Board Meeting Outline

MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

MEETINGS SCHEDULE

Health Affairs Committee | November 16, 2022, 3:00p | IHL Board Room
IHL Board Meeting | November 17, 2022, 9:00a | IHL Board Room

CALL TO ORDER

Trustee Tom Duff

INVOCATION

Trustee Bruce Martin

MINUTES

October 20, 2022 Regular Board Meeting Minutes

CONSENT AGENDAS | Trustee Tom Duff

ACADEMIC AFFAIRS
1. SYSTEM – Degrees to be Conferred in November and December 2022

FINANCE
1. SYSTEM – Approval of the Escalation of the Ayers Endowment Budgets
2. SYSTEM – Request for Approval to Enter a Lease Agreement with MS Hardware Master Tenant, LLC
3. JSU – Request for Approval to Enter a Purchase Agreement with Logistics365, Inc
4. MSU – Request for Approval to Enter a Services Agreement with 3 Enrollment Marketing
5. MSU – Request for Approval to Enter a Rental Agreement with Chestnut Commons, LLC
6. MSU – Request for Approval to Enter a Maintenance Agreement with Diversified Elevator Service and Equipment Co., Inc
7. MSU – Request for Approval to Enter a Construction Manager Advisers Services Agreement with Innovative Construction Management, LLC
8. MSU – Request for Approval to Enter a Services Agreement with Frontier Strategies, LLC
9. MSU – Request for Approval to Enter a Professional Services Agreement with Sinergi Integrated Building Sciences, LLC
10. MUW – Request for Approval to Enter a Food Services Agreement with Sodexo Management, Inc
11. MVSU – Request for Approval to Escalate the Education and General Budget for Fiscal Year 2023
12. UM – Request for Approval to Enter a Contractual Services Agreement with American Chemical Society
13. UM – Request for Approval to Enter a Contractual Services Agreement with Docebo NA, Inc
14. UM – Request for Approval to Enter a Contractual Services Agreement with Salesforce, Inc
15. UM – Request for Approval to Enter a Contractual Services Agreement with STM Charters, Inc. (Men’s Basketball)
16. UM – Request for Approval to Enter a Contractual Services Agreement with STM Charters, Inc. (Women’s Basketball) ..................................................................................................................74
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2. DSU – GS 102-282 – Renovation of Foundation Hall, Design Professional – Burris-Wagnon Architects .........................................................................................................................83
3. MVSU – GS 106-265(B) – Campus Roofing Phase II, Design Professional – Shafer Zahner Zahner, PLLC ..................................................................................................................85

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4. MSU – IHL 205-329 – Sanderson Center Renovations and Repairs, Design Professional – WBA Architecture, PLLC ...........................................................................................................86
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ADMINISTRATION/POLICY
1. ASU – Approval to Award One Honorary Degree

REGULAR AGENDAS

ACADEMIC AFFAIRS | Trustee Steven Cunningham
1. SYSTEM – Approval of Academic Program Productivity Reviews
   a. Continue with Stipulation
   b. Suspend
   c. Delete

FINANCE | Trustee Hal Parker
1. SYSTEM – Request for Approval to Purchase Workers’ Compensation Excess Insurance with Safety National Casualty Company
2. DSU – Request for Approval to Enter a Service Agreement with Blues Air, LLC
3. UM – Request for Approval to Enter a Contractual Services Agreement with Innovative Construction Management, LLC
4. UMMC – Request for Approval to Enter a Purchase Agreement with Advanced Accelerator Applications USA, Inc.
5. UMMC – Request for Approval to Enter a Product Sale Agreement with Airgas USA, LLC
6. UMMC – Request for Approval to Amend an Agreement with Covidien Sales, LLC, a Medtronic Company
7. USM – Request for Retroactive Approval to Amend a Licensing Agreement with Assessment Technologies Institute, LLC
8. USM – Request for Approval to Amend a Services Agreement with The University of Southern Mississippi Research Foundation, Inc.

LEGAL | Trustee Gee Ogletree
1. UMMC – Approval to Settle Tort Claim No. 3274

ADMINISTRATION/POLICY | Commissioner Alfred Rankins, Jr.
1. SYSTEM – Approval of Board Meeting Dates and Locations, January through December 2023

INFORMATION AGENDAS | Commissioner Alfred Rankins, Jr.

ACADEMIC AFFAIRS
1. MSU – Intent to Offer Existing Degree Program by Distancing Learning: Bachelor of Science in Human Development and Family Science, Youth Development

FINANCE
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ADJOURNMENT
MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
October 20, 2022

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 in Room 302 of the Gertrude C. Ford Ole Miss Student Union at the University of Mississippi in Oxford, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on December 14, 2021, to each and every member of said Board said date being at least five days prior to this October 20, 2022 meeting. At the above-named place there were present the following members were present to wit: Dr. Ormella Cummings, Dr. Steven Cunningham, Mr. Tom Duff, Ms. Teresa Hubbard, Ms. Jeanne Carter Luckey, Mr. Bruce Martin, Dr. Alfred E. McNair, Jr. (via Zoom), Mr. Chip Morgan, Mr. Gee Ogletree (via Zoom), Mr. Hal Parker, Mr. Gregg Rader, and Dr. J. Walt Starr. The meeting was called to order by Mr. Tom Duff, President. Trustee Morgan introduced Mr. Marcus Thompson, IHL Deputy Commissioner and Chief Administrative Officer, to provide the invocation.

ANNOUNCEMENT

• President Tom Duff thanked Dr. Glenn Boyce, Chancellor of the University of Mississippi, for hosting the IHL Board’s October meetings.

INTRODUCTION OF GUESTS

• President Duff introduced the following guests: Mr. Howard Brown, Vice President and Chief Financial Officer at Jackson State University, attending for President Thomas Hudson; Mr. Christopher Epps, Student Body President for Alcorn State University; Mr. Kennedy Guest, President of the Executive Council of the Student Association at Mississippi State University; and Miss Lila Osman, Associated Student Body President at the University of Mississippi.

PRESENTATION

• Chancellor Boyce provided a brief presentation about the University of Mississippi.

APPROVAL OF THE MINUTES

On motion by Trustee Rader, seconded by Trustee McNair, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on September 15-16, 2022 and September 29, 2022.
MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
October 20, 2022

CONSENT AGENDAS

On motion by Trustee McNair, seconded by Trustee Martin, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve the following Consent Agendas.

ACADEMIC AFFAIRS

1. SYSTEM – Approved the modification of existing academic degree programs as follows:
   a. DSU – Current Program Title: Master of Fine Arts (MFA) in Integrated Visual Arts. Proposed Program Title: Master of Fine Arts (MFA) in Studio Art (Low-Residency)
   Deleting
   b. MSU – Program Title: Bachelor of Science (BS) in Human Sciences

2. SYSTEM – Approved the modification of existing academic units as follows.
   Reorganizing
   a. MVSU – Current Unit Titles: The Department of Health, Physical Education & Recreation and the Department of Education Proposed Title: The Department of Education
      Unit Location: Academic Affairs
      Effective date: January 2023
      Five-year cost of implementation: $0 (no implementation cost)
   b. UM – Current Unit Titles: MIS Department and Marketing Department Proposed Title: Marketing/MIS Department
      Unit Location: School of Business Administration
      Effective date: Fall 2022
      Five-year cost of implementation: $0 (no implementation cost)

FINANCE

3. ASU- Contingent upon the IEO of the university providing a written and signed certification stating that the federal funds planned for use as a funding source for this item are legally allowable for that specific purpose, the Board approved the request to enter a one-year contract extension with ENNCloud Technologies, LLC for CIO Advisory Services, ERP Advisory Services, and Technical Project Management and Consulting Oversight Services. This is an extension where Statement of Work No. 005 (SOW 005) is made as part of the current Master Consulting Agreement. The term of the contract is October 1, 2022 through September 30, 2023. The scope of work for SOW 005 is $47,916.67 per month for a total of $575,000 for 12 months. The contract will be funded by Title III Federal funds. Legal Staff has reviewed this item for compliance with applicable law and finds the same to be acceptable. The written and signed certification statement from the IEO must be provided to the Commissioner prior to the university moving forward with using the federal funds for the requested purpose set out within this agenda item. The agreement is on file in the Board Office.
4. **JSU** – Approved the request to enter an agreement with EdCERT, LLC d/b/a Association of College and University Educators (ACUE) to provide professional development and credentialing programs to faculty in effective instruction. This agreement has a term of one year beginning October 21, 2022 and ending December 31, 2023, unless extended by mutual written agreement of the parties, and after obtaining IHL Board approval, if required. The total cost of the contract shall not to exceed $315,000. The contact 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.

5. **MSU** – Approved the request to enter a contract with Charter Logistics Group, LLC for the purpose of air transportation services for the MSU Men’s Basketball team during the 2022-23 season. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods and Services, the Board approved the request for the institution to prepay the vendor for half of the contract total prior to engagement. Prepayment is very common and most often required in this industry. The contract shall commence on the date the contract is signed by both parties and terminate on the date of the last flight as set forth in the agreement. The total for all charters will be $371,974. The contract will be funded by Athletic Department self-generated 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. **MSU** – Approved the request enter a contract with R&R Rental Properties, LLC for the purposes of providing a 5,000 square foot space for student competition teams, the outreach coordinator and storage. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods and Services, the Board approved the request for the institution to pay in advance as most rentals of space require payment prior to the services being rendered. The term of this Rent Agreement shall begin November 1, 2022, for a minimum period of one (1) year. This Agreement may be extended in one (1) year increments with a 3% increase in rent each year, by Renter giving Landlord written notice 60 days before the Agreement termination date. Renter may extend the Agreement up to four (4) times. The original Rent Agreement and the four (4) extensions shall equal no more than five (5) years after which, the Renter and Landlord may negotiate future rental amounts and terms. The total contract cost is for the first year is $31,800. Payments will be issued on a monthly basis upon receipt of an invoice in the amount of $2,650 ($2,350 for rent, $300 for utilities). The rental rate will increase by 3% a year for each subsequent year that the contract is renewed. If MSU renews the lease annually, the total rental rate will be $167,717.76. The contract will be funded through external funded gifts to BCoE (Hearin Foundation Grand and Chevron Gift). 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. **MSU** – Approved the request to enter a contract with Charter Logistics Group, LLC for the purpose of air transportation services for the MSU Women’s Basketball team during the 2022-23 season. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods and Services, the Board approved the request for the institution to prepay the vendor for half of the contract total prior to engagement. Prepayment is very common and most often
required in this industry. The contract shall commence on the date the contract is signed by both parties and terminate on the date of the last flight as set forth in the agreement. The total for all charters will be $320,490. The contract will be funded by Athletic Department self-generated 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.

8. UM – Approved the request to escalate the FY 2023 annual operating budgets for the following entities:

   a. Mississippi Law Research Institute

   University of Mississippi
   FY 2023 Mississippi Law Research Institute

<table>
<thead>
<tr>
<th>Category</th>
<th>Original FY 2023 Operating Budget</th>
<th>Revision Escalation</th>
<th>Revised FY 2023 Operating Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries, Wages, and Fringe Benefits</td>
<td>$797,471</td>
<td>$649,562</td>
<td>$1,447,033</td>
</tr>
<tr>
<td>Travel and Subsistence</td>
<td>15,000</td>
<td>71,824</td>
<td>86,824</td>
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<tr>
<td>Contractual Services</td>
<td>21,200</td>
<td>1,256,528</td>
<td>1,277,728</td>
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<tr>
<td>Commodities</td>
<td>22,507</td>
<td>12,881</td>
<td>35,388</td>
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<td>Capital Outlay: Non-Equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Capital Outlay: Equipment</td>
<td>5,000</td>
<td>-</td>
<td>5,000</td>
</tr>
<tr>
<td>Mandatory Transfers</td>
<td>-</td>
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<td>Non-Mandatory Transfers</td>
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<td>Increase in Fund Balance</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$861,178</strong></td>
<td><strong>$1,990,795</strong></td>
<td><strong>$2,851,973</strong></td>
</tr>
</tbody>
</table>

   A budget escalation is requested to increase FY 2023 budgetary spending authority appropriated for special funds to coincide with estimated revenues and expenditures reported on the FY 2024 budget request. The source of estimated revenue for this escalation will be special funds derived from external sources.

   b. Mississippi Mineral Resources Institute

   University of Mississippi
   FY 2023 Mississippi Mineral Resources Institute

<table>
<thead>
<tr>
<th>Category</th>
<th>Original FY 2023 Operating Budget</th>
<th>Revision Escalation</th>
<th>Revised FY 2023 Operating Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries, Wages, and Fringe Benefits</td>
<td>$305,845</td>
<td>$367,607</td>
<td>$673,452</td>
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<td>Travel and Subsistence</td>
<td>2,000</td>
<td>48,935</td>
<td>50,933</td>
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<td>Contractual Services</td>
<td>28,000</td>
<td>236,190</td>
<td>264,190</td>
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<tr>
<td>Commodities</td>
<td>9,192</td>
<td>9,456</td>
<td>18,648</td>
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<td>Capital Outlay: Non-Equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Capital Outlay: Equipment</td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
</tr>
<tr>
<td>Mandatory Transfers</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Non-Mandatory Transfers</td>
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<td>-</td>
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<tr>
<td>Increase in Fund Balance</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$355,037</strong></td>
<td><strong>$662,186</strong></td>
<td><strong>$1,017,223</strong></td>
</tr>
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</table>

   A budget escalation is requested to increase FY 2023 budgetary spending authority appropriated for special funds to coincide with estimated revenues and expenditures reported on the FY 2024 budget request. The source of estimated revenue for this escalation will be special funds derived from external sources.
c. **Research Institute of Pharmaceutical Sciences**

*University of Mississippi*

**FY 2023 Research Institute of Pharmaceutical Sciences**

<table>
<thead>
<tr>
<th>Category</th>
<th>Original FY 2023 Operating Budget</th>
<th>Revision/Escalation</th>
<th>Revised FY 2023 Operating Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries, Wages, and Fringe Benefits</td>
<td>$2,175,149</td>
<td>$6,580,654</td>
<td>$8,755,803</td>
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<tr>
<td>Travel and Subsistence</td>
<td>17,333</td>
<td>56,167</td>
<td>73,500</td>
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<tr>
<td>Contractual Services</td>
<td>294,802</td>
<td>4,936,642</td>
<td>5,231,444</td>
</tr>
<tr>
<td>Commodities</td>
<td>115,540</td>
<td>887,077</td>
<td>1,002,617</td>
</tr>
<tr>
<td>Capital Outlay: Non-Equipment</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Capital Outlay: Equipment</td>
<td>117,000</td>
<td>623,826</td>
<td>740,826</td>
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<tr>
<td>Mandatory Transfers</td>
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<tr>
<td>Non-Mandatory Transfers</td>
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<tr>
<td>Increase in Fund Balance</td>
<td>1,036,105</td>
<td>(1,036,105)</td>
<td>-</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$3,755,929</strong></td>
<td><strong>$12,048,261</strong></td>
<td><strong>$16,717,240</strong></td>
</tr>
</tbody>
</table>

A budget escalation is requested to increase FY 2023 budgetary spending authority appropriated for special funds to coincide with estimated revenues and expenditures reported on the FY 2024 budget request. The source of estimated revenue for this escalation will be special funds derived from external sources.

d. **Small Business Development Center**

*University of Mississippi*

**FY 2023 Small Business Development Center by Major Object**

<table>
<thead>
<tr>
<th>Category</th>
<th>Current FY 2023 Operating Budget</th>
<th>Revision/Escalation</th>
<th>Revised FY 2023 Operating Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries, Wages, and Fringe Benefits</td>
<td>$349,298</td>
<td>$1,111,226</td>
<td>$1,460,524</td>
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<tr>
<td>Travel and Subsistence</td>
<td>-</td>
<td>128,000</td>
<td>128,000</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>-</td>
<td>1,597,050</td>
<td>1,597,050</td>
</tr>
<tr>
<td>Commodities</td>
<td>917</td>
<td>158,583</td>
<td>159,500</td>
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<tr>
<td>Capital Outlay: Non-Equipment</td>
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<td>Mandatory Transfers</td>
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<tr>
<td>Non-Mandatory Transfers</td>
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<tr>
<td>Increase in Fund Balance</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$350,215</strong></td>
<td><strong>$3,121,859</strong></td>
<td><strong>$3,472,074</strong></td>
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</table>

A budget escalation is requested to increase FY 2023 budgetary spending authority appropriated for special funds to coincide with estimated revenues and expenditures reported on the FY 2024 budget request. The source of estimated revenue for this escalation will be special funds derived from external sources.
9. **UM** – Approved the request to amend the FY 2022 operating budget for the Small Business Development Center.

<table>
<thead>
<tr>
<th>Category</th>
<th>Current FY 2022 Operating Budget</th>
<th>Revision/escalation</th>
<th>Revised FY 2022 Operating Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salaries, Wages, and Fringe Benefits</td>
<td>$1,161,051</td>
<td>$218,042</td>
<td>$1,379,093</td>
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<tr>
<td>Travel and Subsistence</td>
<td>50,000</td>
<td>27,643</td>
<td>77,643</td>
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<tr>
<td>Contractual Services</td>
<td>569,886</td>
<td>(67,449)</td>
<td>502,437</td>
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<td>Commodities</td>
<td>40,000</td>
<td>5,390</td>
<td>45,390</td>
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<td>Capital Outlay: Non-Equipment</td>
<td>12,000</td>
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<tr>
<td>Increase in Fund Balance</td>
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<tr>
<td><strong>Total</strong></td>
<td>$1,832,937</td>
<td>$395,572</td>
<td>$2,228,509</td>
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A budget escalation is requested to increase FY 2022 budgetary spending authority appropriated for special funds to coincide with estimated revenues and expenditures reported on the FY 2024 budget request. The source of estimated revenue for this escalation will be special funds derived from external sources.

10. **UM** – Approved the request to enter an agreement with Textron Aviation, Inc. (“Textron”) for parts and engine maintenance on an aircraft (Cessna 560) owned by the university. This Agreement shall commence on November 1, 2022 and expire on March 31, 2023. The ProParts program has a monthly flat rate of $6,535. The PowerAdvantage program has a monthly flat rate of $2,545.68 per engine. If the university flies more than 200 hours annually, it will be billed for each hour over 200 at the following rates: ProParts: $392.06/hour and PowerAdvantage: $152.71/per hour per engine. The total estimated minimum cost of this contract is $58,131.80. The agreement will be funded by the Flight Department’s auxiliary account. 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.

11. **UM** – Approved the request to enter into an agreement with Textron Aviation, Inc. (“Textron”) for parts maintenance on an aircraft (Cessna 560XL) being subleased by the university. This Agreement shall commence on November 1, 2022 and expire on May 31, 2025. The program has a monthly flat rate of $8,266.67. If the university flies more than 200 hours annually, it will be billed for each hour over 200 at a rate of $496 per hour. The total estimated minimum cost of this contract is $256,266.77. The agreement will be funded by the Flight Department’s auxiliary account. 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 for additional funding for the current purchase agreement with Boston Scientific Corporation (BSC) for the purchase of various consumable commodities and equipment for use during the implantation of cardiac rhythm management (CRM) devices, such as pacemakers and defibrillators. The Board also approved the request to allow 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 three (3) years, from September 1, 2020, through August 31,
2023. The new estimated cost over the three (3) year term is $8,775,000. The original cost of the agreement was estimated to be $5,400,000 over the three (3) year term plus an additional $3,375,000 for the remainder of the term. This contract 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.

REAL ESTATE
13. ERC – Approved the initiation of GS 111-068, Replacement IHL Chiller 2, and the appointment of Engineering Resource Group as the design professional. This project will replace a 24-year-old chiller that provides chilled water to the ERC [Universities Center (JSU), IHL, ETV and Power Plant] campus air conditioning systems. The estimated project budget is $1.4 million. Funds are available from HB 1353, Laws of 2022 ($1,400,000).

14. MSU – Approved the initiation of IHL 205-327, Rice Hall Renovations, and the appointment of Shafer Zahner Zahner, PLLC as the design professional. This project will involve interior renovations to multiple floors in Rice Hall to prepare space for academic department needs. The estimated project budget is $2 million. Funds are available from University Designated Funds ($2,000,000).

15. MSU – Approved the initiation of IHL 205-331, Walker Engineering First Floor Renovations, and the appointment of Dunaway Williams Architects as the design professional. This project will involve interior renovations to configure the space for the MSU Graduate School. The estimated project budget is $2.2 million. Funds are available from University Funds ($2,200,000).

16. MSU – Approved the initiation of IHL 205-333, Summer Paving 2023, and the appointment of Neel-Schaffer, Engineers and Planners, Inc. as the design professional. The project will repair and pave numerous streets, drives and parking lot locations on campus. The estimated project budget is $2.5 million. Funds are available from University Funds ($2,500,000).

17. UM – Approved the appointment of McCarty Architects, P.A. as the design professional for IHL 207-477, Ole Miss Soccer Complex Renovation. The project will address programmatic deficiencies and upgrade patron amenities. Programmatic needs include additional concessions, additional restrooms (patron & team), a larger press box, a new ticket office, and direct access to parking. The existing seating will be upgraded to include shade for existing seating, a new student seating area, and a new shaded standing room only area. The estimated project budget is $1.5 million. Funds are available from Self-Generated Athletic Funds ($1,500,000).

18. ERC – Approved the request to increase the budget for GS 111-064, Mechanical Improvements, from $2,090,000 to $2,106,144.69 for an increase of $16,144.69. The Board also approved the request to modify the funding sources to include unobligated state funds from completed projects to include $59,274.27 from HB 1729, Laws of 2016; $47,001.57 from HB 1649, Laws of 2018; $71,373.66 from SB 3065, Laws of 2019; $1,328,495.19 from HB 1730, Laws of 2020; and $600,000 from SB 2971, Laws of 2021. This project will replace the building’s Air Handler Units which are original to the building.
19. **USM** – Approved the request to increase the budget for GS 108-300, Hickman Hall Renovation, from a pre-plan budget of $500,000 to $11,350,000 for an increase in the amount of $10,850,000. The Board also approved the request to modify the scope of the project and the funding sources to include $10,000,000 from SB 2971, Laws of 2021 and $850,000 from SB 3002, Laws of 2022. The scope of this renovation will include renovating this residence hall to serve as departmental and office space. It will include code upgrades, a new elevator, updated bathroom facilities, along with new mechanical and electrical infrastructure. Funds are available from HB 1730, Laws of 2020 ($500,000); SB 2971, Laws of 2021 ($10,000,000); and SB 3002, Laws of 2022 ($850,000).

20. **MSU** – Approved the exterior design of the Davis Wade Stadium which includes the renovation of the existing 200 level into suites and clubs. Radio and TV broadcast will be moved to the 100 level into an existing suite area. Media and Press will be relocated to the south end zone (M-Club). A copy of the renderings is included in the bound *October 20, 2022 Board Working File.*

21. **MSU** – Approved the request to delete from inventory Buildings #1591 and #1592, two equipment storage sheds in Stoneville, MS which were constructed in 2001. These buildings were severely damaged by weather/wind and were not cost effective to repair or rebuild. The approval letter has been received from the Mississippi Department of Archives and History stating Buildings #1591 and #1592 are not eligible for designation as a Mississippi Landmark. All legal documentation will be kept on file in the IHL Office of Real Estate and Facilities.

22. **MSU** – Approved the request to name the Kinesiology and Autism Services Building as the “Jim and Thomas Duff Center” in recognition of the Duff family’s generous philanthropy. This state-of-the-art facility will be the home of Mississippi State University’s Autism and Developmental Disabilities Clinic, Disability Resource Center, Access Program, and the College of Education’s Department of Kinesiology. Jim and Thomas Duff are the owners of Duff Capital Investors (DCI), a privately-owned company headquartered in Columbia. In addition to corporate interests, the brothers devote their service and support to a wide variety of organizations and charities and are especially committed supporters of the communities in which their Southern Tire Mart stores operate and the higher education system across the state of Mississippi.

23. **MSU** – Approved the request to name the Materials Testing Lab as the “Randy J. Cleveland Engineering Student Center” in recognition of Randy J. Cleveland and his strong history of support and service to MSU along with his contribution of funding to the renovation of the building. The project will renovate the existing 4,860 square foot, two story building as well as the construction of a 2,600 square foot, two story addition. An alum of MSU, Mr. Cleveland earned a bachelor’s degree in petroleum engineering from MSU in 1983. Throughout his career, he has maintained strong connections with MSU and was instrumental in the 2014 reestablishment of the university’s petroleum engineering program. He is a member of the MSU Foundation board of directors, where he leads the
MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
October 20, 2022

fundraising committee as chairman, and also serves on the dean’s advisory council for the
Bagley College. For his dedicated service and support, Cleveland was recognized as a 2008
Distinguished Engineering Fellow and the 2019 Alumnus of the Year for the Bagley
College and as the 2022 MSU National Alumnus of the Year.

