

Board Book

February 16, 2023

MISSISSIPPI BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING

Board Meeting Outline

MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

MEETINGS SCHEDULE

Health Affairs Committee | February 15, 2023, 3:00p | IHL Board Room
IHL Board Meeting | February 16, 2023, 9:00a | IHL Board Room

CALL TO ORDER INVOCATION

Trustee Tom Duff
Trustee Gregg Rader

PRESENTATION

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Trustee Ormella Cummings

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**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 19, 2023**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 22, 2022, to each and every member of said Board said date being at least five days prior to this January 19, 2023 meeting. At the above-named place the following members were present to wit: Dr. Ormella Cummings, Dr. Steven Cunningham (via Zoom), Mr. Tom Duff, Ms. Teresa Hubbard, Ms. Jeanne Carter Luckey, Mr. Bruce Martin, Dr. Alfred E. McNair, Jr., Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, and Dr. J. Walt Starr. Mr. Gregg Rader was absent. The meeting was called to order by Mr. Tom Duff, President, with Trustee Cummings providing the invocation.

INTRODUCTION OF GUESTS

- Dr. E.E. Caston, Interim President of Delta State University, introduced Mr. Larry Wakefield, the new Interim Vice President for Finance and Administration and the Chief Financial Officer.
- President Duff introduced the following Student Government Association presidents: Christopher Epps from Alcorn State University; Kennedy Guest from Mississippi State University; and Lila Osman from the University of Mississippi. The SGA presidents have been visiting with members of the Mississippi legislators this week.

APPROVAL OF THE MINUTES

On motion by Trustee McNair, seconded by Trustee Martin, with Trustee Rader absent and not voting and Trustee Cunningham participating via Zoom, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on November 17, 2022 and December 8, 2022.

CONSENT AGENDAS

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

FINANCE

1. **DSU** – Approved the request to enter a contract with Waste Management of Mississippi Inc., for collection and disposal of solid waste on campus. Waste Management of Mississippi will provide the services for the greater campus community including facility services, the cafeteria, and student housing. The term of the contract is five (5) years beginning February 1, 2023. DSU estimates the cost of \$88,882.40 per year of \$444.441

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over the five-year life of the contract. This contract will be funded by revenue from the University's auxiliary units. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

2. **UM** – Approved the request to amend the University's current contract with Jackson Spalding, LLC., an Atlanta-based marketing communications agency (the "Amendment"), for communications consulting services. The purpose of this Amendment is to increase the cost retainer included in the Original Contract to aid on several communications items related to the National Center for Cannabis Research and Education. The terms of this Amendment will begin when the Amendment is executed and end upon the expiration of the term of the Original Contract (October 15, 2023). The total spend under this Amendment, inclusive of any and all fees and expenses specified herein, shall not exceed \$67,000. Funding for this Amendment will be provided through educational & 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.
3. **UM**- Approved the request to enter a contract with Safeguard World International Limited ("Safeguard Global") to allow UM to legally engage and contract with faculty and staff who reside outside of the United States while they provide instruction and research for various departments and schools on campus. The term of this Agreement shall be one (1) year commencing the Effective Date as in the Agreement, and/or as indicated upon the formal issuance of a Purchase Order. At the end of one (1) year, this Agreement shall automatically renew for a maximum of four (4) additional one-year terms. This Agreement is valid for a maximum of five (5) years. The total amount payable, pursuant to this Agreement, shall not exceed two and a half million dollars (\$2,500,000) during the Term of this Agreement. The contract will be funded by existing E&G budget funds of departments that require the outsourcing of faculty or staff. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.
4. **UM** – Approved the request to enter a contract with StarRez, Inc. for services provided by a cloud-based university student housing assignments management system. This contract provides for mitigation of the housing management solution to a cloud-based system, allowing for future adaptability at a more rapid pace. The term of this contract will begin on the day it is signed and ends five years from that date. The contract amount for five (5) years is \$609,393.60 – Year One Subscription: \$72,086.26. Year Two Subscription: \$123,847.62. Year Three Subscription: \$130,605.68. Year Four Subscription: \$137,701.64. Year Five Subscription: \$145,152.40. Student Housing is anticipating the construction of new buildings which will add additional bed spaces covered by this contract during the next five (5) years. These bed spaces will require additional licenses and add to the cost of the contract. StarRez has agreed to lock in the price at \$30/bed space which can be purchased in increments of fifty (50). In addition, there could be additional modules that Student Housing does not currently use that would be beneficial to the operation of the department. If purchased, these modules could increase the annual subscription cost, adding to the overall 5-year total. The funding source this contract will be self-generated Student Housing revenue. Legal Staff has reviewed the proposed agreement for

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

5. **UMMC** – Approved a resolution confirming support for the establishment and operation of the Mississippi Burn Center (“Center”) at UMMC as well as confirmation that adequate funds are available for that purpose. The Joseph M. Still Burn Center at the Merit Health Central closed on October 14, 2022. Consequently, Mississippians no longer have access to an in-state burn center. As the state’s only academic medical center and level-1 trauma center, UMMC is well positioned to fill the void caused by the recent closure. In the 2007 Regular Legislative Session, the Mississippi Legislature passed House bill 567, authorizing UMMC to establish the Center. The bill was subsequently signed into law by Governor Haley Barbour. The only burn center located in Mississippi, the Joseph M. Still Burn Center at the Merit Health Central, closed on October 14, 2022. Consequently, Mississippians no longer have access to an in-state burn center. UMMC seeks to fulfill the legislature’s intent to establish and operate the Center. The resolution is on file in the Board Office.
6. **UMMC** – Approved the request to enter Amendment No. 31 to the License and Support Agreement with Epic Systems Corporation (Epic) to add license volumes for additional interfaces used for various third-party applications throughout UMMC. These interfaces allow for the exchange of information from the third-party application to Epic for storage in the patients’ medical record. The term of Amendment No. 31 will begin upon execution and end coterminous with the current agreement term ending August 22, 2024. The estimated total cost for Amendment 31 is \$156,000.00 and is already accounted for in the overall cost. The total cost of the Agreement remains \$118,888,932.99. Pursuant to Board Policy 707.03 Approval of Prepayment for Goods or Services, the Board also approved the request to allow prepayment of volume fees for the additional interfaces. This agreement is 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.
7. **USM** – Approved the request to enter a food services agreement for its Gulf Coast Research Laboratory (GCRL) facility. The contractor will supply meals for students attending USM’s Summer Field Program (SFP) and Coastal Sciences Camps (CSC), as well as serving as the sole provider of food services for all catered events with more than 20 participants on GCRL’s campus during the period of the contract. The contractor will be allowed to prepare and serve additional items to visiting students and USM program participants while at GCRL. The short-order walk-in business will be managed and operated solely at the discretion of the contractor. The term of this contract will be from January 19, 2023 through December 31, 2025, with the option to renew for two (2) additional one-year periods. The total contract amount is estimated at \$450,000. The amount may vary based on student enrollment and general demand but includes a \$30,000 contingency for commodity and labor fluctuations. The unit pricing of the meals per SFP student, per day, will be \$29.35. USM will be invoiced for the number of students served under the SFP Meal Plan at the end of each month. Additionally, USM will pay the contractor for individual meals provided to SFP instructors, Teaching Assistants, or SFP program personnel and for individual meals reserved under the Marine Education Center’s

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CSC programs at the following rates: Breakfast \$8.35, Lunch \$9.90, and Dinner \$11.10. This contract will be funded by revenue generated from college students, public school groups, various program participants, and other campus activities requiring meals. 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

8. **ASU** – Approved the initiation of GS 101-326, Miscellaneous Campus Repairs – President’s Residence, and the appointment of appoint Shafer Zahner Zahner, PLLC as the design professional. This project will allow for demolition work, installation of new shingle roof, and related membrane roofing system, installation of new windows, painting, and a host of related work associated with needed/required repairs to the interior and exterior of the President’s house. The proposed project budget is \$1,250,000. Funds are available from ASU Local Fund [Auxiliary] (\$322,860.91); HB 1730, Laws of 2020 (\$275,000); SB 3065, Laws of 2019 (\$611,077.96); SB 2851, Laws of 2013 (\$17,999.40); DFA Statewide Critical R&R [2019] (\$12,575.16); and DFA Statewide Critical R&R [2018] (\$10,486.57).
9. **DSU** – Approved the initiation of GS 102-266, Campus HVAC Phase II, and the appointment of Engineering Resource Group as the design professional. This project will allow for repairs and replacement of failed HVAC systems throughout the DSU campus. The proposed project budget is \$2.9 million. Funds are available from HB 1353, Laws of 2022 (\$2.9 million).
10. **MUW** – Approved the initiation of GS 104-209, Fant Hall Renovation – Nursing Expansion. MUW will use the Request For Qualifications method for selection of the design professional and bring the selected design professional back to the Board for approval at a future Board meeting. This project involves capital improvements to Fant Hall which was built in 1927 and formerly utilized as a residence hall, is located directly across the street from the Campus Health Center and Martin Hall, which houses the Nursing Programs. Capital improvements would retrofit the space (which has four floors and contains 44,900 square feet) to create permanent classroom spaces and other academic support areas, faculty offices, additional simulation labs, and group study spaces, as well as living, learning communities on the upper floors to prepare students for the demands of the profession. The proposed project budget (design fees only) is \$500,000. Funds are available from SB 3002, Laws of 2022 (\$500,000).
11. **UM** – Approved the initiation of IHL 207-476B, Phase II Upgrade HVAC Controls – Natural Products and Faser Hall, and the appointment of Design Build and Engineering Services, LLC as the design professional. The scope will retrofit and upgrade controls to laboratory supply-air valves (Phoenix), exhaust-air valves (Phoenix), fume hoods, exhaust fans, controls integration into the new energy management platform along with new sensors, actuators, controllers, and valves for the in-scope equipment. Last, the equipment will be tested and balanced, and the supply-valve heating-water coils will be cleaned. The proposed project budget is \$5.3 million. Funds are available from Internal R&R and Capital Appropriations (\$5.3 million).

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12. **UM** – Approved the initiation of IHL 207-493, South Oxford Center 4th Floor School of Nursing, and the appointment of the University of Mississippi Department of Facilities Planning as the design professional. The project consists of renovating 13,700 square feet of the 4th floor of the University’s South Oxford Center to accommodate the expansion of the UMMC School of Nursing program in North Mississippi. The proposed project budget is \$3,943,950. Funds are available from General Funds (\$3,943,950).
13. **UM** – Approved the initiation of IHL 207-495, Brevard Hall 201 Renovation, and the appointment of McCarty Architects, P.A. as the design professional. The scope of the project will renovate the existing classroom 201, and three existing adjacent office spaces into a multi-disciplinary research lab. The proposed project budget is \$1 million. Funds are available from SB 3002, Laws of 2022 (\$1 million).
14. **UM** – Approved the initiation of IHL 207-496, Faser Hall 453 Lab Renovation, and the appointment of McCarty Architects, P.A. as the design professional. The scope of the project will renovate a lab in Faser Hall to match the existing laboratory setup in Shoemaker Hall. The proposed project budget is \$1 million. Funds are available from SB 3002, Laws of 2022 (\$1 million).
15. **UMMC** – Approved the initiation of IHL 209-584, Female Faculty Surgery Lounge, and the appointment of Cooke Douglass Farr Lemons Architects and Engineers, P.A. as the design professional. This project is intended to renovate the lounge and locker room portion of the surgery department to provide an equitable space for male and female faculty surgery lounges. The proposed project budget is \$1.5 million. Funds are available from UMMC Patient General Revenues (\$1.5 million).
16. **UMMC** – Approved the initiation of IHL 409-005, New School of Nursing, and the appointment of Eley Guild Hardy Architects as the design professional. This project will construct a new School of Nursing to replace the existing School of Nursing that was constructed in 1965. The proposed project budget is \$65 million. Funds are available from SB 3010, Laws of 2022 -ARPA Funding (\$55 million) and UMMC Patient Generated Revenues (\$10 million).
17. **USM** – Approved the appointment of MP Design Group as the design professional for IHL 214-024, Gulf Park Language & Speech Therapy Center, project. The project would comprise designing and constructing a two-story facility (approximately 20,000 square feet) on the Gulf Park Campus. The Children’s Center will provide specialized equipment and cost-free innovative therapies and services to infants, toddlers, and preschoolers under five. The DuBard School’s programming will serve students aged 3-13 with severe language-speech disorders, including developmental aphasia and childhood apraxia of speech, deafness, hearing impairments, and the written language disorder of dyslexia. These in-person and outpatient programs are vital for developing young children with disabilities and provide education, training, and support for families, university students, and professionals. Expanding these programs will decrease travel time for children participating on the Hattiesburg campus and located closer to the coast. The proposed project budget is \$7.9 million. Funds are available from Community Project Funding/Congressionally Directed Spending (CDS) projects funding from the US Department of Health and Human Services (HHS), Health Resources and Services

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Administration (HRSA) as part of the Consolidated Appropriations Act, 2022 (PL 117-103) (\$7,900,000).

18. **MSU** – Approved the request to increase the project budget for IHL 205-328, New Residence Hall, from \$400,000 to \$60,000,000 for an increase of \$59,600,000, and to modify the funding source to include EBC bonds in the amount of \$59,600,000 to allow for the project budget increase. The project is intended to design and construct a new residence hall on the north side of campus between Barr Avenue and Hurst Lane. The new facility will include approximately 400 beds, a dining venue, office space and multipurpose space for classes, programs, and training sessions. The residence hall will be occupied prior to the Fall semester of 2025. Funds are available from University Designated Funds (\$400,000) and EBC Bonds (\$59,600,000) – pending approval subject to the University meeting the requirements set forth in Board Policy 906 Educational Building Corporations.
19. **MSU** – Approved the request to increase the project budget for IHL 405-002, Jim and Thomas Duff Center, from \$55,000,000 to \$62,000,000 for an increase of \$7,000,000, and to modify the funding source to include funds from SB 3002, Laws of 2022, in the amount of \$7,000,000 to allow for the project budget increase. The Jim and Thomas Duff Center will be the home to the University’s Autism and Developmental Disabilities Clinic, Disability Resource Center, Access Program, and the College of Education’s Department of Kinesiology. The state-of-the-art facility will provide offices, classrooms, and laboratories that will allow students to have hands-on, real-life training in the areas of physical and developmental disabilities as well as kinesiology. Funds are available from HB 1649, Laws of 2018 (\$10,000,000); SB 3005, Laws of 2019 (\$10,000,000); HB 1730, Laws of 2020 (\$10,000,000); SB 2948, Laws of 2021 (\$5,000,000); Private Funding (\$15,000,000); University Funds (\$5,000,000); and SB 3002, Laws of 2022 (\$7,000,000).
20. **UM** – Approved the request to increase the project budget for IHL 207-473, Ole Miss Softball Complex Addition & Renovation, from a design fee only budget of \$1,500,000 to \$25,000,000 for an increase of \$23,500,000, and to modify the scope of the project to include the construction of a new softball stadium in addition to renovation. The new softball stadium will include associated amenities (dugouts, seating, press box, restrooms, etc.) and will renovate the existing indoor team facility, playing field, and concessions/restrooms building as budget permits. Stadium design will also include coaches’ offices, training/treatment space, team lounge, and locker rooms. Funds are available from Self-Generated Athletic Revenues (\$25,000,000) – UM Athletics / OMAF Foundation.
21. **UMMC** – Approved the request to increase the project budget for IHL 409-002, New Boiler Room, from \$3,557,376 to \$6,407,376 for an increase of \$2,850,000, and to add SB 2971, Laws of 2021 and HB 1353, Laws of 2022 as funding sources to allow for the budget increase. The project will serve to supplement the heating hot water capacity on campus by the installation of a series of boilers decentralized from the main plant. Funds are available from HB 1730, Laws of 2020 (\$3,857,376); SB 2971, Laws of 2021 (\$800,000); and HB 1353, Laws of 2022 (\$1,750,000).
22. **MSU** – Approved the request to delete from inventory Buildings #1534, #1574, #1575, and #1576. Building #1534 is an old greenhouse complex that was constructed in 1964. Buildings #1574, #1575, and #1576 are all old gin storage warehouses that were

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constructed in 1937. The buildings are located at Stoneville, MS, are all in poor condition, and are not cost-effective for the university to repair. The approval letter has been received from the Mississippi Department of Archives and History stating Buildings #1534, #1574, #1575, and #1576 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.

23. **UM** – Approved the exterior design for the front elevation of the Alpha Delta Pi Addition on the campus. Alpha Delta Pi has hired PryorMorrow, PC, as the design professional through private funding. There will be no state funds used for this project. A copy of the rendering is included in the bound *January 19, 2023 Board Working File*.

LEGAL

24. **UM** – Approved the request to enter an amended Interlocal Agreement with Lafayette County, Mississippi (County) and the City of Oxford, Mississippi (City) for the operation of a Drug Enforcement Unit, under the direct operational control of a Control Group, designed to create a cooperative law enforcement effort to concentrate and focus drug enforcement efforts in Lafayette County, Mississippi. An amendment to a prior version of this agreement was approved by the Board in November 2021, but UM says that due to a clerical error that amendment was never fully executed, and they have continued to operate under the prior agreement. That unexecuted amended agreement set out each agency's contribution in the amount of \$150,000 for the use and benefit of the Task Force on an annual fiscal year basis, the same amount that had been paid annually since 2018. The Board approved the request to increase the contribution to \$175,000 annually per agency. The term of the agreement is one year upon approval by the Board and the Office of the Attorney General and may be renewed on a year-to-year basis by agreement of the parties. The agreement is on file in the Board Office.

REGULAR AGENDAS

ACADEMIC AFFAIRS

Presented by Trustee Steven Cunningham, Chair

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

1. **SYSTEM** – Approved the proposed amendments to Board Policy 617 Textbook Policy for first reading, as follows:

617 TEXTBOOK POLICY

~~This Textbook Policy establishes minimum system-wide guidelines and goals aimed at addressing~~
Each institution shall develop and maintain an institutional textbook policy for the purposes of lowering the cost of course materials and increasing the transparency of course material prices. The textbook policies and procedures shall be in ensuring compliance with Section 133 of the federal Higher Education Opportunity Act (HEOA) of 1965, as amended, and effective on July 1, 2010.

