% increase for potential postage and volume increases in years two through five and estimates the total cost of the agreement over the five-year term to be \$45,000. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
- g. **USM** – On December 17, 2021, Commissioner Alfred Rankins, Jr., approved a Public Trust Tidelands Lease between the Mississippi Board of Trustees of State Institutions of Higher Learning, for the use and benefit of USM/GCRL, and the State of Mississippi c/o the Secretary of State, Public Lands Division. The subject property consists of submerged lands and tidelands contiguous with USM's facilities at Point Cadet and described in detail in Exhibits 1 and 2 to the Lease. The initial term of the lease is forty years beginning November 1, 2021, with a right for the Lessee to extend the lease for a subsequent 25-year secondary term. There is no cost to the university. The IHL Associate Commissioner for Legal Affairs has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
- h. **USM** – On December 17, 2021, Commissioner Alfred Rankins, Jr., approved an extension to an existing agreement between the University of Southern Mississippi and Anthology, Inc. (formerly Campus Management Corporation) previously approved by the Board in August 2018. The extension amount is

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\$5,789.72. The added amount does not exceed 110% of the current contract. (Original amount: \$990,750.) This agreement is for Student Recruitment Constituent Relationship Management software and is being extended to November 30, 2022. The Attorney General's Office has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.

2. SYSTEM – REPORT OF UNIVERSITIES' USE OF TEMPORARY RELIEF AND WAIVER OF APPROVAL REQUIREMENTS SET FORTH IN IHL BOARD POLICIES 707 CONTRACTS AND 905 REAL ESTATE MANAGEMENT

On August 19, 2021, the IHL Board granted all institutions through December 31, 2021 temporary relief and waiver of 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 Land, Property, and Service Contracts; 707.02 Other Official Documents, and 707.03 Approval of Prepayment for Goods or Services) 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 through December 31, 2021, for the health and well-being of students, employees, and guests on all IHL campuses and facilities. Previously, the Board approved this waiver for UMMC effective March 19, 2020. This waiver was expanded to all institutions on September 4, 2020 with an original expiration date of December 31, 2020. At the November 19, 2020 meeting, this waiver was extended through May 31, 2021. On May 31, 2021 the temporary waiver expired for all institutions. Board Policy 707 Contracts governs, among other things, the contracts and leases entered 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 also approved the request that authority be delegated to the Commissioner, through December 31, 2021, 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. A summary of the items that have been submitted for reporting to the Board is as follows:

- a. **UMMC** – On September 28, 2021, UMMC entered into a Services Agreement with I3 Simulations LTD (I3) for the design, development, and deployment of the Sim Gym Training Simulation System and content library. This software will be developed for the specific needs of UMMC as an educational tool that utilizes a virtual patient for remote training of healthcare providers across multiple

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disciplines such as nurses, physicians, EMTs, and any other healthcare workers who are required to provide direct patient care, while reducing the requirement of face-to-face training as the COVID-19 pandemic continues. Additionally, the agreement requires prepayment of \$87,757.42 to begin the project. The term of the Services Agreement is one (1) year, from September 28, 2021, to September 27, 2022. The total cost of the Services Agreement is \$390,033. The Service Agreement will be funded through Higher Education Emergency Relief Funds II (HEERF 2) grant funds. The in-person restrictions during the COVID-19 pandemic have severely limited UMMC's teaching and gathering capacity, while distance-learning software such as the Sim Gym eliminates this safety concern for future case-based learning through healthcare simulation. By utilizing this software, UMMC is able to improve medical knowledge, interprofessional communication and patient care in a safe and pandemic-proof manner. UMMC's Office of General Counsel reviewed the Services Agreement for compliance with applicable law and found the same to be acceptable.