24. UM – Contingent upon the IEO of the university providing a written and signed
certification stating that the federal funds planned for use as a funding source for this item
are legally allowable for that specific purpose, the Board approved the request to enter an
energy savings performance contract with Trane U.S. Inc. to upgrade HVAC controls in
three UM buildings (J.D. Williams Library, Natural Products – Phase 1, and Faser Hall)
and to replace existing pneumatic controls with modern direct digital controls for improved
airflow, control, and efficiency. This contract subsumes projects 207-475 and 207-476 in
their entirety and eliminates the need for further action on these two projects. The
construction period of the contract will be from October 20, 2022 (or execution date of the
contract) to June 30, 2023, with a subsequent guaranteed energy savings performance
period of 20 years. The total contract amount is $6,174,316, which includes $5,975,530
for construction and $198,786 (spread over 20 years) for annual measurement &
verification (M&V) and energy management support. The following items are also noted:
1) The construction amount includes $263,573 (4.4%) in contingency, which will revert to
the university at the end of the construction period if not used. 2) Upon contract execution,
an initial payment in the amount of $785,037 is due to cover applicable engineering,
drafting, mobilization, and other preconstruction expenses, to include the full cost of the
required Mississippi Material Purchase Certificate. 3) Trane has offered a pre-payment
discount of $142,700 (2.38% of the construction cost) through their corporate Anticipation
Discount Program. This program would require university to prepay the total construction
cost amount of $5,832,830 (after discount) within five days of contract execution. Pursuant
to Board Policy 707.03 Approval of Prepayment for Goods and Services, the Board
approved the request for the institution to prepay take advantage of this discount using
institutional funds for this prepayment. The construction portion of the contract will be
funded using federal funds provided under HEERF III combined with university plant
funds. The ongoing M&V and energy management support costs will be funded from
energy cost savings using University educational and general (E&G) funds. The Attorney
General’s Office has reviewed this item for compliance with applicable law and finds the
same to be acceptable. The written and signed certification statement from the IEO must
be provided to the Commissioner prior to the university moving forward with using the
federal funds for the requested purpose set out within this agenda item.

25. USM – Approved the request to enter an agreement with Billie Billingsley Swinney
(individually) and Billie Billingsley Swinney (Trustee of the Billie Billingsley Swinney
Revocable Trust, for the purchase of real property located at 209 N. 36th Avenue,
Hattiesburg, MS for a sale price of $355,000. The university received two independent
property appraisals for the property: $400,000 and $310,000, respectively. The average
of the two appraisals is $355,000 which is the purchase price. The property description is:
All those tracts or parcels of land owned by Seller and located at 209 N. 36th Ave.,
Hattiesburg, MS 39401, being more particularly described as: Lots 9, 10, 11, and 12, Block
17, Pinecrest 2nd Survey or Addition to the City of Hattiesburg, County of Forrest, State
of Mississippi. The closing date shall be on or before, December 31, 2022, or as otherwise mutually agreed upon in writing by the parties involved. The Seller agrees to sell the Property to the Purchaser on the terms and conditions contained in this Agreement and the Purchaser agrees to purchase the Property from the Seller on the terms and conditions contained in this Agreement. Funds are available from Internal University Funds ($355,000). A Phase I Environmental Site Assessment has been conducted on the property. Based on the site observations and research conducted, it was determined that there are no recognized environmental conditions associated with the site that warrant further inquiry at the present time. 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 finds same to be acceptable.

LEGAL

26. JSU – Pending approval by the Attorney General, the Board approved the request to enter a contract for professional legal services with Armstrong Law, LLC as outside counsel to perform services as necessary in preparing labor certification applications, immigration applications, and immigration petitions, and to provide immigration-related services on behalf of the university for its employees who seek temporary or permanent residence status, as well as providing other related services. The term of this contract will be one year, with rates as set out in the fee schedule below. The maximum amount payable under this agreement is $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.

<table>
<thead>
<tr>
<th>Type of Immigration Processing</th>
<th>Attorney’s Fees¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent resident status (“green card”/immigrant) processing – labor certification required²</td>
<td></td>
</tr>
<tr>
<td>“Special handling” labor certification for faculty (teaching positions only) – using original recruitment</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>“Special handling” labor certification for faculty (teaching positions only) – re-recruitment³</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>“Basic recruitment” labor certification for non-teaching positions</td>
<td>$4,000.00</td>
</tr>
<tr>
<td>Audit response (if required by US Department of Labor)</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Immigrant petition for alien worker (I-140) – for employee</td>
<td>$2,800.00</td>
</tr>
<tr>
<td>Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee</td>
<td>$1,500.00</td>
</tr>
</tbody>
</table>

¹ Exclusive of all required US Citizenship and Immigration Services filing fees and costs of recruitment (if required); all additional work, including assistance in ad placement, renewal applications for employment authorization or advance parole during the period the application for adjustment of status is pending, preparation for and attendance at interviews with immigration officers, or appeals of any denials of any immigration petition or application filed, will be billed at normal hourly rates (currently $275 an hour)

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

³ Re-recruitment may be required if original ads do not meet US Department of Labor requirements or if labor certification is not filed within 18 months of date of offer letter.
## Type of Immigration Processing

<table>
<thead>
<tr>
<th>Type of Immigration Processing</th>
<th>Attorney’s Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee</td>
<td>$750.00</td>
</tr>
<tr>
<td>Preparation for and attendance at USCIS interview</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Application to renew employment authorization and/or advance parole (per application)</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Permanent resident status (“green card”/immigrant) processing – “Outstanding professors and researchers” (labor certification not required)</strong></td>
<td></td>
</tr>
<tr>
<td>Immigrant petition for alien worker (I-140) – for employee</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee</td>
<td>$750.00</td>
</tr>
<tr>
<td>Preparation for and attendance at USCIS interview</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Application to renew employment authorization and/or advance parole (per application)</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Permanent resident status (“green card”/immigrant) processing – “extraordinary ability” or “National Interest Waiver” (labor certification not required)</strong></td>
<td></td>
</tr>
<tr>
<td>Immigrant petition for alien worker (I-140) – for employee</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee</td>
<td>$1,500.00</td>
</tr>
<tr>
<td>Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee</td>
<td>$750.00</td>
</tr>
<tr>
<td>Preparation for and attendance at USCIS interview</td>
<td>$1,500,000</td>
</tr>
<tr>
<td>Application to renew employment authorization and/or advance parole (per application)</td>
<td>$500.00</td>
</tr>
<tr>
<td><strong>Temporary status (nonimmigrant) processing</strong></td>
<td></td>
</tr>
<tr>
<td>H-1B “specialty occupation” petition</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>O-1 “extraordinary ability” petition</td>
<td>$4,500.00</td>
</tr>
<tr>
<td>TN “NAFTA professional” petition</td>
<td>$2,500.00</td>
</tr>
<tr>
<td>Application for Waiver of J-1 Foreign Residence Requirement (based upon state Conrad 30 program)</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Application for Waiver of J-1 Foreign Residence Requirement (based upon extreme hardship)</td>
<td>$6,000.00</td>
</tr>
<tr>
<td>Application to extend or change nonimmigrant status (for dependents of employee who are in the US in another nonimmigrant status) when filed with I-129 Petition for primary</td>
<td>$500.00</td>
</tr>
</tbody>
</table>

4 Employee may pay fees and costs because labor certification is not required for this process.  
5 Employee may pay fees and costs because labor certification is not required for this process.  
6 Regulations require employer to pay all costs relating to H-1B filing, including attorney’s fees and filing fees (however, employee may pay “premium processing request” filing fee if desired).  

27. **JSU** – Pending approval of the Attorney General, the Board approved the request to enter a contract for professional legal services with the law firm of David Ware & Associates, LLC d/b/a Ware|Immigration as outside counsel to perform services as necessary in preparing labor certification applications, immigration applications, and immigration
petitions, and provide immigration related services on behalf of the university for its employees who seek temporary or permanent residence status, as well as providing other related services. The term of this contract will be one year, with rates as set out in the fee schedule below. The maximum amount payable under this agreement is $50,000. This firm carries professional liability insurance coverage in the amount of $3,000,000 per claim with an annual aggregate of $3,000,000.

### Schedule of Legal Fees for Academia

<table>
<thead>
<tr>
<th>Nonimmigrant Petitions and Processes</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>H-1B petition</td>
<td>2,250.00*</td>
</tr>
<tr>
<td>H-1B extension or amendment petitions (we handled original petition)</td>
<td>2,250.00*</td>
</tr>
<tr>
<td>H-1B withdrawal</td>
<td>200.00</td>
</tr>
<tr>
<td>H-4 EAD (Employee may pay)</td>
<td>750.00</td>
</tr>
<tr>
<td>*additional legal fee of up to $2,500 may apply for substantive requests for evidence</td>
<td></td>
</tr>
<tr>
<td>TN petition or border/consulate processing</td>
<td>2,250.00</td>
</tr>
<tr>
<td>TN extension petition (we handled original)</td>
<td>2,250.00</td>
</tr>
<tr>
<td>E-3 petition or consular processing</td>
<td>2,250.00</td>
</tr>
<tr>
<td>E-3 extension petition (we handled original)</td>
<td>2,250.00</td>
</tr>
<tr>
<td>O-1 petition</td>
<td>7,000.00</td>
</tr>
<tr>
<td>O-1 extension or amendment petition (we handled original)</td>
<td>4,000.00</td>
</tr>
<tr>
<td>J-1 waiver (IGA or hardship)</td>
<td>7,000.00</td>
</tr>
<tr>
<td>J-1 waiver (Conrad)</td>
<td>7,000.00</td>
</tr>
<tr>
<td>J-1 waiver (no objection)</td>
<td>1,500.00</td>
</tr>
<tr>
<td>I-539 Fee for Dependents (Employee may pay)</td>
<td>1,000.00</td>
</tr>
</tbody>
</table>

### Permanent Residence Process with Labor Certification: Faculty

| Special Handling labor certification (If position must be readvertised)   | 3,000.00 |
| Additional fee if audited                                                | 1,500-2,500.00 |
| Immigrant petition (I-140)                                               | 2,500.00 |

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

| Labor certification                                                      | 6,000.00 |
| Additional fee if audited                                                | 1,500-2,500.00 |
| Additional fee if subject to supervised recruitment                      | 3,000.00 |
| Immigrant petition                                                       | 2,500.00 |

### Permanent Residence Process: Outstanding Professors and Researchers

| Immigrant petition                                                       | 7,000.00 |

### Permanent Residence Process: National Interest Waiver

| Immigrant petition                                                       | 7,000.00 |
| NIW or OP/OR RFE or NOID: case by case determination up to               | 2,500.00 |

### Adjustment of Status (any Employment-Based Permanent Residence Matter)

| Adjustment of status (AOS) and related applications (I-765, I-131, etc.), principal | 2,500.00 |
| “Standalone” AOS and related applications, principal                       | 3,000.00 |
| Adjustment of status and related applications, spouse, if together with principal application and I-140 | 1,500.00 |
| Adjustment of status of each child, concurrent with I-140                  | 1,000.00 |
| “Standalone” adjustment of status, spouse (not concurrent with I-140)      | 2,000.00 |
“Standalone” adjustment of status, child $2,000.00
Reschedule biometrics appointment $150.00
Reschedule adjustment of status interview $150.00
I 485 J (standalone cases) $1,500.00

Employment Authorization and Advance Parole Renewal
Employment Authorization Renewal per individual $500.00
Advance Parole Renewal per individual $500.00

Marriage Based Permanent Residence
Principal Applicant $4,000.00
Each child, if any $2,500.00

General Legal Advice and Unusual Matters Which Fall Outside This Fee Schedule
Such matters will be billed at our hourly rates:
David Ware per hour billed $350.00
WI Partners per hour billed $250.00
Associate Attorneys per hour billed $175.00
Paralegals per hour billed $100.00

28. **MSU** – Approved the request to enter a contract with Butler Snow, LLP as outside counsel to perform services necessary for intellectual property-related matters and other matters requiring specialized legal knowledge including real estate and commercial matters. The term of the contract is one year beginning October 17, 2022. The hourly rates are $295 for attorneys and $135 for paralegal services. Further, to manage per-project costs, the University may pay on a flat-rate basis for preparing and filing patent applications. Flat rate filings for provisional patent applications will not exceed $5,000 per filing and $15,000 per filing for non-provisional application filings. The maximum amount payable under this contract term is $75,000. This firm carries professional liability insurance coverage in the amount of $20,000,000 with an annual aggregate of $40,000,000. This request has been approved by the Office of the Attorney General.

29. **MSU** – Approved the request to renew a contract with the law firm of Jones Walker, LLP as outside counsel to perform services necessary in assisting and advising the University on legal issues concerning the review of strategic financing options, tax-exempt bond arbitrage, and rebate compliance and the use of bond-financed building and other matters relating to bond issues. This renewal is for a term of one year beginning August 26, 2022 through August 25, 2023. The rate remains the same at $1.15 for every $1,000 of bonds issued by the EBC for those that bear interest at both fixed and variable rates. In addition, the contract will continue to allow for reimbursement of any out-of-pocket expenses, not to exceed $4,000. 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 Office of the Attorney General.

30. **MSU** – Approved the request to enter a contract with Winfield Law Firm, P.A. as outside counsel to perform services necessary in the areas of higher education law, employment law, real estate matters, compliance and other local matters. The term of the contract is one year beginning October 19, 2022. The hourly rates are $225 for attorneys and $75 for paralegal services with a maximum amount payable of $75,000. This firm carries professional liability insurance coverage in the amount of $1,000,000 with an annual
aggregate of $2,000,000. This request has been approved by the Office of the Attorney General.

31. **JSU** – Approved a consulting agreement between the university and Worth Thomas d/b/a W.T. Consulting, who will provide a full scope of legislative liaison services within the State of Mississippi, with such services designed to achieve the state agency and governmental relations goals of Jackson State University. The term of the agreement will begin upon approval and execution through June 30, 2023. The requested contract amount is $80,000 to be paid in quarterly installments of $20,000 each plus reasonable reimbursement of travel expenses up to a maximum of $2,500. This agreement will be paid with self-generated funds of the Jackson State University Foundation allocated for JSU Program Support. This agreement has been approved by the Office of the Attorney General. In accordance with Board Policy 201.0506 Political Activity, W.T. Consulting’s client list and proposed agreement are included in the bound *October 20, 2022 Board Working File*.

32. **SYSTEM** – Approved the updated Operational Guidelines of the UMMC Self-Insured Tort Plan. The Plan exists for the purpose of ensuring UMMC against liabilities arising under state and federal laws. The current operational guidelines were approved in 2001 and established a delegation of settlement authority to UMMC in an amount not to exceed $100,000 per claim. The updated operational guidelines increase the delegated settlement authority from up to $100,000 per claim to up to $200,000 per claim. The updated Operational Guidelines is included in the bound *October 20, 2022 Board Working File*.

33. **SYSTEM** – Approved the updated Operational Guidelines of the IHL Self-Insured Tort Plan. The Plan exists for the purpose of ensuring the system entities against liabilities arising under state and federal laws. The current operational guidelines were approved in 2001 and established a delegation of settlement authority to the Commissioner and the IHL Director of Risk Management in an amount not to exceed $100,000 per claim. The updated operational guidelines increase the delegated settlement authority from up to $100,000 per claim to up to $200,000 per claim. The updated Operational Guidelines is included in the bound *October 20, 2022 Board Working File*.

**PERSONNEL REPORT**

34. **Change of Status**

   **Alcorn State University**
   - Edmund Buckner; *from* Dean, School of Agriculture and Applied Sciences; salary of $152,555 per annum, pro rata; E&G Funds, 12-month contract; *to* Professor of Agriculture, School of Agriculture and Applied Sciences; salary of $101,000 per annum, pro rata; E&G Funds; 9-month contract; September 1, 2022.
   - Dexter Wakefield; *from* Associate Dean, School of Agriculture and Applied Sciences; salary of $123,600 per annum, pro rata; E&G Funds, 12-month contract; *to* Interim Dean, School of Agriculture and Applied Sciences; salary of $147,600 per annum, pro rata; E&G Funds; 12-month contract; effective September 1, 2022.
University of Mississippi Medical Center
- Thomas Dobbs, from faculty, John D. Bower School of Population Health; to Dean, John D. Bower School of Population Health, 12-month contract; salary of $310,000 per annum, pro rata; E&G Funds; 12-month contract; effective August 1, 2022.
- Joey Granger, from Dean, School of Graduate Studies in the Health Sciences; salary of $340,000 per annum, pro rata; E&G Funds; 12-month contract; to Associate Vice Chancellor for Research and Dean, School of Graduate Studies in the Health Sciences; salary of $400,000 per annum, pro rata; E&G Funds; 12-month contract; effective July 1, 2022.

ANNOUNCEMENT

- Trustee Walt Starr commended Tommy Duff and his brother, Jim, for their continued support of the public higher education system. The University of Mississippi broke ground on the Jim and Thomas Duff Center for Science and Technology Innovation a year ago. The naming of the building honors these two exceptional Mississippi businessmen and recognizes their interest in advancing education and STEM-related economic opportunities. Today, the Kinesiology and Autism Services Building at Mississippi State has been named the Jim and Thomas Duff Center in recognition of their generous donation to the university. On behalf of the Board, we thank them for supporting the universities and helping to pursue the mission of educating Mississippians.

REGULAR AGENDAS

ACADEMIC AFFAIRS
Presented by Trustee Steven Cunningham, Chair

On motion by Trustee Cunningham, seconded by Trustee McNair, with Trustees McNair and Ogletree 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 Martin, seconded by Trustee McNair, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #2.

1. USM – Approved the request to add a new academic degree program.
   Proposed Program Title: Master of Science in Medicine (MSM) in Physician Assistant Studies
   CIP code: 51.0912
   Total credit hours: 110
   Effective date: August 2024
   Incremental, five-year cost of implementation: $8,239,000
   Potential five-year, new revenue: $5,991,000
2. **UM** – Approved the request to add a new unit.
   Unit Title: Scholar Support and Data Services
   Unit Location: JD Williams Library
   Effective Date: Fall 2022
   Total number of current faculty/ Total number of new faculty: 3/0
   Total number of current staff/ Total number of new staff: 0/0
   Five-year cost of implementation: $0 (zero implementation cost)

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**FINANCE AGENDA**

Presented by Trustee Hal Parker, Chair

Trustee Gee Ogletree recused himself from discussing or voting on items #1-4 on the Finance Agenda and was placed in the Zoom waiting room before there was any discussion or vote regarding the same. On motion by Trustee Parker, seconded by Trustee McNair, with Trustee Ogletree absent and not voting and Trustee McNair participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Finance Agenda. Trustee Ogletree was readmitted to the Zoom meeting following the discussion and vote on items #1-4 on the Finance Agenda.

1. **JSU** – Approved the request to enter a Services Agreement with Cintas Corporation No. 2 (Cintas) to rent uniforms worn by employees in the Department of Facilities and Construction Management along with the rental of facility services products. The Department of Finance and Administration, Office of Purchasing, Travel, and Fleet Management (DFA) has contracted with Cintas for the provision of uniforms to state agencies. The initial term of the agreement is five-year (5) years, from October 21, 2022, through September 30, 2027. The total estimated cost over the five (5) year term is $482,178.53. Pricing under the agreement is firm for the five-year (5) year term. The agreement will be funded by general funds. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. The agreement is on file in the Board Office.

2. **JSU** – Approved the request to enter an agreement for campus television services with Comcast Cable Communications Management, LLC (Comcast). This agreement has an initial term of one (1) year beginning November 1, 2022 and ending October 31, 2023. The agreement will automatically renew for four (4) successive periods of one (1) year each unless either party gives 60 days’ notice of its intention not to renew. The total cost of the contact, if automatically renewed for five (5) years, is $899,200 before any addition or subtraction of units. The annual cost is estimated at $177,840 before additions or subtractions of units. The contract will be funded by general funds. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. The agreement is on file in the Board Office.

3. **UMMC** – Approved the request to enter a Pricing and Commitment Agreement with Becton, Dickinson, and Company (BD) for the purchase of dedicated and non-dedicated intravenous (IV) disposable sets, including pump sets, gravity sets, extension sets,
connectors, secondary sets, and accessories. These IV disposable sets are used with UMMC’s 2,343 IV pumps used throughout its facilities. The Board approved the request for the institution to add or remove products as needed and to amend the agreement in the instance of a change in UMMC’s group purchasing organizations (GPO) designation as long as the change does not increase the approved expenditure level. The term of the agreement is five (5) years, from November 1, 2022, through October 31, 2027. The total estimated cost of the agreement is $13,150,000 over the five (5) year term. Beginning in year two (2), UMMC has included a ten percent (10%) increase for potential volume change. BD may increase prices up to five percent (5%) per year. The contract will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. The agreement is on file in the Board Office.

4. **UMMC** – Approved the request to enter the Third Amendment to the Informatics Service Agreement with Philips Healthcare Informatics, Inc. (Philips) to extend the term of the current agreement and add a subsequent service schedule for the hardware, software, image storage, disaster recovery and support related to the Intellispace PACS system (PACS), which is the radiology services image archiving system used at UMMC. The PACS system is used to maintain and manage all radiographic imaging for interpretations and archiving. The total term of the amended agreement is up to ten (10) years, from November 20, 2014, through November 19, 2024. The term of the Third Amendment is one (1) year with a potential extension of an additional one (1) year, for a total of two (2) years. The total estimated cost of the amended agreement is $21,663,312.40. The total cost after the Second Amendment was $16,815,685. UMMC anticipates the need for an additional $4,847,628 for the potential two (2) year extension. UMMC has included a potential twenty percent (20%) volume increase each year of the Third Amendment. The agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the 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 Morgan, seconded by Trustee Cunningham, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to move items #1 and #2 to the Executive Session Agenda.

1. **JSU** – Settlement of the IHL Tort Claim No. 65-3784-1.  **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)**
2. **USM** – Settlement of pending litigation between certain parties.  **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)**
On motion by Trustee Rader, seconded by Trustee Cummings, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Administration/Policy Agenda. On motion by Trustee Cunningham, seconded by Trustee Starr, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #2.

1. **SYSTEM** – Approved the appointment of Dr. Glenn F. Boyce, Chancellor of The University of Mississippi, to serve as the third institutional representative on the Education Achievement Council (EAC). Dr. Boyce will replace Mr. Bill LaForge, former President of Delta State University. There is no term length for appointees. Currently, Trustees Tom Duff and Teresa Hubbard serve as the IHL Board members who serve on the EAC. Institutional representatives include Dr. Felicia M. Nave, President of Alcorn State University, and Dr. Jerryl Briggs, President of Mississippi Valley State University.

2. **SYSTEM** – Approved the Mississippi Law Enforcement and Fire Fighters Premium Pay Program Resolution. During the 2022 Legislative Session, the Mississippi Legislature adopted HB 1427 and HB 1542 to provide premium pay in the amount of $1,000 each to eligible law enforcement officers and firefighters for their heightened risk during the COVID-19 public health emergency. The Legislature allocated $12 million from the federal American Rescue Plan Act Coronavirus State Fiscal Recovery Fund for this purpose. All certified, full-time, and part-time law enforcement officers and all certified, full-time and part-time firefighters who are serving the State of Mississippi on the effective date of the act, July 1, 2022, and who complete an online COVID-19 training course, are eligible for this premium pay, with the exception of law enforcement officers who received hazard pay from Governor Reeves’ discretionary funds authorized by the Legislature from the federal Coronavirus Aid Relief and Economic Security Act. University law enforcement officers were not included as recipients of the Governor’s discretionary funds. The Mississippi Department of Public Safety (DPS) is the administrator of these funds. The program guidelines established by DPS require the governing body of the entity applying for funds to adopt a resolution approving the acceptance of premium payments from DPS and authorize those payments to be made to eligible recipients under its jurisdiction. Proof of such approval shall be in the form of a certified copy of the board minutes in which the governing authority adopts the DPS-approved resolution. The conditions for receiving and expending the funds described in HB 1542 are that DPS will certify to the Department of Finance and Administration that each expenditure of funds appropriated to DPS “under this act complies with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United State Department of Treasury regarding the use of monies from the Coronavirus State Fiscal Recovery Fund established by ARPA”. Further, “If the Office of the Inspector General of the United States Department of the Treasury, or the office of the Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus State Fiscal Recovery Fund established by ARPA (a) determines that the department (DPS) or recipient (university) has expended or otherwise used any of the funds appropriated to the
department (DPS) under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus State Fiscal Recovery Fund established by ARPA, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of Inspector General determined were expended or otherwise used improperly by the department (DPS) or recipient (university), then the department (DPS) or recipient (university) that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.” Universities who wish to apply for the premium pay must submit to DPS a list of eligible employees with a copy of their certificate of completion of the COVID-19 training course with an affidavit from the employee affirming that the employee meets the eligibility criteria and has not received premium pay from any other source. A copy of the resolution is included in the bound October 20, 2022 Board Working File. Legal Staff has reviewed the proposed resolution for compliance with applicable law and finds same to be acceptable.