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Annually, each institution shall submit the institution's textbook policy and a report of textbook purchase and rental options available to students including the textbook cost per credit hour for the various options that are available.

By June 1, 2010 each institution in the IHL system shall establish a written policy that includes the following provisions. In this policy, the term textbook is meant to include various types of course materials, including software, electronic files, supplemental materials, and course packs.

1. Textbook Adoption Deadlines—Each institution shall establish firm deadlines and procedures for the adoption of textbooks for upcoming semesters. These deadlines and procedures shall be set to enable the institution to fully comply with the HEOA of 2008, including the requirement that textbook information (including ISBN and prices) be provided to students at the time of registration.

Requirements:

- Institutions shall establish adoption deadlines that are no later than the beginning of the registration period for succeeding semesters and that provide sufficient time to work with affiliated bookstores to meet the HEOA posting requirements. Additionally, these adoption deadlines shall be at least 40 days prior to the end of the preceding semester, whenever possible, as dictated by registration schedules.
- The adoption process will include the indication of whether a textbook is required or recommended and should include to the extent possible an indication of whether an alternate (e.g., earlier) edition of the textbook may be used. Timely adoption of textbooks is required for the following course types: lecture, lecture/lab, laboratory, and recitation/discussion. These course types, as designated and defined by the IHL Data Dictionary, are generally assumed to be courses with textbook requirements. Any other courses which at individual institutions historically require textbooks shall be included in the individual institution's adoption policy.
- Department chairs/heads will be responsible for ensuring that all pertinent courses under their authority have adoptions submitted by the deadline, even in instances where no instructor has been assigned for a course section as of the announced adoption deadline date.
- Departments shall be strongly encouraged to adopt the same course materials for all sections of each course.

2. Minimum Adoption Periods—Each institution shall establish guidelines that promote a minimum adoption period for textbooks. In this section, textbook refers specifically to a book that is resalable, as opposed to one-time usage materials (e.g., workbooks) or books that have limited resale value.

- Institutions shall set guidelines for a minimum three-year adoption period for lower division courses. These guidelines may include reasonable exceptions to this requirement for instances when editions go out of print, when substantive changes are made in either the course description or the textbook, or when there is a significant change in the body of knowledge pertinent to the course. Procedures for the authorization of exceptions should include approval at the dean level, after recommendation from a department chair/head.
- Guidelines shall encourage a minimum textbook adoption period of at least two years for upper division courses. However, it is recognized that, to provide current scholarship in a global marketplace, upper division courses will have more advanced and changing content, that students often wish to build a personal library of books in their major, and that there is a more limited potential for establishing a favorable local buy-back market for such upper division textbooks. Because of these factors, institutional policy will balance the benefits of a minimum adoption period with the selection of the best available textbook.

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~~3. Dissemination of Textbook Information~~—Institutions shall be responsible for providing information on best practices in textbook adoptions to faculty and for providing advice to students on ways to save money on textbook purchases.

- ~~The institutions or affiliated bookstores shall provide faculty with information and tools for the selection of textbooks, including pricing information and the availability of alternative formats for course materials (e.g., whether textbooks are available in electronic versions) and of separately available components of a bundled textbook;~~
- ~~The institutions or affiliated bookstores shall provide students with tips on purchasing textbooks, including the availability of electronic versions, the availability of unbundled textbook components, buy-back and exchange policies, and price-matching policies. Institutions shall provide this information, including an explanation of the significance of ISBNs, to entering freshmen during orientations or within 30 days prior to the beginning of the fall semester.~~
- ~~The institutions or affiliated bookstores shall provide faculty and students with results from surveys of student satisfaction with textbooks.~~

~~4. Assessment of Progress~~—Institutions shall develop procedures to assess the success of the above practices in containing the costs of textbooks. These procedures shall include analyses and reports appropriate to assessing compliance with this policy, as well as identifying and improving system and institutional practices.

- ~~Assessment strategies shall include: the inclusion of questions on student surveys (e.g., course evaluations) about the value of assigned textbooks; production of reports of the extent of compliance of each institution with the adoption deadlines; information about the costs of the textbooks for the top twenty (highest enrollment) courses; the volume of buy-back purchases at the affiliated bookstores; the number of electronic versions of textbooks being used; and surveys (student and faculty) of the ability of the affiliated bookstore to provide adequate stocking of books.~~
- ~~By April 1, 2010 the institutional executive officer of each institution will name a textbook coordinator who will be responsible for the implementation and administration of this policy.~~
- ~~Annually, the textbook coordinator will submit such assessment information as required by the assessment plan as an annual assessment report to the Commissioner or his/her designee.~~
- ~~The annual assessment report will be made available on the website of the subject institution, as well as on the System website.~~

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Alfred Rankins, Jr.

On motion by Trustee Starr, seconded by Trustee Hubbard, with Trustee Rader absent and not voting and Trustee Cunningham participating via Zoom, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Administration/Policy Agenda.

1. **SYSTEM** – Approved the appointment of Trustee Chip Morgan to serve as the trustee representative on the Mississippi Commission for Volunteer Service (MCVS). On August 19, 2021, Trustee Ogletree was reappointed as the representative for the term October 1,

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2021 – September 2024. He is no longer able to serve in this capacity. Trustee Chip Morgan will serve the remaining term of Trustee Ogletree's tenure which is January 1, 2023 through September 30, 2024. It should be noted that Trustee Morgan's tenure on the IHL Board ends May 7, 2024. A new trustee representative to MCVS will be appointed prior to this time.

INFORMATION AGENDAS

Presented by Commissioner Alfred Rankins, Jr.

ACADEMIC AFFAIRS

1. **JSU** – Intent to Offer Certificate Program.
Program title: Public Health Informatics Graduate Certificate
Responsible academic unit: School of Public Health
Level: post-baccalaureate
Total credit hours: 15
CIP code: 51.2201
Effective date: Summer 2023

REAL ESTATE

2. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the November 17, 2022 Board meeting in accordance with Board Policy 904 Board Approval. (See **Exhibit 1.**)

LEGAL

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

ADMINISTRATION/POLICY

4. **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. **MSU** – On November 18, 2022, Commissioner Alfred Rankins, Jr., approved a Rental Agreement between Mississippi State University and Litchfield Carlyle, LLC for office space located at 1867 Crane Ridge Drive, Suite 100A in Jackson, MS for use by the office of Nutrition Education in Hinds, Rankin and Madison Counties in Mississippi. The term of the agreement is three years from January 1, 2023 through December 31, 2025 at a cost of \$2,344.04 per month, payable in advance on or before the 5th day of each month. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management 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.

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- b. **MSU** – On November 22, 2022, Commissioner Alfred Rankins, Jr., approved a Farm Lease between Mississippi Agriculture and Forestry Station (MAFES)/Mississippi State University and Prevost Farms, LLC for use of 58 acres of farmland located at the Brown Loam Branch Experiment Station in Raymond, MS, for crop farming. This is a new revenue-generating lease and will be effective November 1, 2022 through December 31, 2023 with an option for up to four one-year extensions by mutual agreement of all parties. The contractor will pay \$87.50 per acre (\$5,075) annually due on November 1 of each year. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the document is on file in the IHL Board Office.
- c. **MSU** – On November 22, 2022, Commissioner Alfred Rankins, Jr., approved a Farm Lease between Mississippi Agriculture and Forestry Station (MAFES)/Mississippi State University and Miles Bridgers for use of approximately 107 acres of farmland located at the Brown Loam Branch Experiment Station in Raymond, MS, for crop farming. This is a renewal of an existing revenue-generating lease and will be effective November 1, 2022 through December 31, 2023 with an option for up to four one-year extensions by mutual agreement of all parties. The contractor will pay \$72 per acre (\$7,704) annually due on November 1 of each year. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the document is on file in the IHL Board Office.
- d. **MSU** – On December 9, 2022, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Mississippi State University and Southwest Mississippi Community College for building space on the Southwest Mississippi Community College campus. The term of the lease is one-year beginning October 1, 2022, at a cost of \$19,431.96. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the document is on file in the IHL Board Office.
- e. **MSU** – On December 13, 2022, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Mississippi State University and MSU Research & Technology Corporation for 2,326 square feet of office space in the Thad Cochran Research, Technology and Economic Development Park, as temporary office space for the Raspert Flight Research Laboratory. The term of the lease is one year beginning March 1, 2023, at a cost of \$2,300 per month in rent, payable in advance on the first calendar day of each month, plus an estimated \$700 per month for the pro-rata share of costs for utilities and janitorial services. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management 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.

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- f. **UM** – On November 30, 2022, Commissioner Alfred Rankins, Jr., approved a Facilities Use Agreement between the University of Mississippi and Live Nation Worldwide, Inc. for the use of Vaught-Hemingway Stadium and the Sandy and John Black Pavilion located on the campus of the University of Mississippi for the performance of a live entertainment event and related activities. The term of the agreement is from April 16, 2023 through April 25, 2023. This is a revenue generating lease with the lessor paying a \$100,000 license fee for use of the facility, a \$150,000 venue operation and utility fee for staffing and utilities within the venue during the term of the agreement. In addition, the university will receive forty percent (40%) of all revenue generated by the event. 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. A copy of the document is on file in the IHL Board Office.
- g. **UM** – On December 13, 2022, Commissioner Alfred Rankins, Jr., approved an amendment to the Facilities Use Agreement between the University of Mississippi and Live Nation Worldwide, Inc. previously approved on November 30, 2022. This amendment adds one day to the term of the Agreement to allow for an additional concert by the same artist at Vaught-Hemingway Stadium. The parties to the Agreement remain the same - the University of Mississippi and Live Nation Worldwide, Inc. The term of the amended agreement is from April 16, 2023 through April 27, 2023. The revenue-generating fees for the use of the facility and associated utilities remain the same; however, the revenue-sharing terms have been amended in favor of the University by expanding the types of revenue sources. 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. A copy of the document is on file in the IHL Board Office.

PERSONNEL

5. **Sabbatical**

University of Southern Mississippi

FROM: Westley Follett; Associate Professor of History; *from* salary of \$59,416 per annum, pro rata; E&G Funds; 9-month contract; *to* salary of \$29,708 for sabbatical period; E&G Funds; effective January 3, 2022 to May 13, 2022; professional development

[Originally approved by IHL Board March 19, 2020; Revision approved June 18, 2020]

CORRECTED: This item was rescinded.

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**HEALTH AFFAIRS
COMMITTEE REPORT**

Wednesday, January 18, 2023

Committee members participated in the meeting in person or via Zoom. The meeting was called to order by Chairman Walt Starr at approximately 3:00 p.m. The following items were discussed.

1. Chairman Starr congratulated UMMC for completing the reaccreditation process with the Southern Association of Colleges and Schools Commission on Colleges. UMMC received the highest scoring level. Dr. Starr also thanked Dr. Alfred Rankins, Jr., Commissioner of Higher Education; Dr. Casey Prestwood, Associate Commissioner of Academic and Student Affairs; and Dr. Steven Cunningham, IHL Board Trustee, for their participation in the interviews with the site visit team.
2. The Committee discussed the monthly financial summary and strategic goal dashboard.
No action was taken.

3. Executive Session

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

4. On motion by Trustee McNair, seconded by Trustee Duff, with Trustees Cummings, Cunningham, and Rader absent and not voting and Trustee McNair participating via Zoom, all Committee members legally present and participating voted unanimously to adjourn.

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

ANNOUNCEMENTS

- Recently Coach Leach, Mississippi State University football coach, passed away unexpectedly. Trustee Walt Starr thanked UMMC for their professionalism in dealing with

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Coach Mike Leach's tragedy. President Duff commended Mississippi State University for the memorial service celebrating the life of Coach Leach.

- President Duff announced the next meeting will be February 16, 2023.
- President Duff invited the university presidents to report on current activities on their campuses.

EXECUTIVE SESSION

On motion by Trustee McNair, with Trustee Rader absent and not voting and Trustee Cunningham 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 McNair, seconded by Trustee Morgan, with Trustee Rader absent and not voting and Trustee Cunningham 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 personnel matter at Delta State University.

Discussion of a personnel matter at Alcorn State University.

Discussion of a personnel matter at Jackson State University.

Discussion of a personnel matter at Mississippi Valley State University.

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

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

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

On motion by Trustee Starr, seconded by Trustee Cummings, with Trustee Rader absent and not voting and Trustee Cunningham participating via Zoom, all Trustees legally present and participating voted unanimously to approve a new four-year contract for Mr. Thomas Hudson as President of Jackson State University with a start date of February 1, 2023.

On motion by Trustee McNair, seconded by Trustee Hubbard, with Trustee Rader absent and not voting and Trustee Cunningham participating via Zoom, all Trustees legally present and participating voted unanimously to approve a new four-year contract for Dr. Jerryl Briggs as President of Mississippi Valley State University with a start date of February 1, 2023.

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

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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee McNair, seconded by Trustee Starr, with Trustee Rader absent and not voting and Trustee Cunningham 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

**MINUTES OF THE BOARD OF TRUSTEES OF
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EXHIBITS

- | | |
|-----------|----------------------------------------------------------------------------------------------------------------|
| Exhibit 1 | Real Estate items that were approved by the IHL Board staff subsequent to the November 17, 2022 Board meeting. |
| Exhibit 2 | Report of the payment of legal fees to outside counsel. |

EXHIBIT 1

January 19, 2023

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE NOVEMBER 17, 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 #3

Board staff approved Change Order #3 in the amount of \$29,824.80 and ten (10) additional days to the contract of Richard Womack Construction, LLC.

Approval Status & Date: APPROVED, November 17, 2022

Change Order Description: Change Order #3 includes the following: installed additional conduits and pull boxes for cameras at the parking lot and ten (10) days to the contract.

Change Order Justification: This change was due to user/owner requested modifications and days for work as indicated herein.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$365,316.44.

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

MISSISSIPPI STATE UNIVERSITY

2. MSU- IHL #205-283 – ADDITION AND RENOVATION TO HUMPHREY COLISEUM

Approval Request #1: Change Order #3

Board staff approved Change Order #3 in the amount of \$479,141.93 and zero (0) additional days to the contract of Thrash Commercial Contractors, Inc.

Approval Status & Date: APPROVED, December 12, 2022

EXHIBIT 1

January 19, 2023

Change Order Description: Change Order #3 includes the following: constructed temporary concrete walks & entrances to the Mize Center's west & east entrance doors; fit-out of the HVAC and electrical systems provisions for the MDF communications room and removal of existing dimming and ballast system; furnished custom vinyl flooring; installed galvanized steel angles (lintels) at various locations where concrete canopies were removed; credit issued for damages caused by the earthwork contractor; credit for the unused portion of the roofing contingency; additional framework, steel reinforcing and concrete relating to changes at the retaining wall structures located at the NW and NE existing retaining walls; and relocated the domestic water piping at the camera platform.

Change Order Justification: These changes were due to latent jobsite conditions and user/owner requested modifications.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$720,4311.73.

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 #205-313 – HULL HALL RE-ROOF**

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,270,800.00 to the apparent low bidder, Roofing Solutions, LLC.

Approval Status & Date: APPROVED, December 8, 2022

Project Initiation Date: May 20, 2021

Design Professional: Shafer-Zahner-Zahner, PLLC

General Contractor: Roofing Solutions, LLC

Total Project Budget: \$1,400,000.00

4. **MSU- IHL #205-321 – SUMMER PAVING 2022**

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Neel-Schaffer.

Approval Status & Date: APPROVED, November 16, 2022

Project Initiation Date: May 19, 2022

Design Professional: Neel-Schaffer

General Contractor: TBD

Total Project Budget: \$2,500,000.00

5. **MSU- IHL #205-331 – WALKER HALL FIRST FLOOR RENOVATION**

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Dunaway/Williams Architects.

Approval Status & Date: APPROVED, November 2, 2022

Project Initiation Date: October 20, 2022

Design Professional: Dunaway/Williams Architects

EXHIBIT 1

January 19, 2023

General Contractor: TBD

Total Project Budget: \$2,200,000.00

6. **MSU- IHL #405-002– KINESIOLOGY AND AUTISM SERVICES BUILDING**

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Dale Partners

Approval Status & Date: APPROVED, December 5, 2022

Project Initiation Date: March 1, 2019

Design Professional: Dale Partners

General Contractor: TBD

Total Project Budget: \$55,000,000.00

7. **MSU- IHL #405-004 –HIGH PERFORMANCE COMPUTING AND DATA CENTER**

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by Dale Partners

Approval Status & Date: APPROVED, November 14, 2022

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, November 14, 2022

Project Initiation Date: October 19, 2020

Design Professional: Dale Partners

General Contractor: TBD

Total Project Budget: \$38,000,000.00

8. **MSU- IHL #405-005 –STONE CHILLED WATER LOOP EXTENSION**

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by Engineering Resource Group, Inc.

Approval Status & Date: APPROVED, November 22, 2022

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, November 22, 2022

Project Initiation Date: July 27, 2021

Design Professional: Engineering Resource Group, Inc.

General Contractor: TBD

Total Project Budget: \$2,000,000.00

9. **MSU- IHL #413-001 – BALLEW HALL RENOVATION**

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$10,220,487.00 to the apparent low bidder, Ethos Contracting Group, LLC

Approval Status & Date: APPROVED, December 6, 2022

Project Initiation Date: August 20, 2020

Design Professional: Belinda Stewart Architects

EXHIBIT 1

January 19, 2023

General Contractor: Ethos Contracting Group, LLC

Total Project Budget: \$12,000,000.00

10. **MSU- IHL #413-003– DORMAN HALL RENOVATION**

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by JH&H Architects

Approval Status & Date: APPROVED, January 3, 2023

Project Initiation Date: February 18, 2021

Design Professional: JH&H Architects

General Contractor: TBD

Total Project Budget: \$31,000,000.00

11. **MSU- IHL #413-144 – SUSTAINABLE BIOPRODUCTS PH II (BLDG. 4/GENERAL WORKS)**

Approval Request #1: Change Order #4

Board staff approved Change Order #4 in the amount of \$97,725.69 and forty-two (42) additional days to the contract of Construction Services, Inc.

