

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
February 16, 2012



FINAL BOARD BOOK OUTLINE

Budget Committee Meeting

February 16, 2012, 9 a.m.

IHL Board Meeting

February 16, 2012, 10 a.m.

The Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee Bettye Neely

INTRODUCTION OF GUESTS

BLACK HISTORY MONTH SPECIAL RECOGNITION

Trustee Bob Owens and Trustee Alan Perry

MINUTES

January 19, 2012 Regular Board Meeting Minutes

CONSENT AGENDAS

Trustee Robin Robinson

BUDGET

- 1. MVSU – Request for Approval of a Resolution for a Grant Application1

REAL ESTATE

Appointment of Design Professionals/Approval of Budget Increases and/or Changes of Scope/Funding Source(s)

IHL Projects

- 1. UMMC – IHL 209-540 – School of Dentistry Restorative Lab, Design Professional – Mark Vaughn2
- 2. USM – IHL 208-297 – Dorm Replacement Phase II, Design Professional – The McCarty Company3
- 3. USM – Cedar Point – IHL 210-243 – Marine Education Center, Design Professional – Lake/Flato Architects.....4
- 4. UM – IHL 207-353 – Coulter Hall Expansion, Design Professional – Cooke Douglass Farr Lemons/Barlow Eddy Jenkins – A Professional Association6

LEGAL

- 1. MSU – Approval to Increase the Existing Contract Amount with Grunsky, Ebey, Farrar & Howell Law Firm.....1
- 2. USM – Approval to Hire Less, Getz & Lipman Law Firm as Outside Counsel1

PERSONNEL

Approval of Personnel Action Requests

- 1. Employment: (MUW); Rehired Retirees NOT on Contract during FY 2012 (MSU, UM).1
- 2. Change of Status (JSU).....1
- 3. Sabbaticals (JSU, UM, USM).....2

REGULAR AGENDAS

ACADEMIC AFFAIRS

Trustee Doug Rouse

- 1. SYSTEM – Approval of New Academic Programs
 - a. ASU – Master of Science in Applied Science & Technology Degree1
 - b. MUW – Bachelor of Arts in Women’s Studies Degree.....2
 - c. UMMC – Doctor of Health Administration Degree3

BUDGET

Trustee Aubrey Patterson

- 1. DSU – Request for Approval of Bookstore Outsourcing Agreement with Barnes and Noble College Booksellers, LLC 1
- 2. MSU – Request for Authorization to Create a Commercial Paper Program up to \$50,000,000.....3
- 3. UMMC – Request for Waiver of the Annual Audit Requirement for the Medical Center Research Development Foundation5

REAL ESTATE

Trustee Scott Ross

Approval of Initiations of Projects/Appointments of Professionals

Bureau of Building Projects

- 1. ASU – GS 101-292 – Campus Safety Phase II, Design Professional – TBD through RFQ Process3
- 2. MVSU – GS 106-224 – Energy Management Upgrades, Design Professional – Pryor & Morrow Architects4
- 3. UMMC – GS 109-204 - Boiler Room Upgrades, Design Professional – Eldridge and Associates Consulting Engineers5

IHL Projects

- 4. UM – IHL 207-356 – Johnson Commons East Renovation, Design Professional – Architecture South6

INFORMATION AGENDAS

Commissioner Hank Bounds

REAL ESTATE

SYSTEM- Real Estate Items Approved Subsequent to the * Board Meeting

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Mississippi Valley State University.....	9
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LEGAL

SYSTEM – Report of Payments to Outside Counsel.....	1
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ADMINISTRATION/POLICY

SYSTEM – Commissioner’s Notification of Approval.....	1
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ADDITIONAL AGENDA ITEMS IF NECESSARY

RECONSIDERATION

OTHER BUSINESS/ANNOUNCEMENTS

EXECUTIVE SESSION IF DETERMINED NECESSARY

ADJOURNMENT

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

January 19, 2012 Regular Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
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BE IT REMEMBERED, That the 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 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 28, 2011, to each and every member of said Board, said date being at least five days prior to this January 19, 2012 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely (by phone), Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, and Mr. C.D. Smith. Ms. Amy Whitten was absent. The meeting was called to order by Mrs. Robin Robinson, President, and opened with prayer by Mr. Scott Ross.

INTRODUCTION OF GUESTS

- President Robinson welcomed the Student Government Association officers: Mr. Brandon Rook, President at Alcorn State University, Ms. Jeanna Wilkes, President at Delta State University; Mr. Rhett Hobart, President at Mississippi State University; Mr. Marvin Elder, President at Mississippi Valley State University; Mr. Glenn Perkins, Vice President at Mississippi Valley State University; Mr. Taylor McGraw, President at the University of Mississippi; and Mr. Erick Brown, President at the University of Southern Mississippi.
- Commissioner Bounds introduced Ms. Heather West, the new Administrative Assistant in the Commissioner's Office.

PRESENTATIONS

- The Board received an update on Mississippi Blueprint 2011 from Mr. Blake Wilson, President of the Mississippi Economic Council.
- The Board received a report on the Optional Retirement Plan Study by Ms. Pat Robertson, Executive Director of Public Employees' Retirement System, and Deputy Administrator Bob Rhoads.
- The Board received an update on the Raising the Profile Campaign by Ms. Caron Blanton, IHL Director of Communications.

APPROVAL OF THE MINUTES

On motion by Trustee Pickering, seconded by Trustee Davidson, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on November 16, 2011, November 17, 2011, November 30, 2011 and December 15, 2011.

CONSENT AGENDA

Trustee Perry requested two items be moved from the Consent Agenda to the Regular Budget Agenda. These items are: MSU's request to approve the extension of the closing date deadline for the purchase of

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land with Cotton Mill Development Group, LLC (#2 below) and the proposed amendment to Board Policy Section 906 Educational Building Corporations to include other forms of debt obligation (#6 below). On motion by Trustee Blakeslee, seconded by Trustee Perry, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve the remaining items on the following Consent Agenda.

ACADEMIC AFFAIRS

1. **MVSU** - Approved the request to rename the Professional Master of Business Administration (PMBA) to the Master of Business Administration (MBA). The name change aligns the program title with national accreditation standards and will allow the university to maintain full accreditation of the program. Renaming will require minimal resources, which will be covered by existing funds.

BUDGET, FINANCE AND AUDIT

2. **MSU** - Permission to extend the closing date of the land sale agreement with Cotton Mill Development Group, LLC (CMDG) for the sale of approximately 8.477 acres of land comprised of two parcels located behind the Cooley Building in Starkville, MS. The closing date deadline is being extended from December 31, 2011 until such time as CMDG secures the financing. There will be no additional cost to grant the extension. The purchase price remains at \$2,880,000. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office. **(THIS ITEM WAS MOVED TO THE REGULAR BUDGET AGENDA.)**
3. **MSU** - Approved the request by the MSU Bulldog Foundation to engage the CPA firm of T.E. Lott & Co., P.A. of Starkville, MS to conduct its annual audit for fiscal/calendar year 2012. Board Policy 301.0806 D.9. requires the Board to approve the CPA firm three months prior to the end of the Entity's fiscal year for which the audit will be conducted.
4. **UMMC** - Approved the request to enter into a lease agreement with Jackson Municipal Airport Authority (JMAA) for the use of 19,285 square feet of space to provide office, storage and training space for the State Medical Assistance Team Storage and Training Center. JMAA will provide insurance protection and routine maintenance of exterior walls, roof, structure and paved areas of the premises. UMMC will provide all other routine maintenance and repairs of the lease premises, water, sewer, electricity, telephone, cable, garbage removal, janitorial services and supplies, internet, and any other required utility service. The initial term of the contract is for five-months; however, the agreement provides for automatic extensions for an additional three one-year periods bringing the total contract term to three-years and five months - February 1, 2012 through June 30, 2015. The cost per square foot is \$7 or \$11,250 per month. In addition, UMMC agrees to pay \$10 per required identification badge and budgeted \$100 to cover the cost of the badges during the contract period. The total cost for the entire lease period is \$461,350. This amount reflects a \$10,000 credit to be used for improvements to the facilities. In order to claim this credit, UMMC must provide a copy of the paid invoices for the improvements. The contract will be funded by a U.S. Department of Health and Human Services grant (Assistant Secretary for Preparedness and Response - Hospital Preparedness Program) which has been awarded to UMMC through the Mississippi Department of Health and Human Services. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office.