INFORMATION AGENDAS
Presented by Commissioner Alfred Rankins, Jr.

ACADEMIC AFFAIRS
1. SYSTEM – The Board received the annual report of winners of the Halbrook Awards for Academic Achievement Among Athletes for 2021-2022.

<table>
<thead>
<tr>
<th>David C. Halbrook Awards for Academic Achievement Among Athletesa</th>
<th>Institution</th>
<th>Male Recipient</th>
<th>Female Recipient</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public University Division – Men</td>
<td>University of Mississippi</td>
<td>Santiago Rocca <em>(Business Adm)</em></td>
<td>Mikayla Shaughnessy <em>(English)</em></td>
</tr>
<tr>
<td>Public University Division – Women</td>
<td>University of Mississippi</td>
<td>Jacob Barlow <em>(Environmental Sci)</em></td>
<td>Kailyn Lofton <em>(Nutrition/Dietetics)</em></td>
</tr>
<tr>
<td>Independent College Division Overall</td>
<td>Mississippi College</td>
<td>Deventae Rhodes <em>(Graphic Design)</em></td>
<td>Ameshya Williams-Holiday <em>(Sport Management)</em></td>
</tr>
<tr>
<td>Community and Junior College Division Overall (tie)</td>
<td>East Mississippi Community College</td>
<td>Luke Zacharias <em>(Biological Science)</em></td>
<td>Mia Davidson <em>(Kinesiology/Sport Studies)</em></td>
</tr>
<tr>
<td>John C. and Ernestine McCall Halbrook Improvement Awardb</td>
<td>Pearl River Community College</td>
<td>Johnathan Yandrich <em>(Health Physical Education)</em></td>
<td>Ronni Williams <em>(Criminal Justice)</em></td>
</tr>
<tr>
<td>David M. Halbrook Certificate Award for Academic Achievement Among Athletesc</td>
<td>Institution</td>
<td>Male Recipient</td>
<td>Female Recipient</td>
</tr>
<tr>
<td>Public University Division</td>
<td>Alcorn State University</td>
<td>Santiago Rocca <em>(Business Adm)</em></td>
<td>Mimi Reid <em>(Criminal Justice)</em></td>
</tr>
<tr>
<td>University of Mississippi</td>
<td>Delta State University</td>
<td>Jacob Barlow <em>(Environmental Sci)</em></td>
<td>Monique Burton <em>(Kinesiology)</em></td>
</tr>
<tr>
<td>Jackson State University</td>
<td>Mississippi State University</td>
<td>Devontae Rhodes <em>(Graphic Design)</em></td>
<td>Mia Davidson <em>(Kinesiology/Sport Studies)</em></td>
</tr>
<tr>
<td>University of Mississippi for Women</td>
<td>Mississippi University for Women</td>
<td>Luke Zacharias <em>(Biological Science)</em></td>
<td>Mia Davidson <em>(Kinesiology/Sport Studies)</em></td>
</tr>
<tr>
<td>University of Mississippi</td>
<td>Mississippi Valley State University</td>
<td>Johnathan Yandrich <em>(Health Physical Education)</em></td>
<td>Ronni Williams <em>(Criminal Justice)</em></td>
</tr>
<tr>
<td>University of Mississippi</td>
<td>University of Mississippi</td>
<td>Simon Junk <em>(Accountancy)</em></td>
<td>Mimi Reid <em>(Criminal Justice)</em></td>
</tr>
<tr>
<td>University of Southern Mississippi</td>
<td>University of Southern Mississippi</td>
<td>Andrew Boyd <em>(Biological Sciences)</em></td>
<td>Monique Burton <em>(Kinesiology)</em></td>
</tr>
</tbody>
</table>
2. **SYSTEM** – The Board received the annual report on institutional accreditation. A table summarizing the system accreditation activity for the period beginning July 1, 2021 and ending June 30, 2022 is included in the bound *October 20, 2022 Board Working File.*

**FINANCE**

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

**REAL ESTATE**

4. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the August 18, 2022 Board meeting in accordance with Board Policy 904 Board Approval. *(See Exhibit 1.)*

**LEGAL**

5. **SYSTEM** – The Board received a report of the payment of legal fees to outside counsel. *(See Exhibit 2.)*
6. **SYSTEM** – The Chair of the Legal Committee approved requesting an official Attorney General’s opinion related to the new Nursing and Respiratory Therapy Education Incentive Program (the Program) recently established by our state legislature and whether H.B. 1005, codified as Miss. Code Ann. Section 37-106-60, legally permits the issuance of forgivable loans, according to the Program requirements, covering up to the full cost of attendance as defined by the U.S. Department of Education and as estimated by the institution providing the course of study.

**ADMINISTRATION/POLICY**

7. **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 September 20, 2022, Commissioner Alfred Rankins, Jr., approved a 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 facilities. This is a renewal of an identical lease executed in October 2021 (the sole exception being a $500 increase in rent). The term of the lease begins upon approval and execution and shall terminate on June 30, 2023. The cost is $10,500 payable within thirty days of approval and execution of the agreement. The Attorney General’s Office staff has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts and Policy 707.03 Approval of Prepayment for Goods or Services. A copy of the document is on file in the IHL Board Office.

**PERSONNEL**

8. **Sabbatical**
   Mississippi State University
   FROM: Beth Richardson Miller; Professor of Interior Design Program; from salary of $140,000.00 per annum, pro rata; E&G Funds; 12 -month contract; to salary of $52,499.97 for sabbatical period; E&G Funds; effective August 16, 2022 to December 31, 2022; professional development
   [Originally approved by IHL Board February 17, 2022]
   CORRECTED: This item was rescinded.

**HEALTH AFFAIRS COMMITTEE REPORT**

Wednesday, October 19, 2022

The meeting was called to order by Chairman Walt Starr at approximately 2:00 p.m. The following items were discussed.

1. The Committee discussed received a report on Mental Health Services at Mississippi’s Public Universities by Dr. Casey Prestwood, IHL Associate Commissioner of Academic
and Student Affairs, and a report on the IHL Telemental Health Needs Assessment Summary and Proposal by Dr. Nick McAfee, Assistant Professor – UMMC Psychiatry Director – Student Counseling and Wellness Center. **No action was taken.**

2. The Committee discussed the monthly financial summary/strategic goal dashboard and received an update on the special services: burn services and fragile children. **No action was taken.**

3. Executive Session
   On motion by Trustee Rader, with Trustees Cummings, Ogletree, and Parker absent and not voting and with Trustees Martin and McNair 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 McNair, seconded by Trustee Morgan, with Trustees Cummings, Ogletree, and Parker absent and not voting and with Trustees Martin and McNair participating via Zoom, all Committee members legally present and participating voted unanimously to enter Executive Session for the reasons reported to the public and stated in these minutes, as follows:
   Discussion of the 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 Rader, seconded by Trustee Cunningham, with Trustees Cummings, Ogletree, and Parker absent and not voting and with Trustees Martin and McNair participating via Zoom, all Committee members legally present and participating voted unanimously to return to open session.

4. The meeting was adjourned by consensus.

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

**ANNOUNCEMENT**

- President Duff announced the next meeting of the IHL Board will be November 17, 2022.

**EXECUTIVE SESSION**

On motion by Trustee Martin, with Trustees McNair and Ogletree 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 Starr, seconded by Trustee Cunningham, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to enter Executive Session for the reasons reported to the public and stated in these minutes, as follows:
Discussion of a litigation matter at the University of Southern Mississippi.
Discussion of a litigation matter at Jackson State University.
Discussion of a personnel matter at the University of Southern Mississippi.
Discussion of a personnel matter at Delta State University.

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

On motion by Trustee Starr, seconded by Trustee Martin, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve the settlement of certain claims asserted against certain defendants in the case styled *The Board of Trustees of the Mississippi Institutions of Higher Learning, Acting on Behalf of the University of Southern Mississippi vs. J.F. Pate & Associates Contractors, Inc., et al.*, as recommended by counsel.

On motion by Trustee Cunningham, seconded by Trustee Martin, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve the settlement of the Tort Claim No. 65-3784-1 styled as *Summit Management Company vs. Jackson State University, et al.*, as recommended by counsel.

Trustee Ogletree made a motion that all provisions and requirements within IHL Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process that have not yet been completed be suspended for the remainder of the current University of Southern Mississippi (USM) IEO search, pursuant to IHL Bylaw 301.0510 Meeting Rules of Order subsection D. Motion to Suspend Policies, Bylaws or Rules, and that Dr. Joseph S. Paul be hired as President of USM effective November 1, 2022, at a state annual salary of $450,000, and with a salary supplement of up to $200,000 annually to be provided by one or more of the USM affiliated entities, that Dr. Paul be given a four-year employment contract and that Dr. Paul’s new employment contract provide that he may be reimbursed for up to $15,000 in actual moving expenses. The motion was seconded by Trustee McNair, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to approve the motion.

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

**On motion by Trustee Cummings, seconded by Trustee Cunningham, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to return to Open Session.**
ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Starr, seconded by Trustee Hubbard, with Trustees McNair and Ogletree participating via Zoom, all Trustees legally present and participating voted unanimously to adjourn the meeting.

_____________________________________________________________
President, Board of Trustees of State Institutions of Higher Learning

_____________________________________________________________
Commissioner, Board of Trustees of State Institutions of Higher Learning
EXHIBITS

Exhibit 1  Real Estate items that were approved by the IHL Board staff subsequent to the August 18, 2022 Board meeting.

Exhibit 2  Report of the payment of legal fees to outside counsel.
SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE AUGUST 18, 2022 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 #102-271 - NURSING SCHOOL EXPANSION AND RENOVATION
   NOTE: This is a Bureau of Building project
   Approval Request #1: Change Order #1
   Board staff approved Change Order #1 in the amount of $141,991.24 and twenty-six (26) additional days to the contract of Richard Womack Construction, LLC.
   Approval Status & Date: APPROVED, July 29, 2022
   Change Order Description: Change Order #1 includes the following: remove and replace the flooring and toilet partitions; remove and replace unsuitable soils at the new parking lot; add new door panic hardware in the existing building; and twenty-six (26) days to the contract.
   Change Order Justification: This change was due to errors and omissions in the plans and specifications; latent job site conditions; and days for work as indicated herein.
   Approval Request #1: Change Order #2
   Board staff approved Change Order #2 in the amount of $193,500.40 and eighty-five (85) additional days to the contract of Richard Womack Construction, LLC.
   Approval Status & Date: APPROVED, September 22, 2022
   Change Order Description: Change Order #2 includes the following: mixed lime and additional fill with unsuitable material at a parking lot; relocated existing underground electrical feeding, the pad-mounted transformer and backfeeding panels on the existing building; and eighty-five (85) days to the contract.
   Change Order Justification: This change was due to errors and omissions in the plans and specifications; latent job site conditions; and days for work as indicated herein.
   Total Project Change Orders and Amount: Two (2) change orders for a total amount of $335,491.64.
   Project Initiation Date: February 18, 2021
   Design Professional: Eley Guild Hardy Architects – Jackson P.A.
   General Contractor: Richard Womack Constructions, LLC
   Total Project Budget: $11,875,000.00
EXHIBIT 1
October 20, 2022

MISSISSIPPI STATE UNIVERSITY

2. **MSU- IHL #205-283 – ADDITION AND RENOVATION OF HUMPHREY COLISEUM**
   Approval Request #1: Change Order #2
   Board staff approved Change Order #2 in the amount of $18,288.70 and zero (0) additional days to the contract of Thrash Commercial Contractors, Inc.
   Approval Status & Date: APPROVED, September 30, 2022
   Change Order Description: Change Order #2 includes the following items: a 40 cent math errors was corrected; revised the electrical systems; credit for not providing door position devices at temporary doors; provided fire alarm devices at the temporary wall during 2022-2023 basketball season; additional cost due to related latent conditions deducted from the latent contingency allowance; additional cost associated with revisions to the east structure due to latent conditions and was deducted from the latent contingency allowance.
   Change Order Justification: These changes were necessary due to latent job site conditions; user/owner requested modifications.
   Total Project Change Orders and Amount: Two (2) change orders for a total amount of $241,289.80.
   Project Initiation Date: June 16, 2018
   Design Professional: Dale Partners Architects, P.A.
   General Contractor: Thrash Commercial Contractors, Inc.
   Total Project Budget: $50,000,000.00

3. **MSU- IHL #205-287 – PARKING GARAGE NORTH - REBID**
   Approval Request #1: Change Order #3
   Board staff approved Change Order #3 in the amount of $581,467.75 and thirty-five (35) additional days to the contract of Amason & Associates, Inc.
   Approval Status & Date: APPROVED, September 15, 2022
   Change Order Description: Change Order #3 includes the following items: added a segmental retaining wall at two exposed electrical boxes at the south hillside; standpipe revisions done at the elevator equipment room; added bent metal for ledges at the elevator shaft; added two fire strobes; provided wire mesh panels at the interior side of the elevator shaft windows; installed four drains at the slab on grade that was tied to the existing drainage basins; and thirty-five (35) days to the contract.
   Change Order Justification: These changes were necessary due to errors and omissions in the plans and specifications; latent jobsite conditions; user/owner requested modifications; and days for work as indicated herein.
   Total Project Change Orders and Amount: Three (3) change orders for a total amount of $790,027.72.
   Project Initiation Date: August 18, 2010
   Design Professional: McCarty architects, P.A.
   General Contractor: Amason & Associates, Inc.
   Total Project Budget: $16,000,000.00
4. **MSU-IHL #205-297 – BUTLER HALL MECHANICAL, ADA IMPROVEMENTS AND EXTERIOR WINDOW REPLACEMENT**

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

   Board staff approved Change Order #5 in the amount of $87,994.14 and thirty (30) additional days to the contract of Brislin, Inc.

   **Approval Status & Date:** APPROVED, August 29, 2022

   **Change Order Description:** Change Order #5 includes the following items: installed new restroom fixtures and finishes; demolished existing wall covering, gypsum, and replaced with new wall covering in the 3rd floor coffee room; demolished existing fixed furniture in two rooms; removed the wall covering in the central stairwell, skimmed and painted; painted the ceiling in a to match the walls; and thirty (30) 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:** Five (5) change orders for a total amount of $695,327.26.

   **Project Initiation Date:** December 5, 2019

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

   **General Contractor:** Brislin, Inc.

   **Total Project Budget:** $4,643,600.00

5. **MSU-IHL #205-309 – MSU ICE PLANT EXPANSION PROJECT**

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

   Board staff approved Change Order #1 in the amount of $302,101.87 and eighty (80) additional days to the contract of Brislin, Inc.

   **Approval Status & Date:** APPROVED, August 29, 2022

   **Change Order Description:** Change Order #1 includes the following items: modified the cooling tower foundation to that of the existing cooling tower; increased the top of the steel elevation on the ice tank structure; structural modification of the tank done; reconciliation of the controls allowance; eighty (80) days to the contract.

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

   **Total Project Change Orders and Amount:** One (1) change order for a total amount of $302,101.87.

   **Project Initiation Date:** August 20, 2009

   **Design Professional:** Engineering Resource Group.

   **General Contractor:** Brislin, Inc.

   **Total Project Budget:** $7,389,000.00

6. **MSU-IHL #205-317 – IED CNC LAB RENOVATION**

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

   Board staff approved Change Order #3 in the amount of $15,482.52 and sixty-eight (68) additional days to the contract of Ethos Contracting Group, LLC.

   **Approval Status & Date:** APPROVED, August 9, 2022
Change Order Description: Change Order #3 includes the following items: added two (2) additional floor boxes at the CNC machines; added a compressed air line; additional glazing and frames done for the office doors; added fire extinguisher cabinets; extended the project impact due to door changes; and sixty-eight (68) days to the contract.

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

Approval Request #2: Change Order #4
Board staff approved Change Order #4 in the amount of $9,984.88 and zero (0) additional days to the contract of Ethos Contracting Group, LLC.

Approval Status & Date: APPROVED, August 29, 2022
Change Order Description: Change Order #4 includes the following items: installed sensors on each blower coil unit at the industrial education department.

Justification: These changes were necessary due to errors and omissions in the plans and specifications – sensors were not included in the construction documents.

Approval Request #3: Change Order #5
Board staff approved Change Order #5 in the credit amount of $500.00 and zero (0) additional days to the contract of Ethos Contracting Group, LLC.

Approval Status & Date: APPROVED, September 22, 2022
Change Order Description: Change Order #5 includes the following item: This was due to the difference between the cost and HVAC controls allowance.

Justification: This change was necessary due to the allowance being more than the actual cost of the HVAC controls.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of $91,715.13.

Project Initiation Date: July 8, 2021
Design Professional: Beard + Riser Architects, PLLC
General Contractor: Ethos Contracting Group, LLC
Total Project Budget: $1,400,000.00

7. MSU- IHL #205-330 – MCArTHUR HALL ELEVATOR REPLACEMENT

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 August 6, 2022 to initiate the project and to name Shafer Zahner-Zahner as the design professional.

Interim Approval Status & Date: APPROVED, August 6, 2022

Approval Request #2: Award of Construction Contract
Board staff approved the Award of Contract in the amount of $1,108,000.00 to the apparent low bidder, Craddock Construction Company, Inc.

Approval Status & Date: APPROVED, August 26, 2022
Project Initiation Date: August 6, 2022
Design Professional: Shafer Zahner-Zahner
General Contractor: Craddock Construction Company, Inc.
Total Project Budget: $1,400,000.00
8. MSU-IHL #213-147 – LIVESTOCK ASSESSMENT FACILITY  
   Approval Request #1: Schematic Design Documents  
   Board staff approved the Schematic Design Documents as submitted by Pryor Morrow Architects & Engineers.  
   Approval Status & Date: APPROVED, September 16, 2022  
   Approval Request #2: Design Development Documents  
   Board staff approved the waiver of Design Development Documents as submitted by Pryor Morrow Architects & Engineers.  
   Approval Status & Date: APPROVED, September 16, 2022  
   Project Initiation Date: June 16, 2022  
   Design Professional: Pryor Morrow Architects & Engineers  
   General Contractor: TBD  
   Total Project Budget: $1,500,000.00

9. MSU-IHL #405-005 – STONE CHILLED WATER LOOP EXTENSION  
   Approval Request #1: Schematic Design Documents  
   Board staff approved the Schematic Design Documents as submitted by Engineering Resource Group, Inc.  
   Approval Status & Date: APPROVED, September 16, 2022  
   Approval Request #2: Design Development Documents  
   Board staff approved the waiver of Design Development Documents as submitted by Engineering Resource Group, Inc.  
   Approval Status & Date: APPROVED, September 16, 2022  
   Project Initiation Date: May 19, 2022  
   Design Professional: Engineering Resource Group, Inc.  
   General Contractor: TBD  
   Total Project Budget: $2,000,000.00

10. MSU-IHL #413-001 – BALLEW HALL RENOVATION  
    Approval Request #1: Contract Documents  
    Board staff approved Contract Documents as submitted by Belinda Stewart Architects.  
    Approval Status & Date: APPROVED, October 3, 2022  
    Approval Request #2: Advertise  
    Board staff approved request to advertise for receipt of bids.  
    Approval Status & Date: APPROVED, October 3, 2022  
    Project Initiation Date: August 20, 2020  
    Design Professional: Belinda Stewart Architects  
    General Contractor: TBD  
    Total Project Budget: $12,000,000.00

11. MSU-IHL #413-144 – SUSTAINABLE BIOPRODUCTS FACILITIES PHASE II – BUILDING 4/GENERAL WORKS  
    Approval Request #1: Change Order #3  
    Board staff approved Change Order #3 in the amount of $47,475.41 and zero (0) additional days to the contract of Construction Services, Inc.
EXHIBIT 1
October 20, 2022

Approval Status & Date: APPROVED, September 2, 2022
Change Order Description: Change Order #3 includes the following items: replaced siding and trim at a building and partial deck and guard rail replaced on another building.
Change Order Justification: These changes were necessary due to user/owner requested modifications.
Total Project Change Orders and Amount: Three (3) change orders for a total amount of $134,991.66.
Project Initiation Date: June 18, 2020
Design Professional: Pryor Morrow Architects & Engineers
General Contractor: Construction Services, Inc.
Phased Project Budget: $3,700,000.00
Total Project Budget: 5,000,000.00

UNIVERSITY OF MISSISSIPPI

12. UM- IHL #207-440 – NEW BAND PRACTICE FIELD
   Approval Request #1: Contract Documents
   Board staff approved Contract Documents as submitted by Holcombe Norton Partners, LLC.
   Approval Status & Date: APPROVED, August 17, 2022
   Approval Request #2: Advertise
   Board staff approved request to advertise for receipt of bids.
   Approval Status & Date: APPROVED, August 17, 2022
   Project Initiation Date: November 16, 2017
   Design Professional: Holcombe Norton Partners, LLC.
   General Contractor: TBD
   Total Project Budget: $3,500,000.00

13. UM- IHL #207-474 – SOC – COSTUME SHOP RELOCATION
   Approval Request #1: Change Order #1
   Board staff approved Change Order #1 in the amount of $16,976.30 and zero (0) additional days to the contract of JP Corp General Contractors.
   Approval Status & Date: APPROVED, August 1, 2022
   Change Order Description: Change Order #1 includes the following items: revised the sanitary sewer piping above the 2nd floor ceiling and modified the demolition.
   Change Order Justification: These changes were necessary due to errors and omissions in the plans and specifications.
   Total Project Change Orders and Amount: One (1) change order for a total amount of $16,976.30.
   Project Initiation Date: January 20, 2022
   Design Professional: McCarty Architects, P.A.
   General Contractor: JP Corp General Contractors
   Total Project Budget: $1,378,790.00
14. UM- IHL #207-479 – CONNER-HOLMAN – ROOF REPLACEMENT
   Approval Request #1: Award of Construction Contract
   Board staff approved the Award of Contract in the amount of $1,154,500.00 to the apparent low bidder, Roofing Solutions, LLC.
   Approval Status & Date: APPROVED, September 14, 2022
   Project Initiation Date: May 19, 2022
   Design Professional: Shafer-Zahner-Zahner
   General Contractor: Roofing Solutions, LLC
   Total Project Budget: $2,000,000.00

15. UM- IHL #207-480 – GERTRUDE C. FORD CENTER – ROOF REPLACEMENT
   Approval Request #1: Award of Construction Contract
   Board staff approved the Award of Contract in the amount of $1,691,046.00 to the apparent low bidder, B Four Plied, Inc.
   Approval Status & Date: APPROVED, September 14, 2022
   Project Initiation Date: May 19, 2022
   Design Professional: Shafer-Zahner-Zahner
   General Contractor: B 4 Plied, Inc.
   Total Project Budget: $2,150,000.00

16. UM- IHL #207-481 – MARTINDALE COLE – ROOF REPLACEMENT
   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 September 27, 2022 to increase the budget from $1,400,000.00 to $1,820,000.00, an increase of $420,000.00.
   Interim Approval Status & Date: APPROVED, September 27, 2022
   Approval Request #2: Award of Construction Contract
   Board staff approved the Award of Contract in the amount of $1,448,849.00 to the apparent low bidder, E. Cornell Malone Corporation.
   Approval Status & Date: APPROVED, October 3, 2022
   Project Initiation Date: May 19, 2022
   Design Professional: Shafer-Zahner-Zahner
   General Contractor: E. Cornell Malone Corporation
   Total Project Budget: $1,820,000.00