Approval Status & Date: APPROVED, January 3, 2023

Change Order Description: Change Order #4 includes the following: termite treatment performed in various buildings; fireworks software upgraded; a beam was repaired at a building; poured two pads for future package units; additional treatment for three poles in a fenced area of a building; added a 5 foot sidewalk; electrical work done; added ADA parking and a sidewalk at a building; replaced a pole; credit issued for overcharge of tax, bonds & insurance on a change order; and forty-two (42) days to the contract.

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

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$720,4311.73.

Project Initiation Date: June 18, 2020

Design Professional: PryorMorrow PC

General Contractor: Construction Services, Inc.

Phased Project Budget: \$3,700,000.00

Total Project Budget: \$5,000,000.00

12. **MSU 2022 TEN-YEAR MASTER PLAN UPDATE**

Approval Request #1: Master Plan

Board staff approved the ten-year Master Plan Update.

Approval Status & Date: APPROVED, January 9, 2023

MISSISSIPPI UNIVERSITY FOR WOMEN

13. **MUW- GS #104-188 – CULINARY ARTS**

NOTE: This is a Bureau of Building project

EXHIBIT 1

January 19, 2023

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$94,311.02 and thirty-six (36) additional days to the contract of West Brothers Construction, LLC.

Approval Status & Date: APPROVED, December 19, 2022

Change Order Description: Change Order #2 includes the following: provided roof deck edge infill; used Suprema roofing materials; added a box beam to the exterior curtain wall system; omitted HVAC control systems workstation for a credit; omitted a wood wall panel at a dining area for a credit; relocated a door; added hot water tempering kit to a dishwasher; omitted toilet tissue dispensers for a credit; raised a manhole; extended an exterior wall framing sheathing; installed electrical service to overhead doors; provided an exhaust fan with required electrical supply in a janitor's room; and thirty-six weather related days to the contract.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications; and weather delays as indicated herein.

Total Project Change Orders and Amount: Two change orders for a total amount of \$105,776.57.

Project Initiation Date: June 18, 2015

Design Professional: JBHM Architects, P.A.

General Contractor: West Brothers Construction LLC

Total Project Budget: \$19,555,613.00

14. MUW- IHL #204-135 – RESIDENCE HALL HVAC IMPROVEMENTS

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on November 22, 2022 to approve the initiation and appoint of Dewberry/Edmonds Engineers, Inc. as the design professional for the Residence Hall HVAC Improvements project.

Interim Approval Status & Date: APPROVED, November 22, 2022

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,169,000.00 to the apparent low bidder, Air Control Engineering, Inc.

Approval Status & Date: APPROVED, November 22, 2022

Project Initiation Date: November 22, 2022

Design Professional: Dewberry/ Edmonds Engineers, Inc.

General Contractor: Air Control Engineering, Inc.

Total Project Budget: \$1,366,830.00

UNIVERSITY OF MISSISSIPPI

15. UM- IHL #207-449 – LYCEUM EXTERIOR WINDOW RESTORATION

Approval Request #1: Change Order #4

Board staff approved Change Order #4 in the amount of \$211,688.99 and one hundred ten (110) additional days to the contract of Tombigbee Contractors, LLC.

Approval Status & Date: APPROVED, January 6, 2023

EXHIBIT 1

January 19, 2023

Change Order Description: Change Order #4 includes the following: replaced deteriorated capitals; repaired remaining capitals; repaired column shafts; one hundred ten (110) days to the contract.

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

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$720,4311.73.

Project Initiation Date: February 21, 2019

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

General Contractor: Tombigbee Contractors, LLC

Total Project Budget: \$1,725,000.00

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

Approval Request #1: Change Order #3

Board staff approved Change Order #3 in the amount of \$18,086.21 and two (2) additional days to the contract of JP Corp General Contractors.

Approval Status & Date: APPROVED, November 16, 2022

Change Order Description: Change Order #3 includes the following items: added hardware to double entry doors; added variable airflow valves and ductwork; removed and replaced flooring in the wet paint/dye room and two (2) days to the contract.

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

Approval Request #2: Change Order #4

Board staff approved Change Order #4 in the amount of \$6,354.34 and six (6) additional days to the contract of JP Corp General Contractors.

Approval Status & Date: APPROVED, November 18, 2022

Change Order Description: Change Order #4 includes the following items: asbestos abatement done; skimmed the wall in the wet/dye room and six (6) days added to the contract.

Change Order Justification: This change was necessary due to latent jobsite conditions and days for work as indicated herein.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$46,558.91.

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

17. **UM- IHL #207-482 – FASER HALL – 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 November 17, 2022 to increase the project budget from \$1,450,000.00 to \$2,570,000.00, for an increase of \$1,120,000.00.

Interim Approval Status & Date: APPROVED, November 17, 2022

EXHIBIT 1

January 19, 2023

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,960,973.00 to the apparent low bidder, B Four Plied, Inc.

Approval Status & Date: APPROVED, November 30, 2022

Project Initiation Date: May 19, 2022

Design Professional: Shaffer-Zahner-Zahner

General Contractor: B Four Plied, Inc.

Total Project Budget: \$2,570,000.00

18. **UM- IHL #207-483 – NW MECHANICAL PLANT (ELECTRICAL PHASE II)**

Approval Request #1: (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on November 22, 2022 to appoint Atwell and Gent, P.A. as the design professional for the project.

Approval Status & Date: APPROVED, November 22, 2022

Project Initiation Date: June 16, 2022

Design Professional: Atwell and Gent, P.A.

General Contractor: TBD

Total Project Budget: \$500,000.00 (Design Fees Only)

19. **UM- IHL #207-485– JAC-CENTER FOR GRAPHENE RESEARCH RENOVATION**

Approval Request #1: Design Development Documents

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

Approval Status & Date: APPROVED, December 12, 2022

Project Initiation Date: August 18, 2022

Design Professional: McCarty Architects, P.A.

General Contractor: TBD

Total Project Budget: \$2,000,000.00

20. **UM- IHL #207-497 – NEW STUDENT HOUSING)**

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 January 6, 2023 to initiate and appoint McCarty Architects as the design professional for the project.

Approval Status & Date: APPROVED, January 6, 2023

Project Initiation Date: January 6, 2023

Design Professional: McCarty Architects

General Contractor: TBD

Total Project Budget: \$1,000,000.00

21. **UM- IHL #207-498 – NW MECHANICAL PLANT (MECHANICAL PHASE III)**

Approval Request #1: (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real

EXHIBIT 1

January 19, 2023

Estate and Facilities Committee on January 6, 2023 to initiate and appoint Eley Guild Hardy Architects as the design professional for the project.

Approval Status & Date: APPROVED, January 6, 2023

Project Initiation Date: August 18, 2022

Design Professional: Eley Guild Hardy Architects

General Contractor: TBD

Total Project Budget: \$1,000,000.0000

22. **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, January 3, 2023

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

23. **UMMC - IHL #209-578 – GROSS ANATOMY PHASE III**

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$724,500.00 to the apparent low bidder, Sunbelt General Contractors.

Approval Status & Date: APPROVED, November 30, 2022

Project Initiation Date: December 9, 2021

Design Professional: Dean and Dean Architecture

General Contractor: Sunbelt General Contractors

Total Project Budget: \$1,700,000.00

24. **UMMC - IHL #209-579A – RIDGELAND CAMPUS EARLY SITE PACKAGE**

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board

Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on December 3, 2022 to approve the initiation and appoint Cooke Douglas Farr Lemons Architects and Engineers as design professional for the Ridgeland Campus Early Site Package.

Approval Status & Date: APPROVED, December 3, 2022

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,548,179.00 to the apparent low bidder, Hemphill Construction Company, Inc.

Approval Status & Date: APPROVED, December 3, 2022

Project Initiation Date: August 18, 2022

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

General Contractor: Hemphill Construction Company, Inc.

EXHIBIT 1

January 19, 2023

Total Project Budget: \$1,612,800.00

25. **UMMC - IHL #209-581 – CHILDREN’S CANCER CLINIC 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 December 3, 2022 to approve the budget increase from \$3,000,000.00 to \$6,000,000.00, for an increase of \$3,000,000.00 for the Children’s Cancer Clinic Renovation project.

Approval Status & Date: APPROVED, December 3, 2022

Approval Request #2: Contract Documents

Board staff approved Contract Documents as submitted by Cook Douglas Farr Lemons Architects & Engineers, P.A.

Approval Status & Date: APPROVED, December 16, 2022

Approval Request #3: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, December 16, 2022

Project Initiation Date: April 21, 2022

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

General Contractor: TBD

Total Project Budget: \$6,000,000.00

26. **UMMC- IHL #409-002 – NEW BOILER ROOM**

Approval Request #1: Schematic Design Documents

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

Approval Status & Date: APPROVED, December 15, 2022

Project Initiation Date: October 2, 2021

Design Professional: Dean and Dean Architecture

General Contractor: TBD

Total Project Budget: \$6,407,376.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

27. **USM- GS #108-300– HICKMAN HALL RENOVATION**

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: June 20, 2019

Design Professional: Burris Wagnon Architects, P. A.

General Contractor: TBD

Total Project Budget: \$11,350,000.00

EXHIBIT 1

January 19, 2023

28. USM- GS #114-023 – SCIENCE BUILDING INFILTRATION REPAIRS

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$17,297.46 and five (5) additional days to the contract of Century Construction Group.

Approval Status & Date: APPROVED, November 21, 2022

Change Order Description: Change Order #2 includes the following items: provided base of wall water proofing to the west side of the building and five (5) days to the contract.

Change Order Justification: This change was necessary due to latent jobsite conditions and days for work as indicated herein.

Approval Request #2: Change Order #3

Board staff approved Change Order #3 in the amount of \$0.00 and sixty (60) additional days to the contract of Century Construction Group.

Approval Status & Date: APPROVED, November 21, 2022

Change Order Description: Change Order #3 includes the following items: added sixty (60) days to the contract.

Change Order Justification: This change was necessary due to weather-related delays.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$46,558.91.

Project Initiation Date: February 5, 2021

Design Professional: Shafer-Zahner-Zahner

General Contractor: Century Construction Group

Total Project Budget: \$3,604,891.38

29. ERC-GS #111-064, MECHANICAL IMPROVEMENTS

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Chip Morgan, Chair of the Real Estate and Facilities Committee on December 15, 2022 to approve the budget increase from \$2,106,144.69 to \$2,773,946.69, for an increase of \$667.802.00 for the Mechanical Improvements project.

Approval Status & Date: APPROVED, December 15, 2022

Project Initiation Date: November 19, 2020

Design Professional: Engineering Resource Group

General Contractor: TBD

Total Project Budget: \$2,773,946.69

EXHIBIT 2

January 19, 2023

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 Balch & Bingham, LLP (statements dated 10/17/22, 11/10/22 and 12/7/22) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (These statements, in the amounts of \$22,623.80, \$10,125.00 and \$1,774.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 34,522.80

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 11/10/22) from the funds of Mississippi State University. (This statement, in the amount of \$2,088.60, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 2,088.60

Payment of legal fees for professional services rendered by Copeland, Cook, Taylor & Bush (statement dated 11/11/22) from the funds of Mississippi State University. (This statement, in the amount of \$4,778.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 4,778.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 11/1/22 and 11/1/22) from the funds of Mississippi State University. (These statements, in the amounts of \$100.00 and \$2,000.00, represent services and expenses in connection with immigration/labor certification.)

TOTAL DUE.....\$ 2,100.00

Payment of legal fees for professional services rendered by Brunini (statement dated 12/14/22) from the funds of the University of Mississippi. (This statement, in the amount of \$375.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 375.00

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 11/23/22 and 12/15/22) from the funds of the University of Mississippi. (These statements, in the amounts of \$1,889.10 and \$1,428.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 3,317.10

EXHIBIT 2

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Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 11/9/22) from the funds of the University of Mississippi. (This statement, in the amount of \$825.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 825.00

Payment of legal fees for professional services rendered by Nelson Mullins Riley & Scarborough, LLP (statement dated 12/12/22) from the funds of the University of Mississippi. (This statement, in the amount of \$252.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 252.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 11/1/22, 11/1/22, 11/1/22, 12/1/22, 12/1/22, 12/1/22, 12/1/22 and 12/1/22) from the funds of the University of Mississippi. (These statements, in the amounts of \$53.41, \$71.10, \$601.00, \$30.81, \$2,250.00, \$50.11, \$87.50 and \$2,500.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 5,644.93

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 9/26/22, 10/12/22, 10/12/22, 10/12/22, 10/12/22, 10/12/22, 10/12/22, 10/14/22, 10/14/22, 10/14/22, 10/14/22, 10/17/22, 10/24/22, 10/25/22, 10/25/22, 10/28/22, 10/28/22, 10/31/22, 11/4/22, 11/4/22, 11/11/22, 11/14/22, 11/16/22, 11/18/22, 11/22/22 and 11/22/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$887.50, \$1,135.00, \$33.00, \$166.60, \$517.75, \$162.00, \$607.50, \$295.00, \$3,923.50, \$4,326.50, \$1,506.10, \$354.00, \$18,201.50, \$11,073.11, \$5,442.20, \$30,240.90, \$3,068.09, \$1,270.50, \$17,251.60, \$250.00, \$33.00, \$4,505.15, \$14,174.00, \$1,062.00, \$3,367.00, \$2,684.90 and \$54.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 126,592.50

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statements dated 11/16/22, 11/16/22, 11/16/22, 11/21/22, 11/21/22, 11/21/22, 11/21/22, 11/21/22 and 11/21/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,019.50, \$693.00, \$3,042.70, \$1,371.65, \$3,960.00, \$1,369.50, \$346.50, \$974.30 and \$4,238.12, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 19,015.27

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Payment of legal fees for professional services rendered by Gore, Kilpatrick & Dambrino, PLLC (statements dated 10/27/22, 10/27/22, 11/30/22, 11/30/22 and 11/30/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$49.50, \$82.50, \$66.00, \$82.50 and \$313.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 594.00

Payment of legal fees for professional services rendered by Hagwood & Tipton, P.C. (statements dated 7/31/22, 8/15/22, 8/15/22, 9/14/22, 9/14/22, 9/14/22, 9/14/22, 10/17/22, 10/17/22, 10/17/22, 10/17/22, 12/5/22, 12/5/22, 12/5/22, 12/5/22, 12/5/22, 12/5/22 and 12/5/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,540.00, \$666.00, \$846.10, \$1,073.70, \$455.40, \$3,835.60, \$2,415.50, \$1,834.00, \$66.00, \$11,287.82, \$632.10, \$960.00, \$1,023.00, \$6,630.55, \$1,485.00, \$2,597.25, \$2,861.89, \$684.10 and \$3,780.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 44,674.01

Payment of legal fees for professional services rendered by Heidelberg Patterson Welch PLLC (statements dated 9/13/22, 10/17/22, 11/7/22 and 12/9/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$39,100.50, \$2,832.00, \$2,153.50 and \$977.40 respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 45,063.40

Payment of legal fees for professional services rendered by Mayo Mallette PLLC (statements dated 10/21/22, 10/21/22, 10/21/22, 11/4/22, 11/4/22, 11/7/22 and 12/2/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,687.20, \$17,655.00, \$23,126.30, \$1,527.50, \$291.00, \$67,477.37 and \$1,577.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 115,341.87

Payment of legal fees for professional services rendered by Page, Kruger & Holland (statements dated 10/11/22, 11/9/22, 11/9/22, 12/1/22, 12/1/22, 12/1/22, 12/1/22 and 12/1/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,424.90, \$99.00, \$594.00, \$540.00, \$1,440.00, \$268.40, \$429.00 and \$33.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 7,828.30

Payment of legal fees for professional services rendered by Steen, Dalehite & Pace (statements dated 11/8/22, 11/30/22, 11/30/22, 11/30/22, 11/30/22 and 12/5/22) from the funds of the

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University of Mississippi Medical Center. (These statements, in the amounts of \$231.00, \$990.00, \$216.00, \$185.00, \$5,950.00 and \$280.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 7,852.50

Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statements dated 10/11/22, 10/19/22, 10/21/22, 11/3/22, 11/7/22, 11/15/22, 11/15/22, 11/15/22, 11/17/22, 11/17/22, 11/22/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/2/22, 12/5/22, 12/5/22, 12/5/22, 12/5/22, 12/5/22, 12/5/22 and 12/5/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$8,316.33, \$8,356.19, \$66.00, \$240.00, \$1,270.00, \$6,882.34, \$28,507.60, \$5,703.97, \$12,985.30, \$1,156.13, \$2,199.50, \$825.00, \$2,776.50, \$155.00, \$3,853.70, \$7,771.25, \$750.00, \$106.00, \$297.00, \$178.50, \$4,770.29, \$14,085.34, \$3,416.36, \$106.00, \$722.40, \$33.00, \$61.50 and \$4,154.10, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 119,745.30

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 11/17/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,150.52, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 3,150.52

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 11/7/22 and 12/7/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$6,665.09 and \$4,348.63, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 11,013.72

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 11/1/22, 11/1/22, 11/1/22, 12/1/22, 12/1/22 and 12/1/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$2,250.00, \$2,250.00, \$3,551.00, \$39.46, \$59.05 and \$2,250.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 10,399.51

Payment of legal fees for professional services rendered by Wise Carter (statements dated 11/14/22 and 11/14/22) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$98.64 and \$40.20, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 138.84

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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 10/26/22, 11/23/22 and 11/23/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Hemagglutinin Substitution Increases Thermostability and Improves Yields of 2009 H1N1 Influenza A. Virus in Cells” - \$118.00; “Sequence Specific Phage-Based Antimicrobials” - \$265.50; and “Hemagglutinin Substitution Increases Thermostability and Improves Yields of 2009 H1N1 Influenza A Virus in Cells” - \$1,795.00.)