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5. **UMMC** - Approved the request to enter into a sublease agreement with University Physicians, PLLC (UP) to lease 12,007 square feet of space in the Jackson Medical Mall. This is a sublease under the university's Master Lease with the Jackson Medical Mall Foundation. Specifically, 4,002 square feet on the second floor of the Jackson Medical Mall will be used for Hospital and Emergency Department Charge Capture and 8,005 square feet on the third floor will be used for University Physicians Patient Services Charge Entry. UP will receive those services that are provided to the university under the Master Lease such as maintenance, utilities, custodial services, and construction improvements. UP agrees to provide pest control and general maintenance and repairs. The contract length is three years - February 1, 2012 through January 31, 2015. The sublease may then be extended upon mutual agreement of the parties, subject to the Jackson Medical Mall Foundation's consent. UP will pay base rent at a rate of \$15.48 per square foot for 12,007 feet. The fee per square foot consists of the following components: \$7.83 base rent; \$3.30 common area maintenance; \$1.90 housekeeping; \$1.70 utilities; \$.25 maintenance; and \$.50 capital improvements for a total of \$15.48. This will result in an annual payments of \$185,868.36. The total revenue generated during the three-year term is \$557,605.08. In addition, UP will be responsible for its pro rata share of any additional expenses that may be assessed as a result of improvements or increases attached to the master lease agreement. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office.
6. **System** - Request to amend Board Policy 906 Educational Building Corporations to include other forms of debt obligations. **(THIS ITEM WAS MOVED TO THE REGULAR BUDGET AGENDA.)**

REAL ESTATE

7. **UM** - Approved the appointment of Pryor & Morrow Architects & Engineers as design professionals for **IHL 207-346, Stockard Hall and Martin Hall Brick Veneer Replacement**. The two buildings share a lobby and, over time, water penetrated the brickwork causing the shelf angles to oxidize which in turn caused the mortar to crack and loosen. The project involves removing the masonry skin in its entirety from the seventh floor to the eleventh floor and replacing the brick and re-installing windows on floors seven through eleven. The estimated project budget is \$4 million. Funds are available from auxiliary R&R funds (\$4 million).
8. **ERC** - Approved the request to increase the scope and the budget for **GS 111-049, Road Improvements**. The budget will increase from \$2,250,000 to \$2,400,000 for an increase of \$150,000. The project is currently in the design phase. This is the first budget escalation/change or scope request made for this project by the Education and Research Center. The change in scope and budget escalation is needed in order to include additional Bureau of Building Energy funds to be used for replacing the current streetlights with energy efficient lights. Funds are available from HB 1701, Laws of 2010 - BOB discretionary funds (\$1 million); SB 3100, Laws of 2011-IHL/BOB discretionary funds (\$750,000); HB 1701, Laws of 2010 (\$250,000); SB 3100, Laws of 2011 (\$250,000) - from JSU; and HB 1701, Laws of 2010 BOB Energy Funds (\$150,000).
9. **USM** - Approved the request to grant a right-of-way/utility easement to Southern Pine Electric Power Association for the installation of an aerial power line across a small section of Lake Thoreau Property located approximately 6 miles west of the main campus. The easement will be 30 feet in width with 15 feet of width on each side of the center line of the first electric distribution or transmission line located and constructed over, through and across the lands listed. All pertinent

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documents have been reviewed and approved by the Attorney General's Office. A copy of the legal description of the easement is on file in the Office of Real Estate and Facilities.

10. **USM** - Approved the request to delete the Kappa Alpha house from inventory and demolish it. The current Kappa Alpha house is located at 217 N. 34th St., building number 851 and has been unoccupied for the past five months. The house is currently in very poor condition and in need of demolition in order to free up additional space that is needed for parking. The projected cost for the demolition is minimal due to the university's intent to request the City of Hattiesburg Fire Department use the structure for a training burn. Once removed, the site will become gravel parking for approximately 70 vehicles. The additional space for vehicles will help mitigate the loss of approximately 195 parking spaces due to the construction of the new College of Business Building. The approval letter has been received from the Mississippi Department of Archives and History and from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

LEGAL

11. **UM** - Pending approval by the Attorney General's Office, the Board approved the request to hire Lawrence Bernstein as outside counsel to assist with the FCC license renewals for the university radio station. Mr. Bernstein practices in Washington DC and specializes in FCC representation. He has represented the university with respect to the radio station for decades. The hourly rate to be charged will be \$325, which is \$50 per hour below Mr. Bernstein's regular rate. The contract would be for one year, and the maximum amount payable under the contract would be \$5000.
12. **UMMC** - Approved the request to hire James Mingee d/b/a The Mark It Place, C. Paige Herring and Austin Bonderer as outside counsel to provide legal services as trademark, copyright and/or intellectual property counsel. The hourly rates to be charged will be \$145 per hour for trademark and copyright services, and \$200 per hour for intellectual property representation. In lieu of the hourly rate, there will be a flat fee of \$1,200 for preparing a trademark application and filing it with the USPTO in routine prosecution related thereto. The term of the contract will be for one year. The maximum amount payable under the contract will be \$30,000. The Attorney General has reviewed and approved this item.

13. **PERSONNEL REPORT**

EMPLOYMENT

University of Southern Mississippi

Rehired retiree making more than \$20,000 who IS on contract during FY2012

Pamela Gatchell, *former position:* Visiting Clinical Instructor, College of Education and Psychology-Gulf Coast; *rehired position:* Visiting Clinical Instructor, College of Education and Psychology-Gulf Coast; *re-employment period:* August 22, 2011 through May 17, 2012; salary of \$30,000

Mississippi State University

Rehired retirees making more than \$20,000 who are NOT on contract during FY2012

- Alice Burt, *former position:* Senior Research Associate; *re-engagement position:* Senior Research Associate; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$27,000

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- Beverly Coleman, *former position:* Administrative Assistant; *re-engagement position:* Administrative Assistant; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$20,500
- Jack D. Elliott, Jr., *former position:* Lecturer; *re-engagement position:* Lecturer; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$28,380
- Albert W. Groce, *former position:* Professor; *re-engagement position:* Professor; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$52,500
- Leslie M. Hammons, *former position:* Contract & Grant Specialist; *re-engagement position:* Grants Contracts Asst.; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$25,480
- John E. Harkness, *former position:* Professor; *re-engagement position:* Special Projects Coordinator; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$75,000
- James V. Hemphill, III, *former position:* MS teacher retired; *rehired position:* Supervisor/Lecturer; *re-employment period:* August 16, 2011 through June 30, 2012; salary of \$30,000
- Ronald Richard Miller, Sr., *former position:* Lecturer; *re-engagement position:* Lecturer; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$28,380
- Eleanor P. Shaw, *former position:* Senior Research Associate; *re-engagement position:* Senior Research Associate; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$27,000
- Mariella H. Simons, *former position:* Director of Instruction Rankin Schools; *rehired position:* Associate Director, MWTL, *re-employment period:* October 31, 2011 through June 30, 2012; salary of \$34,996
- Charles E. Weatherly, *former position:* Sr. Director of Development; *reengagement position:* Sr. Director of Development; *reengagement period:* July 1, 2011 through June 30, 2012; salary of \$25,000
- Linda Allsup, *former position:* Coordinator; *re-engagement position:* Coordinator; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$27,500
- Kathleen Lott, *former position:* Teacher; *rehired position:* Teacher; *re-employment period:* November 1, 2011 to June 30, 2012; salary of \$25,000
- Glenn H. McGee, *former position:* Director; *re-engagement position:* Director; *re-engagement period:* July 1, 2011 through June 30, 2012; salary of \$40,000
- Walter Okhuysen, *former position:* Research Associate; *rehired position:* Research Associate; *re-employment period:* November 11, 2011 to June 30, 2012; salary of \$29,375