17. UM- IHL #207-482 – FASER HALL – ROOF REPLACEMENT
   Approval Request #1: Contract Documents
   Board staff approved Contract Documents as submitted by Shafer-Zahner-Zahner
   Approval Status & Date: APPROVED, September 15, 2022
   Approval Request #2: Advertise
   Board staff approved request to advertise for receipt of bids.
   Approval Status & Date: APPROVED, September 15, 2022
   Project Initiation Date: May 19, 2022
   Design Professional: Shafer-Zahner-Zahner
   General Contractor: TBD
EXHIBIT 1
October 20, 2022

Total Project Budget: $1,450,000.00

18. **UM- IHL #407-002 – DATA CENTER FACILITY RENOVATION**
   Approval Request #1: Design Development Documents
   Board staff approved the Design Development Documents as submitted by Duvall Decker Architects, P.A.
   Approval Status & Date: APPROVED, September 7, 2022
   Project Initiation Date: June 20, 2019
   Design Professional: Duvall Decker Architects, P.A.
   General Contractor: TBD
   Total Project Budget: $30,000,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

19. **UMMC - IHL #209-576 – MS CENTER FOR MEDICALLY FRAGILE CHILDREN**
   Approval Request #1: Schematic Design Documents
   Board staff approved the Schematic Design Documents as submitted by Eley/Barkley/Dale – A Joint Venture.
   Approval Status & Date: APPROVED, October 5, 2022
   Project Initiation Date: April 25, 2019
   Design Professional: Eley/Barkley/Dale – A Joint Venture
   General Contractor: TBD
   Total Project Budget: $15,900,000.00

20. **UMMC- IHL #209-582 – UPDATE LAKELAND MEDICAL BUILDING**
   Approval Request #1: Design Development Documents
   Board staff approved the waiver of Design Development Documents as submitted by Burris/Wagnon Architects, P.A.
   Approval Status & Date: APPROVED, October 3, 2022
   Approval Request #2: Contract Documents
   Board staff approved Contract Documents as submitted by Burris/Wagnon Architects, P.A.
   Approval Status & Date: APPROVED, October 3, 2022
   Approval Request #3: Advertise
   Board staff approved request to advertise for receipt of bids.
   Approval Status & Date: APPROVED, October 3, 2022
   Project Initiation Date: June 16, 2022
   Design Professional: Burris/Wagnon Architects, P.A.
   General Contractor: TBD
   Total Project Budget: $1,550,000.00
21. UMMC- IHL #409-003 – CAMPUS EMERGENCY SYSTEM UPGRADES
   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 August 6, 2022 to change the funding source to SB
   2971, Laws of 2021 and the project number from IHL #209-563 to IHL #409-003.
   Interim Approval Status & Date: APPROVED, August 6, 2022
   Approval Request #2: Award of Construction Contract
   Board staff approved the Award of Contract in the amount of $5,980,193.00 to the
   apparent low bidder, Fountain Construction.
   Approval Status & Date: APPROVED, October 4, 2022
   Project Initiation Date: November 16, 2017
   Design Professional: Cooke Douglass Farr Lemons Architects + Engineers, P.A.
   General Contractor: Fountain Construction
   Total Project Budget: $6,700,000.00

22. UMMC- IHL #409-004 – NEW WATER WELL
   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 August 6, 2022 to increase the project budget from
   $1,600,000.00 to $3,200,000.00, for an increase of $1,600,000.00, change the funding
   source to state funding and change the project number from IHL #209-570 to IHL#409-
   004.
   Interim Approval Status & Date: APPROVED, August 6, 2022
   Approval Request #2: Contract Documents
   Board staff approved Contract Documents as submitted by Neel-Schaffer, Inc.
   Approval Status & Date: APPROVED, September 14, 2022
   Approval Request #3: Advertise
   Board staff approved request to advertise for receipt of bids.
   Approval Status & Date: APPROVED, September 14, 2022
   Project Initiation Date: October 18, 2018
   Design Professional: Neel-Schaffer, Inc.
   General Contractor: TBD
   Total Project Budget: $3,200,000.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

23. USM- GS #108-296 – KINESIOLOGY BUILDING RENOVATION
   NOTE: This is a Bureau of Building project
   Approval Request #1: Contract Documents
   Board staff approved Contract Documents as submitted by Albert & Robinson Architects.
   Approval Status & Date: APPROVED, September 9, 2022
   Approval Request #2: Advertise
   Board staff approved request to advertise for receipt of bids.
   Approval Status & Date: APPROVED, September 9, 2022
EXHIBIT 1
October 20, 2022

Project Initiation Date: March 19, 2020
Design Professional: Albert & Robinson Architects
General Contractor: TBD
Total Project Budget: $9,350,000.00
SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Brunini, PLLC (statements dated 8/23/22 and 9/16/22) from the funds of Mississippi State University. (These statements, in the amounts of $1,950.00 and $11,799.03, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE..................................................................................$ 13,749.03

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 9/1/22 and 9/1/22) from the funds of Mississippi State University. (These statements, in the amounts of $539.00 and $559.48, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE..................................................................................$ 1,098.48

Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 9/12/22) from the funds of the University of Mississippi. (This statement, in the amount of $3,301.93, represents services and expenses in connection with general legal advice.)

TOTAL DUE..................................................................................$ 3,301.93

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 9/1/22, 9/1/22, 9/1/22 and 9/1/22) from the funds of the University of Mississippi. (These statements, in the amounts of $143.80, $75.00, $2,308.65 and $2,261.20, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE..................................................................................$ 4,788.65

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 7/18/22, 7/18/22, 8/16/22, 8/16/22, 8/17/22, 8/18/22, 8/19/22, 8/19/22, 8/19/22, 8/19/22, 8/24/22 and 9/7/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $300.00, $18,158.80, $5,104.70, $3,111.50, $780.30, $4,012.00, $1,204.00, $1,648.62, $216.00, $715.50, $11,034.50 and $6,479.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..................................................................................$ 52,765.42
Payment of legal fees for professional services rendered by Gore, Kilpatrick & Dambrino, PLLC (statements dated 7/28/22, 8/29/22, 8/29/22 and 8/29/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $924.00, $49.50, $379.50 and $1,633.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………….$ 2,986.50

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 8/9/22, 8/10/22 and 8/12/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $726.00, $5,547.50, $703.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………….$ 6,977.00

Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statements dated 7/14/22, 7/14/22, 8/11/22, 8/11/22, 8/15/22, 8/29/22, 8/29/22 and 8/29/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $6,858.70, $12,549.00, $5,805.30, $15,540.20, $1,673.50, $330.00, $1,970.25, $1,090.97 and $528.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………….$ 46,345.92

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 8/25/22 and 9/29/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $17,297.73 and $20,455.15, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………….$ 37,752.88

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 8/11/22, 9/7/22 and 9/8/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of $1,033.50, $8,002.00 and $2,773.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………….$ 11,809.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 9/1/22, 9/1/22, 9/1/22, 9/1/22, 9/1/22, 9/1/22, 9/1/22, 9/1/22, 9/1/22 and 9/1/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $258.65, $31.91, $25.12, $91.25, $97.16, $133.79, $59.44, $233.45, $2,260.50, $2,250.00 and $1,442.50, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE……………………………………………….$ 6,883.77
EXHIBIT 2
October 20, 2022

Payment of legal fees for professional services rendered by Wise Carter (statement dated 9/12/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of $1,502.07, represents services and expenses in connection with legal advice.)

TOTAL DUE.........................................................$ 1,502.07

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

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 8/23/22, 8/23/22 and 8/23/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Sequence Specific Phage-Based Antimicrobials” - $673.50; “Recombinant Fimbrial Protein of Aeromonas Hydrophila as Vaccine in Catfish” - $1,204.50; and “A Y161F Hemagglutinin Substitution Increases Thermostability and Improves Yields of 2009 H1N1 Influenza A Virus Cells” - $206.50.)

TOTAL DUE.........................................................$ 2,084.50

Payment of legal fees for professional services rendered by Conley Rose (statements dated 9/7/22, 9/7/22, 9/7/22, 9/7/22 and 9/7/22,) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Compositions and Methods for Use in Food Processing and Preservation” - $740.00; “Compositions and Methods for Use in Food Processing and Preservation” - $3,150.00; “Wearable Flexible Sensor Motion Capture System” - $3,871.00; “Method and System for a Quantum Oracle to Obtain the Number of Quantum Ground States” - $2,835.00; and “Materials and Devices that Provide Total Transmission of Electrons Without Ballistic Propagation and Methods of Devising Same” - $2,870.00.)

TOTAL DUE.........................................................$ 13,466.00

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statement dated 9/25/22) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent or intellectual property matter: “Species-agnostic Polymeric Formulations and Inhalable mRNA Delivery to the Lung” - $1,250.00.)

TOTAL DUE.........................................................$ 1,250.00
EXHIBIT 2
October 20, 2022

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 7/28/22 and 8/23/22) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “ZivoBioscience, Inc.” - $2,448.50 and “Skye Biosciences, LLC” - $147.50, respectively.)

TOTAL DUE………………………………………………..$ 2,596.00

Payment of legal fees for professional services rendered by Thomas|Horstemeyer, LLP (statements dated 5/31/22, 7/29/22, 7/29/22, 8/30/22, 8/30/22, 8/30/22, 8/30/22 and 8/30/22,) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Laser Multibeam Differential Interferometric Sensor and Methods for Vibration Imaging” - $3,745.00; “Dye, Dye-Sensitized Solar Cells and Making and Using the Same” - $1,100.00; “Application Serial No. 17/808,246 - $1,150.60; “Amphotericin Loaded Pegylated Lipid Nanoparticles and Methods of Use” - $2,500.00; “Biologically Active Cannabidiol Analogs” - $1,670.00; “Application Serial No. PCT/US2022/035752” - $6,757.00; “Allopregnanolone Analogues for HIV Viremia and Neurotoxicity Protection” - $94.00; “1, 2, 4-Triazolyl Pyridine Agents Targeting Mycobacterium Tuberculosis” - $2,100.00; and “Comparative Investigation of Hydrolysis of Charge-Shifting Polymers Derived” - $3,150.00, respectively.)

TOTAL DUE………………………………………………..$ 22,686.60

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 7/26/22, 7/26/22, 7/26/22, 7/28/22, 7/28/22 and 7/28/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $260.00, $1,037.00, $598.00, $356.50, $130.00 and $360.00, respectively, represent services and expenses in connection with patents or intellectual property matters.)

TOTAL DUE………………………………………………..$ 2,741.50

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 8/29/22, 9/21/22 and 9/21/22) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Chevron Oronite Patent Maintenance” - $1,554.00; “Infrared Detection w Intrinsically Conductive” - $255.50; and “Methodology and Instrumentation for Thin Film Mechanical Analysis” - $2,598.50, respectively.)

TOTAL DUE………………………………………………..$ 4,408.00

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy, P.C. (statements dated 9/14/22, 9/14/22, 9/14/22, 9/14/22 and 9/14/22) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Open-Shell Conjugated Polymer Conductors, Composites, and Compositions” - $2,072.50; “Open-Shell Conjugated

Page 4 of 5
EXHIBIT 2
October 20, 2022

Polymer Conductors, Composites, and Compositions” - $550.00; “Thiol-Based Post-Modification of Conjugated Polymers” - $605.00; “Conjugated Polymer Sensors Using the Inner Filter Effect” - $712.50; and “Organic Photodetection Devices Utilizing an Insulative Component within the Active Layer Blend” - $500.00.

TOTAL DUE.................................................................$ 4,440.00
### 1. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN NOVEMBER AND DECEMBER 2022

Board Policy 510: Awarding of Degrees states that “Degrees granted by institutions under the governance of the Board are awarded by and with the consent of the Board and are countersigned by the President of the Board. Recommendations for the awarding of degrees to students by the various institutions must be made no later than the Board meeting prior to the commencement at which such awards will be made.”

In accordance with Board policy, the institutions below requests permission to award degrees at the following levels in November and December 2022 provided each candidate has met all requirements for the degree.

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**Mississippi State University**

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| Master of Agriculture                   | 4   |
| Master of Agribusiness Management       | 3   |
| Master of Science                       | 35  |
| Doctor of Philosophy                    | 8   |

| College of Architecture, Art, and Design | 5  |
| Bachelor of Fine Arts                   | 4   |
| Bachelor of Science                     | 1   |

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| Bachelor of Science                     | 188 |</p>
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*Note: System Total for fall 2022 represents an increase of 107 from fall 2021’s total of 4,808.

STAFF RECOMMENDATION: Board staff recommends approval of this item.
1. **SYSTEM – ESCALATION OF AYERS ENDOWMENT BUDGETS**

**Agenda Item Request:** Alcorn State University (ASU), Jackson State University (JSU) and Mississippi Valley State University (MVSU) request a budget escalation within their Ayers Endowment Diversity Program budget. These escalations are needed to cover increased costs associated with program operating costs. The original budgets were approved at the June 2022 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.

### Alcorn State University

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<th>Object of Expenditure</th>
<th>Current Budget FY 2023</th>
<th>Budget Revision</th>
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### Jackson State University

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### Mississippi Valley State University

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**Funding Source for Budget Escalation:** All funds budgeted within these programs were generated from annual interest earnings of the Ayers Public and Private Endowment investments.

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

2. **SYSTEM-REQUEST FOR APPROVAL TO ENTER INTO LEASE AGREEMENT WITH MS HARDWARE MASTER TENANT, LLC**

**Contractor’s Legal Name:** MS Hardware Master Tenant, LLC

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

**Specific Type of Contract:** This request is a new Lease Agreement.

**Purpose:** The purpose of the Lease Agreement is to lease approximately 2,090 square feet located on the 2nd floor, southeast corner of the MCITy Building located at 1622 Washington Street in Vicksburg, Mississippi. This space will be used by the four research universities for the purpose of technology transfer and entrepreneurial programs which may be connected to the U.S. Department of Defense and related federal research.

**Scope of Work:** MS Hardware Master Tenant, LLC, will lease approximately 1,998 square feet of office, storage and meeting space to IHL. MS Hardware Master Tenant, LLC, will also provide parking, access to common areas, electricity, water, sewage,
Term of Contract: The term of the Lease Agreement is three (3) years, from January 1, 2023 through December 31, 2025.

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

- Upon 120 days’ notice if space becomes available to IHL in a State-owned building.
- Upon 120 days’ notice in the event of a discontinuation or decrease in federal, state and other available funding that prevents IHL from continuing its operations in all or part of the premises.
- In the event of default by IHL which includes abandonment, failure to pay rent, failure to perform obligations under the Lease Agreement, if the issue is not corrected within 30 days, or in the case of insolvency.
- In the event of default by MS Hardware Master Tenant, LLC if Lessor is notified in writing of the default and is unable to cure the default within 30 days.

Contract Amount: The total estimated cost of the three (3) year term is $150,000. IHL will pay a base rent of $1,741.67 per month, with a two percent (2%) annual increase. IHL will also be responsible for additional rent in the amount of $2,164.50 which is the estimate of the IHL proportional share of the operating cost MS Hardware Master Tenant, LLC, will incur during the first calendar year. Additional rent shall not increase more than five percent (5%) per year. MS Hardware Master Tenant, LLC, may include in additional rent payable for any year of this Lease that IHL’s proportionate share of actual operating expenses for the preceding year that exceeded the amount of additional rent paid by the IHL during said preceding year. Likewise, if IHL’s payments of additional rent during the preceding year exceeded IHL’s proportionate share of actual operating expenses incurred by MS Hardware Master Tenant, LLC, during said year, IHL shall be entitled to a credit in the calculation of the additional rent due in the succeeding year.

Funding Source of Contract: During the 2022 Legislative Session, the Mississippi Legislature approved SB 3002 which appropriated $1,000,000 to the research universities for the purpose of technology transfer and entrepreneurial programs, which may be connected to the Department of Defense and related federal research in Mississippi. IHL will pay the Lease costs directly to MS Hardware Master Tenant, LLC; however, JSU, MSU, UM and USM will reimburse IHL from the funds appropriated by the Legislature for this purpose.

Contractor Selection Process: The MCITy Building currently houses ERDCWERX, the technology transfer arm of the U.S. Army Engineer Research and Development Center (ERDC) which is located in Vicksburg. ERDCWERX is an innovation hub of the broader
DEFENSEWERX network that will connect Mississippi university researchers to all U.S. Department of Defense research laboratories. It is also home to the Vicksburg-Warren County Chamber of Commerce and will soon host an extension of the Mississippi State University Entrepreneurship Center and a workforce training office of Hinds Community College. MCITy was chosen because it allows proximity for collaboration with ERDWERX in support of research and technology transfer related to ERDC and the broader DEFENSEWERX network. In addition, being located in the MCITy Building will enhance opportunities for outreach and training entrepreneurs from Central and Southwest Mississippi.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

3. **JSU – REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH LOGISTICS365, INC.**

**Agenda Item Request:** Jackson State University (JSU) requests approval to enter into a Purchase Agreement with Logistics365, Inc. for the purpose of purchasing seven (7) all-terrain vehicles and accessories to be used by Jackson State University’s Department of Public Safety for policing purposes.

**Contractor Information:** Logistics365, Inc.

**History of Contract:** This is a new contract. An Invitation for Bid was advertised and open to the marketplace from August 1, 2022 through September 2, 2022. Logistics365, Inc.’s reply was the lowest and best received.

**Type of Contract:** This is a Purchase Agreement.

**Purpose/Justification:** The purpose of the agreement is to enable JSU to purchase vehicles to be used by Campus Police. The primary goal is to prevent, deter and quickly respond to crime on and/or around campus. One of several strategies to dissuade crime and shorten response times include utilizing urban policing units; which are able to quickly traverse campus grounds, equipped with appropriate technology to monitor cameras, communicate, and mobilize a strong police presence when needed. Major factors considered included: 1) JSU is at the center of a densely populated area and campus access points and facilities are easily accessible; 2) heightened risks because of being an open campus, which include issues of local homelessness and mental illness, risks of civil unrest in the area, and regulatory restrictions that may require certain facilities be open to the general public; and, 3) With limited through-streets for traditional law enforcement vehicles to get from one side of campus to the other, response times to potential incidents are increased which has a negative effect on mortality rates.
Utilizing urban policing “technology and equipment” will aid and enhance the effectiveness and efficiency of law enforcement’s ability to respond to the rise in violent crimes due the pandemic.

**Scope of Work:** Logistics365, Inc. will provide JSU with seven (7) all-terrain vehicles and accessories to be used by Jackson State University’s Department of Public Safety for policing purposes. Logistics365, Inc. shall deliver vehicles within two hundred forty (240) days from the fully executed Agreement or as otherwise indicated within this agreement.

**Term of Purchase Agreement:** To commence upon execution by the Parties and continue until Logistics365, Inc.’s delivery of the vehicles.

**Termination Options:** This agreement may be terminated for the following reasons:
- For convenience with 30 day’s written notice
- Reduction of funds
- Force majeure
- Default by either party with 30 day’s written notice

**Purchase Agreement Amount:** $347,082.33

**Funding Source(s) for Project:** The funding source for this agreement shall be Education and General funds

**Contractor Selection Process:** An Invitation for Bid was run for this purchase. The winning vendor was the only respondent. All relevant statutes and regulations were adhered to and DFA has already approved this purchase.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

4. **MSU – REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH 3 ENROLLMENT MARKETING**

**Agenda Item Request:** Mississippi State is requesting approval to enter into a new contract with **3 Enrollment Marketing** to provide digital and email awareness marketing along with new market analysis for prospective students.

**Contractor’s Legal Name:** 3 Enrollment Marketing

**History of Contract:** An initial contract was signed in April 2022 for a smaller digital project.

**Specific Type of Contract:** Contract for digital and marketing services.
Purpose: The purpose of this contract is for MSU to continue to engage 3E to help in recruiting students by having 3E provide enrollment marketing, marketing campaigns, marketing services, student engagement services, advisory services, and/or other related services.

Scope of Work: 3E will help in recruiting students by providing enrollment marketing, marketing campaigns, marketing services, student engagement services, advisory services, and/or other related services. Prior to providing any of these services, 3E and MSU will develop an agreed upon Statement of Work which will describe the specific fees to be paid, the delivery schedules, timelines, specifications, and any other terms agreed upon by the parties.

Term of Contract: The contract shall begin on the date signed by the parties and terminate on November 30, 2026.

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

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

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

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

Contract Amount: The maximum contract amount is $2,000,000.

Funding Source for Contract: General Funds

Contractor Selection Process: The office of student recruitment is choosing to partner with the same contractor that created and delivered the office of student recruitment’s most recent market research and digital marketing.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.
5. **MSU – REQUEST FOR APPROVAL TO ENTER INTO A RENTAL AGREEMENT WITH CHESTNUT COMMONS, LLC**

**Agenda Item Request:** Mississippi State University requests approval to enter a five-year lease for storage space located at 800 Louisville St, Suite A Starkville, MS 39759. The space will be used for storing library materials that need to be archived in a secure, climate-controlled location.

**Contractor’s Legal Name:** Chestnut Commons, LLC

**History of Contract:** This is a new multi-year rental agreement.

**Specific Type of Contract:** Rental Agreement

**Purpose:** The purpose of this agreement is to lease off-site storage space for library material storage in a secure, climate-controlled location. The library does not have sufficient space on-campus to store all materials. The five-year lease allows us to lock in the annual lease amount and not be subject to annual rate increases.

**Scope of Work:** N/A

**Term of Contract:** December 1, 2022 to November 30, 2027

**Termination Options:**

- MSU may terminate the rental agreement if space becomes available in any state-owned building.
- MSU may reduce rent if necessitated by a discontinuous or decrease in federal or state funds upon thirty (30) days written notice to RTC, with space being reduced proportional to the reduction in rent.
- MSU may, when its interest requires, terminate the agreement for convenience upon 60 days written notice.
- Upon the occurrence of a force majeure event.

**Contract Amount:** $175,000

**Funding Source for Contract:** E&G Funds

**Contractor Selection Process:** The University Library administration reviewed several facilities but deemed this one the most suitable for its purposes.
STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

6. **MSU – REQUEST FOR APPROVAL TO ENTER INTO A MAINTENANCE AGREEMENT WITH DIVERSIFIED ELEVATOR SERVICE AND EQUIPMENT CO, INC.**

**Agenda Item Request:** MSU requests approval to enter into a contract with Diversified Elevator for the purpose of providing elevator maintenance and repair services.

**Contractor’s Legal Name:** Diversified Elevator Service and Equipment Co., Inc.

**History of Contract:** This is a new contract. MSU has previously contracted with this vendor and been pleased with its service.

**Specific Type of Contract:** Elevator maintenance contract.

**Purpose:** Provide preventative maintenance and repair services for all elevators at the MSU Starkville campus and the College of Architecture in Jackson, MS.

**Scope of Work:** Diversified Elevator will provide all labor and material needed to perform regular and preventative maintenance and repairs on all elevators listed in the RFP.

**Term of Contract:** The contract will commence on January 1, 2023, and will expire on December 31, 2027.

**Contract Amount:** The total anticipated cost per month will be $37,930.00 plus necessary hourly rate services and future additional inventory costs. The total costs over the life of the contract is projected to be approximately $4,075,800.00.

**Funding Source for Contract:** General funds

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

MSU may terminate the contract with or without cause upon thirty days written notice.

In the event either party materially breaches the contract, the non-breaching party may terminate the contract upon thirty (30) days written notice to the breaching party.
MSU may terminate the Contract for Contractor’s failure to comply with the Mississippi Employment Protection Act.

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

**Contractor Selection Process:** MSU issued RFP 22-92 on May 25, 2022, and received two proposals. A committee reviewed both proposals and Diversified received the highest combined score.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

7. **MSU– REQUEST FOR APPROVAL TO ENTER INTO A CONSTRUCTION MANAGER ADVISER SERVICES AGREEMENT WITH INNOVATIVE CONSTRUCTION MANAGEMENT, LLC**

**Agenda Item Request:** Mississippi State University requests approval to enter into an agreement with Innovative Construction Management, LLC (ICM) for construction manager advisor services related to the renovation of the West Lower Bowl of Davis Wade Stadium, IHL Project 205-325 (Project). Given the unique nature of a renovation construction project and time being of the essence, MSU further requests approval to negotiate and incorporate supplemental and additional services that become necessary during the Project and make other Project required modifications to the contract as long as any supplementary or additional services remain within the Project budget approved by the Board.

**Contractor’s Legal Name:** Innovative Construction Management, LLC

**History of Contract:** This is a new contract. The Board approved initiation of the Project at the August 2022 Board meeting.