TOTAL DUE.....\$ 2,178.50

Payment of legal fees for professional services rendered by Conley Rose (statements dated 12/6/22 and 12/6/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Wearable Flexible Sensor Motion Capture System” - \$1,377.50; and “Method and System for a Quantum Oracle to Obtain the Number of Quantum Ground States” - \$387.00.)

TOTAL DUE.....\$ 1,764.50

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dated 11/10/22, 11/10/22, 11/10/22 and 11/10/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “Engineering of the Production of a Conformational Variant of Occidiofungin that has Enhanced Inhibitory Activity Against Fungal Species” - \$2,134.00; “Occidiofungin Formations and Uses Thereof” - \$1,258.00; “Vaccine Composition Comprising Recombinant Protein of Staphylococcus Aureus Attenuated Enterotoxin and Cytotoxin” - \$595.00; and “mRNA Treatment to Induce Expression of Relaxin for Productive Applications in Animals and Humans” - \$6,771.50.)

TOTAL DUE.....\$ 10,758.50

Payment of legal fees for professional services rendered by Quarles & Brady (statement dated 11/16/22) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent or intellectual property matter: “Rice Cultivar: - \$7,980.00.)

TOTAL DUE.....\$ 7,980.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 10/26/22, 10/26/22, 10/26/22, 10/26/22, 10/26/22, 10/26/22, 10/26/22, 10/26/22, 10/26/22, 10/26/22, 11/14/22, 11/14/22, 11/14/22, 11/14/22, 11/14/22, 11/14/22, 11/14/22, 11/14/22, 11/22/22 and 11/22/22) from the funds of the University of Mississippi Medical Center. (These statements, in

EXHIBIT 2

January 19, 2023

the amounts of \$364.00, \$3,010.50, \$527.50, \$597.40, \$1,994.50, \$531.50, \$561.50, \$573.50, \$898.50, \$1,226.50, \$104.00, \$656.50, \$496.50, \$514.50, \$543.50, \$133.00, \$38.00, \$114.00 and \$335.50, respectively, represent services and expenses in connection with patents or intellectual property matters.)

TOTAL DUE.....\$ 13,220.90

Payment of legal fees for professional services rendered by Workman Nydegger (statements dated 10/10/22, 10/10/22, 12/1/22, 12/1/22, 12/1/22, 12/1/22 and 12/1/22) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$200.00, \$1,753.50, \$975.00, \$987.38, \$200.00, \$510.00 and \$187.50, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 4,813.38

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 10/26/22, 10/26/22, 10/26/22 and 10/26/22) 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" - \$147.50; "Phenyl phosphine Oxide Epoxy Polymer and Atomic Oxygen Stable Epoxy Polymer" - \$115.00; "Gulf Blue Trademark" - \$907.00; and "Process to Produce Highly Porous Carbon" - \$432.50).

TOTAL DUE.....\$ 1,602.00

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy, P.C. (statements dated 11/10/22, 11/10/22, 11/10/22, 11/10/22 and 11/10/22) 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: "General Intellectual Property Matters" - \$175.00; "Open-Shell Conjugated Polymer Conductors, Composites and Compositions" - \$350.00; "Open-Shell Conjugated Polymer Conductors, Composites and Compositions" - \$900.00; "Thiol-Based Post-Modification of Conjugated Polymers" - \$440.00; and "Macrocycle Embedded Organic Electronic Matrices for Anion Detection" - \$70.00).

TOTAL DUE.....\$ 1,935.00

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 3, 2023**

BE IT REMEMBERED, That the Delta State University Board Search Committee met at the Board Office in Jackson, Mississippi, at 1:00 p.m. on February 3, 2023, and pursuant to notice in writing to each and every member of said Committee. At the above-named place the following Committee members were present: Ms. Teresa Hubbard (Chair), Dr. Ormella Cummings (via Zoom), Mr. Chip Morgan, Mr. Hal Parker, Mr. Gregg Rader (via Zoom), and Dr. J. Walt Starr (via Zoom). Ms. Jeanne Carter Luckey (via Zoom) and Mr. Gee Ogletree also attended. The meeting was called to order by Ms. Hubbard, Chair of the Delta State University Board Search Committee.

EXECUTIVE SESSION

On motion by Trustee Starr, 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 Starr, seconded by Trustee Morgan, all Committee members legally present and participating voted unanimously **to enter Executive Session** for the reason reported to the public and stated in these minutes, as follows:

Discussion of a personnel matter at Delta State University.

During Executive Session, the following matter was discussed:

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

On motion by Trustee Rader, seconded by Trustee Morgan, with Trustee Cummings absent and not voting, all Committee members legally present and participating voted unanimously to return to Open Session.

ADJOURNMENT

There being no further business to come before the Committee, on motion by Trustee Parker, seconded by Trustee Morgan, with Trustee Cummings absent and not voting, all Committee members legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
February 16, 2023

1. SYSTEM– REQUEST FOR APPROVAL TO RENEW AGREEMENT FOR CONTINUING DISCLOSURE SERVICES WITH HILLTOP SECURITIES, INC.

Agenda Item Request: The Executive Office requests the approval to renew an agreement for continuing disclosure services with **Hilltop Securities, Inc.**

Contractor’s Legal Name: Hilltop Securities, Inc. (formerly FSC Continuing Disclosure Services, a Division of First Southwest Company, LLC)

History of Contract: On March 4, 2015, the Executive Office entered into a Continuing Disclosure Agreement (CDA) with Hilltop Securities, Inc. in March 2015 to assist with continuing disclosure obligations required by Securities and Exchange Commission Rule 15c2-12, as amended (the Rule). The original contract was a 5-year term with auto-renewal for successive 1-year periods. In 2016, IHL Board Policy 906 was revised to require third-party contract to file continuing disclosures. Upon renewal on March 20, 2023, this agreement will exceed \$250,000 over the life of the agreement.

Specific Type of Contract: This is a professional services agreement.

Purpose: The purpose of this contract is to assist with continuing disclosure obligations, including the preparation and submission of annual reports and the reporting of certain specified events.

Scope of Work: Hilltop agrees to the following:

- a. Assist in compiling data determined or selected to be disclosed;
- b. Assist in identifying other information to be considered for continuing disclosure reporting purposes;
- c. Assist in preparing the presentation of such information, to include Annual Reports containing financial information and operating data of the type provided in the final official statement of applicable issues, and notices concerning the occurrence of the specified Events and other items listed below:
 1. Principal and interest payment delinquencies,
 2. Non-payment related defaults,
 3. Unscheduled draws on debt service reserves reflecting financial difficulties,
 4. Unscheduled draws on credit enhancements reflecting financial difficulties,
 5. Substitution of credit or liquidity providers, or their failure to perform,
 6. Adverse tax opinions or events affecting the tax-exempt status of the security,
 7. Modifications to rights of security holders,
 8. Bond calls,

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9. Defeasances,
 10. Release, substitution, or sale of property securing repayment of the securities,
 11. Rating changes,
 12. The issuance by the IRS of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the securities,
 13. Tender offers,
 14. Bankruptcy, insolvency, receivership or similar proceeding,
 15. Mergers, consolidations, acquisitions, the sale of all or substantially all of the assets of the obligated person or their termination,
 16. Appointment of a successor or additional trustee or the change of the name of a trustee, and
 17. Noncompliance with the Rule
- d. Assist in distributing or filing the Annual Reports, notices and audited annual financial statements to the Nationally Recognized Municipal Securities Information Repository (NRMSIR), which is the Municipal Securities Rulemaking Board (MSRB), appropriate State Information Depository (SID), rating agencies, and other entities; and
- e. Provide confirmation of distribution or dissemination of reports and notices.

Term of Contract: The term of this agreement is beginning March 20, 2015 and ending March 19, 2027.

Termination Options: The agreement may be terminated by either party upon a 30-day written notice with or without cause.

Contract Amount: Hilltop will be compensated according to the following schedule:

1. \$1,500 per year for assistance in distribution of audited annual financial statements, if issuer is not exempt from filing with the SID and/or NRMSIR or
2. \$3,500 per year for assistance in preparation and distribution of each annual report and assistance in distribution of audited annual financial statements, if issuer is not exempt, *plus*
3. \$100 minimum fee for assistance in preparation and distribution of each notice concerning occurrence of an event or noncompliance with the Rule; in addition, a fee of \$125 per hour for all time in excess of five (5) hours spent in assisting with preparation and distribution of each notice concerning occurrence of an event or noncompliance with the Rule.

Based on the current bonds outstanding for the system, annual billing for this contract has historically been \$28,000 (\$3,500 x 8 universities with outstanding bonds). The total

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contract amount March 20, 2015 through March 19, 2027 is estimated not to exceed \$375,000.

Funding Source of Contract: The cost of this contract is subsequently billed to each affected university; there is no cost incurred by the executive office. The following fund and org number are used: 3251 – 29501.

Contractor Selection Process: In 2016, IHL Board Policy 906 was revised to facilitate uniformity, efficiency and timeliness in complying with the requirements of the Rule. Rather than the individual educational building corporations entering into separate CDAs, the Board would hire an independent agent to assist with compliance with its continuing disclosure obligations. Board staff solicited proposals from several vendors and Hilltop was selected at that time. Although not the lowest cost provider, Hilltop demonstrated the best knowledge of industry practice and well as knowledge of materiality of potential events which would require disclosure findings. Based upon a survey conducted in 2022, IHL institutions were satisfied with the services provided by Hilltop and wish to continue to use this vendor.

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. UM-REQUEST FOR APPROVAL TO AMEND A CONTRACTUAL SERVICES AGREEMENT WITH JACKSON SPALDING, INC.

Agenda Item Request: The University of Mississippi Office of University Marketing and Communications requests approval to amend the University's current contract with **Jackson Spalding, LLC**, an Atlanta-based marketing communications agency.

Contractor's Legal Name: **Jackson Spalding, Inc.**

History of Contract: UM is currently under the original contract (the "Original Contract") which was approved by the IHL Board in October of 2020.

Specific Type of Contract: This is an amendment to a contract for communications consulting services.

Purpose: The purpose of this contract is to increase the cost retainer included in the Original Contract to provide issues management and strategic communications counsel and services.

Scope of Work: This amendment replaces language in one section of the contract to increase the cost retainer. Jackson Spalding (Agency) shall continue provide to The University of Mississippi (UM) certain issues management services as and when such services are needed. Agency and UM each acknowledge that the precise scope of the

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Services will evolve and depend upon facts and circumstances that are not entirely foreseeable as of the date of the Agreement. Any work and budget shall be submitted to and approved by UM prior to start of work. Email correspondence will be used to transmit and obtain this approval. The initial Services are anticipated to include, but are not limited to:

- Issues Management and Crisis Communications Planning
- Research
- Ongoing Issues Management Communications Assistance
- Graphic Design
- Photo/Video Support
- Speaker Coaching

Term of Contract: The terms of this amendment will begin on February 16, 2023 and ending upon the expiration of the term of the agreement (October 15, 2023).

Termination Options: Either Party may provide written notice of nonrenewal at least sixty (60) days prior to the end of the then-current term. Either Party, in its sole discretion, may terminate this Agreement at any time after the first ninety (90) days of the Initial Term, without cause, by providing at least sixty (60) days' prior written notice to the other Party. This Agreement may be terminated before the expiration date of the Term on written notice:

1. by Agency, if Client fails to pay any amount when due hereunder and such failure continues for fifteen (15) days after Client's receipt of written notice of nonpayment;
2. by either Party, if the other Party materially breaches any provision of this Agreement and either the breach cannot be cured or, if the breach can be cured, it is not cured by the breaching party within thirty (30) days after the breaching Party's receipt of written notice of such breach; or
3. by either Party, if the other Party (A) becomes insolvent, (B) is generally unable to pay, or fails to pay, its debts as they become due, (C) files, or has filed against it, a petition for voluntary or involuntary bankruptcy or pursuant to any other insolvency law, (D) makes or seeks to make a general assignment for the benefit of its creditors, or (E) applies for, or consents to, the appointment of a trustee, receiver or custodian for a substantial part of its property or business.

The non-affected Party may terminate this Agreement and/or any affected SOW if such failure or delay caused by or resulting from force majeure continues for a period of thirty (30) days or more, except where the circumstance beyond the Party's control is a pandemic, University closure or disruption of operations, or local, state or federal executive order, then the Party shall have the right to terminate upon written notice to the other. Should there be no funds available for any succeeding funding period; the contract will be cancelled as of the end of the funding period with no further obligation on the part of UM. This contract is cancellable with thirty (30) days' notice to the vendor at the end of the fiscal period in the event funds are not appropriated by the funding authority.

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Contract Amount: The total spend under this amendment is \$300,000. The Original Contract outlined an initial spend of \$300,000 and the agreement was increased by \$70,000 with the First Amendment on Sept. 1, 2022. A separate SOW was submitted for IHL review for the January 2023 meeting for \$67,000. Therefore, the total spend under the agreement, inclusive of any and all fees and expenses specified herein, shall not exceed \$737,000.

Funding Source for Contract: Funding for this contract will be provided through educational & general funds.

Contractor Selection Process: In the fall of 2019, the Office of University Marketing and Communications solicited proposals from six agencies with crisis and issues management capabilities. Those agencies were: BGR Public Relations, The Cirlot Agency, FTI Strategic Communications, Jackson Spalding, Inc., Kith, and Strategic Marketing Group LLC. The university reviewed the proposals with an eye toward deep media expertise, proven crisis communications capabilities, and experience in higher education and intercollegiate athletics. Jackson Spalding's proven experience with leading organizations across the Southeast and the caliber of its counsel were decisive factors in their selection. Cost was also a key consideration. Three of the agencies were representative of the rates that national agencies charge Fortune 500 clients, and we were not comfortable committing at those levels. After evaluating the firms on the merits, we concluded that Jackson Spalding offered the best combination of price, relevant experience, ability for us to manage our spend, and scale to serve the breadth of services that we needed to support the university and its leadership in this area.

The university team chose Jackson Spalding and entered into a one-year contract with the intent of using this time period to gauge fit with the university and its leadership team. The university is very pleased with the services provided and now seeks to amend the contract with Jackson Spalding to increase the cost retainer.

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 SALESFORCE, INC.**

Agenda Item Request: The University of Mississippi Graduate School requests approval to amend the contract with **Salesforce**.

Contractor's Legal Name: **Salesforce, Inc. ("Salesforce")**

History of Contract: The Master Services Agreement and previous Order Forms were approved by the IHL Board of Trustees in February 2020 and January 2022. The current

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commitment for licenses and services for the project with TargetX (the Salesforce platform requires a separate contract with the TargetX CRM Software solution) and Salesforce are \$1,429,629. This request is to add 175 new licenses to the Salesforce platform and increases the commitment by \$27,436.50 for the duration of the agreement, until Q1 2025.

Specific Type of Contract: This is a contract to procure 175 additional Salesforce licenses for the Graduate Admissions customer relationship management (CRM) Project.

Purpose: The purpose is to provide additional licenses for faculty to review Graduate student applications in addition the Graduate Process Coordinators. The objective of the customer relationship management solution for the Graduate School is for tracking, communicating, and recruiting of prospective students.

Scope of Work: We are in the implementation stages of the UM Graduate school project. These licenses are needed for faculty to recruit prospective students, review graduate student applications, and make recommendations on the admission or denial of graduate applications. These licenses are in addition to the Salesforce licenses purchased for Graduate Process Coordinators.

Term of Contract: The original term of the contract is 3/20/2020 through 3/19/2025. This amendment and the new licenses will start 2/16/2023, upon IHL approval.

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: The current commitment for licenses and services for the project with TargetX and Salesforce are \$1,429,629. This order form has a total value of \$27,436.50 and brings the contract total to \$1,457,065.50.

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

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

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.

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

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into Amendment No. 32 to the License and Support Agreement with **Epic Systems Corporation (Epic)** to add the Grand Central- Transfer Center Module to the current list of licensed Program Property. The Grand Central- Transfer Center Module provides the tools needed to properly track and manage patient stays from pre-admission paperwork and procedures to and through patient discharge or transfer to another facility. Pursuant to IHL policy 707.03 *Approval of Prepayment for Goods or Services*, UMMC also requests a waiver to allow prepayment of volume fees for the additional interfaces.

Contractor’s Legal Name: Epic Systems Corporation

History of Contract: On August 19, 2010, the Board approved the original License and Support Agreement with Epic for licensing and support of UMMC’s electronic health record. The agreement subsequently has been amended upon Board approval. The term of the amended agreement is nine (9) years, from August 23, 2010, through August 22, 2024, with an estimated total cost of \$118,880,932.99. A complete history of the Epic contract is on file at the Board office.

Specific Type of Contract: This is Amendment No. 32 to the License and Support Agreement.

Purpose: The purpose of Amendment No. 32 to the License and Support Agreement with Epic Systems Corporation (Epic) is to add the Grand Central- Transfer Center Module to the current list of licensed Program Property. The Grand Central- Transfer Center Module provides the tools needed to properly track and manage patient stays from pre-admission paperwork and procedures to and through discharge or transfer to another facility

Scope of Work: Under Amendment No. 32, Epic will:

- Provide the software license and support for the license program property under the current agreement; and
- Provide ongoing maintenance and support for the licenses.

Term of Contract: The term of Amendment No. 32 will begin upon execution and end coterminous with the current agreement term ending August 22, 2024.

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

- Upon ninety (90) days’ notice prior to the end of an annual term;
- Breach due to failure of system to operate properly after warranty, provided a forty-five

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- (45) day warranty period is allowed for Epic to cure such breach;
- Upon notice of infringement claim against Epic, if Epic is unable to modify the infringing program property or to provide UMMC with an appropriate replacement program;
 - Upon bankruptcy, insolvency and the like;
 - Upon material breach of the agreement after the breaching party has been allowed sixty
- (60) days to cure the breach after receiving written notice of the breach.