University of Southern Mississippi

Rehired retirees making more than \$20,000 who are NOT on contract during FY2012

- William Hawkins, *former position:* Executive Director, Gulf Coast Research Laboratory; *re-employed position:* Professor Emeritus, Gulf Coast Research Laboratory; *r-employment period:* October 1, 2011 through June 30, 2012; salary of \$61,985
- Sara Jackson, *former position:* Coordinator of Assistive Technology; *rehired position:* Coordinator of Assistive Technology; *re-employment period:* October 1, 2011 through June 30, 2012; salary of \$45,729

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CHANGE OF STATUS

Jackson State University

- Bettye Graves, *from* Associate Vice President for Enrollment Management; salary of \$101,500 per annum, pro rata; E&G Funds; *to* Associate Vice President for Process Management; no change in salary; effective November 1, 2011
- Mark Hardy, *from* Provost, Office of Academic Affairs; salary of \$160,000 per annum pro rata; E&G Funds; *to* salary of \$185,000 per annum, pro rata; E&G Funds; no change in title – additional responsibilities; effective December 1, 2011
- Michael Thomas, *from* Vice President, Business & Finance, Office of Business and Finance; *to* salary of \$140,000 per annum, pro rata; E&G Funds; *to* salary of \$165,000 per annum, pro rata; E&G Funds; no change in title - additional responsibilities; effective December 1, 2011

University of Southern Mississippi

Denis Wiesenburg; *from* Vice President for Research; salary of \$215,000 per annum, pro rata; E&G Funds; *to* Vice President for Research and Interim Provost; salary of \$250,000 per annum, pro rata; E&G Funds; title change effective November 18, 2011; salary change effective January 1, 2012

SABBATICAL

Jackson State University

Zhenbu Zhang, Associate Professor of Mathematics, College of Science, Engineering & Technology; *from* salary of \$57,906 per annum, pro rata (nine-month contract), E&G Funds; *to* sabbatical leave with pay; effective January 1, 2012 through May 15, 2012

ACADEMIC AFFAIRS AGENDA

Presented by Dr. Doug Rouse, Chair

1. **System** - The Board received a presentation on the Institutional Textbook Reports by Dr. Al Rankins, IHL Assistant Commissioner for Academic and Student Affairs.

BUDGET AGENDA

Presented by Mr. Aubrey Patterson, Chair

On motion by Trustee Patterson, seconded by Trustee Rouse, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve item #2 below which was moved from the Consent Budget Agenda. On motion by Trustee Patterson, seconded by Trustee Davidson, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve item #3 below which was moved from the Consent Budget Agenda. On motion by Trustee Patterson, seconded by Trustee Owens, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #4.

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1. **System** - Presentation at the beginning of the meeting regarding the Public Employees' Retirement System on the Optional Retirement Plan Study. **(This item was presented earlier in the meeting.)**
2. **MSU** - Approved the request to extend the closing date of the land sale agreement with Cotton Mill Development Group, LLC (CMDG) for the sale of approximately 8.477 acres of land comprised of two parcels located behind the Cooley Building in Starkville, MS. The closing date deadline is being extended from December 31, 2011 to April 30, 2012 as amended by the Board. There will be no additional cost to grant the extension. The purchase price remains at \$2,880,000. The agreement has been reviewed and approved by the Attorney General's Office. A copy of the agreement is on file at the Board Office.
3. **System** - Approved the request to amend Board Policy 906 Educational Building Corporations to include other forms of debt obligations and waived the requirement that this policy change be approved for first reading, and for final reading at a subsequent meeting of the Board. The changes are shown below:

906 EDUCATIONAL BUILDING CORPORATIONS

Miss. Code Ann., Section 37-101-61, (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring or constructing facilities for use by the institution. These educational building corporations are granted the authority to issue bonds or other forms of debt obligations (if required for the type of debt to be issued) for the construction and renovation of facilities.

Prior to Board consideration of an institution's request to issue debt by the educational building corporation, Board staff, in conjunction with institutional staff, must select a financial advisor(s) to represent the interests of the Board, the educational building corporation and the institution to provide the Board with an independent analysis of the institution's financial condition, to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the project's viability. If the educational building corporation will issue commercial paper, the financial advisor shall also calculate an opinion of the breakeven interest rate to long term bonds to justify the use of commercial paper. The financial advisor(s) shall meet such qualifications and perform such services as may be prescribed by the institution, the Board or its staff.

Payment to the financial advisor(s) shall be made by the institution, or the institution's educational building corporation, without regard for whether the Board approves the construction or renovation or whether the institution or educational building corporation constructs the project.

The institution shall submit the report of the financial advisor(s) and the request for a project initiation to the Board for approval. The request must state the institution's intent, justify the need for the project and give an estimate of the total construction budget. The request must also include naming the design professionals, bond counsel and underwriter.

Following the Board's approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations for the specific project and for approval of the following documents: the lease, the ground lease, the preliminary official statement (if required for the type of debt to be issued), the trust indenture, the continuing disclosure agreement (if required for the type of debt to be issued) and the bond purchase agreement or dealer agreement, as applicable. The resolution also grants permission for the documents to be executed. In no case shall the educational building corporation issue bonds or other forms of debt obligations without specific approval of the debt obligations from the Board for specific projects.

4. **UMMC** - Approved a resolution authorizing the UMMC Educational Building Corporation to issue 30-year fixed rate bonds up to a maximum aggregate principal amount of \$112 million to be used for financing capital expenditures. The Board also approved the Lease, Ground Lease, Preliminary Offering Statement, Trust Indenture, Continuing Disclosure Agreement, the Bond Purchase Agreement in substantially final form, and the permission to execute these documents. The bonds

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will be issued for the purpose of financing and reimbursing capital expenditures related to the expansion, renovation, furnishing and equipping of existing and new healthcare, education, and research facilities for the Medical Center at the location described in Exhibit A to the Lease. Expenditures may include the purchase of land and related costs, a new Cancer and Biomedical Research Center, equipment, and payment of the related costs of issuance, sale and delivery of the bonds. Morgan Stanley & Co., Inc. will serve as the lead underwriter and Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. (successor to Watkins, Ludlum, Winter and Stennis) will serve as bond counsel. First Southwest is the financial advisor. Due to the types of funded projects, the Board waived the provision in Board Policy 906 Educational Building Corporations which requires the financial advisor “to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the projects viability.” The proposed bond issues are not accompanied by additional marginal revenues to UMMC but rather will be funded through operational revenues. In addition to waiving the policy the approval is contingent upon the Board also approving initiation of facilities projects that are on the facilities and real estate agenda today which are part of the bond issue. UMMC will prepare a detailed financial plan within the next month to show how expenses will be reduced and/or revenue enhanced to improve financial performance, increase general unrestricted reserves by \$3 million annually, and shall include a monthly reporting of financial status including available reserves to the system office.

REAL ESTATE AGENDA

Presented by Mr. Scott Ross, Chair

On motion by Trustee Ross, seconded by Trustee Smith, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #1 - #4 as submitted on the following Real Estate Agenda.

1. **UM** - Approved the request to initiate **IHL207-355, Garland, Hedleston, and Mayes Renovations**, and the appointment of a design professional through the “Request for Qualification” method. The renovation will include new mechanical and electrical systems, provide barrier-free accessibility, weather proof the building’s exterior, and complete the interiors upgrade. Garland, Hedleston, and Mayes were built in 1938 as men’s dormitories. The buildings are not viable for housing but are still appropriate for academic or administrative use. While the interiors have deteriorated, they are structurally sound. It is necessary to completely replace the mechanical, electrical, fire protection, and plumbing systems. The estimated project budget is \$14 million. Funds are available from internal R & R (\$14 million).
2. **UMMC** - Approved the initiation of **IHL 209-546, Various Educational Building Corporation Projects**, to include and consolidate miscellaneous internally funded projects as shown in the bound *January 19, 2012 Board Working File*. The total project budget is \$9,033,220. Funds are available from the Educational Building Corporation.
3. **MSU** - Approved the exterior design of the Pi Kappa Phi Fraternity house. The existing house owned by Alpha Gamma Rho is being sold to PiKappa Phi, which plans to renovate the house with significant exterior and interior improvements. A rendering of the design is included in the bound *January 19, 2012 Board Working File*.