**Specific Type of Contract:** This is a professional services contract for Construction Manager Adviser services (AIA AC132-2019 contract with supplementary conditions).

**Purpose:** MSU has elected to utilize a construction manager advisor on the Project in light of the unique nature of a stadium renovation project and to manage various prime contracts necessary for the renovation project.

**Scope of Work:** ICM will provide preconstruction services, which consists of program evaluation, budget development, constructability review, project phasing, coordination, scheduling, cost estimating and generation of bid packages for prime contractors.

ICM will also provide construction phase services that include coordinating and managing construction of the project by multiple prime contractors.
Term of Contract: The contract will commence upon execution and will expire one-year from the date of Substantial Completion of the Project.

Termination Options:

MSU may terminate:
- For convenience
- If ICM fails to substantially perform in accordance with the Agreement.

ICM May terminate if:
- MSU fails to make payment in accordance with the agreement.
- MSU suspends the Project for more than 90 days.
- MSU fails to substantially perform in accordance with the Agreement

Contract Amount: MSU estimates that the cost of ICM services will be approximately $3,500,000.00, which includes preconstruction fees and construction services fee based on a percentage of the Cost of Work and General Conditions.

Funding Source for Contract: MSU Athletics Self-Generated Funds and/or EBC Bonds

Contractor Selection Process: MSU utilized a two-step proposal (RFP) process. A committee short-listed vendors based on qualification submissions. After short-listing, interviews were held and cost proposals were reviewed. The Committee ultimately scored ICM the highest.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

8. MSU-REQUEST FOR APPROVAL TO ENTER INTO A SERVICES AGREEMENT WITH FRONTIER STRATEGIES, LLC

Agenda Item Request: Mississippi State University requests approval for a contract/professional services agreement between Mississippi State University (MSU) and Frontier Strategies, LLC, for advertising agency services for the implementation of the social marketing campaign HappyHealthy.

Contractor’s Legal Name: Frontier Strategies, LLC

History of Contract: This is a new contract for services, however, in March of 2020 MSU obtained IHL Board approval to obtain similar services from this company. The previously approved contract has been extended through November 30, 2022.
Specific Type of Contract:  Professional Services Agreement

Purpose: The purpose of the professional services agreement is to provide advertising agency services to MSU’s Office of Nutrition Education for implementation of the social marketing campaign, HappyHealthy.

Scope of Work: Contractor shall provide professional advertising agency expertise including consultation, advertising, communications, etc., for a comprehensive social marketing campaign, HappyHealthy, implemented throughout the State of Mississippi with key messages to reduce obesity and chronic disease. Prior to engaging in specific tasks, the exact work to be done and the advertising to be placed shall be detailed in a Statement of Work that sets forth and describes the services to be provided hereunder, the fees to be paid, delivery schedules, timelines, specifications, and any other terms agreed upon by the parties. The Statement of Work shall be approved in advance by U.S. Department of Agriculture and the Mississippi Department of Human Services.

Term of Contract: Original start date: December 1, 2022. End date: September 30, 2023. This agreement may be renewed in one (1) year increments upon agreement of both parties in writing and the availability of funding, for up to four (4) additional years.

Termination Options: The continuance of the contract with MSU is based upon the availability of funding. The contract can be cancelled by MSU with thirty (30) days’ notice to the Contractor at the end of the fiscal period in the event funds are not appropriated by the funding authority. In the event either party materially breaches the contract, the non-breaching party may terminate upon thirty (30) days written notice to the breaching party.

Contract Amount: Total expenditures shall not to exceed $5 million and shall be based upon the amount and availability of funding for the project as approved each fiscal year by the U.S. Department of Agriculture and the Mississippi Department of Human Services.

Funding Source for Contract: The professional services agreement will be funded by a subgrant between the Mississippi Department of Human Services and Mississippi State University. The funding source for the subgrant is the United States Department of Agriculture.

Contractor Selection Process: On December 19, 2019, MSU initiated a Request for Proposals (RFP) 20-11 for advertising agency services for implementation of the social marketing campaign HappyHealthy. After being duly advertised for 2 weeks, submitted proposals were received and opened by MSU Office of Procurement and Contracts on January 15, 2020, at 2:00 p.m. All submitted proposals were evaluated, based upon the criteria specified in RFP 20-11. Frontier Strategies, LLC, was the successful bidder and MSU is seeking to continue using them for this second contract.
STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

9. MSU-REQUEST FOR APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH SINERGI INTEGRATED BUILDING SCIENCES, LLC

Agenda Item Request: Mississippi State University seeks approval of a commissioning agent contract between MSU and Sinergi Integrated Building Science, LLC

Contractor’s Legal Name: Sinergi Integrated Building Sciences, LLC

History of Contract: This is a new contract.

Specific Type of Contract: Professional services.

Purpose: Sinergi will provide building commissioning services for the design and construction of the Kinesiology and Autism Building (The Jim and Thomas Duff Center).

Scope of Work: Sinergi will perform “total building type” commissioning to the building’s HVAC systems, controls, electrical systems, life safety system, conveying systems and building envelope to ensure that these systems are installed and working properly and operate in the most efficient and cost-effective manner possible.

Term of Contract: November 21, 2022 through the end of applicable warranty period and settlement of any warranty claims.

Termination Options:

- MSU may terminate the contract if the vendor is in violation of the Mississippi Employment Act.
- MSU may terminate the contract for insufficiency of funds.
- MSU may terminate the contract if the vendor breaches the agreement.
- MSU may terminate the contract for convenience.

Contract Amount: This is a percentage-based contract determined by the cost of project construction. The estimated fees are $450,000.
Funding Source for Contract: This contract will be paid out of the project funding shown below.

- H.B 1649, Laws of 2018 ($10,000,000)
- S.B.3005, Laws of 2019 ($10,000,000)
- H.B. 1730, Laws of 2020 ($10,000,000)
- S.B. 2948, Laws of 2021 ($5,000,000)
- Private Funding ($15,000,000)
- University Funds (5,000,000)

Contractor Selection Process: Contractor selected from the DFA/Bureau of Buildings Commissioning Agent List (Determined by RFQ)

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

10. MUW-REQUEST FOR APPROVAL TO ENTER INTO A FOOD SERVICES AGREEMENT WITH SODEXO MANAGEMENT, INC.

Agenda Item Request: Mississippi University for Women (MUW) requests approval to enter into a management agreement with Sodexo Management, Inc. to provide dining and catering management services for its food service operations and to manage and operate vending operations for the university.

Contractor’s Legal Name: Sodexo Management, Inc.

History of the Contract: MUW has contracted with Sodexo Management, Inc. to provide food service operations since 1990. The current Management Agreement will expire December 31, 2022.

Specific Type of Contract: Food Services outsourcing agreement, revenue generating.

Purpose: To enter into an agreement to provide dining, catering and vending management services for MUW’s students, faculty, staff, and guests. MUW is satisfied with the service received in the past and request to continue food service management operations with Sodexo Management, Inc.

Scope of Work: Sodexo Management, Inc. will provide the following:

- Comprehensive management of MUW’s dining, catering and vending operations
- Routine cleaning and housekeeping in the food preparation and service areas
- Management employees to supervise all Food Service employees
The following resident meal plans:
- Meal Plan A  Unlimited Access plus $200 Flex/semester
- Meal Plan B  Block 14/week plus $275 Flex/semester
- Meal Plan C  Block 10/week plus $375 Flex/semester
- Meal Plan D  Block 8/week plus $425 Flex/semester
- Meal Plan E  Commuter Plan $125 Flex/semester
- Meal Plan F  High School Meal Plan, 19 meals per week (MSMS)

Operate the following branded concepts:
- Subway
- We Proudly Serve Starbucks

MUW will provide building maintenance service for the Food Service facilities and pay all utilities.

**Term of Contract:** Contract has a Ten (10) year term beginning January 1, 2023 through December 31, 2032.

**Contract Amount:** Revenue contract – An annual sales commission will be calculated on a net sales basis (before tax) which will vary depending on sales volumes of each of the following:

<table>
<thead>
<tr>
<th>Category</th>
<th>Commission Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guest Meal Sales</td>
<td>8% of Net Sales</td>
</tr>
<tr>
<td>Client and Third-Party Functions</td>
<td>5% of Net Sales</td>
</tr>
<tr>
<td>Client and Third-Party Conferences</td>
<td>5% of Net Sales</td>
</tr>
<tr>
<td>Declining Balance (DCB)</td>
<td>8% of Net Sales</td>
</tr>
<tr>
<td>Retail Sales</td>
<td>8% of Net Sales</td>
</tr>
<tr>
<td>High School Meal Plan (F)</td>
<td>8% of Net Sales</td>
</tr>
<tr>
<td>Vending Sales</td>
<td>12% of Net Sales</td>
</tr>
</tbody>
</table>

Projected revenue from commissions is anticipated to be $700,000 over the term of the contract.

**Funding Source for Contract:** Revenue contract with commissions based on sales.

**Termination Options:**

**Termination for Cause.** If either Party breaches a material provision hereof (“Cause”), the non-breaching Party shall give the other Party written notice of such Cause. If the Cause is remedied within ten (10) days in the case of failure to make payment when due, or thirty (30) days in the case of any other Cause, the notice shall be null and void. If such Cause is not remedied within the specified period, the Party giving notice shall have the right to terminate this Agreement upon expiration of such remedy period. The rights of termination referred to in this Agreement are not intended to be exclusive and are in addition to any other rights or remedies available to either Party at law or in equity.

**Termination without Cause.** Either Party may terminate this Agreement, in whole or in part, at any time, without Cause, upon no less than ninety (90) days' prior written notice to the other Party.
MUW may terminate this Agreement in the event that funds appropriated by the legislature become unavailable.

**Contract Selection Process:** An extensive selection process was performed in the initiation of the previous contract. That RFP process included review by a committee of faculty, staff and student representatives, and presentations by two competing firms, with the ultimate selection being based on value and cost to students. MUW is satisfied with the service provided by Sodexo Management, Inc.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

11. **MVSU – REQUEST FOR APPROVAL TO ESCALATE EDUCATION AND GENERAL BUDGET FOR FISCAL YEAR 2023**

MVSU is requesting approval to escalate the E&G Budget. The request to purchase signage for the campus, create full-time Dual Enrollment/Early College Coordinator and a part-time GHEC Coordinator positions, and to purchase two vehicles to be used for recruiting.

<table>
<thead>
<tr>
<th>Major Object Category</th>
<th>Current Budget</th>
<th>Increase/(Decrease)</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Salaries, Wages, and Fringe Benefits</td>
<td>$23,653,919</td>
<td>$95,023</td>
<td>$23,748,942</td>
</tr>
<tr>
<td>Travel and Subsistence</td>
<td>774,557</td>
<td></td>
<td>774,557</td>
</tr>
<tr>
<td>Contractual Services</td>
<td>22,789,444</td>
<td></td>
<td>22,789,444</td>
</tr>
<tr>
<td>Commodities</td>
<td>1,195,108</td>
<td>235,000</td>
<td>1,430,108</td>
</tr>
<tr>
<td>Capital Outlay</td>
<td>351,999</td>
<td>57,977</td>
<td>409,976</td>
</tr>
<tr>
<td>Mandatory Transfers</td>
<td>160,000</td>
<td></td>
<td>160,000</td>
</tr>
<tr>
<td>Non-Mandatory Transfers</td>
<td>(365,027)</td>
<td></td>
<td>(365,027)</td>
</tr>
<tr>
<td>Increase in Fund Balance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Uses of Funding</td>
<td>$48,560,000</td>
<td>$388,000</td>
<td>$48,948,000</td>
</tr>
</tbody>
</table>

**Staff Recommendation:** Based on Board Policy 701.06, Budget Escalations and Revisions, all escalations of the several institutions and separately budgeted units must be submitted through the Commissioner to the Board of Trustees for approval prior to implementation. Board Staff recommends approval of this item.
12. **UM-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH AMERICAN CHEMICAL SOCIETY**

**Agenda Item Request:** The University of Mississippi J.D. Williams Library requests approval to continue a contract with the American Chemical Society. 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:** American Chemical Society

**History of Contract:** The Library maintains a subscription to the entire corpus of the journals published by the American Chemical Society. The Society has once again offered to decrease their standard rate of cost inflation (6%) in exchange for the Library maintaining the full subscription for the period of the contract. In August 2022, the Library purchased the Society’s Legacy Archives in perpetuity which has lowered the total yearly cost from the previous contract. The attached contract is an extension of a previous three-year contract approved by IHL in 2016 and Amendment 1 approved in 2019.

**Specific Type of Contract:** This 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 and to cap the rate of price increase on those journals to 3% each year for life of the contract. With this contract the annual hosting fees associated with the archives perpetual purchase are waived.

**Scope of Work:** This contract is for informational content and not for work.

**Term of Contract:** This contract will be in place from January 1, 2023 to December 31, 2025.

**Termination Options:** This contract may be terminated for breach of the terms of use, if funding in the Library is significantly reduced, or for any reason the Library determines is necessary with 60 days’ notice.

**Contract Amount:** This contract will cost:

<table>
<thead>
<tr>
<th>Year</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2023</td>
<td>$106,013</td>
</tr>
<tr>
<td>2024</td>
<td>$109,193</td>
</tr>
<tr>
<td>2025</td>
<td>$112,469</td>
</tr>
</tbody>
</table>

Prepayment will be made in the November of the previous year for content that will be delivered in the contract year.
Funding Source for Contract: Costs for this contract will be funded by the Library’s materials budget which is derived from E&G funds 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. This contract provides an opportunity to cap price increases. Without the contract, the subscription to these journals will continue but will cost the University more over time.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

13. UM – REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH DOCEBO NA, INC.

Agenda Item Request: The University of Mississippi (“UM”) and the Institute of Child Nutrition (“ICN”) request approval to enter into a contract with Docebo NA, Inc. ("Docebo")

Contractor’s Legal Name: Docebo NA, Inc. (“Docebo”)

History of Contract: An RFP for this project was opened May 29, 2022 and the vendor was selected and notified on August 16, 2022. The University of Mississippi was given an ITS exemption for this RFP up to $717,150.

Specific Type of Contract: This is a contract to secure a Learning Management System (LMS) software, support for the software, and implementation/onboarding for the various users.

Purpose: The Institute of Child Nutrition at the University of Mississippi is a national institute providing free training for child nutrition professionals across the country. The Learning Management System (online course system) provided for in this contract is used by these professionals to obtain free professional development and continuing professional education hours.

Scope of Work: Docebo will provide an E-Learning platform, hosted in the cloud, for up to 15,000 active users. They provide a designated account manager and 24/7 unlimited support. There is an unlimited number of courses that can be delivered through the platform and onboarding of users is provided in the scope of work. Learning Analytics platform is included and allows ICN to understand the results of the learning programs with data that is straightforward and actionable.

Term of Contract: The term of the order form is from December 14, 2022 through December 13, 2025
Termination Options: The Parties shall have the right to terminate the Agreement as provided below:

(a) By either Party if the other Party commits a material breach of this Agreement and such breach remains uncured thirty (30) days after written notice of such breach is delivered to such other Party;

(b) By either Party if the other Party makes an assignment for the benefit of creditors, or commences or has commenced against it any proceeding in bankruptcy, insolvency, or reorganization pursuant to bankruptcy laws, laws of debtor’s moratorium or similar laws;

(c) By Docebo if any amounts hereunder which are due and owing and not reasonably in dispute remain unpaid for more than fifteen (15) days following written notice of such unpaid amounts being delivered to the Customer;

(d) by Docebo if Customer is acting as a Reseller without Docebo’s express written consent; or

(e) by Customer if Docebo is in breach of Section 13.10 (Modifications).

Contract Amount: This order form has a total value of $485,052.

Funding Source for Contract: The contract will be funded by federal funds (USDA Administration and Staffing Grant)

Contractor Selection Process: An RFP process was conducted inviting qualified vendors to participate, and all responses were reviewed and scored by a committee. Four vendors submitted proposals, and they were scored based on their ability to meet the requirements of the RFP. Selection criteria included features, cost, work samples, and references. While the vendor Noverant had the lowest cost proposal, Docebo had the highest overall score.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

14. UM-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH SALESFORCE, INC.

Agenda Item Request: The University of Mississippi (“UM”) requests approval to amend the contract with Salesforce, Inc.

Contractor’s Legal Name: Salesforce, Inc. (“Salesforce”)
History of Contract: The original Master Services Agreement was approved in February 2018 for other services on campus. Two new order forms were approved by the IHL Board of Trustees in February 2020 and January 2022.

Specific Type of Contract: This is a contract to secure access to the Tableau platform.

Purpose: Tableau is a data analytics and data visualization solution and is one of the market leaders in this space. UM has a long-standing relationship with Tableau. This system is integrated with our ERP solution and utilized by UM to publicly publish many of our key statistical data and metrics as these are a regulatory requirement. The institution leverages the Tableau platform to improve decision making through actionable insights and business intelligence analytics. Tableau is also used to share precise performance data, financials and otherwise, with the leaders and decision makers across the University. Due to how the institution extends the capabilities of Tableau, the product is crucial to the operations of the University. Recently, Salesforce acquired Tableau and that change in ownership created a delay in invoicing which has now resulted in UM experiencing a lapse in service coverage and having to submit for approval to renew the maintenance services with Salesforce. UM is compliant on licensing as we do own the perpetual licenses for the product. The latest versions of the product and the security updates are not available to us till this maintenance renewal is complete. This request is to renew the existing Tableau services with Salesforce as the new owner of the solution.

Scope of Work: Salesforce will continue to provide access to the Tableau platform which is utilized by UM to publish key statistical data and metrics.

Term of Contract: The term of the order form is from November 18, 2022 through November 17, 2023.

Termination Options: The Master Services 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.

Contract Amount: This order form has a total value of $90,300. The total value under the previous order forms under the Master Services Agreement is $563,760.

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

Contractor Selection Process: An RFP process was conducted inviting qualified vendors to participate, and all responses were reviewed and scored by a committee. The preferred candidate was identified as an outcome of the evaluation and selection process.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.
UM-REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH STM CHARTERS, INC. (MEN’S BASKETBALL)

Agenda Item Request: The University of Mississippi Athletics Department requests approval to enter into a contract with STM Charters, Inc. for passenger charter air transportation and related services for the Ole Miss Men’s Basketball team. Services to be provided by Hillwood Airways ACMI and Air Charter Express.

Contractor’s Legal Name: STM Charters, Inc.

History of Contract: This contract is new for the 2022/2023 men’s basketball season.

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

Purpose: The purpose of the contract is to provide passenger charter air transportation and related services for the 2022/2023 men’s basketball season.

Scope of Work: STM Charters, Inc. will provide passenger charter air transportation and related services for the 2022/2023 men’s basketball season.

Term of Contract: The contract will begin on November 21, 2022 and end on March 4, 2023.

Termination Options: Either party may terminate this Agreement upon written notice if the other party fails to perform any of its obligations and such failure continues unremedied for a period of ten (10) business days following the receipt by the non-performing party of the written notice of such non-performance. Either party may terminate the Agreement, upon ten (10) days written notice, without further liability to any other party in the event Force Majeure causes the continued performance of this Agreement to be impractical, inadvisable or unprofitable. The Agreement may also be terminated in the event Customer fails to make any payment required pursuant to the terms of the Payment Schedule and with thirty days’ notice if funds are not appropriated.

Contract Amount: The contract amount is $387,150 billed in two installments.

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

Contractor Selection Process: The Contractor was selected through invited proposals. Three airline companies offered proposals through STM Charter Services: RVR Aviation, Air Charter Express (ACE), and Hillwood ACMI. Proposals were also received from Air Charter Services (ACS). ACS offered a proposal from Swift Air which was not selected due to negative recommendations from previous, comparable ACS customers. For all but two flights, ACE, a 30-passenger aircraft proposed by STM Charters, Inc., was selected.
For two trips (Orlando, Florida and Stillwater, OK) we selected Hillwood ACMI in order to accommodate the full travel party.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

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

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

**Contractor’s Legal Name:** STM Charters, Inc.

**History of Contract:** This contract is new for the 2022/2023 women’s basketball season.

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

**Purpose:** The purpose of the contract is to provide passenger charter air transportation and related services for the 2022/2023 women’s basketball season.

**Scope of Work:** STM Charters, Inc. will provide passenger charter air transportation and related services for the 2022/2023 women’s basketball season.

**Term of Contract:** The contract will begin on December 3, 2022 and end on February 16, 2023.

**Termination Options:** Either party may terminate this Agreement upon written notice if the other party fails to perform any of its obligations and such failure continues unremedied for a period of ten (10) business days following the receipt by the non-performing party of the written notice of such non-performance. Either party may terminate the Agreement, upon ten (10) days written notice, without further liability to any other party in the event Force Majeure causes the continued performance of this Agreement to be impractical, inadvisable or unprofitable. The Agreement may also be terminated in the event Customer fails to make any payment required pursuant to the terms of the Payment Schedule and with thirty days’ notice if funds are not appropriated.

**Contract Amount:** The contract amount is $346,640 billed in two installments.

**Funding Source for Contract:** The funding source for this contract is self-generated intercollegiate athletic revenues.
Contractor Selection Process: The Contractor was selected through invited proposals. Three airline companies offered proposals through STM Charter Services: RVR Aviation, Air Charter Express (ACE), and Hillwood ACMI. Bids were also received from Air Charter Services (ACS). ACS offered a proposal from Swift Air which was not selected due to negative recommendations from previous, comparable ACS customers. For all but two flights, ACE, a 30-passenger aircraft proposed by STM Charters, Inc., was selected. We received no bids for 50-passenger aircrafts which is the typical plane size needed to transport the team as well as the largest plane that can fly in and out of Oxford/University Airport. Due to the lack of 50 seat options, for two trips (College Station, TX and Knoxville, TN) we selected Hillwood ACMI in order to accommodate the full travel party.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

17. UMMC-REQUEST FOR APPROVAL TO WAIVE ANNUAL AUDIT REQUIREMENT FOR THE RESEARCH DEVELOPMENT FOUNDATION FOR FISCAL YEAR ENDING JUNE 30, 2023

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with UMMC Research Development Foundation (RDF) for the fiscal year ending June 30, 2023.

Justification: As per requirements stipulated in Board Policy 301.0806D.9., staff have considered and reviewed the source documents for the following

- Both activities and assets of the RDF continue to remain low (approximately $8,567 as of September 2022);
- Contracting for an external audit would represent a significant expense that, at this time, does not make found financial or business sense, as the audit will cost $8,750 to complete; and
- The RDF does not anticipate that the year-end financial statements for the current year will differ substantially from the financial statements as of the end of the most recently completed fiscal year.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

18. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A MEDICAL OFFICE BUILDING LEASE WITH GREENWOOD INTERNAL MEDICINE ASSOCIATES

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a new Medical Office Building Lease (Lease) with Greenwood Internal Medicine Associates (GIMA) to lease approximately 7,532 square feet of
clinical space located at 408 West Market Street, Greenwood, Mississippi, for use as an internal medicine outpatient clinic.

**Contractor’s Legal Name:** Greenwood Internal Medicine Associates

**History of Contract:** This is a new lease with GIMA. The addition of this clinic will help expand the primary care coverage that UMMC offers into the Delta.

**Specific Type of Contract:** This is a new Medical Office Building Lease.

**Purpose:** The purpose of this Lease is to lease approximately 7,532 square feet from GIMA for use as an internal medicine outpatient clinic.

**Scope of Work:** Under the Lease, GIMA will lease approximately 7,532 square feet of clinical space to UMMC. Under the Lease, UMMC will use the premises for an outpatient primary care clinic.

**Term of Contract:** The term of the agreement is sixty (60) months, from December 1, 2022, through November 30, 2027.

**Termination Options:** Termination options include:
- By UMMC upon ninety (90) days prior written notice after the first year of the Lease;
- In the event of insufficient funds;
- By UMMC in the event GIMA causes any utility service interruption lasting longer than 30 consecutive days;
- By either party in the event of a partial destruction of the premises and GIMA does not elect to make repairs or if the repairs cannot be made within 120 days;
- By either party in the event of a total destruction of the building;
- Automatically if the whole of the premises or building or so much thereof as to render the balance unusable by UMMC shall be taken under power of eminent domain, condemnation or by deed in lieu of foreclosure or otherwise;
- By UMMC in the event of a partial taking under power of eminent domain, by giving GIMA written notice within 30 days after UMMC’s receipt of written notice of such partial taking;
- By either party in the event the other party commits an act of default under the Sublease, by giving the defaulting party at least ten (10) days’ prior written notice;
- By either party in the event any legislation, regulation or government policy is passed or adopted, the effect of which would cause either party to be in violation of such laws due to the existence of any provision of this Lease, and the parties fail to agree upon modified terms within 90 days;
By either party immediately upon breach of any of the following ongoing representations and warranties that it, its officers, directors and employees:
  o are not currently excluded, debarred, or otherwise ineligible to participate in any federal health care programs or any state healthcare programs;
  o 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; and
  o are not under investigation or otherwise aware of any circumstances which may result in the party being excluded from participation in the Federal Healthcare Programs or any state healthcare programs; and

By either party in the event of an adverse change in law and the parties fail to agree upon modified terms within 60 days.