Contract Amount: The estimated total cost for Amendment 32 is \$145,177.00 and is already accounted for in the overall cost. The total cost of the Agreement remains \$118,888,932.99.

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

Contractor Selection Process: UMMC is currently contracted with Epic.

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 ADD FUNDS TO A PROVIDER SERVICE AGREEMENT WITH HEALTHCARE CONNECTIONS, INC.**

Agenda Item: The University of Mississippi Medical Center (UMMC) requests approval for additional funding for its Provider Service Agreement with **HealthCare Connections, Inc. (HCI)**. The agreement is to assist in the recruitment of permanent and/or temporary laboratory professional personnel, specifically laboratory scientists such as histotechnologists and histotechnicians. These staff prepare very thin slices of human tissue for microscopic examination by pathologists.

Contractor's Legal Name: HealthCare Connections, Inc.

History of Contract: On June 17, 2021, the Board approved a five (5) year agreement with HCI for the recruitment of permanent and/or temporary laboratory personnel. The agreement will expire on June 30, 2026. Additional funds are requested for this agreement due to a continued national shortage of medical laboratory scientists which has caused an increase in UMMC's lab staff vacancy rates. These vacancies have resulted in the need for more travel staff than UMMC originally expected. The staff is needed to provide lab testing services to UMMC patients.

Specific Type of Contract: This is a request to add additional funds to the Provider Service Agreement.

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Purpose: The purpose of the request is to add funds to the agreement. The purpose of the agreement is for the recruitment of permanent and/or temporary laboratory professional personnel, specifically laboratory scientists such as histotechnologists and histotechnicians. These staff prepare very thin slices of human tissue for microscopic examination by pathologists.

Scope of Work: Under the agreement,

- For permanent placements,
 - HCI will:
 - screen, interview and qualify candidates who meet UMMC' qualifications;
 - present only the most qualified candidates to UMMC; and
 - coordinate necessary arrangements between UMMC and potential candidates during the interview process.
 - UMMC will:
 - review resumes of candidates submitted by HCI; and
 - refuse referral if UMMC has had contact with the candidate within the previous six (6) months.
- For temporary placements,
 - HCI will:
 - upon UMMC's request HCI will provide a confirmation for assignment of a candidate; and
 - guarantee the performance of candidates assigned to UMMC.
 - UMMC will:
 - review and sign confirmation received by HCI to a request to HCI for assignment of candidate;
 - designate a member of UMMC's staff to act as a coordinator and to orient HCI candidate to applicable safety procedures; and
 - refuse referral if UMMC has had contact with the candidate within the previous six months.

Term of Contract: The term of the agreement remains five (5) years, from July 1, 2021, through June 30, 2026.

Termination Options: Termination options include:

- by UMMC upon ninety (90) days' written notice to HCI, and
- for insufficient funds.

Contract Amount: The new estimated total cost over the five (5) year term is \$6,125,000. The original estimated cost was \$1,850,000. UMMC anticipates the need for an additional \$4,275,000 over the term.

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

Contractor Selection Process: UMMC is currently contracted with HCI.

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 A REAL PROPERTY LEASE WITH TCP BLOCK 1 NORTH, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its Real Property Lease (lease) with **TCP Block 1 North, LLC (TCP)** to extend the term of the lease and to increase the rent rate. The agreement is for the lease of approximately 5,382 square feet of clinic space located at The Township at Colony Park, 201 Northlake Avenue, Suite 211, Ridgeland, Mississippi. The clinic has been in operation at this location since January 2008 and is currently utilized for dermatology. Pursuant to IHL policy 707.03 *Approval of Prepayment for Goods or Services*, UMMC also requests a waiver to allow continued prepayment of the monthly rent in advance each month.

Contractor's Legal Name: TCP Block 1 North, LLC

History of Contract: On February 15, 2018, the Board approved a five (5) year lease with TCP for approximately 5,382 square feet of clinic space, which expires February 28, 2023. The clinic has been in operation at this location since January 2008 and is currently utilized for dermatology. Historically, the primary services performed at this clinic were facial plastic surgery, cosmetic dermatology, oculoplastic surgery, Mohs surgery, and general dermatology.

The agreement contains a non-compete clause that prohibits UMMC from opening and operating a specialty medical clinic for dermatology and plastic surgery within a four (4) mile radius of The Township that directly or indirectly causes the closure of the existing clinic. The non-compete clause is required by the landlord and was a non-negotiable point for the landlord. The same requirement was negotiated and included in the prior lease for this space. As this is an existing clinic in this location and UMMC has no plans to move the clinic, this requirement should not be detrimental to UMMC's interest.

Specific Type of Contract: This is the first amendment to the Real Property Lease

Purpose: The purpose of the amendment is to extend the term of the lease. The purpose of the lease is to lease approximately 5,382 square feet of clinic space located at The Township at Colony Park, 201 Northlake Avenue, Suite 211, Ridgeland, Mississippi for use as a dermatology clinic.

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Scope of Work: Under the lease, TCP will provide maintenance, repair and upkeep of the property, including roof and foundation; payment of utilities; and property insurance.

UMMC is responsible for using the premises only for the practice of specialty medicine as required by the lease; maintaining the premises in a state of good condition; to make any minor repairs caused by and in the event of relocation; and timely payment of rent and operating expenses.

Term of Contract: The term of the amended lease is ninety-six (96) months, from March 1, 2018, through February 28, 2026. The original term of the agreement was sixty (60) months. The amendment will add thirty-six (36) months to the term.

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

- by UMMC upon thirty (30) days written notice should the premises be destroyed or rendered untenable and TCP either elects to not restore or is unable to restore the premises with ninety (90) days,
- by either party during the final year of the lease term should the premises be destroyed,
- in the event the premises is taken as a result of eminent domain or condemnation,
- by TCP for a default of the lease by UMMC,
- by TCP in the event of an unpermitted transfer of the premises by UMMC,
- by TCP in the event of an involuntary assignment of UMMC, and
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement.

Contract Amount: The estimated total cost of the amended agreement is \$1,634,707.26 over the ninety-six (96) month term. The original estimated cost of the sixty (60) month agreement was \$976,569.73, including rent and a pro rata share of operating expenses. During the extended term, UMMC anticipates the need for an additional \$658,137.53.

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

Contractor Selection Process: UMMC currently leases this space from TCP.

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.

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

Board Policy §902, Initiation of Construction Projects

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

Board Policy §904(A), Board Approval

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

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

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

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

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

Board Policy §905(A), Real Estate Management

Prior Board approval is required for the execution of all easements or non-oil, non-gas and non-mineral leases in an amount greater than \$100,000. The Commissioner is authorized to approve leases (other than oil, gas and mineral leases) or easements in amounts equal to or less than \$100,000. The Commissioner may further delegate the Commissioner's approval authority regarding easements and leases to the applicable IEO or his/her designee(s) provided that the requirements of Policy 707.01 D. are met. Board approval is required for timber sales in an amount greater than \$500,000. For timber sales of an amount \$500,000 or less, the Chair of the Real Estate Committee is authorized to approve sales on behalf of the Board upon satisfactory legal review and recommendation from the Commissioner. Board approval prior to the execution of the contract is required for all other land contracts requiring an aggregate total expenditure of more than \$250,000. Requests for approval of land contracts shall include property descriptions, terms of purchase, lease or sale and intended use of the property. An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.

Board Policy §905(B), Real Estate Management

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

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Board Policy §919, Pre-requisites for Building Modification or Demolition

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

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. UM – GS 107-324 – ARPA INFRASTRUCTURE – WATER COLLECTION/CONVEYANCES

Project Request: The University of Mississippi requests approval to initiate a project, ARPA Infrastructure – Water Collection/Conveyances and to appoint W.L. Burle Engineers, P.A. as the design professional for the project.

Proposed Design Professional: W.L. Burle Engineers, P.A.

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. The University of Mississippi selected the design professional from a preselected list provided by Bureau of Building, Grounds, and Real Property Mgmt. for ARPA Statewide Infrastructure Projects.

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

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

Project Scope: As new buildings are being added and expanded within the northeast quadrant and Science District of Campus, it is recommended that the existing 8" sanitary sewer line be replaced with new 8" sanitary sewer line. This project involves the installation of approximately 900 feet of 8" ductile iron pipe to replace the existing line.

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

Project Initiation Date: February 16, 2023

Date of Original Construction: N/A

Date of Last Renovation: N/A

Project Budget:

		<i>Estimated</i>
Construction Cost:	\$	630,000.00
Architectural and Engineering Fees:		52,000.00
Misc. Project Costs:		28,000.00
Furniture & Equipment Costs:		0.00
Contingency:		<u>140,000.00</u>
Total Project Budget	\$	850,000.00

Funding Source(s): ARPA Funds (\$850,000)

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

2. UM – GS 107-328 – ARPA INFRASTRUCTURE – WATER TRANSMISSION/DISTRIBUTION

Project Request: The University of Mississippi requests approval to initiate a project, ARPA Infrastructure – Water Transmission/Distribution and to appoint W.L. Burle Engineers, P.A. as the design professional for the project.

Proposed Design Professional: W.L. Burle Engineers, P.A.

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. The University of Mississippi selected the design professional from a preselected list provided by Bureau of Building, Grounds, and Real Property Mgmt. for ARPA Statewide Infrastructure Projects.

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

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

Project Scope: This project involves the installation of approximately 1,000 feet of 8" C900 PVC pipe to improve the residual pressure and water quality in the areas surrounding Kinard Hall, Hume Hall, and North Student Residence Halls during high flow demands.

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

Project Initiation Date: February 16, 2023

Date of Original Construction: N/A

Date of Last Renovation: N/A

Project Budget:

		<u><i>Estimated</i></u>
Construction Cost:	\$	610,000.00
Architectural and Engineering Fees:		51,000.00
Misc. Project Costs:		28,000.00
Furniture & Equipment Costs:		0.00
Contingency:		<u>136,000.00</u>
Total Project Budget	\$	825,000.00

Funding Source(s): ARPA Funds (\$825,000)

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

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3. UM – GS 107-329 – ARPA INFRASTRUCTURE – WATER SOURCE

Project Request: The University of Mississippi requests approval to initiate a project, ARPA Infrastructure – Water Source and to appoint W.L. Burle Engineers, P.A. as the design professional for the project.

Proposed Design Professional: W.L. Burle Engineers, P.A.

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. The University of Mississippi selected the design professional from a preselected list provided by Bureau of Building, Grounds, and Real Property Mgmt. for ARPA Statewide Infrastructure Projects.

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

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

Project Scope: This project will locate and drill a new potable water well in the northwest quadrant of campus to replace an existing well that is failing and beyond economical repair. The existing well is one of six water wells on campus that currently provide all of the potable drinking water to campus residents and employees.

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

Project Initiation Date: February 16, 2023

Date of Original Construction: N/A

Date of Last Renovation: N/A

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Project Budget:

		<u>Estimated</u>
Construction Cost:	\$	1,100,000.00
Architectural and Engineering Fees:		88,000.00
Misc. Project Costs:		23,000.00
Furniture & Equipment Costs:		0.00
Contingency:		<u>289,000.00</u>
Total Project Budget	\$	1,500,000.00

Funding Source(s): ARPA Funds (\$1,500,000)

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

4. USM – GS 108-313 – HILLCREST PARKING LOT STORM DRAIN REPAIR AND UPGRADE

Project Request: The University of Southern Mississippi requests approval to initiate a project, Hillcrest Parking Lot Storm Drain Repair and Upgrade and to appoint Neel-Schaffer as the design professional for the project.

Proposed Design Professional: Neel-Schaffer

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. The University of Southern Mississippi however did use the RFQ method for the selection of the design professional.

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

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

Project Scope: The scope of the project will provide needed stormwater detention to reduce flooding in the existing parking lot and to residents that live downstream.

History: The drainage piping is in poor condition causing occasional sinkholes. The drain runs west to east on the North end of the Hillcrest Parking Lot. The parking lot will continue to battle sinkholes because the pipe can't handle a large deluge of water.

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The project will result in reduced flooding thereby improving the quality of the water run-off as a result of reduced trash, chemicals and debris.

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

Project Initiation Date: February 16, 2023

Date of Original Construction: N/A

Date of Last Renovation: N/A

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,800,000.00
Architectural and Engineering Fees:	160,000.00
Misc. Project Costs:	0.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>90,000.00</u>
Total Project Budget	\$ 2,050,000.00

Funding Source(s): SB 3062, Laws of 2022 (\$2,050,000)

Staff Recommendation: Board staff recommends approval of this item.

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

IHL PROJECTS

5. MSU – IHL 205-313 – HULL HALL RE-ROOF

Project Request: Mississippi State University is requesting approval to increase the budget from \$1,400,000 to \$1,500,000 for an increase in the amount of \$100,000. The funding source will remain the same.

Current Project Phase: Construction Phase

Design Professional: Shafer Zahner Zahner

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General Contractor: Roofing Solutions, Inc

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

Purpose/Justification: The purpose of this request is to increase the project budget in order to establish an adequate contingency budget for the project.

Project Scope: This project will re-roof the high and low roofs of existing Hull Hall. The scope also includes repair of parapet corners.

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

Project Initiation Date: May 20, 2021

Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 1,270,800.00	\$ 1,270,800.00	\$ 0.00
Architectural and Engineering Fees	\$ 87,439.26	\$ 87,439.26	\$ 0.00
Miscellaneous Project Costs	\$ 1,500.00	\$ 31,500.00	\$ 30,000.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 40,260.74	\$ 110,260.74	\$ 70,000.00
Total Project Budget	\$ 1,400,000.00	\$ 1,500,000.00	\$ 100,000.00

Proposed Funding Source(s): MSU Housing Department (\$1,500,000)

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

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6. MSU – IHL 413-001 – BALLEW HALL RENOVATION

Project Request: Mississippi State University is requesting approval to increase the budget from \$12,000,000 to \$13,000,000 for an increase in the amount of \$1,000,000. In addition, MSU requests to add SB 3002, Laws of 2022 as a funding source to the project to allow for the budget increase.

Current Project Phase: Construction Phase

Design Professional: Belinda Stewart Architects

General Contractor: Ethos Contracting Group, LLC

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

Purpose/Justification: The purpose of this request is to increase the project budget to allow for an adequate contingency for the project.

Project Scope: This project will provide repair/renovations and capital improvements to Ballew Hall. Ballew Hall will be renovated to needed office and meeting space. The building has not been renovated since it was completed in 1965. The renovation will consist of interior spaces and exterior surfaces. New HVAC systems will be included along with updating to current ADA requirements.

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

Project Initiation Date: August 20, 2020

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Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 10,220,487.00	\$ 10,220,487.00	\$ 0.00
Architectural and Engineering Fees	\$ 1,010,000.00	\$ 1,010,000.00	\$ 0.00
Miscellaneous Project Costs	\$ 300,000.00	\$ 800,000.00	\$ 500,000.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 469,513.00	\$ 969,513.00	\$ 500,000.00
Total Project Budget	\$ 12,000,000.00	\$ 13,000,000.00	\$ 1,000,000.00

Proposed Funding Source(s): SB 3065 Laws of 2019 (\$3,987,500); HB 1730 Laws of 2020 (\$7,535,000); SB 3002 Laws of 2022 (\$1,000,000); MSU Funds (\$477,500)

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

APPROVAL OF OTHER REAL ESTATE REQUESTS

7. MSU – DELETE FROM INVENTORY – BUILDING #0054 AND BUILDING #2071 – MCCARTHY GYM AND 94 PRESIDENT’S CIRCLE – STARKVILLE, MS

Agenda Request: Mississippi State University requests approval to delete from inventory Building #0054 and Building #2071.

Justification: Building #0054 is McCarthy Gym constructed in 1950. Building #2071, constructed in 1901, currently houses the MSU Writing Center. This building is located at 94 Presidents Circle and is an old house that is in the limits of construction for the new Jim and Thomas Duff Center. MSU has received permission from MDAH to demolish this building and the university is relocating the Writing Center to another location on campus. Both of these buildings are located on MSU main campus in Starkville MS and are on the site location for new construction of Kinesiology and Autism Services Center (Jim and Thomas Duff Center).

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The approval letter has been received from the Mississippi Department of Archives and History stating Building #0054 and Building #2071 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.*

**8. UM – PERMISSION TO ENTER INTO CONTRACTUAL SERVICES
AGREEMENT WITH TRANE U.S. INC. FOR ENERGY SAVING
PERFORMANCE CONTRACT (ESPC) PROGRAM PHASE II – LED
LIGHTING UPGRADES – E&G BUILDINGS**

Agenda Item Request: The University of Mississippi (UM) requests approval to initiate a second phase energy savings performance contract (ESPC) project with Trane U.S. Inc.

Contractor’s Legal Name: Trane U.S. Inc. (Trane)

History of Contract: In November 2021, pursuant to the requirements of Mississippi Code 31-7-14, UM issued Request for Proposals (RFP) #679 to seek proposals from qualified energy services providers interested in developing a multi-phase energy savings performance contract (ESPC) with UM at the Oxford campus. In January 2022, Trane was selected as the most qualified energy services provider and immediately mobilized to investigate energy savings opportunities across campus. A Phase 1 ESPC project, in the amount of \$6,174,316, to upgrade HVAC controls in three campus buildings was approved by the Board in October 2022 and is currently under construction. This request seeks Board approval to execute a Phase 2 project, in the amount of \$10,310,118, to upgrade lighting and lighting controls in 97 campus buildings.

Specific Type of Contract: This contract is an energy savings performance contract pursuant to Mississippi Code Section 31-7-14.

Purpose: In accordance with Mississippi Code Section 31-7-14, UM is seeking approval to initiate the second phase of a multi-phase ESPC with Trane to upgrade approximately 48,000 lighting fixtures in 97 campus buildings, with a guaranteed minimum level of energy and operational cost savings. The proposed \$9,922,056

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scope of lighting improvements will yield a guaranteed annual average energy cost savings of \$810,742, with a 20-year cumulative energy cost savings of \$16,214,847. The project will also yield a guaranteed annual average operational cost savings of \$215,629, with a 20-year cumulative operational cost savings of \$4,312,572. Combined, the 20-year cumulative total guaranteed cost savings is \$20,527,419.