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4. **UMMC** - Approved the exterior design of the Cardiovascular Center. The project will include the renovation of existing space and new building expansion (three floors) to provide a new 69,361 square foot modern Cardiovascular Clinic Service/Area. An additional 16,000 square feet will be added as a basement floor level shell to be used for future Radiological services and will increase the total square footage to 85,361 square feet. The building's exterior will be compatible with the existing fabric of UMMC. A rendering of the design is included the bound *January 19, 2012 Board Working File*.

LEGAL AGENDA

Presented by Mr. Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Rouse, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to move item #2 to the Executive Session agenda. On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Legal Agenda.

1. **System** - Approved the request to amend the total dollar amount of the contract for legal services between IHL and the Office of the Attorney General due to personnel changes in the staff. The new contract amount will increase by \$55.63. The new total contract amount will be \$359,670.29. No other changes will be made to the current contract. A copy of the contract is on file in the Board Office.
2. **UMMC** - Settlement of Tort Claim No. 1762. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

1. Election of Vice President of the Board of Trustees for the term beginning April 1, 2012 and ending February 28, 2013.

Trustee Robinson opened the floor for nominations for the office of Vice President of the Board. Trustee Patterson nominated Trustee Bob Owens, the motion was seconded by Trustee Pickering, with Trustee Whitten absent and not voting and Trustee Neely participating by telephone. There being no further nominations, the nominations were closed. All Trustees legally present and participating voted in the affirmative, therefore, it was

RESOLVED, that Trustee Bob Owens was elected as Vice President of the Board for a one year term, beginning April 1, 2012.

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INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

REAL ESTATE

1. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the October 20, 2011 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 1.)

LEGAL

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

Administration/Policy

3. **System** - The Board received the notification of approval by Commissioner Hank Bounds as follows:
 - a. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On December 8, 2011, the Commissioner approved the request by MSU on behalf of the Coastal Research and Extension Center to enter into a revenue producing lease agreement between USDA's Animal and Plant Health Inspection Service/Plant Protection and Quarantine Center for Plant Health Science and Technology. This agreement is for the lease of space in the coastal Research and Extension Center consisting of four single offices and four cubicles or the equivalent thereof; available meeting and/or laboratory space as needed; and, outdoor storage space. The lease will run for a twelve month period beginning January 1, 2012 and ending December 31, 2012. The lease term may be extended for an additional twelve month period(s) upon notice by the Lessee prior to the end of the then current lease year. In return for the lease of the designated space, MSU will receive an annual rent payment of \$25,000; salary for the employment of a maintenance worker; and, on-site entomological support as requested. The Executive Office staff have reviewed and approved the contract documents.
 - b. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On November 8, 2011, the Commissioner approved the request to enter into a one-year lease with Coblenz Properties, LLC. This agreement is for the lease of approximately 2,500 square feet of office space in Starkville, MS to be used by the Mississippi Migrant Education Center, a service institute affiliated with MSU. Comparable office space located on-campus at MSU could not be secured; therefore, an off-campus site was secured. The current term for the lease ended September 30, 2011. The new lease term will run for a twelve month period and may be extended for an additional twelve month period upon written agreement of the parties (and approval by the Commissioner). MSU will pay \$3,700 per month for the lease of the space. The total cost for the twelve month lease term is \$44,400. This agreement is also funded externally by the Mississippi Department of Education. The Executive Office staff have reviewed and approved the contract documents.

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- c. MSU – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On December 19, 2011, the Commissioner approved the request to enter into a lease agreement with MSU Research & Technology Corporation. This agreement is for the lease of approximately 13,201 square feet to be used as office, meeting and storage space at the Stennis Space Center. The lease will run for a twelve month period beginning January 1, 2012 and ending December 31, 2012. The lease term may be extended for additional twelve month period(s) upon written agreement of the parties and approval of the Commissioner for up to five years. MSU will pay \$8,307.70 monthly for the lease of the space. The total cost of the lease is \$99,692.40. The Executive Office staff have reviewed and approved the contract documents.
- d. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On December 19, 2011, the Commissioner approved the request to enter into a lease agreement with Biloxi Housing Authority. This agreement is for the lease of approximately 2,600 square feet to be used as office space in downtown Biloxi. The lease term will run for a three year period beginning January 1, 2012 and ending December 31, 2014. MSU’s total consideration will equal \$2,500 per month and will be remitted as follows: MSU will pay \$1,000 monthly beginning April 1, 2012 as the first three months of the term are free; the remaining \$1,500 will be provided in the form of in-kind educational research services. The total cost of the three year lease term is \$87,000 (\$33,000 cash and \$54,000 equivalent value of in-kind services). In addition to rent costs, MSU will be responsible for all utilities, including telephone and internet services. The Executive Office staff have reviewed and approved the contract documents.

EXECUTIVE SESSION

On motion by Trustee Perry, seconded by Trustee Davidson, with Trustee Whitten absent and not voting and Trustee Neely participating by phone, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of a litigation matter at one of the state universities and the settlement thereof and
Discussion of a personnel matter at one of the state universities.

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

On motion by Trustee Smith, seconded by Trustee Davidson, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 1762 styled as *Joel Converse vs. UMMC, et al.*, as recommended by counsel.

**MINUTES OF THE BOARD OF TRUSTEES OF
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The Board discussed a personnel matter at one of the state universities.

On motion by Trustee Pickering, seconded by Trustee Rouse, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.

**BUDGET COMMITTEE
MEETING REPORT**

January 12, 2012

The Budget Committee teleconference meeting was called to order by Chairm an Aubrey Patterson at approximately 3 p.m. **In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss a UMMC bond issue.**

On a motion by Trustee Whitten, seconded by Trustee Owens with Trustees Pickering and Perry absent and not voting, all Com mittee members legally present and participating voted unanimously to waive the provision in Board Policy 906 Educational Building Corporations which requires the financial advisor “to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the projects viability.” The proposed bond issues are not accompanied by additional marginal revenues to UMMC but rather will be funded through operational revenues. To compensate for the waived policy, the Board also approved the following:

1. that UMMC will formally request the Board to initiate all projects being considered for funding in compliance with Board Policy,
2. that any reimbursements from the Epic installation be put in reserve to service the debt,
3. that any reduction in current debt service be used to service the new debt,
4. that UMMC will report month on the financial status to the System Office, and
5. that a detail financial plan will be completed within the next month to show how expenses will be reduced to prevent any future deficits.

On a motion by Trustee Whitten, seconded by Trustee Davidson, with Trustees Pickering and Perry absent and not voting, all Committee members legally present and participating voted unanimously to adjourn the meeting.

Committee members attending the meeting were: Mr. Aubrey Patterson (Chair), Dr. Stacy Davidson, Mr. Bob Owens, and Ms. Amy Whitten. Trustees Alan Perry and Christy Pickering were absent. Other Board members attending the meeting were: Mr. Ed Blakeslee, Ms. Robin Robinson, Mr. Scott Ross, Dr. Doug Rouse, and Mr. C. D. Smith.

**MINUTES OF THE BOARD OF TRUSTEES OF
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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Pickering, seconded by Trustee Owens, with Trustees Neely and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 19, 2012**

EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | Real Estate items that were approved by the IHL Board staff subsequent to the October 20, 2011 Board meeting. |
| Exhibit 2 | Report of the payment of legal fees to outside counsel. |

EXHIBIT 1

January 19, 2012

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE OCTOBER 20, 2011 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.

1. DSU – GS 102-237 – Caylor/ White-Walters Renovations Phase III Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Architecture South, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 28, 2011

Project Initiation Date: August 19, 2010

Design Professional: Architecture South

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$11,700,000.00

Funding Source(s): HB 1701, L'10 (\$6,000,000); SB 3100, L'11 (\$5,700,000)

2. JSU – GS 103-234 – ADA Compliance Phase II-B (BP1)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$136,623.48 and fifty-two (52) additional days to the contract of FP Contracting, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 30, 2011

Change Order Justification: **Change Order #2** is necessary to provide additional site work north of J. L. Reddix Hall due to hidden conditions discovered during demolition and excavation and backfill in preparation for additional site work north of J. L. Reddix Hall to remove the expansive clay soil beneath the Reddix Hall parking lots and replace it with good soil to provide a stable base for the site work.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$152,975.88.