- b. **UMMC** – The institution is currently contracted with AMN Healthcare, Inc. (AMN) for augmentation of ancillary staffing at UMMC Grenada, to be utilized on an as-needed basis. On October 29, 2021, in response to the staffing shortages caused by the COVID-19 pandemic, UMMC entered an amendment to extend the term of the agreement, adjust the rates for staffing, and include the ability to add additional positions by mutual agreement. COVID-19 has drastically impacted staffing and UMMC's ability to retain staff in certain positions. Additionally, a number of hospitals nationwide are paying premium rates to attract staff during this national emergency/pandemic. Due to these factors, UMMC amended the agreement to provide additional options during these extenuating circumstances to meet the healthcare needs of UMMC's patients. The term of the amended Agreement is three (3) years and twenty-seven (27) days, from December 5, 2019, through December 31, 2022. The original agreement was for a term of two (2) years beginning December 5, 2019. The first amendment extends the term for an additional one (1) year and twenty-seven (27) Days. The total cost of amended agreement is \$1,240,000. The total cost of the original agreement was \$240,000. During the extended term, UMMC anticipates the need for an additional \$1,000,000. Fees are based upon hourly rates for the ancillary staff. This agreement will be funded by hospital patient revenue. UMMC Grenada's ancillary services are in a critical staffing crisis due to COVID-19. As the pandemic unfolded, many UMMC Grenada employees resigned to work in overwhelmed facilities. Consequently, UMMC Grenada is currently short staffed and many employees are resigning. It is decimating entire shifts. The remaining employees are overwhelmed and the stress of the workload is it is taking a toll on them. AMN Healthcare has a large ancillary database, and they have been very successful at recruiting workers for UMMC Grenada. UMMC's Office of General Counsel reviewed the First Amendment to the Healthcare Staffing Agreement for compliance with applicable law and found the same to be acceptable.

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- c. **UMMC** – On November 22, 2021, UMMC entered into a purchase and service agreement with Spectrum Medical, Inc. (Spectrum Medical) for the purchase of two (2) Extracorporeal Membrane Oxygenation (ECMO) pumps, associated accessories, and service. The ECMO pumps are needed for the treatment of patients whose lungs are not functioning well enough to provide the body with enough oxygen. It is a life support method that can be used when a mechanical ventilator has failed to rid the body of carbon dioxide and is often used for patients pre-/post-transplant and for those with significant lung disease, including COVID-19 patients. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods and Services, UMMC will prepay 75% of the purchase price of the equipment and will also prepay services on an annual basis. The term of the agreement is five (5) years, from November 22, 2021, through November 21, 2026. The total estimated cost over the five (5) year term is \$445,401.60. The equipment purchase price is \$286,366. Beginning in year two (2), UMMC has included a three percent (3%) increase per year for potential increases in the cost of service. Spectrum Medical may increase the service cost three percent (3%) per year, after the first year of the agreement. The agreement will be funded by hospital patient revenue. COVID-19 positive patients that require maximal lung support that is not achievable with a conventional ventilator can be placed on ECMO to provide support until the lungs have time to heal. This has become a standard treatment for COVID-19 positive patients across the United States as well as around the world. UMMC currently owns six (6) Getinge ECMO machines that are in use but are past end of life. Preventive maintenance has been performed to keep the equipment safe for use. However, Getinge has notified UMMC that it will no longer perform service on the equipment. If the equipment goes down, it will significantly impact UMMC's ability to care for COVID-19 patients. As the nation continues to see an uptick in positive cases, UMMC enter into this Agreement to purchase additional ECMO or order to effectively respond to the ongoing COVID-19 pandemic. UMMC's Office of General Counsel reviewed the Quote No. BDQC0726 and the related Terms and Conditions with Spectrum for compliance with applicable law and found the same to be acceptable.

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PERSONNEL ACTION REPORT

1. **Sabbatical**

Mississippi State University

FROM: Kenneth Deon Roskelley; Professor of Finance and Economics; salary \$172,800.00 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 1, 2022 to May 15, 2022; professional development
[Originally approved by IHL Board March 18, 2021]

CORRECTED: This item was rescinded.

FROM: John Edward Swan II; Professor of Computer Science and Engineering; salary \$134,871.00 per annum, pro rata; E&G and Restricted Funds; 9-month contract; no change in salary during sabbatical period; E&G and Restricted Funds; effective January 1, 2022 to May 15, 2022; professional development

[Originally approved by IHL Board March 18, 2021]

CORRECTED: This item was rescinded.