**Contract Amount:** The total anticipated cost of the Lease is $616,067.17 over the sixty (60) month term. UMMC’s base rent will be $9,856.21 per month or $118,382.52 annually with a two percent (2%) increase beginning in year two (2).

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

**Contractor Selection Process:** This clinic location is known to the existing patient population and the building meets all of the needs of UMMC for a primary care clinic.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

19. **USM – REQUEST FOR APPROVAL TO AMEND A SPACE ACT AGREEMENT WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION JOHN C. STENNIS SPACE CENTER**

**Agenda Item:** The University of Southern Mississippi requests approval of Amendment Two to the Reimbursable Space Act Agreement between The National Aeronautics and Space Administration John C. Stennis Space Center (NASA) and the Board of Trustees of State Institutions of Higher Learning for the Center of Higher Learning and Related University Activities (IHL). Under this Agreement, NASA provides space for IHL through the Center of Higher Learning in order to facilitate the continued education of the NASA workforce. This Agreement further addresses the terms and conditions for non-academic activities which the IHL has authorized, pursuant to approval by NASA.

**Contractor’s Legal Name:** National Aeronautics and Space Administration John C. Stennis Space Center
History of Contract: IHL and USM have contracted with the Stennis Space Center (SSC) since 1989 to provide academic and non-academic programs through the Center for Higher Learning (CHL) at SSC facilities. The agreement has been renewed periodically since that time. The existing Reimbursable Space Act Agreement is effective as of November 29, 2017 and will terminate on November 29, 2022. Additionally, a Use Permit and Host-Tenant Agreement are in place between IHL and SSC which each terminate upon the termination of the existing Reimbursable Space Agreement.

Specific Type of Contract: Amendment Two to Reimbursable Space Act Agreement

Purpose: The Purpose of Amendment Two is to increase the term of the existing Reimbursable Space Act Agreement by one additional year, from the existing five (5) year term to a total of six (6) years, and correspondingly increase the financial obligation on a pro-rata basis for the one (1) additional year. The extension of the Reimbursable Space Act Agreement will likewise extend the term of the Use Permit and Host-Tenant Agreement.

Scope of Work: SSC provides space in the SSC facilities for both academic and non-academic programs.

Term of Contract: The proposed Amendment Two will extend the term of the Reimbursable Space Act Agreement by one additional year, from the existing five (5) year term to a total of six (6) years.

Termination Options: Either party may unilaterally terminate the Fully Reimbursable Space Act Agreement upon thirty (30) days written notice. The Use Permit and Host-Tenant Agreement terminate upon the termination of the Space Act Agreement.

Contract Amount: The proposed Amendment Two will increase the financial obligation from the existing $3,648,000.00 as provided in Amendment One to $4,377,600 for reimbursement to NASA for NASA to carry out its responsibilities the over the term of the Agreement. This estimated total cost is based on the historical costs for the last five years of the Agreement and reflects expenditures by both the Center of Higher Learning and the USM Division of Marine Science. These expenditures are for floor space, utilities, badging and security, telecommunications and other costs associated with being a tenant at the Stennis Space Center.

Funding Source for Contract: State of Mississippi Appropriations for Center of Higher Learning, Education and general funds for the Department of Marine Sciences.

Contractor Selection Process: Not Applicable
STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.
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.
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 detailed Environmental Report shall be completed by qualified personnel and submitted to the Board’s Real Estate and Facilities Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a “no further action” letter from the State’s Department of Environmental Quality.
Board Policy §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. DSU – GS 102-281 – ADA COMPLIANCE FOR BOLOGNA PERFORMING ARTS CENTER

Project Request: Delta State University requests approval to initiate a project, ADA Compliance for Bologna Performing Arts Center, and to appoint Burris-Wagnon Architects as the design professional for the project.

Proposed Design Professional: Burris-Wagnon Architects

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.

Insurance Coverage: The firm carries errors and omissions coverage in the amount of $1,000,000 aggregate.

Purpose: Delta State University is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the professional guidance for the design of ADA Compliance for the Bologna Performing Arts Center.

Project Scope: The project will include the installation of an elevator, construction of new handicap ramps, and the addition of restrooms.

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

**Project Initiation Date:** November 17, 2022

**Date of Original Construction:** 1995

**Date of Last Renovation:** 2013

**Project Budget:**

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**Total Project Budget:** $1,702,500.00

**Funding Source(s):** HB 1353, Laws of 2022 ($1,702,500)

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

2. **DSU – GS 102-282 – RENOVATION OF FOUNDATION HALL**

**Project Request:** Delta State University requests approval to initiate a project, Renovation of Foundation Hall, and to appoint Burris-Wagnon Architects as the design professional for the project.

**Proposed Design Professional:** Burris-Wagnon Architects

**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.

**Insurance Coverage:** The firm carries errors and omissions coverage in the amount of $1,000,000 aggregate.

**Purpose:** Delta State University is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the professional guidance for the design of the renovation.
Project Scope: The scope of the project includes the renovation of Foundation Hall by repainting the interior, replacing flooring, upgrading hot water distribution along with other items. No renovations have occurred since original construction.

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

Project Initiation Date: November 17, 2022

Date of Original Construction: 2010

Date of Last Renovation: None

Project Budget: (Design Fees Only)

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Total Project Budget $ 177,603.87

Funding Source(s): HB 1649, Laws of 2018 ($7,192.00); SB 3065, Laws of 2019 ($57,658.27); HB 1730, Laws of 2020 ($112,753.60)

Staff Recommendation: Board Staff recommends approval of this item.
3. **MVSU – GS 106-265(B) – CAMPUS ROOFING PHASE II**

**Project Request:** Mississippi Valley State University requests approval to initiate a project, Campus Roofing Phase II, and to appoint Shafer-Zahner-Shafer, PLLC as the design professional for the project.

**Proposed Design Professional:** Shafer Zahner Zahner, PLLC

**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. MVSU utilized the Bureau of Building process for the selection of the design professional.

**Insurance Coverage:** The firm carries errors and omissions coverage in the amount of $1,000,000 per occurrence and $2,000,000 aggregate.

**Purpose:** Mississippi Valley University is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the professional guidance for the design of the renovation.

**Project Scope:** The scope of the project includes roof repairs at the following buildings in order of priority: O.P. Lowe Education Building, Business Education Building, F.L. Wright Math and Science Building, Walter Sillers Fine Arts, L.S. Rogers, Aquatic Building, and Industrial Technology

**History:** Phase I of the Campus Roofing project replaced the roof at the Campus Police Building. It was funded in the amount of $217,240.51. This project was completed in July of 2022.

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

**Project Initiation Date:** November 17, 2022

**Date of Original Construction:** N/A

**Date of Last Renovation:** N/A
IHL PROJECTS .................................................................

4. **MSU – IHL 205-329 – SANDERSON CENTER RENOVATION AND REPAIRS**

**Project Request:** Mississippi State University requests approval to initiate a project, Sanderson Center Renovation and Repairs, and to appoint WBA Architecture, PLLC as the design professional for the project.

**Proposed Design Professional:** WBA Architecture, PLLC

**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. MSU selected the architect via University/IHL procedures.

**Insurance Coverage:** The firm carries errors and omissions coverage in the amount of $2,000,000 per occurrence.

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

**Project Scope:** The project shall consist of planning, design, and construction of the University’s main recreation facility. The project is intended to renovate the Sanderson Center to maximize the use of space by modifying existing exercise spaces to meet current demands, to improve storage, to make necessary building system repairs, and to upgrade interior finishes (flooring, lights, and paint) to provide a modern university recreation center for Mississippi State University.
Mississippi State University is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** November 17, 2022

**Date of Original Construction:** 1998

**Date of Last Renovation:** None

**Project Budget:**

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**Total Project Budget:** $2,500,000.00

**Funding Source(s):** University Designated Funds ($2,500,000)

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

5. **MSU – IHL 405-006 – BOST DRIVE EXTENSION FOR CAAD**

**Project Request:** Mississippi State University requests approval to initiate a project, Bost Drive Extension for CAAD, and to appoint Neel-Schaffer, Engineers and Planners, Inc., as the design professional for the project.

**Proposed Design Professional:** Neel-Schaffer, Engineers and Planners, Inc.

**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. MSU selected the architect via University/IHL procedures.

**Insurance Coverage:** The firm carries errors and omissions coverage in the amount of $5,000,000 per occurrence and $5,000,000 aggregate.
**Purpose:** Mississippi State University is seeking to initiate the project and appoint the design professional as required by Board Policy. This will allow the university to proceed with the design phase of the project.

**Project Scope:** The project will extend Bost Drive to connect at the intersection of College View Drive and Bailey Howell Drive. This connection will improve vehicular circulation around the perimeter of campus and enhance pedestrian and bicycle safety. Once the new drive is complete, College View Drive can be closed in front of Howell Hall and Giles Hall and integrated into the site plan for the College of Architecture, Art, and Design.

Mississippi State University is seeking to initiate the project and appoint the design professional for 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:** November 17, 2022

**Date of Original Construction:** N/A

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

**Project Budget:**

<table>
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<tr>
<th>Description</th>
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<tr>
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<td><strong>Total Project Budget</strong></td>
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**Funding Source(s):** SB 2971, Laws of 2021 ($2,000,000)

*Staff Recommendation:* Board staff recommends approval of this item.
6. **UMMC – IHL 209-566 – PATIENT CARE UNITS EXPANSION**

**Project Request:** The University of Mississippi Medical Center is requesting approval to increase the budget from $12,733,495 to $15,000,000 for an increase in the amount of $2,266,505. The funding source of the project will remain the same. In addition, the university is requesting to modify the scope of the project.

**Current Project Phase:** Design Phase

**Design Professional:** ESA Architects

**General Contractor:** TBD

**Insurance Coverage:** The firm carries errors and omissions coverage in the amount of $5,000,000 per occurrence and $7,000,000 aggregate.

**Purpose/Justification:** The escalation in the project budget is required based on the revised scope of the project.

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

The Board previously approved a budget increase and change in scope to include the build-out of the remaining half of the 7th floor of the Adult Hospital for Medical / Surgical beds while providing design only for future Day Surgery, Psychiatric and ICU build-outs.

This request for the new scope of work will include only the following: build-out the south wing of the 6th floor shell space in the Adult Tower for Med/Surg beds and will provide final design only to build-out the 6th floor shell space in the Critical Care Tower for ICU beds.

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

**Project Initiation Date:** April 19, 2018
Proposed Project Budget:

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**Proposed Funding Source(s):** UMMC SSA [Shared Services Account] Building Improvements – Patient Care Revenue ($15,000,000)

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

7. **UMMC – IHL 209-576 – MS CENTER FOR MEDICALLY FRAGILE CHILDREN**

**Project Request:** The University of Mississippi Medical Center is requesting approval to increase the budget from $12,500,000 to $15,900,000 for an increase in the amount of $3,400,000. In addition, UMMC request to modify the funding sources to include HB 1730, Laws of 2020, and Children’s of Mississippi Philanthropy to allow for the budget increase.

**Current Project Phase:** Design Phase

**Design Professional:** Eley | Barkley | Dale, A Joint Venture

**General Contractor:** TBD

**Insurance Coverage:** The firm carries errors and omissions coverage in the amount of $3,000,000 per occurrence and $4,000,000 aggregate.
**Purpose/Justification:** The escalation in the project budget is required based on the design professional’s latest Schematic Design estimate of cost.

**Project Scope:** This project will provide the first pediatric skilled nursing facility in the state of Mississippi. It will include patient rooms, support areas and outdoor space.

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

**Project Initiation Date:** October 19, 2017

**Proposed Project Budget:**

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<td>$15,900,000.00</td>
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**Proposed Funding Source(s):** HB 1160, Laws of 2019 ($12,500,000); HB 1730, Laws of 2020 ($2,000,000); and Children’s of Mississippi Philanthropy ($1,400,000)

**Staff Recommendation:** Board staff recommends approval of this item.
8. **DSU – DELETE FROM INVENTORY – BUILDING #52A, 52B, 52C, AND 52D – COURT OF GOVERNORS**

**Agenda Request:** Delta State University requests approval to delete from inventory and demolish the Court of Governors which include Building #52A, 52B, 52C, and 52D.

**Justification:** Court of governors was built in 1970 to serve as a men's residence hall. It comprises four three-story buildings with the first floors located below ground level. There is a total of 56,348 square feet. The buildings have been vacant since June 2017 and are in a state of disrepair with copious amounts of mold in the interior. The demolition of this facility will provide for green space and possible future expansion.

The approval letter has been received from the Mississippi Department of Archives and History stating Court of Governors is not eligible for designation as a Mississippi Landmark. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Delta State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

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

9. **MSU – DAVIS WADE STADIUM SOUTH END ZONE RENOVATION – APPROVAL OF EXTERIOR DESIGN**

**Project Request:** Mississippi State University requests approval of the exterior design for the Davis Wade Stadium South End Renovation on the campus of MSU.

**Design Professional:** CDFL Architects (Contract with Bulldog Club)

**Purpose:** Mississippi State University is seeking approval of the exterior rendering for the proposed renovation to the M-Club at Davis Wade Stadium.

**Project Scope:** This project will include the renovation of the existing M-Club to accommodate the relocation of the media and press. The media and press are being relocated from the 200-level located on the west side of Davis Wade Stadium to the M-Club.

**Funding Source(s):** Funded by MSU Bulldog Club
Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

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

**Rendering 1: M-Club Building (South End Zone)**
10. **MSU – DELETE FROM INVENTORY – BUILDING #1474 AND BUILDING #1475 – RAYMOND, MS**

**Agenda Request:** Mississippi State University requests approval to delete from inventory Building #1474 and Building #1475.

**Justification:** Buildings #1474 and #1475 consist of a residence and a garage that were constructed in 1947. The buildings are in Raymond, MS. These buildings are in poor condition and are not cost effective to repair.

The approval letter has been received from the Mississippi Department of Archives and History stating Building #1474 and Building #1475 are not eligible for designation as a Mississippi Landmark. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

**Staff Recommendation:** Board staff recommends approval of this item.
11. UM – APPROVAL OF SALE OF PROPERTY TO DEPOT STREET INVESTMENTS – 100 DEPOT STREET – OXFORD, MS – 0.067 ACRES OF LAND

Project Request: The University of Mississippi requests approval to sell 0.067 acres of land located at 100 Depot Street in Oxford, MS to Depot Street Investments, for a sale price of $8,877.50.

Purpose: The University of Mississippi desires to sell UM owned land equating to 0.067 +/- acres, directly below and adjacent to the rear of a building recently purchased and now owned by Depot Street Investments. Currently the building encroaches upon land owned by the University of Mississippi and there is no existing buffer between the building footprint and the lands owned by the University of MS along the pedestrian trail (known as Whirlpool Trail or Campus Rail Trail).

Appraisals: The University of Mississippi received two independent property appraisals for the property. The first appraisal was in the amount of $9,000.00. The second appraisal was in the amount of $8,755.00. The average of the two appraisals was $8,877.50. The University of Mississippi proposes to sell the property for $8,877.50, which is the average of the two appraisals as required by Board Policy §905(A)

Property Description: This property is a fraction of the Southeast Quarter of Section 20, Township 8 South, Range 3 West, Lafayette County, Mississippi. This property contains 0.067 acres more or less and is described in more detail as follows: Beginning at a 1/2” iron pin set being located 324.82 feet West of and 1468.77 feet North of an existing 1/2” iron pin being accepted as the Southeast Corner of said Section 20; run thence North 30°42′40″ East a distance of 43.96 feet to a 1/2″ iron pin set; thence South 59°13′57″ East a distance of 3.64 feet to a 1/2” iron pin set; 2 thence North 31°08′37″ East a distance of 131.30 feet to a 1/2” iron pin set on the South right of way of West Jackson Avenue; thence South 53°51′20″ East along said right of way a distance of 15.26 feet to an existing 3/8” iron pin; thence South 30°42′40″ West leaving said right of way a distance of 173.79 feet to an existing 3/8” iron pin; thence North 59°21′37″ West a distance of 19.82 feet the point of beginning. All bearings are determined by solar observation.

Terms: In accordance with the terms and conditions of this Agreement, the Seller agrees to sell and convey to the Buyer by quitclaim deed all of the Seller’s rights and interest in the Property reflected in the survey attached as Exhibit “A” of the agreement and described above with all the Seller’s rights and interests including but not limited to all rights under the soil, and the improvements to the Property including all fixtures and appurtenances not otherwise expressly excluded.
The Seller’s obligations are contingent upon it having received approval from the Mississippi Board of Trustees of the State Institutions of Higher Learning (“IHL”) for the sale of the Property at their meeting on November 17, 2022.

**Termination Options:** The sale can be terminated at any time prior to the execution of the Purchase Agreement for any reason, including denial by the IHL board.

**History:** Depot Street Investments acquired the building/property mentioned in this sale in August-September of 2022. Currently, the building footprint encroaches upon land owned by the University.

**Environmental Phase I:** A Phase I Environmental Site Assessment is not required for the sale of property.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The University of Mississippi is acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent appraisals. The sale price of property shall not be below the average of the two appraisals.

**Staff Recommendation:** The Attorney General’s Office has reviewed this item for compliance with applicable law and found it to be acceptable. Board staff recommends approval of this item.

**12. UM – APPROVAL OF PURCHASE OF PROPERTY FROM SOUTHEAST VENTURES, LLC – LOCATED OFF TAYLOR ROAD - OXFORD, MS – 44.5 ACRES OF LAND**

**Project Request:** The University of Mississippi requests approval to purchase 44.5 acres of land located off Taylor Road in Oxford, MS from Southeast Ventures, LLC, for a sale price of $649,000.

**Purpose:** The University of Mississippi desires to purchase 44.5+/- acres, directly at the end of the S. Campus Rail Trail (Whirlpool Trail) which is owned by the University of Mississippi. The acreage also fronts Old Taylor Rd at several points along the Eastern boundary. This property is valuable to the University in that real estate in close proximity to the University campus is in high demand, low in supply and is generally priced high accordingly. This property, with existing connectivity by the trail, which is owned by UM, offers opportunity for future expansion at an affordable price point, since the land is not already fully developed. The property is
suitable for a number of development purposes: for housing, academic structures, research, recreation, or other possibilities. The proximity of the pedestrian trail, which intersects the property on the Northern boundary, makes accessibility for housing or academic programs even more appealing.

**Appraisals:** The University of Mississippi received two independent property appraisals for the property. The first appraisal was in the amount of $804,000. The second appraisal was in the amount of $578,500. The average of the two appraisals was $691,250. The University of Mississippi proposes to purchase the property for $649,000, which is equal to or less than the average of the two appraisals as required by Board Policy §905(A).

**Property Description:**

- **Tract 1:** A tract of land being a fraction of the Northwest Quarter (NW 1/4) of Section 12, Township 9 South, Range 4 West, Lafayette County, Mississippi
- **Tract 2:** A tract of land being a fraction of the Northwest Quarter (NW 1/4) of Section 12, Township 9 South, Range 4 West, Lafayette County, Mississippi
- **Tract 3:** A tract of land being a fraction of the Northwest Quarter (NW 1/4 J of Section 12, Township 9 South, Range 4 West, Lafayette County, Mississippi, said tract describing all that part of the original 100.00-foot-wide right-of-way of the Illinois Central Railroad Company's abandoned Jackson District, beginning at the North line of Section 12 extending South to the centerline of Thacker Mountain Road
- **Tract 4:** A fraction of the Northwest Quarter of Section 12, Township 9 South, Range 4 West, Lafayette County, Mississippi
- **Tract 5:** A fraction of the Northwest Quarter of Section 12, Township 9 South) Range 4 West, Lafayette County, Mississippi

**Terms:** The terms of sale include purchasing 44.5 acres of land along with an abandoned house for a $649,000 purchase price. This purchase is supported by the average of 2 independent appraisals, which resulted in a valuation of $691,250.

**Termination Options:** The sale can be terminated at any time prior to the execution of the Purchase Agreement for any reason, including denial by the IHL board.

**History:** The University of Mississippi is interested in acquiring properties that support strategic growth of the University, considering factors such as
contiguous locations, strategic/mission aligned value, expansion capability, affordability and fit for future use. As such, this property rates highly in the University’s overall evaluation of these criteria.

**Funding Source(s):** The purchase is to occur through UM Cash Reserves or equivalents, without external financing terms.

**Environmental Phase I:** A Phase I Environmental Site Assessment (ESA) is required for the acquisition of property. The Phase I report was performed on the 44.5-acre tract of land located at the corner of Old Taylor Road and Thacker Mountain Road. No recognized environmental conditions were identified in connection with the subject property.

The property did contain an approximately 2,000 square foot abandoned wooden residential structure on the southern portion of the site. The asbestos and lead paint survey identified the residential structure on the property had four (4) homogenous areas of asbestos containing materials within the building and lead was identified on various paint surfaces in two areas of the building. UM should notify the contractor of findings and follow all local, state, and federal regulations and requirements in regard to the removal of such materials.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The University of Mississippi is acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent appraisals. The sale price of property shall not be below the average of the two appraisals.

**Staff Recommendation:** The Attorney General’s Office has reviewed this item for compliance with applicable law and found it to be acceptable. Board staff recommends approval of this item.


**Agenda Request:** The University of Mississippi requests that the Board of Trustees of State Institutions of Higher Learning approve a lease between the University of Mississippi Research Foundation (Insight Park) and the School of Engineering at the University of Mississippi. Pursuant to Board Policy 707.03, Approval of Prepayment for Goods and Services, UM also requests a waiver to allow prepayment of the annual lease payment each year.
Contractor’s Legal Name: University of Mississippi Research Foundation

History of Contract: No

Specific type of contract: Space lease agreement.

Purpose: The Smith and Werfel Labs currently share 880 square feet of wet chemistry space in Thad Cochran Research Center West (TCRC W). However, this space has become vastly over-committed based on our number of personnel and externally-funded projects. Additionally, the laboratory space in TCRC W is not designed to facilitate biomolecular studies, which make up at least half of the work done in groups. Therefore, the School of Engineering needs to move into a lab space that can accommodate its growing research groups, help accomplish the work proposed in multiple ongoing grant projects and is flexible enough to facilitate both chemical and biological research.

Terms: The University of Mississippi School of Engineering will lease 62,000 square feet, state of the art Class A building in the Lessor’s research park, Insight Park with existing parking and ingress and egress thereto. The lease term is five (5) years commencing on or before December 1, 2022, with the option to renew annually for two additional years following the primary five-year term. No deposit is required, and the lease rate is $75,000 annually, resulting in a total lease amount of $525,000 if all renewals are exercised.

Termination Options: The lease agreement may be terminated because of a decrease in state funds, in the event appropriate space becomes available in a state-owned building, upon an event that renders the building untenable, for noncompliance with federal statutes, state statutes or local ordinances, for default, for not disposing of hazardous materials, chemicals or odors, and upon mutual agreement.

Contract Amount: Total annual rent will be $75,000. Total rent if the primary term and all renewals are exercised is $525,000.

Funding Source: The funding will come from multiple sources: State appropriated funds, E&G Funds, and self-generated funds.

Contractor Selection Process: N/A

Staff Recommendation: The Attorney General’s Office has reviewed this item for compliance with applicable law and found it to be acceptable. Board staff recommends approval of this item.
1. **JSU – APPROVAL OF TAFT ADVISORS, LLC AS FEDERAL LOBBYING CONSULTANT**

Pursuant to Board Policy 201.0506, Jackson State University requests approval for Taft Advisors, LLC to lobby on behalf of the university outside of the State of Mississippi.