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: FP Contracting, LLC

Contract Award Date: June 22, 2010

Project Budget: \$5,032,985.50

Funding Source(s): HB 246, L'07 (\$4,032,985.50); HB 1701, L'10 (\$500,000.00); SB 3197, L'02 (\$500,000.00)

EXHIBIT 1

January 19, 2012

3. JSU – GS 103-234 – ADA Compliance Phase II-B (BP2)

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by WFT Architects, P.A., design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 26, 2011

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$5,032,985.50

Funding Source(s): HB 246, L'07 (\$4,032,985.50); HB 1701, L'10 (\$500,000.00); SB 3197, L'02 (\$500,000.00)

4. MSU –Land Lease with Pi Kappa Phi Properties

Commissioner Approval: In accordance with Board Policy §707.01, Land, Property, and Service Contracts, the Commissioner **approved the land lease between MSU and Pi Kappa Phi Properties** on behalf of the Board of Trustees.

Approval Date: December 16, 2011

Terms of Lease: 50 year land lease on Lot #12. MSU currently has an agreement with Alpha Gamma Rho (AGR) Fraternity for the lease of the property. However, AGR is selling the property to Pi Kappa Phi Properties. Therefore, MSU must now establish a new land lease with Pi Kappa Phi for the property in which the fraternity is going to acquire from AGR for \$50 cash in hand which is the entire cash payment due under the land lease agreement. Pi Kappa Phi will close on the property January 6, 2012.

5. MSU – GS 105-310 – Harned Hall Renovation Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$7,260.00 and zero (0) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 10, 2011

Change Order Justification: **Change Order #8** is necessary for sealing all holes above the ceilings in existing plaster walls adjacent to laboratories and PD/GS offices to allow a negative pressure to be maintained.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$1,187,985.95.

Project Initiation Date: May 1, 2010

Design Professional: Eley Associates/Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: April 7, 2009

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Project Budget: \$17,000,000.00

Funding Source(s): SB 2010, L'04 (\$5,000,000.00); HB 246, L'07 (\$12,000,000.00)

6. MSU – GS 113-117, Wise Center Storm Repairs

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$497,197.94 and seven (7) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 24, 2011

Change Order Justification: **Change Order #10** is necessary for reconstruction of brick veneer and canopy, repair of damaged walls in dean's suite, provide and install window blinds, relocation of roof drain on "0" roof, furnish and deliver long lead-time electrical items, deduct insulation of roof drains and deduct installation of masonry sealer on new brick.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$1,228,332.94

Staff Approval Date: October 24, 2011

Project Initiation Date: October 20, 2006

Design Professional: Pryor & Morrow Architects & Engineers, P.A.

General Contractor: Thrash Commercial Contractors

Contract Award Date: January 25, 2010

Project Budget: \$7,092,208.78

Funding Source(s): HB 1634, L'06 (\$1,726,000.00); HB 1641, L'08 (\$3,000,000.00); HB 1722, L'09 (\$2,000,000.00); MSU CVM (\$64,000.00); HB 1701, L'10 Transferred from GS #113-130 (\$302,208.78)

7. MSU – IHL 205-260– Expansion and Renovation to Davis Wade Stadium

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by LPK Architects, design professional.

Staff Approval Date: November 15, 2011

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$80,000,000.00

Funding Source(s): EBC Bonds (\$80,000,000.00)

8. MSU – IHL 205-261– Humphrey Coliseum Reroof

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Michael T. Muzzi, AIA, AUA, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board

EXHIBIT 1

January 19, 2012

staff approved **Contract Documents** as submitted by Michael T. Muzzi, AIA, AUA, design professional.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: October 17, 2011

Project Initiation Date: June 16, 2011

Design Professional: Michael T. Muzzi, AIA, AUA

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,295,750.00

Funding Source(s): Bulldog Club and University Operation funds (\$1,295,750.00)

9. **MSU – IHL 205-262 – New International, Graduate, Family and Upper Class Student Housing**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Pryor & Morrow Architects and Engineers, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: November 28, 2011

Project Initiation Date: October 20, 2011

Design Professional: Pryor & Morrow Architects and Engineers

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$14,000,000.00

Funding Source(s): EBC Bonds (\$14,000,000.00)

10. **MUW – GS 104-173 – HVAC Upgrade Program**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Atherton Consultant Engineers, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Atherton Consultant Engineers, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 20, 2011

Project Initiation Date: June 16, 2011

Design Professional: Atherton Consultant Engineers

General Contractor: TBA

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Contract Award Date: TBA

Project Budget: \$1,600,000.00

Funding Source(s): HB 1701, L'10 (\$1,500,000.00); BOB Energy Discretionary Fund (\$100,000.00)

11. MVSU – GS 106-214 – PH II Land Drain Infrastructure

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$15,460.15 and two hundred ten (210) additional days to the contract of Malouf Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2011

Change Order Justification: **Change Order #3** is necessary to remove and lower two (2) 20' sections of 4" water line in the quad area due to the existing water line location interferes with the installation of required gravity storm sewer piping between required inlets RI-6/R-7 and RI-8/RI-9.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$82,532.74.

Project Initiation Date: March 19, 2009

Design Professional: W. L. Burle Engineers

General Contractor: Malouf Construction, LLC

Contract Award Date: October 21, 2010

Project Budget: \$1,400,000.00

Funding Source(s): AYERS Landscapint (\$1,400,000.00)

12. UM– GS 107-297 – Waste Water Treatment Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$39,577.90 and ninety (90) additional days to the contract of Prairie Construction, L.L.C. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 27, 2011

Change Order Justification: **Change Order #3** is necessary to provide and install monitoring equipment at the CLR basin and the chlorine contact chamber, including electrical service to same to allow operators to have warning of impending solids spills in time to prevent these and also allow for more energy efficient operation of the plant.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$137,729.81.

Project Initiation Date: June 18, 2008

Design Professional: Engineering Solutions, Inc.

General Contractor: Prairie Construction, L.L.C.

Contract Award Date: April 30, 2010

Project Budget: \$2,200,000.00

Funding Source(s): HB 1641, L'08 (\$1,500,000.00); HB 246, L'07 (\$100,000.00); Internal R&R (\$600,000.00)

EXHIBIT 1

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13. UM– GS 107-302 – Lamar Hall Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Barlow Eddy Jenkins Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Evan Johnson & Sons Construction, Inc., the lower of five (5) bidders, for a total contract amount of \$6,194,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff approval Date: (#1-2) October 31, 2011, (#3) December 16, 2011

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$7,300,000.00

Funding Source(s): HB 1722, L'09 (\$3,000,000.00); HB 1701, L'10 (\$2,000,000.00); Internal R&R (\$2,300,000.00)

14. UM – GS 107-305 – Central Mechanical Plant

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Eley Guild Hardy Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Tri-Star Companies, Inc., the lower of six (6) bidders, for a total contract amount of \$11,004,800.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1-#2) October 27, 2011, (#3) December 16, 2011

Project Initiation Date: November 21, 2008

Design Professional: Eley Guild Hardy Architects

General Contractor: Tri-Star Companies, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$13,200,000.00

Funding Source(s): HB 1701, L'10 (\$8,000,000.00); SB 3100, L'11 (\$5,200,000.00)

EXHIBIT 1

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15. UM– GS 207-345 – University Housing – Package A

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$3,335.14 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: December 8, 2011

Change Order Justification: **Change Order #1** is necessary for installation of gates to create separation between the site and students for unloading of materials.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: D. Carroll Construction

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

16. UM– GS 207-345 – University Housing – Package L

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$41,910.00 and zero (0) additional days to the contract of Ivey Mechanical Company, LLC.

Staff Approval Date: December 9, 2011

Change Order Justification: **Change Order #3** is necessary to upgrade the insulation to 2” foam glass for use with chilled water on steel pipe.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$143,267.00.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: D. Carroll Construction

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

17. UMMC – GS 109-210– School of Medicine

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cook Douglass Farr Lemons + Eley & Associates – A Joint Venture. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 8, 2011

Project Initiation Date: June 16, 2011

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: TBA

EXHIBIT 1

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Contract Award Date: TBA

Project Budget: \$4,500,000.00

Funding Source(s): State Bond Funds (\$4,500,000.00)

18. UMMC – IHL 209-515 – Surgical Short Stay Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the **credit amount** of \$91,203.00 and zero (0) additional days to the contract of Evan Johnson and Sons Construction, Inc.