The above energy cost savings are based on a guaranteed annual reduction in energy consumption of 8,323,233 kWh, to include a reduced electrical demand of 1,665 kW. The operational cost savings are based on a reduction in material costs for replacing burnt out bulbs and fixtures over the 20-year term of the project.

In addition to reducing annual energy and maintenance costs, this project also contributes to UM's ongoing sustainability goals by cutting annual carbon output by 5.7 million pounds, and it supports UM's academic, research, and public service mission by providing a higher quality of light and improved aesthetics in nearly every academic building on campus.

Scope of Work: The proposed project will upgrade approximately 48,000 existing lighting fixtures in 97 campus buildings to modern, high-efficiency LED fixtures. The fixtures will be upgraded with Tier 1 lighting products with improved aesthetics, light levels, color, uniformity, and (in most cases) a 10-year parts and labor warranty. Lighting controls, to include vacancy/occupancy sensors, will also be installed or upgraded where appropriate.

Term of Contract: The construction period will be 18 months from the execution date of the contract, with a subsequent guaranteed energy savings performance period of 20 years.

Termination Options: Either party may terminate the agreement without cause upon 10-day written notice for: (1) lack of funding appropriation, (2) force majeure, (3) changes in law, (4) damage to equipment or premises, (5) concealed or unknown conditions, (6) asbestos and hazardous materials, (7) irreconcilable claims for equitable adjustment, or (8) for UM's convenience.

Either party may terminate the agreement for default of the other party upon written notice and after applicable cure period.

Contract Amount: The total contract amount is \$10,310,118, which includes \$9,922,056 for construction and \$388,062 (spread over 20 years) for annual

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measurement & verification (M&V) and energy management support. The following items are also noted:

- The construction amount includes \$295,212 (3.0%) in contingency, which will revert to UM at the end of the construction period if not used.
- Upon contract execution, an initial payment in the amount of \$1,349,348 is due to cover applicable engineering, drafting, mobilization, and other preconstruction expenses, to include the full cost of the required Mississippi Material Purchase Certificate.

Funding Source for Contract: The construction portion of the project will be funded using Internal Replacement and Renewal (R&R) funds. The ongoing M&V and energy management support costs will be funded from energy and operational cost savings using UM E&G funds.

Contractor Selection Process: This contractor was selected through the University of Mississippi Request for Proposals (RFP) in compliance with the requirements of Mississippi Code 31-7-14.

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.*

9. UM – APPROVAL OF A SUBLEASE BETWEEN GAMMA IOTA OF PI KAPPA ALPHA ALUMNI HOUSE CORPORATION AND ST. ANTHONY CLUB MISSISSIPPI, INC.

Project Request: The University of Mississippi (“UM”) requests that the approval of a sublease (the “Sublease”) between the Gamma Iota of Pi Kappa Alpha Alumni House Corporation (“Sublandlord”) and St. Anthony Club Mississippi, Inc. (“Subtenant”) for the use of premises, currently leased to the Sublandlord by the Board of Trustees of Institutions of Higher Learning of the State of Mississippi (“IHL”), for a fraternity residential facility chapter house affiliated with Delta Psi from July 1, 2023 through June 30, 2027.

Purpose: Because of its chapter suspension, the Pi Kappa Alpha fraternity has requested permission to sublease the residential facility to the Delta Psi fraternity from July 1, 2023, through June 30, 2027.

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Terms: This is a sublease of a residential facility on fraternity lot #408 on the University of Mississippi's Oxford campus. The primary lease between IHL/UM and the Sublandlord extends through September 30, 2044. The primary lease between the IHL/UM and Sublandlord imposes an annual \$50 lease payment to UM. The base rent of under the Sublease is as follows:

Year 1 - \$19,165 per month

Year 2 - \$20,125 per month

Year 3 - \$21,130 per month

Year 4 - \$22,185 per month

There is a security deposit in the amount of \$20,000.

Termination Options: A termination of the Lease will terminate the Sublease. The Sublandlord may also terminate the Sublease for (i) failure of Subtenant to make any payment of rent; (ii) failure of Subtenant to observe or perform any other provision of the Sublease; (iii) abandonment of the premises; (iv) the making by Subtenant of any general assignment or arrangement for the benefit of creditors or bankruptcy; or (iv) loss of recognition of the Phi Chapter of Delta Psi Fraternity by the University.

History: On October 8, 2002, Sublandlord and the IHL/UM entered into a lease for fraternity house lot #408 on the University of Mississippi's Oxford campus for a term from October 1, 2002, through September 30, 2032. On January 29, 2019, Sublandlord and the IHL/UM entered into an amended lease for fraternity house lot #408 extending the term through September 30, 2044. Due to the chapter suspension, the Pi Kappa Alpha fraternity is not occupying the house. Currently, the Pi Kappa Alpha fraternity is permitted to allow up to 20 members of the Alpha Lambda Chapter of Pi Kappa Phi Fraternity to reside in the house until May 31, 2023.

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.

10. UM – APPROVAL OF A MASTER LEASE AGREEMENT BETWEEN THE UNIVERSITY OF MISSISSIPPI AND TAILWIND CAMPUS CREEK, LLC

Agenda Request: The University of Mississippi Department of Student Housing requests approval to enter into a lease agreement with Tailwind Campus Creek, LLC beginning August 1, 2023.

Contractor's Legal Name: Tailwind Campus Creek, LLC

Specific type of contract: Space lease agreement.

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Purpose: This lease provides an additional 402 bed spaces that will allow Student Housing to provide enough affordable space for the growing number of incoming freshmen students for Fall 2023 and still provide some spaces for upperclass students on campus. The property is adjacent to university property and on the OUT-bus line. These beds are critical to meeting enrollment demands and continuing to offer beds to upperclass students as well, all at an affordable price.

Terms: The lessor will provide up to 450 furnished bed spaces in apartment units in a location on the Oxford University Transit (O.U.T) route and adjacent to university property, directly across from Campus Walk Apartments which are owned and operated by the University. This will allow students easy access to campus. The initial lease term will be for 402 beds for a period of one (1) year beginning August 1, 2023, with the option to renew for four (4) additional one-year periods. Notice of renewal intentions, including number of bed spaces, will be determined prior to December 31. Student Housing will place students in leased spaces and provide staffing to oversee the leased units. Student Housing will pay \$3,167,244 in twelve (12) monthly payments of \$263,937 for leasing 402 bed spaces.

Termination Options: This Lease commences on August 1, 2023 and remains in force for a period of one (1) year with the option to renew for four (4) additional one-year periods. Each party will be excused from performance for any period during which, and to the extent that, such party or any subcontractor is prevented from performing any obligation or service, in whole or in part, as a result of causes beyond its reasonable control, and without its fault or negligence, including without limitation, acts of God, strikes, lockouts, riots, acts of terrorism or war, University closure, epidemics, pandemics, a state of emergency as declared by federal, state or local government, infectious disease or other public health emergency, communication line failures, power failures, and non-delivery or delays in delivery by any other supplier of goods or services deliverable under this Agreement. Should the demised building be totally or substantially destroyed by fire, the elements or otherwise, so as to render the demised building untenable, either party shall have the option to cancel the remaining portion of this Lease. Failure on the part of the Lessee to pay any installment of rent when the same comes due and payable, or failure of either Lessee or Lessor promptly and faithfully to keep and perform each and every covenant agreed and stipulated herein on the part of the Lessee or Lessor to be kept and performed, shall at the option of the Lessor or Lessee cause a forfeiture of this Lease.

Contract Amount: Student Housing will pay \$3,167,244 in twelve (12) monthly payments of \$263,937 for leasing 402 bed spaces. The initial lease amount is \$3,167,244. Increase in the cost of the lease is limited to 3% per year. The total amount possible including all renewals is \$16,939,432.

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Year Two Lease: \$3,291,925

Year Three Lease: \$3,390,683

Year Four Lease: \$3,492,404

Year Five Lease: \$3,597,176

Note that year one cost is based on 402 bed spaces. Years two through five are based on 450 bed spaces.

Funding Source: The funding will come from self-generated Student Housing revenue.

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.*

**11. USM – DELETE FROM INVENTORY – BUILDING #CP105 –
INVERTEBRATE GROWOUT II– CEDAR POINT CAMPUS**

Agenda Request: The University of Southern Mississippi requests approval to remove Building #CP105, Invertebrate Growout II, from its inventory at its Gulf Coast Laboratory Cedar Point Campus.

Justification: USM initially intended to renovate and expand the existing aquaculture facility. While seeking additional funding, the 17,230 square foot building sustained substantial damage caused by multiple hurricanes (Zeta and Ida), causing the building to be beyond repair. USM now believes demolition is the best use of allocated funds. Additionally, the damage has allowed wild animals and insects to take over the building directly next to fully-functioning research buildings creating a threat to life safety. The university desires to entirely remove the existing structure and fill in the existing water storage ponds to provide a clean site for future development.

The approval letter has been received from the Mississippi Department of Archives and History stating Building #CP105 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. The University Southern Mississippi is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

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Staff Recommendation: Board staff recommends approval of this item.

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1. **MSU – APPROVAL TO HIRE BRADLEY ARANT BOULT CUMMINGS, LLP AS OUTSIDE COUNSEL**

Mississippi State University requests approval to enter into a contract with the law firm of Bradley Arant Boult Cummings, LLP to perform services necessary in assisting the university with intellectual property matters. The term of the contract will be one year beginning March 1, 2023. The blended hourly rate for attorneys is \$315 per hour and \$95 per hour for paralegal services with a maximum amount payable of \$75,000 under the term of the contract. This firm carries professional liability insurance coverage in the amount of \$60,000,000 per claim with an annual aggregate of \$120,000,000. This request has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. **MSU – APPROVAL TO HIRE BRUNINI GRANTHAM GROWER AND HEWES, PLLC AS OUTSIDE COUNSEL**

Mississippi State University requests approval to enter into a contract with the law firm of Brunini Grantham Grower and Hewes, PLLC to perform services necessary in assisting the university with general construction, architectural and real property-related matters. The term of the contract will be one year beginning March 19, 2023. The blended hourly rate for attorneys is \$325 per hour, \$125 per hour for paralegal services performed by Marena Gray who specializes in construction matters, and \$100 per hour for all other paralegal services, with a maximum amount payable of \$50,000 under the term of the contract. This firm carries professional liability insurance coverage in the amount of \$15,000,000 per claim with an annual aggregate of \$30,000,000. This request has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. **MSU – APPROVAL TO RENEW A CONTRACT WITH JONES WALKER, LLP AS OUTSIDE COUNSEL**

Mississippi State University requests approval to renew a contract with the law firm of Jones Walker, LLP 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. The term of the renewal will be one year beginning March 19, 2023. The hourly rates are \$165 for Special Counsel, \$225 for Partners and \$60 for paralegal services with a maximum amount payable of \$50,000 under the renewal term of the contract. This firm carries professional liability insurance coverage in the amount of

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\$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.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. **MSU – APPROVAL TO HIRE QUARLES AND BRADY, LLP AS OUTSIDE COUNSEL**

Mississippi State University requests approval to enter into a contract with the law firm of Quarles and Brady, LLP to perform services necessary in assisting the University with intellectual property matters. The term of the contract will be one year beginning March 17, 2023. The blended hourly rate for attorneys is \$400 per hour and \$200 per hour for paralegal services with a maximum amount payable of \$75,000 under the term of the contract. This firm carries professional liability insurance coverage in the amount of \$15,000,000 per claim with an annual aggregate of \$30,000,000. This request has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

5. **MSU – APPROVAL TO HIRE SUN SOVEREIGN LLC d/b/a WARE| IMMIGRATION AS OUTSIDE COUNSEL**

Mississippi State University requests approval to enter into a contract with Sun Sovereign, LLC d/b/a Ware|Immigration as outside counsel to provide services as necessary in preparing labor certification documents on behalf of the university for its employees who seek permanent residence status and related immigration matters. The term of the contract will be one year beginning March 21, 2023. Rates are set out in the fee schedule below. The maximum amount payable under the term of 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. This request has been approved by the Office of the Attorney General.

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$2,250.00*
H-1B extension or amendment petitions (we handled original petition)	\$2,250.00*
H-1B withdrawal	\$200.00
H-4 EAD (Employee may pay)	\$750.00

*additional legal fee of up to \$2,500 may apply for substantive requests for evidence

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TN petition or border/consulate processing	\$2,500.00
TN extension petition (we handled original)	\$2,500.00
E-3 petition or consular processing	\$2,500.00
E-3 extension petition (we handled original)	\$2,500.00
O-1 petition	\$8,000.00
O-1 extension or amendment petition (we handled original)	\$4,000.00
O-1 additional rush fee if case needs to be filed within 60 days	\$2,000.00
J-1 waiver (IGA or hardship)	\$8,000.00
J-1 waiver (Conrad)	\$8,000.00
J-1 waiver (no objection)	\$2,000.00
I-539 Fee for Dependents (Employee may pay)	\$1,000.00

Permanent Residence Process with Labor Certification: Faculty

Special Handling labor certification	\$3,000.00
(If position must be readvertised)	\$2,500.00
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: Extraordinary Ability/Outstanding Professors and Researchers and National Interest Waiver

Immigrant petition	\$8,000.00
EA, OP/OR, or NIW 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
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“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
I 485 J (standalone cases)	\$1,500.00

Employment Authorization and Advance Parole Renewal

Employment Authorization Renewal per individual	\$750.00
Advance Parole Renewal per individual	\$750.00

Marriage Based Permanent Residence

Principal Applicant	\$4,000.00
Each child, if any	\$2,500.00

Other Services

AR-11 Change of Address	\$150.00
Interview rescheduling	\$150.00
Biometrics rescheduling per person	\$150.00
Advisory Opinion	\$500.00
Expedite requests	\$500-750.00
Auto Revalidation Letter	\$200.00

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

Such matters will be billed at our hourly rates:

Partners	per hour billed	\$350.00
Associate Attorneys	per hour billed	\$250.00
Paralegals	per hour billed	\$150.00
Of Counsel	per hour billed	\$450.00

STAFF RECOMMENDATION: Board staff recommends approval of this item.

6. **UMMC – APPROVAL OF THE DESIGNATION OF ROBERT McELHANEY AS UMMC’S “APPLICANT’S AGENT” FOR THE FEDERAL DISASTER DECLARATION FOR THE PURPOSE OF OBTAINING FEDERAL REIMBURSEMENT OF COSTS ASSOCIATED WITH EMERGENCY RESPONSE ACTIVITIES**

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On August 30, 2022, the President of the United States of America issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the Stafford Act) related to the water crisis in Jackson. Beginning August 30, 2022 and ongoing, the University of Mississippi Medical Center (UMMC) has and continues to respond to the threat posed by this federally declared disaster by: providing labor to perform twenty-four (24) hour fire watch due to ineffective fire suppression system caused by low water pressure; providing purchased materials to connect to fire water truck due to low water pressure for potential fires for the response to a water crisis at UMMC; and provided rented restrooms to accommodate individuals as the low water pressure made restrooms unusable.

Accordingly, UMMC is seeking federal reimbursement through the Federal Emergency Management Agency (FEMA) of costs associated with emergency response activities in connection with the Mississippi Water Crisis (EM-3582-MS). UMMC seeks approval from the Board of the designation of Robert McElhaney, Associate Comptroller of Developmental Accounting at the University of Mississippi Medical Center, as the certifying official and applicant agent for the Federal Disaster Declaration.

The Attorney General's Office reviewed the request for compliance with applicable law and found same to be acceptable.

Below is the Designation for the Board's consideration.

**DESIGNATION OF UMMC AGENT FOR THE FEDERAL DISASTER
DECLARATION**

STATE OF MISSISSIPPI
COUNTY OF HINDS

On the 16th day of February 2023, at a meeting of the Board of Trustees of State Institutions of Higher Learning, held in Jackson, Mississippi, in Hinds County, with a quorum of members present, the Board hereby designates Robert McElhaney, Associate Comptroller of Developmental Accounting at the University of Mississippi Medical Center as the certifying official and applicant agent for the Federal Disaster Declaration for the purpose of obtaining federal reimbursement of costs associated with emergency response activities for the University of Mississippi Medical Center in connection with the Mississippi Water Crisis (EM-3582-MS).

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The above designation was passed by a majority of those members present and voting in accordance with applicable laws, bylaws, policies, and procedures of this governing body.

This the 16th day of February 2023.

TOM DUFF
PRESIDENT

ACKNOWLEDGMENT

STATE OF MISSISSIPPI
COUNTY OF _____

Personally appeared before me, the undersigned authority in and for the said county and state, on this _____ day of February 2023, within my jurisdiction, the within named Tom Duff, who acknowledged that he executed the above and foregoing instrument.

Notary Public

SEAL

My Commission Expires: _____

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

University of Mississippi

Frederick G. Slabach; Dean of the School of Law and Professor of Law; salary of \$385,000 per annum, pro rata; E&G Funds; 12-month contract; effective July 1, 2023

2. Sabbatical

Mississippi University for Women

- Joe Alexander; Professor of Music; salary \$57,689 per annum; pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 1, 2024 to May 10, 2024; professional development.
- Jonathon Hooks; Professor of History; salary \$58,086 per annum; pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 1, 2024 to May 10, 2024; professional development.
- Hillary Richardson; Associate Professor of Library Services; salary \$56,099 per annum; pro rata; E&G Funds; 12-month contract; no change in salary during sabbatical period; E&G Funds; effective August 9, 2023 to December 31, 2023; professional development.