**STAFF RECOMMENDATION:** Board staff recommends approval of this item.

2. **SYSTEM – APPROVAL OF UPDATED OPERATIONAL GUIDELINES OF THE IHL SELF-INSURED WORKERS’ COMPENSATION PLAN AND FUND**

The IHL Self-Insured Workers’ Compensation Program is seeking Board approval of its Operational Guidelines. The IHL Self-Insured Workers’ Compensation Plan is an approved self-insurer which exists for the purpose of insuring the system entities against liabilities arising under workers’ compensation laws. The current operational guidelines were approved in 2001 and established a delegation of settlement authority to the Commissioner and the IHL Director of Risk Management in an amount up to $50,000 per claim. The purpose of this item is to approve updated operational guidelines which increase the delegated settlement authority from up to $50,000 per claim to up to $200,000 per claim.

**OPERATIONAL GUIDELINES FOR THE SELF-INSURED STATE INSTITUTIONS OF HIGHER LEARNING WORKERS’ COMPENSATION PLAN AND FUND**

I. **Purpose.** The State Institutions of Higher Learning Workers’ Compensation Plan (WC Plan) is authorized by the Mississippi Workers’ Compensation Commission (MWCC) and the Board of Trustees of State Institutions of Higher Learning (IHL). The Plan’s purpose is to provide self-insurance coverage for the benefit of the employees of the IHL Board and the universities within the IHL system.

II. **Coverage.** The Plan shall cover workers’ compensation benefits for the benefit of the employees within the IHL system. Coverage is defined by the Mississippi Workers’ Compensation Act (the “Act”).

III. **Plan Participation.** All IHL universities and employees shall participate in the WC Plan and fully cooperate with the administration of the Plan and these guidelines.

IV. **Plan Administration.** The WC Plan shall be maintained and administered through the IHL Office of Risk Management (ORM). ORM shall be responsible for the following:
A. Oversee the Plan’s compliance with the Act, regulations of the MWCC, and the Policies and Bylaws of the IHL.

B. Annually submit all documents and reports required by the MWCC.

C. Enter all contracts with third parties as may be necessary or beneficial to administer the WC Plan. Such contracts may include, but are not limited to, financial auditors, actuaries, third-party administrators (TPA), law firms or attorneys, insurance companies, brokerage companies, and claims auditors. Attorney assignment will be made by the Attorney General’s Office.

D. Determine and collect premiums due to the WC Plan.

E. Provide effective management of the WC Plan, including the payment of necessary expenses related to the Plan’s operation.

F. Provide any data, reports, or presentations related to the WC Plan and/or claims as may be requested by the IHL.

V. Settlement Authority. The IHL delegates to the Commissioner and the Director of Risk Management the authority to settle claims covered by the WC Plan in an amount not to exceed $200,000. The Director of Risk Management may further delegate to the WC Plan’s TPA, if any, settlement authority not to exceed $15,000 per claim.

STAFF RECOMMENDATION: Board staff recommends approval of this item.
1. **ASU – APPROVAL TO AWARD ONE HONORARY DEGREE**

The university requests approval to bestow one honorary degree at its 2022 Fall commencement ceremony. Supporting documents are on file at the Board Office.

**Staff Recommendation:** Board staff recommends approval of this item.
1. **SYSTEM – APPROVAL OF ACADEMIC PROGRAM PRODUCTIVITY REVIEWS**

Academic productivity reviews are triggered when cumulative graduates over the past 3 academic years for a single degree program are less than eighteen (18) for baccalaureate-level degrees, less than twelve (12) for master-level degrees, and less than five (5) for specialist and doctorate-level degrees. **Thirty-five (35) academic programs were evaluated to assess need, potential to grow enrollment, productivity potential, and unnecessary duplication.** Based on proposals prepared by each institution and subsequent review by the Office of Academic and Student Affairs (OASA), the following recommendations are presented for Board approval.

**A. CONTINUE WITH STIPULATION**

The following 4 academic programs are subject to additional review by OASA for two years to assess progress toward future productivity.

- **JSU – Master of Science in Education (MSEd) in School Counseling (CIP Code, Seq: 13.1101, 4038)**
- **MSU – Bachelor of Science (BS) in Environmental Science in Agricultural Systems (CIP Code, Seq: 03.0101, 5842)**
- **MSU – Bachelor of Science (BS) in Natural Resource and Environmental Conservation (CIP Code, Seq: 03.0101, 5843)**
- **USM – Master of Science (MS) in Geology (CIP Code, Seq: 40.0601, 4380)**

**B. 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 2025.

- **ASU – Master of Science (MS) in Biotechnology (CIP Code, Seq: 19.0501, 5032)**

**C. DELETE**

- **ASU – Bachelor of Arts (BA) in Sociology (CIP Code, Seq: 45.1101, 5043)**
- **JSU – Bachelor of Arts (BA) in Urban Studies (CIP Code, Seq: 45.1201, 5163)**
- **JSU – Bachelor of Science (BS) in Educational Technology (CIP Code, Seq: 13.0501, 5713)**
- **JSU – Master of Science (MS) in Environmental Science (CIP Code, Seq: 03.0103, 4056)**
- JSU – Master of Science in Education (MSEd) in Secondary Education (CIP Code, Seq: 13.1205, 4041)
- MSU – Bachelor of Science (BS) in Business Technology (CIP Code, Seq: 13.1303, 5695)
- MSU – Bachelor of Science (BS) in Human Sciences (CIP Code, Seq: 19.0101, 5245)
- MSU – Doctor of Philosophy (PhD) in Applied Economics (CIP Code, Seq: 45.0601, 1190)
- USM – Bachelor of Science in Business Administration (BSBA) in Economics (CIP Code, Seq: 52.0601, 5536)

STAFF RECOMMENDATION: Board staff recommends approval of this item.
1. **SYSTEM-REQUEST FOR APPROVAL TO PURCHASE WORKERS’ COMPENSATION EXCESS INSURANCE WITH SAFETY NATIONAL CASUALTY COMPANY**

**Agenda Item Request:** The Mississippi Institutions of Higher Learning’s Executive Office (IHL) requests approval to purchase workers’ compensation excess insurance and employer’s liability insurance from **Safety National Casualty Company**. The broker will be Arthur J. Gallagher.

**Contractor’s Legal Name:** Safety National Casualty Company.

**History of Contract:** The IHL Workers’ Compensation Plan is required by the Mississippi Workers’ Compensation Commission to purchase coverage for workers’ compensation claims in excess of our self-insured retention of $1,000,000. An excess workers’ compensation insurance policy has been purchased since the inception of the IHL Workers’ Compensation Plan. The policy includes Employer’s Liability coverage with a limit of $1,000,000. The insurance rate is decreasing by 3.3% this year. Coverage endorsements include statutory coverage for aircraft, foreign coverage, repatriation/emergency evacuation, broad form all-states, maritime, incidental USL&H, and voluntary compensation coverages.

**Specific Type of Contract:** This is a contract for excess workers’ compensation insurance coverage.

**Purpose:** To provide workers’ compensation insurance coverage in excess of the primary self-insured retention of $1,000,000 per occurrence.

**Scope of Work:** N/A

**Term of Contract:** December 1, 2022, through November 30, 2023. This is a one-year policy.

**Termination Options:** The insurance policy may be terminated at any time by either party following 90 days’ notice, except for non-payment of premium.

**Contract Amount:** The estimated premium is $359,292 for the one-year term based upon an annual payroll of $1,642,855,491. The exact cost may fluctuate as it is based upon annual payroll.

**Funding Source for Contract:** This insurance is paid for by the IHL Self-Insured Workers’ Compensation Plan. The Plan collects assessments annually from each university, including UMMC, and the Board Office.
**Contractor Selection Process:** The procurement was advertised in *The Clarion-Ledger* and notification letters were directly forwarded to brokers that had previously indicated an interest in this process. Three markets were assigned between three brokers. Quotes were received from two brokers as one market declined to quote due to the cost of their reinsurance involving aircraft coverage exposure. The lowest and best quote is from Safety National Casualty Insurance Company and Arthur J. Gallagher.

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**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

2. **DSU- REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH BLUES AIR, LLC**

**Contractor’s Legal Name:** Blues Air, LLC

**History of Contract:** Delta State University was awarded a U.S department of Education Congressional award that funds the Agricultural Flight Operation training. This is the first year of award and the DSU aviation department is recommending to enter into agreement with Blues Air.

**Specific Type of Contract:** New contract.

**Purpose:** To formalize the operating and financial relationship between Delta State and Blues Air for agricultural flight training.

**Scope of Work:** Blues Air, as the Agricultural Flight Operator (AFO) will assist Workforce Development staff in creating the Career Pathway. At a minimum, the following knowledge and skills will be covered:

- Commercial Proficiency in a tailwheel airplane
- Weather concerns and hazards
- Loading and mixing chemicals
- Calculating efficient loads
- Calibrating the airplane
- Spray Systems
- Basic and Advanced Tailwheel techniques
- Navigation with and without GPS
- Field location and positive identification
- Identifying hazards in the field
- Identifying hazards to people or animals
Blues Air, as the Agricultural Flight Operator (AFO), will provide equipment and space to conduct the Agricultural Operations Career Pathway program. In addition, the AFO will work with the Workforce Centers to Develop the Career Pathway. It shall consist of at least 50 hours of tailwheel flight time and ground training conducted by an FAA Certificated Flight Instructor who is an experienced Aerial Applicator Pilot.

**Term of Contract:** The term of the agreement is three years upon signature.

**Termination Options:** Either party may terminate this Subcontract for convenience upon thirty (30) days written notice to the other party. In the event of default by SUBCONTRACTOR, the performance of the SUBCONTRACTOR may be terminated by DSU at any time by giving ten (10) days written notice. Such notice shall be effective upon receipt by SUBCONTRACTOR. Should SPONSOR terminate or issue a stop work order of any nature to DSU, DSU reserves the right to issue a termination or stop work order pursuant to the terms of action issued by SPONSOR regardless of the time frame.

**Contract Amount:** $20,300 per student not to exceed $203,006 per year for three years for a total of $609,018.

**Funding Source for Contract:** Department of Education Congressional award

**Contractor Selection Process:** This agreement is for professional services and is not required to obtain competitive bids. We believe Blues Air is the best training provider because: 1) facility is located at the Cleveland Municipal Airport near DSU Flight Operations; 2) plane rental of $200 per hour (including fuel) is reasonable, allowable and necessary; 3) flight instructor cost of $50.00 is reasonable, allowable and necessary; and 4) they have five (5) years of documented experience in providing Tailwheel training and aerial applicator training. Please see attached justification from DSU Aviation Department.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.
3. **UM – REQUEST FOR APPROVAL TO ENTER INTO A CONTRACTUAL SERVICES AGREEMENT WITH INNOVATIVE CONSTRUCTION MANAGEMENT, LLC**

**Agenda Item Request:** The University of Mississippi Department of Facilities Planning requests approval to enter into a contract with Innovative Construction Management for the University of Mississippi new Ole Miss Softball Complex.

**Contractor’s Legal Name:** Innovative Construction Management, LLC

**History of Contract:** N/A

**Specific Type of Contract:** This is a professional services contract, specifically the AIA Doc C132-2019 Standard Form of Agreement Between Owner and Construction Manager as Adviser.

**Purpose:** The purpose of this request is to award a contract for Construction Manager Adviser services for the Ole Miss Softball Complex.

**Scope of Work:** The scope of work includes all tasks listed in the AIA Doc C132-2019 Agreement.

**Term of Contract:** Contract duration is November 21, 2022, through twelve (12) months after Substantial Completion of the Ole Miss Softball Complex construction contract.

**Termination Options:** The contract may be terminated by UM for convenience if project is canceled or indefinitely deferred, for default, for force majeure, in the event that funds associated for payment of this contract become unavailable due to a decrease or change in the legislative appropriation, or for CMa’s lack of compliance with the Mississippi Employment Protection Act. CMa may terminate the contract for nonpayment by UM, suspension of the Project for more than ninety (90) days, material breach or failure of UM to comply with this Contract, or force majeure.

**Contract Amount:** Based on current design timeline and construction timeline estimate, the projected contract value is $1,644,929.59. This will fluctuate with actual construction contract values and any time extensions granted during construction.

**Funding Source for Contract:** The funding source for this contract is Self-Generated Athletic Revenues.

**Contractor Selection Process:** UM solicited Request for Qualifications via public advertisement. Firms submitted qualification packages based on the requested outline: 1) Company Overview, 2) Construction Management Firm Experience / Project Profiles, 3) Key Project Personnel, and 4) Project Approach. After evaluation of the submittals, the selection committee decided to offer all four (4) responding firms in-person interviews.
The selection committee interviewed firms and selected the most qualified team based on grading criteria that closely followed the requested qualifications outline.

**STAFF RECOMMENDATION:** Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

### 4. UMMC - REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH ADVANCED ACCELERATOR APPLICATIONS USA, INC.

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a Product Purchase Agreement (Agreement) with Advanced Accelerator Applications USA, Inc. (AAA) to purchase LUTATHERA and PLUVICTO, which are radiopharmaceutical drugs used in Nuclear Medicine for the treatment of cancer patients. LUTATHERA is used for the treatment of neuroendocrine tumors, including painful bone lesions in adult and pediatric patients. PLUVICTO is used for the treatment of prostate cancer in adult patients. Radiopharmaceuticals are used for various purposes such as the destruction of cancer cells or pain treatment. UMMC also requests approval to amend the Agreement without seeking prior Board approval as long as adequate funds are available.

**Contractor’s Legal Name:** Advanced Accelerator Applications USA, Inc.

**History of Contract:** On January 16, 2020, the Board approved a three (3) year agreement with AAA for the purchase of LUTATHERA and NETSPOT radiopharmaceutical drugs, with an expiration date of January 31, 2023. The agreement shall be superseded by this new Product Purchase Agreement for the purchase of LUTATHERA and PLUVICTO. PLUVICTO is a new drug on the market and will be used for the treatment of prostate cancer in adult patients. AAA stopped providing NETSPOT to UMMC, consequently NETSPOT is purchased from a third-party pharmacy without a contract. UMMC is currently the only institution in the State who performs these treatments.

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

**Purpose:** The purpose of the agreement is to purchase LUTATHERA and PLUVICTO, which are radiopharmaceutical drugs used in Nuclear Medicine for the treatment of pediatric and adult patients. LUTATHERA is used for treatment of neuroendocrine tumors, including painful bone lesions while PLUVICTO is used for the treatment of prostate cancer in adults. Radiopharmaceuticals are used for various purposes such as the destruction of cancer cells or pain treatment.

**Scope of Work:** Under this agreement, UMMC will purchase LUTATHERA and PLUVICTO radiopharmaceuticals from AAA.
Term of Contract: The term of the Agreement is three (3) years, from December 1, 2022, through November 30, 2025.

Termination Options: This agreement may be terminated as follows:
- immediately by the non-breaching party if the other party pays or accepts bribes or participates in other illegal inducements in business or government relationships;
- by either party upon ninety (90) days’ written notice;
- by AAA if UMMC uses a single dose of any product for more than one patient;
- by AAA if UMMC fails to pay an invoice for a period of ninety (90) days from the due date;
- by AAA if UMMC fails to meet its obligations under the agreement after a thirty (30) day notice period;
- by UMMC upon AAA’s failure to meet its performance obligations under the agreement and such failure continues for thirty (30) days after AAA’s receipt of a written notice of such failure;
- immediately by the non-breaching party upon a breach of the confidentiality requirements in the agreement; and
- by UMMC if a force majeure event prevents AAA from providing products for a period of thirty (30) consecutive days.

Contract Amount: The estimated cost of the Agreement is $42,175,000.00 over the three (3) year term. Beginning in year two (2), UMMC has included a forty percent (40%) increase for potential patient volume and cost increases. Once per calendar year, AAA may increase pricing, any such increase shall be directly proportional to the nationwide published Wholesale Acquisition Cost of the product.

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

Contractor Selection Process: LUTATHERA and PLUVICTO qualify as clinical commodities under Miss Code Ann §31-7-1, which are exempted from procurement requirements under §31-7-13.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.
5. **UMMC – REQUEST FOR APPROVAL TO ENTER INTO A PRODUCT SALE AGREEMENT WITH AIRGAS USA, LLC**

**Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a Product Sale Agreement with Airgas USA, 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. In addition, UMMC requests the ability to add or remove products under the agreement without seeking prior Board approval as long as it does not increase the approved expenditure level.

**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. On January 20, 2022, the Board approved additional funds for the agreement due to increased demand for medical gas because of heightened patient acuity, increased patient volume, and COVID-19 treatment and readiness. The agreement will expire on November 30, 2022.

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

**Purpose:** 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 is five (5) years, from December 1, 2022, through November 30, 2027.

**Termination Options:** The termination options under the agreement are:
- by UMMC, after the first two (2) years of the agreement, upon one hundred eighty (180) days’ prior written notice;
- in the event of a reduction in funds;
- by UMMC upon thirty (30) days’ notice to Airgas, if UMMC does not agree to a proposed price increase due substantial changes in volume of purchases;
- by UMMC, if Airgas is unable to provide products for thirty (30) consecutive days due to a force majeure event.
• by UMMC if UMMC changes its Group Purchasing Organization (“GPO”) affiliation, and does not agree to maintain current terms, adjust the pricing, or enter into a new agreement;
• upon a material breach of the Agreement between Airgas and Vizient that is not cured within 30 days;
• by Airgas in the event UMMC becomes bankrupt or insolvent.

Contract Amount: The new estimated total cost over the five (5) year term is $1,400,000. Beginning in year 2, UMMC has included fifteen percent (15%) increase for volume and price changes. After the first eighteen months of the agreement, Airgas shall increase the prices by four percent (4%) per year.

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

Contractor Selection Process: Airgas is an approved vendor contracted with Vizient Inc., one of UMMC’s group purchasing organizations (GPO) pursuant to Miss. Code Ann. 31-7-13(m)(x).

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

6. UMMC – REQUEST FOR APPROVAL TO AMEND AN AGREEMENT WITH COVIDEN SALES, LLC, A MEDTRONIC COMPANY

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its Locally Negotiated Agreement with Covidien Sales LLC, a Medtronic company (Covidien) to extend the term, revise UMMC’s purchase commitment, add an ultrasonic cutting product growth rebate, and replace a portion of the product list as well as the sample product standardization template. The agreement is for the purchase of electrosurgery, vessel sealing, smoke evacuation, ultrasonic cutting, and hardware products. These devices are basic and advanced hardware and associated products used primarily in the Operating Room to control bleeding, sealing, and cutting blood vessels during minor to extensive procedures. In addition, UMMC requests the ability to add and remove products from the agreement as needed, as long as it does not increase the approved expenditure level.

Contractor’s Legal Name: Covidien Sales LLC, a Medtronic company

History of Contract: On November 19, 2020, the Board approved a three (3) year agreement for the purchase of electrosurgery, vessel sealing, smoke evacuation, ultrasonic cutting, and hardware products. The agreement will expire on November 30, 2023, unless amended.
Specific Type of Contract: This is an amendment to the Locally Negotiated Agreement.

Purpose: The purpose of the amendment is to extend the term, revise UMMC’s purchase commitment, add an ultrasonic cutting product growth rebate, and replace the product list as well as the sample product standardization template. The purpose of the agreement is to purchase electrosurgery, vessel sealing, smoke evacuation, ultrasonic cutting, and hardware products at discounted rates. These devices are basic and advanced hardware and associated products used primarily in the Operating Room to control bleeding, sealing, and cutting blood vessels during minor to extensive procedures.

Scope of Work: Under the amended agreement, Covidien provides a discount or reduction in price for products. UMMC commits to purchase at least $1,180,000 in products per year or at least eighty-five percent (85%) of its market share in electrosurgery, vessel sealing, smoke evacuation, and ultrasonic cutting products. UMMC does not commit to purchase hardware products, although the products are available for purchase under the agreement. Under the original agreement, UMMC committed to purchase at least ninety percent (90%) of its market share in electrosurgery and smoke evacuation products, and eighty-five percent (85%) of vessel sealing products. UMMC did not commit to purchase ultrasonic cutting products, although the products were available for purchase under the agreement.

Term of Contract: The term of the amended agreement is four (4) years, from December 1, 2020, through November 30, 2024. The original agreement was for a three (3) year term, ending November 30, 2023. The amendment will extend the term one (1) additional year through November 30, 2024.

Termination Options: The Agreement termination options include the following:

- by Covidien upon thirty (30) days prior written notice if UMMC is not trending towards compliance with its commitment; and
- by either party at any time upon thirty (30) days prior written notice to the other party.

The software license termination options include the following:

- by Covidien, immediately, upon notice to UMMC if UMMC fails to comply with the software license; and
- by Covidien, if UMMC notifies Covidien of a defect in the software.

Contract Amount: The total estimated cost of the amended agreement is $6,125,000. The original estimated cost of the three (3) year term was $4,150,000. During the extended term, UMMC anticipates the need for an additional $1,975,000.
Funding Source for Contract: The agreement will be funded by hospital patient revenue.

Contractor Selection Process: UMMC is currently contracted with Covidien.

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.

7. USM – REQUEST FOR RETROACTIVE APPROVAL TO AMEND A LICENSING AGREEMENT WITH ASSESSMENT TECHNOLOGIES INSTITUTE, LLC

Agenda Item: The University of Southern Mississippi requests retroactive Board approval of an Amendment to a partnership and licensing agreement with Assessment Technologies Institute, LLC. (ATI) that provides critical learning resources for the College of Nursing’s student population.

Contractor’s Legal Name: Assessment Technologies Institute, LLC

History of Contract: This is an Amendment to an existing contract. The contract was entered into in August 2021 at a critical time to provide alternative learning resources for nursing students while we were still in the middle of the COVID-19 pandemic and under the IHL Board’s temporary relief from approval of contracts related to COVID-19 (ended December 31, 2021). University students had limited opportunities with some of our clinical experiences, therefore faculty were using ATI to supplement student learning with virtual case studies. During the pandemic we lost many of our minority and first-generation students. ATI has provided students with extra resources to help support learning, and students are able to access these resources 24 hours a day.

Specific Type of Contract: This is an Amendment to a licensing agreement for access to learning resources.

Purpose: The purpose of this contract is to provide USM Nursing students access to comprehensive assessment and review programs, practice and proctored assessments, clinical judgment practice, focused review modules, video case studies, simulations, National Council Licensure Examination (NCLEX) reviews, as well as other comprehensive learning resources and tools. Additionally, ATI’s remediation component allows us to identify at-risk students much earlier in the program and provide them with individualized remediation plans. The algorithm provided by ATI helps the student to identify weak areas and then provides an individualized plan for the student to complete to improve their potential for success, both in the Program and ultimately on the NCLEX. Amendment One adjusts the payment schedule without impacting the total amount due in
an effort to more closely align the payment schedule with the University’s course fee recovery.

**Scope of Work:** ATI grants to USM’s Nursing Program the right to access and use the products and services delivered or made available online by ATI to the Program to enhance each student’s learning experience.

**Term of Contract:** The term of the contract is for 36 months. Start Date: August 1, 2021
End Date: August 31, 2024

**Termination Options:** The agreement may be terminated as follows:
- ATI may terminate the agreement by written notice if USM infringes or misappropriates any ATI IP rights, or if USM fails to cure any other material breach of the agreement within 30 days after receipt of a written notice from ATI.
- USM may terminate the agreement based on lack of appropriated funding, or a material breach by ATI.

**Contract Amount:** For use of ATI Products and Services, the University is assessed a fee of per RN student enrolled. The fees range from $1,387 per RN student for the December 2021 class, to $2,775 per RN student for the May 2022 and subsequent classes. Amendment One adjusts the payment schedule for certain nursing program class cohorts to extend the required payments over three or four semesters as indicated, without impacting the total amount due.

**Funding Source for Contract:** This agreement is funded solely through student course fees.

**Contractor Selection Process:** The service provider was chosen through faculty assessment of available options for services of this nature and ATI was selected as providing the most comprehensive scope of educational resources and services to support the needs of University nursing students.

**STAFF RECOMMENDATION:** Because this agreement has already been executed, Legal Staff has not reviewed the proposed agreement for compliance with applicable law. Board staff recommends approval of this item.

8. **USM – REQUEST FOR APPROVAL TO AMEND A SERVICES AGREEMENT WITH THE UNIVERSITY OF SOUTHERN MISSISSIPPI RESEARCH FOUNDATION, INC.**

**Agenda Item:** The University of Southern Mississippi requests Board approval to amend a service contract with the University of Southern Mississippi Research Foundation (“USMRF”) for Blue Tech Accelerator Critical Infrastructure Phase I.
Contractor’s Legal Name: University of Southern Mississippi Research Foundation, Inc.