Staff Approval Date: November 17, 2011

Change Order Justification: **Change Order #6** is necessary to reconcile controls allowance, two data outlets and one light fixture added, smoke and fire containment requirements, reconciled signage allowance, corrected roof leak, electrical and plumbing changes.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$438,218.00.

Project Initiation Date: November 21, 2008

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Evan Johnson and Sons Construction, Inc.

Contract Award Date: August 24, 2009

Project Budget: \$7,735,000.00

Funding Source(s): Hospital Patient Revenue (\$7,735,000.00)

19. UMMC– IHL 209-518 – 5 East Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **amount** of \$101,988.11 and one hundred forty-five (145) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: November 10, 2011

Change Order Justification: **Change Order #2** is necessary due to multiple latent conditions revealed with the demolition of existing 1955 vintage walls and ceilings that could not be anticipated and that required correction to mitigate further expense or delays.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$133,867.31.

Project Initiation Date: January 15, 2009

Design Professional: Dale/Morris Architects

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: March 16, 2010

Project Budget: \$3,395,515.00

Funding Source(s): Tuition/Indirect cost recoveries (\$3,395,515.00)

20. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Facilities Planning Department, design professional.

EXHIBIT 1

January 19, 2012

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved request to advertise for receipt of bids.

Staff Approval Date: November 15, 2011

Project Initiation Date: February 18, 2010

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

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$20,182,526.00

Funding Source(s): EBC funds (\$20,182,526.00)

21. USM– GS 108-267 – 2005 Preplanning Business Facility

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Eley Associates/Studio South, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 23, 2011

Project Initiation Date: March 2, 2005

Design Professional: Eley associates/Studio South

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$34,000,000.00

Funding Source(s): SB 3100, L'04 (\$340,247.95); HB 1701, L'10 (\$11,259,752.05); SB 3100, L'11 (\$15,200,000.00); USM Foundation/Donations (\$7,200,000.00).

22. USM – IHL 214-015 – Lloyd Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$223,000.00 and zero (0) additional days to the contract of Starks Contracting Company.

Staff Approval Date: November 10, 2011

Change Order Justification: **Change Order #1** is necessary to allow for the inclusion of the third floor work.

Staff Approval Date: November 10, 2011

Project Initiation Date: August 21, 2008

Design Professional: Allred Architectural Group

General Contractor: Starks Contracting Company

Contract Award Date: September 2, 2011

Project Budget: \$2,465,505.53

Funding Source(s): Insurance & FEMA reimbursements (\$2,465,505.53)

23. USM – IHL 214-016 – Elizabeth Hall Storm Damage Repair

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Klee Odom + Klee, design professional.

EXHIBIT 1

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Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.**

Staff Approval Date: October 13, 2011

Project Initiation Date: August 21, 2008

Design Professional: Klee Odom + Klee

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,000,000.00

Funding Source(s): Insurance & FEMA reimbursables (\$2,000,000.00)

24. USM – IHL 214-016 – Elizabeth Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Starks Contracting Company, the lower of six (6) bidders, for a total contract amount of \$2,000,000.00.

Staff Approval Date: December 7, 2011

Project Initiation Date: August 21, 2008

Design Professional: Klee Odom + Klee

General Contractor: Starks Contracting Company

Contract Award Date: December 7, 2011

Project Budget: \$2,000,000.00

Funding Source(s): Insurance & FEMA reimbursements (\$2,000,000.00)

25. ERC – GS 111-044 – Education and Research Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the credit amount of (\$21,096.00) and zero (0) additional days to the contract of Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 16, 2011

Change Order Justification: **Change Order #4** is necessary to furnish & install six 20 amp cords under the floor in the 7th floor computer room furnish & install and program two heat detectors in the mechanical room in the parking garage, install a motion switch in the 6th floor control room, furnish & install and program alarms for one control valve and one water flow in the mechanical room in the parking garage, furnish and install sprinklers in the fire pump room and deduct for the difference in the control allowance amount and control allowance bid.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$40,166.74

Project Initiation Date: N/A

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Upchurch Plumbing, Inc.

Contract Award Date: November 12, 2010

Project Budget: \$3,520,000.00

Funding Source(s): HB 246, L'07 (\$2,500,000.00); HB 1641, L'08 (\$500,000.00); HB 1722, L'09 (\$520,000.00)

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 11/10/11) from the funds of Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$5,096.50, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 5,096.50

Payment of legal fees for professional services rendered by Grunsky, Ebey, Farrar & Howell (statements dated 9/30/11 and 11/2/11) from the funds of Mississippi State University. (These statements, in the amounts of \$2,519.64 and \$2,304.63, respectively, represent services and expenses in connection with Aydelott Trust Litigation.)

TOTAL DUE.....\$ 4,824.27

Payment of legal fees for professional services rendered by David Ware & Associates (statement dated 12/1/11 from the funds of Mississippi State University. (This statement, in the amount of \$2,000.00, represents services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 2,000.00

Payment of legal fees for professional services rendered by Balch & Bingham (statement dated 10/17/11) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with General Advice.)

TOTAL DUE.....\$ 2,910.89

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statements dated 10/12/11, 10/12/11, 10/12/11, 10/14/11, 10/19/11 and 10/20/11) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,879.03, \$784.05, \$4,027.23, \$1,987.40, \$6,942.40 and \$1,393.75, respectively, represent services and expenses in connection with General Advice.)

TOTAL DUE.....\$ 19,923.86

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 9/15/11, 10/14/11 and 11/10/11) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the case styled *The University of Iowa, et al. v. The*

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University of Southern - \$8,520.83; *The University of Iowa, et al. v. The University of Southern* - \$3,768.22 and *The University of Iowa, et al. v. The University of Southern* - \$765.00, respectively.)

TOTAL DUE.....\$ 13,054.05

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/7/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Light Scattering, etc." - \$327.50; "Use of Novel Virulence - Specific Genes" - \$616.00; "Methods of Preparation of Live Attenuated Bacterial Vaccine" - \$1,372.50; "Live Attenuated Catfish Vaccine" - \$487.50; "Nematode - Upregulated Peroxidase Gene Promoter" - \$1,325.00; "Alcohol Esterification (Condensor Train)" - \$25.50; "Esterification and Bio Oil Upgrading" - \$25.50 and "Upgrading of Bio-Oil" - \$1,000.00.)

TOTAL DUE.....\$ 5,179.50

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/17/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Renewal of Registration and Declaration of Use for MSU Seal" - \$488.75; "Horse Park and AgriCenter and Fairgrounds Trademark" - \$425.00; "Plant Patent - St. Augustine Grass Cultivars" - \$1,530.00; "An Engine Speed Controller with Total System Integration" - \$4,512.25; "MSU Change Analyst" - \$42.50; "MSU Trademark (JUVA)" - \$148.75; "MS St. Augustine Grass Plant Named 'Eclipse'" - \$1,317.50; "(JUVA) Trademark Application" - \$212.50; "Utility Application - System for Stabilizing Gas Hydrates for Low Pressure" - \$2,702.50; "Delta Jazz Trademark" - \$482.50; "Diethylene Tricarbimide and Diethylene Tricarbimide - Formaldehyde Condensation Resins" - \$743.75; "Oral Catfish Vaccine Method of Delivery" - \$191.25; "Buckscore Logo" - \$1,105.00; "Phenoxyalkyl Pyridinium Oxime Therapeutics" - \$722.50; "Method for Realizing High Efficiency Clean Combustion" - \$811.25; "Crape Myrtle Plant Named (Neshoba)" - \$401.25; "Crape Myrtle Plant Named (Pascagoula)" - \$401.25; "Crape Myrtle Plant Named (Sequoyah)" - \$401.25; "Crape Myrtle Plant Named (Shumaka)" - \$401.25 and "Crape Myrtle Plant Named (Tishomingo)" - \$401.25.)