University of Mississippi

- Adetayo Alabi; Professor of English; salary \$86,249 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Susan Allen; Associate Professor of Political Science; salary \$81,260 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Alan Arrivee; Associate Professor of Theatre Arts; salary \$68,295 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Saumen Chakraborty; Associate Professor of Chemistry & Biochemistry; salary \$83,846 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Bob Cummings; Executive Director of Academic Innovation, Associate Professor of Writing and Rhetoric, and Director of the Interdisciplinary Minor in Digital Media Studies; salary \$161,173 per annum, pro rata; E&G Funds; 12-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Alakabha Datta; Professor of Physics & Astronomy; salary \$93,800 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development

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- Walter Davis; William W. Gresham Jr. Entrepreneurial Professor, Faculty Director of the MBA Program, and Professor of Management; salary \$184,747 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Jackie DiBiasie-Sammons; Assistant Professor of Classics; *from* salary \$62,182 per annum, pro rata; E&G Funds; 9-month contract; *to* salary \$31,091; E&G Funds; effective August 17, 2023 to December 31, 2023 and January 22, 2024 to May 11, 2024; professional development (Contingent on being awarded tenure by July 1.)
- Oliver Dinius; Executive Director of the Croft Institute and Croft Associate Professor of History; salary \$131,982 per annum, pro rata; E&G Funds; 12-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Laura Dixon; Associate Professor of Psychology; salary \$81,493 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Mark Dolan; Associate Professor of Journalism and New Media; salary \$86,981 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Antonia Eliason; Associate Professor of Law; salary \$126,520 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Ari Friedlander; Assistant Professor of English; salary \$64,172 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development (Contingent on being awarded tenure by July 1.)
- Christopher Green; Professor of Law and Jamie L. Whitten Chair of Law and Government; salary \$144,330 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Amanda Johnston; Professor of Music; salary \$78,883 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- KoFan Lee; Associate Professor of Sport and Recreation Administration; salary \$82,128 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Georgianna Mann Schroeder; Associate Professor of Nutrition and Hospitality Management and Director of Online Hospitality Management Master's Program; salary \$83,833 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development

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- Neil Manson; Professor of Philosophy; salary \$87,727 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- David McElreath; Professor of Criminal Justice & Legal Studies; salary \$105,822 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Erwin Mina-Diaz; Associate Professor of Mathematics; salary \$82,999 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Aimee Nezhukumathil; Professor of English and Creative Writing; *from* salary \$115,374 per annum, pro rata; E&G Funds; 9-month contract; *to* salary \$57,687 ; E&G Funds; effective August 17, 2023 to December 31, 2023 and January 22, 2024 to May 11, 2024; professional development
- Milorad Novicevic; Associate Professor of Management; salary \$164,802 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Brenda Prager; Interim Associate Dean for Graduate Education and Associate Professor of Chemical Engineering; salary \$100,995 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Anne Quinney; Professor of Modern Languages; salary \$91,316 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Peter Reed; Associate Professor of English; salary \$75,052 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Vance Schaefer; Associate Professor of Modern Languages; salary \$63,634 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Joshua Sharp; Associate Professor of Pharmacology, Research Associate Professor in Research Institute of Pharmaceutical Sciences, and Associate Professor of Chemistry and Biochemistry; *from* salary \$121,800 per annum, pro rata; E&G Funds; 12-month contract; *to* salary \$60,900; E&G Funds; effective August 17, 2023 to December 31, 2023 and January 22, 2024 to May 11, 2024; professional development
- Carrie Smith; Associate Professor of Psychology; salary \$80,993 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective January 22, 2024 to May 11, 2024; professional development
- Ana Velitchkova; Croft Assistant Professor of Sociology and International Studies; salary \$65,079 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development (Contingent on being awarded tenure by July 1.)

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- Sara Wellman; Associate Professor of Modern Languages; salary \$67,485 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development
- Nancy Wicker; Professor of Art & Art History; *from* salary \$108,651 per annum, pro rata; E&G Funds; 9-month contract; *to* salary \$54,325; E&G Funds; effective August 17, 2023 to December 31, 2023 and January 22, 2024 to May 11, 2024; professional development
- Henrietta Yang; Associate Professor of Chinese and Linguistics; salary \$80,697 per annum, pro rata; E&G Funds; 9-month contract; no change in salary during sabbatical period; E&G Funds; effective August 17, 2023 to December 31, 2023; professional development

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1. **SYSTEM – APPROVAL FOR FINAL READING OF PROPOSED AMENDMENT TO BOARD POLICY 617 – TEXTBOOK POLICY**

Board approval for final reading is requested for a proposed amendment to Board Policy §617 – Textbook Policy.

Rationale for proposed amendment: The IHL textbook policy was created in 2010 and specifies a plan for policy implementation based on section 133 of the Higher Education Act.

Universities implemented all procedures to be in compliance, and they continue to make progress in seeking out the best textbook prices and solutions for their students. The proposed amendments to the policy remove the steps necessary to be in compliance and will allow the Office of Academic and Student Affairs to work with the Chief Academic Officers to develop current, more relevant metrics to assess what is being done in an effort to continue improving textbook services for our students.

617 TEXTBOOK POLICY

~~This Textbook Policy establishes minimum system-wide guidelines and goals aimed at addressing~~ Each institution shall develop and maintain an institutional textbook policy for the purposes of lowering the cost of course materials and increasing the transparency of course material prices. The textbook policies and procedures shall be in ensuring compliance with Section 133 of the federal Higher Education Opportunity Act (HEOA) of 1965, of 2008, as amended, and effective on July 1, 2010.

Annually, each institution shall submit the institution's textbook policy and a report of textbook purchase and rental options available to students including the textbook cost per credit hour for the various options that are available.

~~By June 1, 2010 each institution in the IHL system shall establish a written policy that includes the following provisions. In this policy, the term textbook is meant to include various types of course materials, including software, electronic files, supplemental materials, and course packs.~~

~~1. **Textbook Adoption Deadlines**— Each institution shall establish firm deadlines and procedures for the adoption of textbooks for upcoming semesters. These deadlines and procedures shall be set to enable the institution to fully comply with the HEOA of 2008, including the requirement that textbook information (including ISBN and prices) be provided to students at the time of registration.~~

~~Requirements:~~

- ~~● Institutions shall establish adoption deadlines that are no later than the beginning of the registration period for succeeding semesters and that provide~~

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sufficient time to work with affiliated bookstores to meet the HEOA posting requirements. Additionally, these adoption deadlines shall be at least 40 days prior to the end of the preceding semester, whenever possible, as dictated by registration schedules.

- ~~The adoption process will include the indication of whether a textbook is required or recommended and should include to the extent possible an indication of whether an alternate (e.g., earlier) edition of the textbook may be used. Timely adoption of textbooks is required for the following course types: lecture, lecture/lab, laboratory, and recitation/discussion. These course types, as designated and defined by the IHL Data Dictionary, are generally assumed to be courses with textbook requirements. Any other courses which at individual institutions historically require textbooks shall be included in the individual institution's adoption policy.~~
- ~~Department chairs/heads will be responsible for ensuring that all pertinent courses under their authority have adoptions submitted by the deadline, even in instances where no instructor has been assigned for a course section as of the announced adoption deadline date.~~
- ~~Departments shall be strongly encouraged to adopt the same course materials for all sections of each course.~~

2. Minimum Adoption Periods — ~~Each institution shall establish guidelines that promote a minimum adoption period for textbooks. In this section, textbook refers specifically to a book that is resalable, as opposed to one-time usage materials (e.g., workbooks) or books that have limited resale value.~~

- ~~Institutions shall set guidelines for a minimum three-year adoption period for lower division courses. These guidelines may include reasonable exceptions to this requirement for instances when editions go out of print, when substantive changes are made in either the course description or the textbook, or when there is a significant change in the body of knowledge pertinent to the course. Procedures for the authorization of exceptions should include approval at the dean level, after recommendation from a department chair/head.~~
- ~~Guidelines shall encourage a minimum textbook adoption period of at least two years for upper division courses. However, it is recognized that, to provide current scholarship in a global marketplace, upper division courses will have more advanced and changing content, that students often wish to build a personal library of books in their major, and that there is a more limited potential for establishing a favorable local buy-back market for such upper division textbooks. Because of these factors, institutional policy will balance the benefits of a minimum adoption period with the selection of the best available textbook.~~

3. Dissemination of Textbook Information — ~~Institutions shall be responsible for providing information on best practices in textbook adoptions to faculty and for providing advice to students on ways to save money on textbook purchases.~~

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- ~~The institutions or affiliated bookstores shall provide faculty with information and tools for the selection of textbooks, including pricing information and the availability of alternative formats for course materials (e.g., whether textbooks are available in electronic versions) and of separately available components of a bundled textbook;~~
 - ~~The institutions or affiliated bookstores shall provide students with tips on purchasing textbooks, including the availability of electronic versions, the availability of unbundled textbook components, buy-back and exchange policies, and price-matching policies. Institutions shall provide this information, including an explanation of the significance of ISBNs, to entering freshmen during orientations or within 30 days prior to the beginning of the fall semester.~~
 - ~~The institutions or affiliated bookstores shall provide faculty and students with results from surveys of student satisfaction with textbooks.~~
- 4. ~~Assessment of Progress~~** ~~Institutions shall develop procedures to assess the success of the above practices in containing the costs of textbooks. These procedures shall include analyses and reports appropriate to assessing compliance with this policy, as well as identifying and improving system and institutional practices.~~
- ~~Assessment strategies shall include: the inclusion of questions on student surveys (e.g., course evaluations) about the value of assigned textbooks; production of reports of the extent of compliance of each institution with the adoption deadlines; information about the costs of the textbooks for the top twenty (highest enrollment) courses; the volume of buy-back purchases at the affiliated bookstores; the number of electronic versions of textbooks being used; and surveys (student and faculty) of the ability of the affiliated bookstore to provide adequate stocking of books.~~
 - ~~By April 1, 2010 the institutional executive officer of each institution will name a textbook coordinator who will be responsible for the implementation and administration of this policy.~~
 - ~~Annually, the textbook coordinator will submit such assessment information as required by the assessment plan as an annual assessment report to the Commissioner or his/her designee.~~
 - ~~The annual assessment report will be made available on the website of the subject institution, as well as on the System website.~~

(BT Minutes, 2/2010; 3/2010)

STAFF RECOMMENDATION: Board staff recommends this item for final approval.

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**2. MSU MERIDIAN CAMPUS – APPROVAL OF STAGE I APPLICATION
DECLARATION OF INTENT/NEED TO ESTABLISH A NEW PROFESSIONAL
NURSING PROGRAM**

In accordance with Mississippi Code (1991 Supp. § 37-129-1, et seq. (a) and (b) which *“empowers the Board of Trustees of State Institutions of Higher Learning to establish rules and regulations and promulgate uniform standards for accreditation of schools of nursing,”* approval is requested for Stage I Application- declaration of intent/need to establish a program of professional nursing for Mississippi State University at the Meridian campus.

Mississippi State University Meridian has completed the first stage in a three-stage process for establishing a registered nursing program. A completed application for Stage I has been submitted which declares their intent and provides supportive evidence of the need for an entry-level Master of Science (MSN) Degree Program. The application includes support from the University President; establishment of a local advisory committee; evidence of obtaining professional advice from qualified nurse educators; substantive evidence of need for establishment of a new program; current institutional catalog, philosophy/mission and goals of the institution; vision and purpose for establishing a new nursing program; evidence of full institutional accreditation; educational, physical and fiscal resources (budget); sources for potential students; nursing programs within an eighty-mile radius; data on potential faculty; availability of supporting academic courses; and a tentative timeline for development and implementation of the nursing program.

Notice of Mississippi State University Meridian’s intent/need to establish a new professional nursing program was posted on the IHL website, providing an avenue for public comments. Nursing deans and directors were given an opportunity to provide feedback regarding the proposed MSN program.

Approval of Stage I allows Mississippi State University Meridian to progress to Stage II - Qualify for Initial Accreditation. Stage II includes development of curriculum, hiring a program director, faculty and staff, submission of reports, and a site visit by IHL. Following the site visit, a recommendation is provided to the Board of Trustees regarding Stage II, which allows the School of Nursing permission to admit students. Stage III- Qualify for Full Accreditation occurs during the final semester of the first graduating class, in conjunction with the national accrediting body.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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3. STATE – APPROVAL OF SUBSTANTIVE CHANGES TO THE MISSISSIPPI NURSING DEGREE PROGRAMS ACCREDITATION STANDARDS

The Mississippi Nursing Degree Programs Accreditation Standards have been revised based on input from the Mississippi Council of Deans and Directors of Schools of Nursing based on national nursing trends and contemporary nursing practice/education.

Board approval is requested for the following revisions to the State Specific Requirements of the Mississippi Nursing Accreditation Standards.

STANDARD II. Faculty and Staff

g. Preceptors (e.g. mentors, guides, coaches) shall be academically/experientially prepared at or beyond the level for which the preceptor service is rendered and shall have a minimum of one year of experience. Preceptors for prelicensure students not prepared at or beyond the academic level for which the preceptor service is rendered must be prepared at or above the same level of licensure appropriate for the student learning experience recognizing the preceptor’s experience and practice expertise. Preceptors shall have a minimum of one year of experience.

STANDARD III. Students

ADMISSION MODELS

a. Associate Degree Nursing Programs. Minimum admission criteria for associate degree nursing programs are as follows:

- ~~1. An ACT composite score of 18 and a 2.0 GPA.~~
- ~~2. Students without the required ACT composite score must have completed a minimum of 12 semester hours in the nursing major, including Anatomy and Physiology, with at least a grade of “C” and have a minimum 2.5 GPA before being admitted.~~
- ~~3. All students must satisfy a criminal history background check with fingerprinting.~~
- ~~4. Each school is permitted an allowance of 10 percent of the previous fall’s nursing program admission for high-risk students who do not meet the criteria.~~

1. Model One- An ACT composite score of 18 and a 2.0 GPA. Any student with a bachelor’s degree or higher may be admitted without an ACT score.
2. Model Two- Students without the required ACT composite score must have completed a minimum of 12 semester hours in the nursing major, including Anatomy and Physiology, with at least a grade of “C” and have a minimum 2.5 GPA before being admitted.
3. Model Three- Students not meeting Model One or Model Two admission guidelines may be considered for admission with a defined plan to support student success and program completion congruent with current resources. IHL Nursing Education recognizes the value of holistic admission and the consideration of factors other than metrics such as experiences and attributes that may indicate student success. Any SON

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- may implement both direct and holistic admission as congruent with the College/University and SON of Mission. The holistic review process must be consistently applied assuring sustained integrity and fairness.
4. All students must satisfy a criminal history background check with fingerprinting.
 - b. ~~Bachelor~~ Baccalaureate and Higher Degree Nursing Programs. Minimum admission criteria for bachelor degree nursing programs are as follows:
 1. ~~An ACT composite score of 21. Students with the required ACT composite score must also have at least a grade of "C" in each prerequisite course to the nursing major and a 2.0 GPA.~~
 2. ~~Students without the required ACT composite score must complete all the course prerequisites to the nursing major with at least a grade of "C" and a GPA of 2.5.~~
 3. ~~Students with a registered nurse (R.N.) license may enter without an ACT by completing all the course prerequisites to the nursing major with at least a grade of "C" and have a GPA of 2.0.~~
 4. ~~Baccalaureate nursing programs in private educational institutions may establish admission criteria which support the goals and aims of their institution.~~
 5. ~~All students must satisfy a criminal history background check with fingerprinting.~~
 6. ~~Each school is permitted an allowance of 10 percent of the previous fall's nursing program admission for high-risk students who do not meet the criteria.~~
 1. Model One- An ACT composite score of 21. Students with the required ACT composite score must also have at least a grade of "C" in each prerequisite course to the nursing major and a 2.0 GPA.
 2. Students with a registered nurse (R.N.) license, or a bachelor's degree or higher in a field other than nursing may enter without an ACT by completing all the course prerequisites to the nursing major with at least a grade of "C" and have a GPA of 2.0.
 3. Model Two- Students without the required ACT composite score must complete all the course prerequisites for the nursing major with at least a grade of "C" and a GPA of 2.5.
 4. Model Three- Students not meeting Model One or Model Two admission guidelines may be considered for admission with a defined plan to support student success and program completion congruent with current resources. IHL Nursing Education recognizes the value of holistic admission and the consideration of factors other than metrics such as experiences and attributes that may indicate student success. Any SON may implement both direct and holistic admission as congruent with the College/University and SON of Mission. The holistic review process must be consistently applied assuring sustained integrity and fairness.
 5. Baccalaureate and higher nursing programs in private educational institutions may establish admission criteria which support the goals and aims of their institution.
 6. All students must satisfy a criminal history background check with fingerprinting.
 7. All post-licensure students enrolled in APRN clinical courses and non-APRN clinical

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courses taught at the graduate level must hold an unencumbered registered nursing (R.N.) license to practice in the state in which the student will perform clinical.

~~e. Graduate Degree Nursing Programs. Minimum admission criteria for graduate degree nursing programs (MSN & DNP) are as follows:~~

- ~~1. Minimum 3.0 GPA for the most recent nursing degree.~~
- ~~2. Private educational institutions may establish admission criteria which support the goals and aims of their institution.~~
- ~~3. All students must hold an unencumbered registered nursing (R.N.) license to practice in the state in which the student will perform clinical.~~
- ~~4. All students must satisfy a criminal history background check with fingerprinting.~~

STANDARD IV. Curriculum

c. ~~Undergraduate~~ Prelicensure Program Simulation Hours

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

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1. **SYSTEM – DISCUSSION OF THE ELECTION OF VICE PRESIDENT OF THE BOARD OF TRUSTEES FOR THE TERM BEGINNING MAY 8, 2023**

Pursuant to Board Policy 301.02 Election of Officers, a new Vice President of the Board shall be elected to take office on May 8, 2023 unless the Board chooses to postpone the election. Applicable Board policies regarding the terms of officers and the election of officers are shown below.

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

There shall be a president elected by the Board from its membership. A class of Trustees shall consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date. A member of a class may serve more than one term, if elected. The length of a term shall be one year. The president of the Board may not immediately succeed himself/herself as president after having served a full term. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special committees; he or she shall, with the Commissioner, execute such instruments and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie.