History of Contract: The Services Agreement between USM and USMRF for Blue Tech Accelerator Critical Infrastructure Phase I was entered into September 1, 2020.

Specific Type of Contract: Amendment to Services Contract

Purpose: The purpose of the contract is to provide for the first phase of critical infrastructure for the Blue Tech Accelerator Program, and the proposed Amendment 1 will extend the term for an additional two (2) years and three (3) months and add an additional $500,000 in authorized expenditure.

Scope of Work: USMRF will identify, obtain access, and facilitate the utilization of critical infrastructure required for the Blue Tech Accelerator, and manage the use and operation of such infrastructure. USMRF has leased the Gulf and Ship Island R.R. Office Building in downtown Gulfport, Mississippi, and the Gulf Blue Initiative is being lead from this facility.

Term of Contract: The proposed Amendment 1 will extend the period of performance for the work for an additional two (2) years and three (3) months through December 31, 2024.

Termination Options: The agreement may only be terminated during the period of performance by written amendment to the agreement by the parties.

Contract Amount: The proposed Amendment 1 provides that the University will reimburse USMRF for actual costs incurred by USMRF to accomplish the Scope of Work in amounts not to exceed $1,200,000.

Funding Source for Contract: Institutional funds including funds generated through indirect cost recovery will be utilized to fund the additional activities authorized by this Amendment.

Contractor Selection Process: N/A

STAFF RECOMMENDATION: Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds the same to be acceptable. Board staff recommends approval of this item.
1. **UMMC - APPROVAL TO SETTLE TORT CLAIM**

The University of Mississippi Medical Center is seeking board approval for settlement of tort claim number 3274.
1. **SYSTEM – APPROVAL OF BOARD MEETING DATES AND LOCATIONS, JANUARY THROUGH DECEMBER 2023**

   - Thursday, January 19, 2023  Board Office
   - Thursday, February 16, 2023  Board Office
   - Thursday, March 23, 2023  University of Southern Mississippi
      Gulf Park Campus
   - Thursday, April 20, 2023  Board Office
   - Thursday, May 18, 2023  Board Office
   - Thursday, June 15, 2023  Board Office
   - Thursday, July 20, 2023  Subject to Call
   - Thursday, August 17, 2023  Board Office
   - Thursday, September 21, 2023  Board Retreat
   - Thursday, October 19, 2023  Board Office
   - Thursday, November 16, 2023  Alcorn State University
   - Thursday, December 21, 2023  Subject to Call

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

**Staff recommendation: Board staff recommends approval of this item.**
1. **MSU – INTENT TO OFFER EXISTING DEGREE PROGRAMS BY DISTANCE LEARNING**

Board Policy 509 states: “All distance learning courses and programs shall be in accord with Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC) Principles of Accreditation and Council of Regional Accrediting Commissions Interregional Guidelines for the Evaluation of Distance Education.

Unless otherwise provided, all Board and university policies, standards, and guidelines for on and off campus instruction apply to distance learning.”

In accordance with Board policy, the intent to offer already approved degree programs by distance learning is presented to the Board for information.

A. **Bachelor of Science (BS) in Human Development and Family Science, Youth Development**
   - Total credit hours: 124
   - CIP Code, Sequence: 19.0701, 5862
   - Cost to offer by distance learning: $105,000
   - Effective date: August 2023

**STAFF RECOMMENDATION:** Board staff recommends this item be accepted as information.
1. **SYSTEM – ** *AYERS INVESTMENT REPORT*

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 attached *Ayers* Investment Report summarizes the activity in the endowment accounts for FY 2022.

Under separate cover
SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE ` 
OCTOBER 20, 2022 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.
MISSISSIPPI STATE UNIVERSITY

1. MSU-IHL #205-307 – PLAN ADDITIONAL OFFICES RASPET FLIGHT LAB

   Approval Request #1: Schematic Design Documents

   Board staff approved the Schematic Design Documents as submitted by Architecture South.

   Approval Status & Date: APPROVED, November 2, 2022

   Project Initiation Date: August 18, 2022
   Design Professional: Architecture South
   General Contractor: TBD
   Total Project Budget: $180,000.00

2. MSU-IHL #205-308 – CVM EXPANSION TO THE ANIMAL EMERGENCY & REFERRAL CENTER

   Approval Request #1: Change Order #2

   Board staff approved Change Order #2 in the amount of $7,184.00 and one hundred ninety-six (196) additional days to the contract of The ArCon Group, LLC.

   Approval Status & Date: APPROVED, November 1, 2022

   Change Order Description: Change Order #2 includes the following items: modifications made to the scope of work and one hundred ninety-six 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 $565,724.09.

   Project Initiation Date: May 18, 2017
   Design Professional: Machado/Patano, PLLC
   General Contractor: The ArCon Group, LLC
   Total Project Budget: $5,600,000.00
3. **MSU-IHL #205-311 – TRANSPORTATION ALTERNATIVES PROJECT COLLEGEVIEW CONNECTOR**

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

   Board staff approved the Award of Contract in the amount of $1,600,979.81 to the apparent low bidder, Burns Dirt Construction, Inc.

   **Approval Status & Date:** APPROVED, October 7, 2022

   **Project Initiation Date:** May 20, 2021
   **Design Professional:** Neel Shaffer
   **General Contractor:** Burns Dirt Construction, Inc.
   **Total Project Budget:** $2,000,000.00

4. **MSU-IHL #205-313 – HULL HALL RE-ROOF**

   **Approval Request #1: Contract Documents**

   Board staff approved Contract Documents as submitted by Shafer Zahner Zahner Office of Architecture

   **Approval Status & Date:** APPROVED, October 7, 2022

   **Approval Request #2: Advertise**

   Board staff approved request to advertise for receipt of bids.

   **Approval Status & Date:** APPROVED, October 7, 2022

   **Project Initiation Date:** May 20, 2021
   **Design Professional:** Shafer Zahner Zahner Office of Architecture
   **General Contractor:** TBD
   **Total Project Budget:** $1,400,000.00
5. **MSU- IHL #205-321 – SUMMER 2022 PAVING**

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

Board staff approved Change Order #1 in the amount of $227,971.76 and fourteen (14) additional days to the contract of Gregory Companies LLC, dba Murphee Paving.

**Approval Status & Date:** APPROVED, October 7, 2022

**Change Order Description:** Change Order #1 includes the following items: added president’s overlay; added Morrill Road base repairs; added additional excavation to the center gated drive island; added a 2.5’ width road widening strip; added a sidewalk, curb and gutter along Magruder street; added inlet repairs on Magruder street; added additional gated drive island; and fourteen (14) 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.

### Approval Request #2: Change Order #2

Board staff approved Change Order #2 in the amount of $59,832.35 and zero (0) additional days to the contract of Gregory Companies LLC, dba Murphee Paving.

**Approval Status & Date:** APPROVED, October 7, 2022

**Change Order Description:** Change Order #2 includes the following items: credited original lump sum amount to the contract per CO #1; removed the asphaltic joint sealant and credited; quantity adjustment for existing manholes (3); added a lump sum amount for trench repair additions; adjusted quantity for removal of curb (all types), removal of concrete sidewalk (all sizes), combo curb & gutter installation, concrete sidewalk installation, concrete drive installation, Nyloplast basins, inlets, & tops (all types), hot bituminous pavement surface course; hot bituminous pavement base course; cold milling of bituminous pavement (all depths), 4” thermoplastic traffic stripe (cont. white or yellow), 4” thermoplastic detail stripe (white or yellow); and relocation of a light pole.

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

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of $287,804.11.
Project Initiation Date: May 19, 2022  
Design Professional: Neel-Schaffer, Engineers and Planners, Inc.  
General Contractor: Gregory Companies LLC, dba Murphee Paving  
Total Project Budget: $2,500,000.00

6. MSU-IHL #205-325 – DAVIS WADE STADIUM RENOVATIONS

Approval Request #1: Schematic Design Documents

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

Approval Status & Date: APPROVED, October 26, 2022

Project Initiation Date: August 18, 2022  
Design Professional: LPK Architects, P.A.  
General Contractor: TBD  
Total Project Budget: $25,000,000.00

7. MSU-IHL #205-328 NEW RESIDENCE HALL

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 25, 2022 to initiate a project, New Residence Hall and to appoint Wier Boerner Allin Architecture as the design professional. The total project budget is $400,000.00 (Design Fees Only). Funding is provided by University Designated Funds ($400,000).

Interim Approval Status & Date: APPROVED, October 25, 2022

Project Initiation Date: July 3, 2022  
Design Professional: Wier Boerner Allin Architecture  
General Contractor: TBD  
Total Project Budget: $400,000.00
8. **MSU- IHL #405-001 – MUSIC BUILDING RE-BID**

   **Approval Request #1: Change Order #8**

   Board staff approved Change Order #8 in the amount of $122,592.00 and zero (0) additional days to the contract of Mac’s Construction Company, Inc.

   **Approval Status & Date:** APPROVED, October 13, 2022

   **Change Order Description:** Change Order #8 includes the following items: corrected grades and curb inlet installation at Hardy Road; installed additional acoustical wall panels; installed revised north parking lot light pole footings; installed Zypex waterproofing wall coating at the lecture hall basement walls; and modified the existing fence panel to incorporate a gate at the band field.

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

   **Total Project Change Orders and Amount:** Eight (8) change orders for a total amount of $565,724.09.

   **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

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**UNIVERSITY OF MISSISSIPPI**

9. **UM- IHL #207-440 – NEW BAND PRACTICE FIELD**

   **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 16, 2022 to increase the project budget from $3,500,000.00 to $5,440,000.00 an increase of $1,940,000.00.

   **Interim Approval Status & Date:** APPROVED, October 16, 2022
Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of $4,649,000.00 to the apparent low bidder, Roberts Builders, Inc.

Approval Status & Date: APPROVED, October 17, 2022

Project Initiation Date: November 16, 2017
Design Professional: Holcombe Norton Partners, LLC.
General Contractor: Roberts Builders, Inc.
Total Project Budget: $5,440,000.00

10. UM- IHL #207-474 – SOC – COSTUME SHOP RELOCATION

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of $5,142.06 and zero (0) additional days to the contract of JP Corp General Contractors.

Approval Status & Date: APPROVED, October 13, 2022

Change Order Description: Change Order #2 includes the following items: repaired unforeseen, damaged existing floor.

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

Total Project Change Orders and Amount: Two (2) change orders for a total amount of $22,118.36.

Project Initiation Date: January 20, 2022
Design Professional: McCarty Architects, P.A.
General Contractor: JP Corp General Contractors
Total Project Budget: $1,378,790.00
11. UM- IHL #207-485 – JAC-CENTER FOR GRAPHENE RESEARCH RENOVATION

Approval Request #1: Schematic Design Documents

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

Approval Status & Date: APPROVED, October 13, 2022

Project Initiation Date: August 18, 2022
Design Professional: McCarty Architects, P.A.
General Contractor: TBD
Total Project Budget: $2,000,000.00

12. UM- IHL #407-002 – DATA CENTER FACILITY RENOVATION

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Duvall Decker Architects, P.A.

Approval Status & Date: APPROVED, NOVEMBER 2, 2022

Project Initiation Date: June 20, 2019
Design Professional: Duvall Decker Architects, P.A.
General Contractor: TBD
Total Project Budget: $30,000,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

13. UMMC - IHL #209-581 – CHILDREN’S CANCER CLINIC RENOVATION

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as Cooke Douglas Farr Lemons Architects & Engineers, P.A.
14. UMMC- IHL #209-583 – NEUROSURGERY OFFICE RENOVATION

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 16, 2022 to initiate and appoint JBHM as the design professional for this project.

Interim Approval Status & Date: APPROVED, October 16, 2022

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of $999,999.00 to the apparent low bidder, Fountain Construction Co., Inc.

Approval Status & Date: APPROVED, October 17, 2022

Project Initiation Date: October 16, 2022
Design Professional: JBHM Architecture
General Contractor: Fountain Construction Co., Inc.
Total Project Budget: $1,550,000.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

15. USM- GS #108-300 – HICKMAN HALL RENOVATION

NOTE: This is a Bureau of Building project

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Burris Wagnon Architects, P.A.
Approval Status & Date: APPROVED, October 27, 2022

Project Initiation Date: May 20, 2021
Design Professional: Burris Wagnon Architects, P.A.
General Contractor: TBD
Total Project Budget: $11,350,000.00
1. **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 Bradley Arant Boult Cummings, LLP (statement dated 9/7/22) from the funds of Mississippi State University. (This statement, in the amount of $150.00, represents services and expenses in connection with general legal advice.)

**TOTAL DUE**.................................$ 150.00

Payment of legal fees for professional services rendered by Brunini, PLLC (statements dated 10/14/22 and 10/17/22) from the funds of Mississippi State University. (These statements, in the amounts of $1,350.00 and $1,200.00, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE**.................................$ 2,550.00

Payment of legal fees for professional services rendered by Copeland Cook Taylor & Bush (statement dated 9/13/22) from the funds of Mississippi State University. (This statement, in the amount of $2,622.00, represents services and expenses in connection with general legal advice.)

**TOTAL DUE**.................................$ 2,622.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 10/1/22, 10/1/22 and 10/1/22) from the funds of Mississippi State University. (These statements, in the amounts of $2,500.00, $2,500.00 and $39.99, represent services and expenses in connection with immigration/labor certification matters.)

**TOTAL DUE**.................................$ 5,039.99

Payment of legal fees for professional services rendered by The Winfield Law Firm, P.A. (statements dated 10/22/22 and 10/22/22) from the funds of Mississippi State University. (These statements, in the amounts of $7,200.00 and $2,137.50, represent services and expenses in connection with general legal advice.)

**TOTAL DUE**.................................$ 9,337.50

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 9/28/22, 9/28/22, 9/28/22, 10/26/22 and 10/26/22) from the funds of the University of Mississippi. (These statements, in the amounts of $413.00, $4,495.50, $5,959.00, $7,233.00 and $5,044.50, represent services and expenses in connection with general legal advice.)
TOTAL DUE..............................................................$ 23,145.00

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statement dated 10/12/22) from the funds of the University of Mississippi. (This statement, in the amount of $1,841.88, represents services and expenses in connection with general legal advice.)

TOTAL DUE..............................................................$ 1,841.88

Payment of legal fees for professional services rendered by Nelson Mullins (statement dated 10/11/22) from the funds of the University of Mississippi. (This statement, in the amount of $11,131.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE..............................................................$ 11,131.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 10/1/22, 10/1/22, 10/1/22 and 10/1/22) from the funds of the University of Mississippi. (These statements, in the amounts of $106.94, $49.65, $154.17 and $2,350.00, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE..............................................................$ 2,660.76

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 5/20/22, 7/18/22, 8/24/22, 8/24/22, 9/9/22, 9/9/22, 9/9/22, 9/21/22, 9/23/22, 9/26/22, 10/11/22, 10/12/22, 10/12/22, 10/12/22 and 10/12/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $15,880.50, $13,872.00, $39,934.00, $6,668.52, $560.50, $17,341.50, $636.00, $10,328.10, $8,938.50, $19,907.62, $1,497.00, $3,038.50, $446.70, $826.00, $2,803.20 and $265.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 142,944.44

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statements dated 9/16/22, 9/16/22 and 9/21/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $9,229.58, $4,976.44 and $1,989.27, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 16,195.29

Payment of legal fees for professional services rendered by Gore, Kilpatrick & Dambrino, PLLC (statements dated 9/28/22, 9/28/22 and 9/28/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $99.00, $49.50 and $9,633.00, represent services and expenses in connection with legal advice.)
Payment of legal fees for professional services rendered by Hagwood and Tipton, P.C. (statements dated 6/3/22, 8/15/22, 8/15/22, 8/15/22, 8/15/22, 9/14/22, 9/14/22, 10/11/22 and 10/20/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $6,328.50, $363.00, $2,421.60, $825.00, $1,620.00, $594.00, $132.00, $3,622.50 and $4,200.00, respectively, represent services and expenses in connection with legal advice.)

Payment of legal fees for professional services rendered by King & Spalding, LLP (statements dated 7/27/22, 8/25/22 and 9/21/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $66,600.00, $63,976.04 and $29,877.00, respectively, represent services and expenses in connection with legal advice.)

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 9/8/22 and 10/21/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $985.50 and $2,127.50, respectively, represent services and expenses in connection with legal advice.)

Payment of legal fees for professional services rendered by Page, Kruger & Holland (statements dated 9/1/22, 9/1/22, 10/4/22, 10/4/22 and 10/11/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $5,629.30, $330.00, $1,440.00, $1,551.00 and $33.00, respectively, represent services and expenses in connection with legal advice.)

Payment of legal fees for professional services rendered by Page, Kruger & Holland (statements dated 10/14/22, 10/17/22, 10/17/22 and 10/17/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $70.09, $3,613.50, $1,299.00 and $181.50, respectively, represent services and expenses in connection with legal advice.)

Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statements dated 8/18/22, 9/9/22, 9/13/22, 9/13/22, 9/13/22, 9/22/22, 9/22/22, 9/27/22, 9/28/22, 10/11/22, 10/19/22, 10/19/22, 10/20/22, 10/21/22, 10/21/22, 10/26/22 and 11/2/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $3,552.50,
$132.50, $12,218.60, $14,811.95, $4,219.10, $2,134.85, $3,354.50, $5,121.75, $9,597.63, $66.00, $26.50, $12,506.78, $4,818.00, $1,069.50, $3,074.00 and $40,769.50 respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE…………………………………………………………..$ 126,870.11

Payment of legal fees for professional services rendered by Bryan, Nelson, Schroeder, Castigliola & Banahan (statement dated 10/12/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of $58.50, represents services and expenses in connection with legal advice.)

TOTAL DUE…………………………………………………………..$ 58.50

Payment of legal fees for professional services rendered by Butler|Snow (statement date 10/12/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of $10,250.22, represents services and expenses in connection with legal advice.)

TOTAL DUE…………………………………………………………..$ 10,250.22

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 10/12/22 and 10/12/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $1,892.38 and $2,820.00, represent services and expenses in connection with legal advice.)

TOTAL DUE…………………………………………………………..$ 4,712.38

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 10/1/22, 10/1/22, 10/1/22, 10/1/22, 10/1/22 and 10/1/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $59.73, $230.00, $25.08, $30.88, $90.90 and $59.48, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE…………………………………………………………..$ 496.07

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

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 9/16/22, 9/16/22 and 9/16/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “High Power Density, Full-Bridge Parallel Loaded Resonant DC-DC Converter for Low-Voltage, High Current Applications” - $28.50; “Live Attenuated Edwardsiella Ictaluri
Vaccine and Method of Using Same” - $28.50; and “Recombinant Fimbrial Protein of Aeromonas hydrophila as Vaccine in Catfish” - $706.00.)

**TOTAL DUE** ............................................................................$ 763.00

Payment of legal fees for professional services rendered by Conley Rose (statement dated 10/6/22) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent or intellectual property matter: “Wearable Flexible Sensor Motion Capture System” - $355.00.)

**TOTAL DUE** ............................................................................$ 355.00

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dates 10/12/22, 10/12/22 and 10/13/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Occidiofungin Formulations and Uses Thereof” - $1,569.00; “Vaccine Compositions Comprising Recombinant Protein of Staphylococcus Aureus Attenuated Enterotoxin and Cytotoxin” - $2,630.50; and Theinylpiperidine Donor NIR & II Xanthene-Based Dye for Imaging” - $8,150.00, respectively.)

**TOTAL DUE** ............................................................................$ 12,349.50

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 7/28/22, 7/28/22, 9/20/22 and 9/20/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Unsymmetric CCC-NHC Pincer Metal Complexes and Methods of Use Thereof” - $1,552.00; “Cottonseed Oil Polymer” - $659.50; “Cottonseed Oil Polymer” - $604.50; and “Unsymmetrical CCC-NHC Pincer Metal Complexes and Applications” - $228.00, respectively.)

**TOTAL DUE** ............................................................................$ 3,044.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/29/22, 8/29/22, 8/29/22, 8/29/22, 8/29/22, 9/19/22, 9/19/22, 9/19/22, 9/19/22 and 9/19/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $4,142.50, $2,319.00, $635.00, $52.00, $180.50, $875.50, $1,575.50, $3,916.00, $3,959.50 and $5,612.00, respectively, represent services and expenses in connection with patents or intellectual property matters.)

**TOTAL DUE** ............................................................................$ 23,267.50

Payment of legal fees for professional services rendered by Workman Nydegger (statements dated 8/23/22, 8/23/22, 8/23/22 and 8/23/22) from the funds of the University of Mississippi
Medical Center. (These statements, in the amounts of $291.25, $140.00, $250.00 and $200.00, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE………………………………………………………….$ 881.25

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy, P.C. (statements dated 10/11/22, 10/11/22 and 10/11/22) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Open-Shell Conjugated Polymer Conductors, Composites and Compositions” - $652.50; Thiol-Based Post-Modifications of Conjugated Polymers” - $240.00; and “Conjugated Polymer Sensors Using the Inner Filter Effect” - $2,080.50, respectively).

TOTAL DUE………………………………………………………….$ 2,973.00

2. **UM – APPROVAL TO HIRE LIGHTFOOT FRANKLIN WHITE, LLC AS OUTSIDE COUNSEL**

Trustee Gee Ogletree, as Board Legal Committee Chair, on behalf of the Board, has approved UM’s request to enter into a contract for professional legal services with the law firm of Lightfoot, Franklin & White LLC, as outside counsel, pursuant to IHL Board Policy 1102.04, to advise and assist the university regarding NCAA matters. The contract will be effective through June 30, 2023. The hourly rates are $455 for a senior partner, $435 for a junior partner, $235 for an NCAA specialist, and $225 for technical support, with a maximum amount payable of $75,000. 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 approval was contingent upon approval by the Office of the Attorney General.
1. **SYSTEM – 2022 FALL COMMENCEMENT SCHEDULES**

**Alcorn State University**
- Time/Date: 9:00 a.m., Saturday, December 10, 2022
- Location: Jack Spinks and Marino Casem Stadium
- Speaker: Ms. Demetha Sanders, SVP Human Resources-Head of Employee Lifecycle, Atlassian

**Delta State University**

*Graduate; Undergraduate School of Nursing*
- Time/Date: 10:00 a.m., Friday, December 9, 2022
- Location: Bologna Performing Arts Center
- Speaker: Dr. Tomeka Harbin, 2022 recipient of S. E. Kossman Outstanding Teacher Award, Delta State University

*Undergraduate*
- Time/Date: 2:00 p.m., Friday, December 9, 2022
- Location: Bologna Performing Arts Center
- Speaker: Dr. Tomeka Harbin, 2022 recipient of S. E. Kossman Outstanding Teacher Award, Delta State University

**Jackson State University**
- Time/Date: 10:00 a.m., Friday, December 9, 2022
- Location: Lee E. Williams Athletics and Assembly Center
- Speaker: TBD

**Mississippi State University**

**Meridian Campus**
- Time/Date: 11:00 a.m., Thursday, December 8, 2022
- 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: 9:30 a.m., Friday, December 9, 2022
- Location: Humphrey Coliseum
- Speaker: Dr. Mark E. Keenum, President, Mississippi State University
College of Agriculture and Life Sciences; College of Business; Bagley College of Engineering; College of Forest Resources; and College of Veterinary Medicine
Time/Date: 3:30 p.m., Friday, December 9, 2022
Location: Humphrey Coliseum
Speaker: Dr. Mark E. Keenum, President, Mississippi State University

Mississippi University for Women
Time/Date: 11:00 a.m., Friday, December 2, 2022
Location: Rent Auditorium, Whitfield Hall
Speaker: No Speaker

Mississippi Valley State University
Time/Date: 10:00 a.m., Saturday, December 10, 2022
Location: Rice-Totten Stadium
Speaker: Mr. Brent Leggs, Executive Director of the African American Cultural Heritage Action Fund and Senior Vice President of the National Trust for Historic Preservation

The University of Southern Mississippi
There will be no speakers.

Graduate Students – All Colleges
Time/Date: 6:00 p.m., Thursday, December 8, 2022
Location: Bernard Reed Green Coliseum, Hattiesburg, MS

Undergraduates – College of Arts and Sciences and College of Nursing and Health Professions
Time/Date: 9:00 a.m., Friday, December 9, 2022
Location: Bernard Reed Green Coliseum, Hattiesburg, MS

Undergraduates – College of Business and Economic Development and College of Education and Human Sciences
Time/Date: 2:00 p.m., Friday December 9, 2022
Location: Bernard Reed Green Coliseum, Hattiesburg, MS