TOTAL DUE.....\$ 16,528.50

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/19/11, 4/19/11, 6/16/11, 6/21/11, 6/21/11, 6/21/11, 6/28/11, 7/19/11, 7/19/11, 7/19/11 and 7/19/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the

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following patents: “Complexes and Compounds for Light Emitting Applications” - \$246.50; “Device for Demonstrating Components of a Vector” - \$492.50; “Emerging Models for Wireless Communication Systems” - \$1,152.50; “Misc. Licenses Expenses - Centri” - \$215.00; “Complexes and Compounds for Light Emitting Applications” - \$68.00; “A Device for Demonstrating and Measuring the Components of a Vector in 3D Space” - \$907.94; “Chick Separation-Anxiety-Depression (SAD) Model” - \$490.00; “Emerging Models for Wireless Communication Systems” - \$85.00; “A Device for Demonstrating and Measuring the Components of a Vector in 3D Space” - \$970.00; “Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders” - \$42.50 and “Chick Separation-Anxiety-Depression (SAD) Model” - \$90.00, respectively.)

TOTAL DUE.....\$ 4,759.94

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 5/31/11, 5/31/11, 5/31/11, 6/3/11, 6/29/11, 7/20/11, 7/31/11 and 8/9/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Method of Preparing Delta-9-Tetrahydrocannabinol” - \$1,494.50; “Prolylcarboxypeptidase (PRCP) Inhibitor as an Obesity and Inflammation Lowering Drug” - \$169.25; “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$2,408.25; “Europe: Method of Preparing Delta-9-Tetrahydrocannabinol” - \$1,663.45; “Novel Sigma Receptor Antagonists” - \$6,810.50; “Potent Immunostimulatory Component in Microalgae Extract” - \$2,662.75; “Canada: Method of Preparing Delta-9-Tetrahydrocannabinol” - \$875.00 and “Novel Sigma Receptor Antagonists” - \$1,997.00, respectively.)

TOTAL DUE.....\$ 18,080.70

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 6/28/11, 7/22/11, 7/22/11, 7/22/11, 7/22/11 and 7/22/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Gas Separation Membranes” - \$7,420.50; “US: Stabilized Formulation of Triamcinolone Acetonide” - \$341.00; “Canada: Stabilized Formulation of Triamcinolone Acetonide” - \$441.06; “Europe: Stabilized Formulation of Triamcinolone Acetonide” - \$1,360.27; “Europe: Method of Detecting Vibration and Sound Signatures of Human Footsteps” - \$348.06; “Thermoacoustic Refrigeration Device and Method” - \$1,590.00; “Highly Purified Amphotericin-B” - \$178.37; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$1,624.00; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$279.52; “Highly Purified Amphotericin-B” - \$191.50; “High Speed Data Compression” - \$54.00; “Gas Separation Membranes” - \$241.00; “In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative” - \$3,911.00, respectively.)

TOTAL DUE.....\$ 19,340.55

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Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 9/15/11, 10/14/11, 11/7/11 and 11/30/11) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: "Trademark Application for the Centennial Anniversary" - \$630.00; "Trademark Application for the Centennial Anniversary" - \$3,705.00; "Lockhead - Oil Dispersant Patent" - \$1,765.00" and "Lockhead - Oil Dispersant Patent" - \$1,102.50, respectively.)

TOTAL DUE.....\$ 7,202.50

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1. MVSU – REQUEST FOR APPROVAL OF A RESOLUTION FOR A GRANT APPLICATION

Mississippi Valley State University requests approval of a resolution authorizing the filing of an application to the Mississippi Department of Transportation for a grant to assist in providing transportation services.

Through an agreement with the Mississippi Department of Transportation and the Federal Transit Administration, Mississippi Valley State University provides public transportation services in four Delta counties: Humphreys, Leflore, Sunflower and Washington.

The mass transit system serves as a vital means of transportation for students to attend the university. The resolution is shown below.

AUTHORIZING RESOLUTION

The Board of Trustees of State Institutions of Higher Learning, herein referred to as the BOARD, is aware of the provisions of 49 U.S.C. 5311 of the Federal Transit Act and the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU). The BOARD hereby duly authorizes Dr. Donna Oliver, acting as the President on behalf of the Applicant to file an application with the Mississippi Department of Transportation for a Section 5311 Rural General Public Program grant to assist in providing transportation services. The BOARD also does hereby certify that the Applicant is eligible to apply for this grant and is not aware of any reasons or conditions that prohibit the Applicant organization or any of its staff, officers, or directors from receiving, administering or disbursing federal funds. If this application is approved: (1) the BOARD resolves that the Applicant will provide the required local match; (2) the BOARD agrees to comply with the Federal Transit Administration’s and the Mississippi Department of Transportation’s requirements as contained in the award agreement; and (3) the Applicant will carry out the project as described in the approved application. By this resolution, the BOARD officially authorizes Mississippi Valley State University to execute a contract agreement with the Mississippi Department of Transportation.

Approved and adopted the _____ day of _____, 2012.

(Chair/President)

(Attest)

(Typed Name)

(Typed Name)

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Staff Recommendation: Approval is pending contingent upon the Attorney General's Office and Board staff's receipt, review and approval of a complete copy of the grant application.

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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.

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

IHL PROJECTS

1. UMMC – IHL 209-540 – School of Dentistry Restorative Lab

Project Request: The University of Mississippi Medical Center requests approval to increase the project budget for the School of Dentistry Restorative Lab project. The budget will increase from \$1,400,000.00 to \$1,510,000.00 for an increase in the amount of \$110,000.00.

Project Phase: Construction Phase

Design Professional: Mark Vaughan

General Contractor: Benson Construction Company

Purpose/Justification: The project is currently in the construction phase. This is the second budget escalation request made for this project by the university. The project was initiated with the Board on February 17, 2011 with a budget of \$1,280,000. In June 2011, the first UMMC project budget increase occurred when the Board approved the budget to be increased to \$1,400,000 due to results of bidding and pending award of contract.

Currently, UMMC is requesting approval of escalation of budget in the amount of \$110,000 in order to re-establish a reasonable budget contingency and to provide additional funding for pending change order #2 that will address modifications to an

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existing data closet area. The current contingency total is not adequate to cover the estimated cost of the necessary revisions. The project will renovate approximately 3,750 square feet of existing School of Dentistry Lab space. The existing restorative lab suite will be upgraded to provide modern restorative lab design and includes new laboratory casework, upgraded utilities, additional offices, and support spaces and new digital simulation area and equipment. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all budget increases to the Board for approval.

Project Initiation Date: February 17, 2011

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 1,230,000.00	\$ 1,317,273.62	\$ 87,273.62
Architectural and Engineering Fees	\$ 111,999.00	\$ 119,021.00	\$ 7,022.00
Miscellaneous Project Costs	\$ 11,155.00	\$ 11,155.00	\$ 0.00
Contingency	\$ 46,846.00	\$ 62,550.38	\$ 15,704.38
Total Project Budget	\$ 1,400,000.00	\$ 1,510,000.00	\$ 110,000.00

Funding Source(s): Patient Revenue (\$785,600); Tuition Fees (\$724,400)

Staff Recommendation: Board staff recommends approval of this item.

2. USM – IHL 208-297 – Dorm Replacement Phase II

Project Request: The University of Southern Mississippi requests approval to appoint The McCarty Company as design professional.

Project Phase: Design Phase

Proposed Design Professional: The McCarty Company

General Contractor: N/A

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Purpose/Justification: The project was initiated with the Board on April 15, 2010 with a budget of \$50,000,000. The project includes the projected demolition of Scott Hall, Vann Hall, and the East end of Bond Hall once IHL approval is secured which will be followed by the construction of a proposed \$50 million student residential project which includes 956 beds, a student health center and Lucky Day Scholarship offices. The new project is to be located on the site where the demolition occurs. The majority of the beds will be for freshmen and will mirror the university's most recent residential project, Century Park North. The completion of this project will allow the university to house its freshmen students in new similar style housing. The University of Southern Mississippi is acting 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: April 15, 2010

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$44,000,000.00
Architectural and Engineering Fees:	2,700,000.00
Miscellaneous Project Costs:	1,300,000.00
Contingency:	<u>2,000,000.00</u>
Total Project Budget	\$50,000,000.00

Funding Source(s): EBC Revenue Bonds (\$50,000,000) –Pending Board Approval

Staff Recommendation: Board staff recommends approval of this item.