B. VICE PRESIDENT:

There shall be a vice president elected by the Board from its membership. A vice president shall serve until completion of the term of the president that the vice president will succeed. The vice president shall preside at meetings of the Board in the absence or disability of the president.

The vice president of the Board shall automatically succeed to the office of president after having served a term as vice president.

The vice president shall become president upon the resignation, removal, death or incapacity of the president.

301.02 ELECTION OF OFFICERS

The Board of Trustees shall elect its officers at the meeting of the Board held three months before new officers are to take office, unless no meeting is held during that month. However, the Board may vote, if it so chooses, to hold the election of officers at another meeting of the Board.

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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. Educational Specialist (EdS) in Education with a School Administration Concentration

Responsible academic unit: Department of Educational Leadership
Total credit hours: 30 (if licensed) / 40 (if not licensed)
CIP Code, Sequence: 13.0101, 3016
Cost to offer by distance learning: \$0
Effective date: Spring 2023

B. Educational Specialist (EdS) in Education with a Teacher Leadership Concentration

Responsible academic unit: Department of Educational Leadership
Total credit hours: 30
CIP Code, Sequence: 13.0101, 3016
Cost to offer by distance learning: \$0
Effective date: Spring 2023

C. Master of Science (MS) in Education with a Teacher Leadership Concentration

Responsible academic unit: Department of Educational Leadership
Total credit hours: 30
CIP Code, Sequence: 13.0401, 4089
Cost to offer by distance learning: \$0
Effective date: Spring 2023

2. UM – INTENT TO OFFER A CERTIFICATE PROGRAM

A. Program title: Entrepreneurship Online Graduate Certificate

Responsible academic unit: School of Business, Department of Management
Level: post-baccalaureate
Total credit hours: 12
CIP code: 52.0701

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Effective date: Fall 2022

Program summary: The goal of the Entrepreneurship Online graduate certificate program is to provide practical and applied knowledge to assist the creation and development of a new venture in a startup or an innovation within an existing company. From designing a business model to operational execution, this program walks students through the entrepreneurial process from idea to launch in nine months. The initial course slate would be four courses that can be built swiftly with existing and highly rated faculty with extensive online experience.

STAFF RECOMMENDATION: Board staff recommends these items be accepted as information.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
FEBRUARY 16, 2023**

**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
JANUARY 19, 2023 BOARD MEETING SUBMISSION DEADLINE**

NOTE: THE FOLLOWING ITEMS WERE APPROVED BY THE BOARD'S REAL ESTATE AND FACILITIES STAFF ACCORDING TO BOARD POLICY §904 (A) BOARD APPROVAL WHICH STATES:

Board Policy §904(A), Board Approval

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

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

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

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

Change Order Approval Note: No change orders approved by Board staff, as reflected within any of the following informational agenda items, increase the Board approved total project budget. The total project budget as approved by the Board provides for a contingency fund, which allows for an increase in the construction budget of between five and ten percent. Any increase in the total project budget caused by a change order, would require Board approval and could not be approved by Board staff until the budget increase is approved by the Board.

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DELTA STATE UNIVERSITY

1. DSU- GS #102-267 – CAMPUS ROOFING PHASE 2

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$1,412.76 and three hundred thirty-two (332) additional days to the contract of E. Cornell Malone Corp.

Approval Status & Date: APPROVED, January 20, 2023

Change Order Description: Change Order #1 includes the following: prepared the existing stone coping for the temporary membrane; and three hundred thirty-two (332) to the contract.

Change Order Justification: This change was due to latent jobsite conditions i.e. delay in receiving materials and weather-related delays as noted herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$1,412.76.

Project Initiation Date: January 17, 2019

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

General Contractor: E. Cornell Malone Corp.

Phased Project Budget: \$2,422,198.00

Total Project Budget: \$3,968,456.00

MISSISSIPPI STATE UNIVERSITY

1. MSU- IHL #205-320 – PATTERSON ENGINEERING IDEE LAB PHASE 1 (MACHINE SHOP)

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Cooke Douglass Farr Lemons, Architects and Engineers.

Approval Status & Date: APPROVED, February 1, 2023

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Approval Request #2: Design Development Documents

Board staff approved the waiver of Design Development Documents as submitted by Cooke Douglass Farr Lemons, Architects and Engineers.

Approval Status & Date: APPROVED, February 1, 2023

Project Initiation Date: August 18, 2022

Design Professional: Cooke Douglass Farr Lemons, Architects and Engineers

General Contractor: TBD

Total Project Budget: \$5,000,000.00

2. MSU- IHL #205-327 – RICE HALL RENOVATIONS

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Shafer Zahner Zahner.

Approval Status & Date: APPROVED, January 11, 2023

Project Initiation Date: October 20, 2022

Design Professional: Shafer Zahner Zahner

General Contractor: TBD

Total Project Budget: \$2,000,000.00

3. MSU- IHL #405-004 –HIGH PERFORMANCE COMPUTING AND DATA CENTER

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 January 28, 2023 to approve the budget increase from \$38,000,000.00 to \$45,000,000.00 an increase of \$7,000,000.00 for the High Performance Computing and Data Center project.

Approval Status & Date: APPROVED, January 28, 2023

Approval Request #2: Award of Construction Contract

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Board staff approved the Award of Contract in the amount of \$39,312,263.00 to the apparent low bidder, West Brothers Construction

Approval Status & Date: APPROVED, January 30, 2023

Project Initiation Date: October 19, 2020

Design Professional: Dale Partners

General Contractor: West Brothers Construction

Total Project Budget: \$45,000,000.00

4. MSU- IHL #405-005 –STONE CHILLED WATER LOOP EXTENSION

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,550,000.00 to the apparent low bidder, REV Construction, Inc.

Approval Status & Date: APPROVED, January 25, 2023

Project Initiation Date: October 19, 2020

Design Professional: Engineering Resource Group, Inc.

General Contractor: TBD

Total Project Budget: \$2,000,000.00

UNIVERSITY OF MISSISSIPPI

5. UM- IHL #207-492 – OXFORD-UNIVERSITY STADIUM EXPANSION

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 January 30, 2023 to approve the initiation and design professional for the Oxford-University Stadium Expansion project.

Interim Approval Status & Date: APPROVED, January 30, 2023

Project Initiation Date: August 18, 2022

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

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General Contractor: TBD
Total Project Budget: \$1,500,000.00

6. UM- IHL #207-502 – NEW PARKING STRUCTURES

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 January 31, 2023 to approve the initiation and design professional for the New Parking Structures project.

Interim Approval Status & Date: APPROVED, January 31, 2023

Project Initiation Date: January 31, 2023
Design Professional: Eley Guild Hardy Architects
General Contractor: TBD
Total Project Budget: \$1,000,000.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

7. UMMC - IHL #209-582 – UPDATE LAKELAND MEDICAL BUILDING

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 January 20, 2023 to approve the budget increase from \$1,550,000.00 to \$1,950,000.00 an increase of \$400,000.00 for the Update Lakeland Medical Building project.

Approval Status & Date: APPROVED, January 20, 2023

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$248,000.00 to the apparent low bidder, Thrash Commercial Contractors, Inc.

Approval Status & Date: APPROVED, January 23, 2023

Project Initiation Date: June 16, 2022
Design Professional: Burris/Wagnon Architects, P.A.

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General Contractor: Thrash Commercial Contractors, Inc.
Total Project Budget: \$1,950,000.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

8. USM- GS #114-023 – SCIENCE BUILDING INFILTRATION REPAIRS

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #4

Board staff approved Change Order #4 in the amount of \$0.00 and six (6) additional days to the contract of Century Construction Group.

Approval Status & Date: APPROVED, January 17, 2023

Change Order Description: Change Order #4 includes the following items: added six (6) contract days to the contract.

Change Order Justification: This change was necessary due to delays in reordering the glass for the curtain walls.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$46,558.91.

Project Initiation Date: January 20, 2022

Design Professional: Shafer-Zahner-Zahner

General Contractor: Century Construction Group

Total Project Budget: \$3,604,891.38

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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 Balch & Bingham, LLP (statement dated 1/12/23) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$720.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 720.00

Payment of legal fees for professional services rendered by Armstrong Law, LLC (statements dated 5/25/22, 7/20/22 and 8/2/22) from the funds of Jackson State University. (These statements, in the amounts of \$2,000.00, \$2,000.00 and \$2,000.00, respectively, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE.....\$ 6,000.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 5/1/22, 5/17/22, 8/1/22, 10/1/22, 10/1/22, 11/1/22 and 1/1/23) from the funds of Jackson State University. (These statements, in the amounts of \$66.58, \$10.36, \$121.30, \$2,500.00, \$60.51, \$8.95 and \$43.82, respectively, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE.....\$ 2,811.52

Payment of legal fees for professional services rendered by Brunini, PLLC (statements dated 11/16/22 and 12/14/22) from the funds of Mississippi State University. (These statements, in the amounts of \$600.00 and \$2,175.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 2,775.00

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 12/1/22, 12/1/22 and 12/1/22) from the funds of Mississippi State University. (These statements, in the amounts of \$539.00, \$5,000.00 and \$541.00, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE.....\$ 6,080.00

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Payment of legal fees for professional services rendered by Brunini (statement dated 1/18/23) from the funds of the University of Mississippi. (This statement, in the amount of \$450.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 450.00

Payment of legal fees for professional services rendered by Lightfoot Franklin White, LLC (statements dated 12/7/22 and 1/9/23) from the funds of the University of Mississippi. (These statements, in the amounts of \$15,491.50 and \$4,232.67, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 19,724.17

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 12/1/22, 1/1/23, 1/1/23, 1/1/23 and 1/1/23) from the funds of the University of Mississippi. (These statements, in the amounts of \$5.80, \$228.08, \$3,000.00, \$27.99 and \$2,500.00, respectively, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE.....\$ 5,761.87

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 12/30/22 and 1/18/23) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$9,921.00 and \$12,140.67, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 22,061.67

Payment of legal fees for professional services rendered by Copeland Cook Taylor & Bush (statement dated 12/20/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$1,584.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,584.00

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statement dated 1/11/23) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,039.41, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 3,039.41

Payment of legal fees for professional services rendered by Ware|Immigration (statements dated 11/2/22, 1/1/23, 1/1/23, 1/1/23, 1/1/23, 1/1/23, 1/1/23 and 1/1/23) from the funds of the

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University of Southern Mississippi. (These statements, in the amounts of \$59.19 \$200.00, \$32.13, \$36.77, \$36.38, \$57.19, \$94.50 and \$2,500.00, respectively, represent services and expenses in connection with immigration/labor certification matters.)

TOTAL DUE.....\$ 3,016.16

Payment of legal fees for professional services rendered by Wise Carter (statement dated 12/13/22) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$573.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 573.00

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 (statement dated 12/15/22) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent or intellectual property matter: “Recombinant Fimbrial Protein of Aeromonas hydrophila as a Vaccine in Catfish” - \$211.39.)

TOTAL DUE.....\$ 211.39

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statements dated 12/13/22, 12/13/22 and 12/13/22) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “General IP Matters” - \$852.75; “Rapid Assay Methods and Kits for Detecting Neutralizing Antibody for Sars-Cov-2 Using Lateral Flow Assay and Enzyme-linked Immunosorbent Assay” - \$3,472.50; and “mRNA Treatment to Induce Expression of Relaxin for Reproductive Applications in Animals and Humans” - \$150.00, respectively.)

TOTAL DUE.....\$ 4,475.25

Payment of legal fees for professional services rendered by Thomas Horstemeyer, L.L.P. (statements dated 7/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22, 9/29/22 and 9/29/22) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents or intellectual property matters: “General IP Matter” - \$6,966.50; “Dye, Dye-Sensitized Solar Cells and Making and Using the Same” - \$150.00; “Amphotericin Loaded Pegylated Lipid Nanoparticles and Methods of Use” - \$235.00; “The Design, Synthesis and Photophysical Properties of a Novel” - \$250.00; “L-y-Methylene glutamine Compounds, Method of Forming the Same and Methods of Use Thereof” - \$250.00; “Laser Multibeam Differential Interferometric Sensor and Methods for Vibration Imaging” - \$388.00; “Compositions for the

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Prevention and/or Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,824.47; “Silicone-Based Dyes with Short Wavelength Infrared Absorption and Emission and Methods for Making and Using Same” - \$150.00; “General IP Matter” - \$150.00; “General IP Matter” - \$150.00; “General IP Matter” - \$150.00; “General IP Matter” - \$6,773.00; “Cytochrome bc1 Complex Inhibitors and Methods of Use Thereof” - \$250.00; “Devices for the Pulsed Delivery of Bioactive Agents and Methods for Using the Same” - \$250.00; “Indolizine Dyes with Short Wavelength Infrared Absorption and Emission and Methods for Making and Using the Same” - \$250.00; “Indolizine Dyes with Short Wavelength Infrared Absorption and Emission and Methods for Making and Using the Same” - \$250.00; “Indolizine Dyes with Short Wavelength Infrared Absorption and Emission and Methods for Making and Using the Same” - \$250.00; “Methods for Reducing Intraocular Pressure” - \$250.00; “1, 2, 4-Triazolyl Pyridine Agents Targeting Mycobacterium Tuberculosis” - \$250.00; “Orally Bioavailable, Brain-Penetrant Compound with Selectivity for the Cannabinoid Type 2 Receptor with Potential Use Toward Visceral Pain Management and Neurodegenerative Disorders” - \$250.00; “Fluoroalcohols as Co-Solvents for Chemical Synthesis” - \$250.00; “General IP Matter” - \$1,650.00; “General IP Matter” - \$3,150.00; “Dye, Dye-Sensitized Solar Cells and Making and Using the Same” - \$1,500.00; “General IP Matter” - \$250.00 and “Biologically Active Cannabidiol Analogs” - \$98.00, respectively).

TOTAL DUE.....\$ 26,334.97

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy, P.C. (statements dated 12/16/22, 12/16/22, 12/16/22, 12/16/22 and 1/6/23) 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” - \$35.00; “Open-Shell Conjugated Polymer Conductors, Composites and Compositions” - \$175.00; “Thiol-Based Post-Modification of Conjugated Polymers” - \$615.50; “Carbon Susceptor for Thermoplastic Composite Induction Welding” - \$350.00; and “Thiol-Based Post-Modification of Conjugated Polymers” - \$70.00.).

TOTAL DUE.....\$ 1,245.50

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INFORMATION AGENDA
ADMINISTRATION/POLICY
February 16, 2023

1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

The following items have been approved by the Commissioner on behalf of the Board and are available for review in the Board Office.

- a. **JSU** – On January 30, 2023, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Jackson State University and Fran’Cee Brown-McClure for a university owned property located at 1706 Sheffield Drive, Jackson, MS. This is a revenue generating lease with an initial term of one-year beginning February 1, 2023 at a cost of \$1,525 per month due on the first day of each month. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts. A copy of the document is on file in the IHL Board Office.
- b. **MSU** – On January 25, 2023, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Mississippi State University and MS Hardware Master Tenant, LLC for approximately 1,948 square feet of space within a building located at 1622 Washington Street, Vicksburg, MS for use by MSU’s Center for Entrepreneurship and Outreach. The term of the lease is two years beginning February 1, 2023 at a cost of \$1,623.33 per month for the first year with a 2 % increase for year two. Rent is payable in advance at the beginning of each month. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management 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.
- c. **MSU** – On January 31, 2023, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Mississippi State University and the MSU Research & Technology Corporation for 352 square feet of office space in the Thad Cochran Research, Technology and Economic Development Park, for use as office space for the Veterans Business Outreach Center. The term of the lease is five years beginning March 1, 2023, at a cost of \$440 per month in rent, payable in advance on the first calendar day of each month. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management 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.
- d. **MSU** – On January 31, 2023, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Mississippi State University and the MSU Research & Technology Corporation for 352 square feet of office space in the Thad Cochran Research, Technology and Economic Development Park, for use as office space for MSU’s Small Business Development Center. The term of the lease is five years beginning March 1, 2023, at a cost of \$450 per month in rent, payable in advance on the first calendar day of each month. The IHL Senior Associate Commissioner for Legal Affairs and Risk Management has reviewed the

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- 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.
- e. **MSU** – On January 31, 2023, Commissioner Alfred Rankins, Jr., approved a Lease Agreement between Mississippi State University and BCR Investments for 1,000 square feet of climate-controlled storage space within a building at 1085 Stark Road, Starkville, MS 39759 for the MSU Department of Music as storage for the Bettersworth Acoustical Shell. The term of the lease is one year beginning February 1, 2023 through January 31, 2024, at a cost of \$2, 175 per quarter payable in advance at the beginning of each quarter. The Attorney General's Office has reviewed the Agreement and found the same to be compliant with Board Policy 707.01 Land, Property, and Service Contracts and Policy 707.03 Approval of Prepayment for Goods or Services. A copy of the document is on file in the IHL Board Office.
- f. **MVSU** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On February 8, 2023, Commissioner Alfred Rankins, Jr., approved the budget revisions to the FY 2023 *Ayers* academic programs after conducting a review. It appears that these revisions are necessary to align 2023 budgets to individual program needs over the remaining months of the year. Per IHL *Ayers* administrative guidelines, the institutions are required to either report these revisions to the IHL Executive Office (i.e. self-approved revisions) or have certain proposed budgetary revisions pre-approved by the IHL Executive Office. The requested revisions do not fit under the pre-approval category by the IHL Executive Office policy section of the guidelines. The IHL Executive Office financial and academic staff have reviewed and approved these revisions. A copy of the documents is on file at the Board Office.

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PERSONNEL
February 16, 2023

PERSONNEL ACTION REPORT

1. **Sabbatical**

Mississippi State University

FROM: Lamiaa El-Fassi; Associate Professor of Physics and Astronomy; salary \$78,110.00 per annum, pro rata; E&G and Designated Funds; 9-month contract; no change in salary during sabbatical period; E&G and Designated Funds; effective January 1, 2022 to May 15, 2022; professional development

[Originally approved by IHL Board March 18, 2021]

CORRECTED: This item was rescinded.