3. USM – Cedar Point – IHL 210-243 – Marine Education Center

Project Request: The University of Southern Mississippi requests approval to increase budget for the Marine Education Center project. The budget will increase from \$8,000,000.00 to \$13,205,000.00 for an increase in the amount of \$5,205,000.00. The university also requests approval to appoint Lake/Flato Architects as design professional.

Project Phase: Design Phase

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Proposed Design Professional: Lake/Flato Architects

General Contractor: N/A

Purpose/Justification: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project was initiated with the Board on August 21, 2008 with a budget of \$8,000,000. The increase of the project budget is based on the latest FEMA funding amount and insurance proceeds received by the university. The budget amount that was included in the project initiation request was based on FEMA estimates available at that time.

The project seeks to replace the Marine Education Center that was located on Point Cadet in Biloxi prior to Hurricane Katrina. The original facility was completely destroyed by the hurricane. Due to the location of the original site being in a Velocity Zone, the university plans to build a new facility at the Cedar Point site in Ocean Springs. The replacement facility will be approximately 34,000 square feet and will include offices, instructional areas, and exhibit spaces. The University of Southern Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval and 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: August 21, 2008

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 8,000,000.00	\$ 11,800,000.00	\$ 3,800,000.00
Architectural and Engineering Fees	\$ 0.00	\$ 955,000.00	\$ 955,000.00
Miscellaneous Project Costs	\$ 0.00	\$ 100,000.00	\$ 100,000.00
Contingency	\$ 0.00	\$ 350,000.00	\$ 350,000.00
Total Project Budget	\$ 8,000,000.00	\$ 13,205,000.00	\$ 5,205,000.00

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Funding Source(s): Insurance funds and obligated FEMA funds (\$9,840,123); Wind Insurance Proceeds (\$2,164,877); Excess Flood Insurance Proceeds (\$1,000,000); NFIP Proceeds (\$200,000)

Staff Recommendation: Board staff recommends approval of this item.

4. UM – IHL 207-353 – Coulter Hall Expansion

Project Request: The University of Mississippi requests approval to increase the project budget for the Coulter Hall Expansion project. The budget will increase from \$501,784.80 to \$15,000,000.00 for an increase in the amount of \$14,498,215.20. The university also requests to continue with Cooke Douglass Farr Lemons/Barlow Eddy Jenkins – Professional Association as the design professional.

Project Phase: Design Phase

Design Professional: Cooke Douglass Farr Lemons/Barlow Eddy Jenkins – A Professional Association

General Contractor: N/A

Purpose/Justification: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project was initiated with the Board on October 20, 2011 with a pre-planning budget of \$501,784.80. Since the project initiation, additional funding has become available for the project and the university wishes to proceed to the construction phase of the project and seeks to increase the budget accordingly.

The project is comprised of two separate additions to Coulter Hall. The first addition will be to the east of the building and will be four stories with approximately 30,000 square feet of space. It is anticipated that the research scientist currently located in Coulter Hall will move into this new addition. Space vacated by the research scientists will be renovated into undergraduate chemistry labs. The second addition will expand the north front of the building facing The Grove. Part of this addition will include a medium sized auditorium of approximately 200 seats. The remainder of the addition will accommodate a food service component and miscellaneous academic and support spaces. The University of Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all budget increases to the Board for approval.

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Project Initiation Date: October 20, 2011

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 0.00	\$ 9,520,258.00	\$ 9,520,258.00
Architectural and Engineering Fees	\$ 501,784.80	\$ 827,531.00	\$ 325,746.24
Miscellaneous Project Costs	\$ 0.00	\$ 2,968,200.00	\$ 2,968,200.00
Contingency	\$ 0.00	\$ 1,684,010.96	\$ 1,684,010.96
Total Project Budget	\$ 501,784.80	\$15,000,000.00	\$14,498,215.20

Funding Source(s): Internal R&R (\$15,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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1. MSU - APPROVAL TO INCREASE THE EXISTING CONTRACT AMOUNT WITH GRUNSKY, EBEBY, FARRAR & HOWELL LAW FIRM

MSU requests to increase the total amount payable under an existing contract with the firm of Grunsky, Ebey, Farrar & Howell, a professional corporation, located at 240 Westgate Drive, Watsonville, CA, 95076, from \$20,000 to \$35,000 because total litigation expenses are exceeding original estimates. This firm is representing the interests of Mississippi State University in a trust litigation matter filed in the probate court in Monterey County, California. The University of Arkansas, Auburn University, Mississippi State University, and the University of Tennessee are the beneficiaries of the Alfred Aydelott Trust that is currently the subject of litigation in probate court in Monterey County, California. Specifically, a relative of the decedents has filed a petition to invalidate the trust amendment allocating \$2.4 million to establish and administer a travel award for architecture students. All four universities were in agreement to retain the firm of Grunsky, Ebey, Farrar & Howell located in Watsonville, California, and all four universities share in the cost of defense. Rates are \$400 per hour for Shareholder Attorney time; \$300 per hour for Associate Attorneys with 10 years or more experience time; \$250 per hour for Associate Attorneys with less than 10 years experience; and \$175 per hour for paralegal time. Reasonable costs for investigators, consultants and expert witnesses which may be determined by attorney to be reasonably necessary shall be reimbursed by universities.

STAFF RECOMMENDATION: The Attorney General has approved this request. Board staff recommends approval of this item.

2. UM - APPROVAL TO HIRE LESS, GETZ & LIPMAN LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi requests approval to enter a contract for professional services with the law firm of Less, Getz & Lipman, P.L.C. to advise and represent the University regarding potential disputes over campus construction projects.

The firm of Less, Getz & Lipman is based in Memphis, Tennessee and specializes in construction law. Joseph T. Getz will be the primary attorney performing work for the University. Mr. Getz, a partner with the firm, is a graduate of the University of Mississippi and a member of the Mississippi Bar.

Mr. Getz has agreed to provide his services at the hourly rate of \$250. Other principals in the firm would provide services at a rate between \$200-\$225 per hour. Associates would bill at an hourly rate of \$150-\$175. These rates are lower than the firm's standard hourly rates of \$265-\$395 for principals and \$165-\$195 for associates. The term of the proposed contract is from January, 2012 to December, 2013, and total expenditures will not exceed

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\$80,000. The Chancellor recommends that the Board grant approval to the University of Mississippi to execute an annual contract employing Less, Getz & Lipman.

STAFF RECOMMENDATION: Board staff recommends approval pending approval by the Attorney General.

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

MUW

Allegra Brigham, Interim Vice President for University Relations and Advancement; salary of \$50,115.05 prorated through June 30, 2012; E&G Funds; effective February 8, 2012

Rehired retirees making more than \$20,000 who are NOT on contract during FY2012

MSU

Brenda Blaylock, *former position:* Teacher; *re-employment position:* Teacher Intern Supervisor; *re-employment period:* January 1, 2012 to June 30, 2012; salary of \$27,500

Dr. Clyde A. Lindley, *former position:* Mississippi Department of Education; *re-employment position:* Teacher Intern Supervisor; *re-employment period:* January 1, 2012 to June 30, 2012; salary of \$27,500

Dr. Chun Su, *former position:* Professor; *re-employment position:* Research Professor; *re-employment period:* January 3, 2012 to June 30, 2012; salary of \$35,000

UM

Guthrie T. Abbott, *former position:* Professor of Law; *re-employment position:* Professor Emeritus of Law; *re-employment period:* January 23, 2012 through May 12, 2012; salary of \$25,000

Don L. Fruge', *former position:* Vice Chancellor for University Advancement and Professor of Law; *re-employment position:* Professor Emeritus of Law; *re-employment period:* January 23, 2012 through May 12, 2012; salary of \$32,800

2. Change of Status

JSU

Thomas C. Calhoun, *from* Interim Associate Dean of the College of Liberal Arts; salary of \$110,000 per annum, pro rata; E&G Funds; *to* Interim Dean of the College of Liberal Arts, salary of \$115,000 per annum, pro rata; E&G Funds; effective February 1, 2012

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Dollye M.E. Robinson, *from* Dean of the College of Liberal Arts; *to* Dean Emeritus of the College of Liberal Arts and Professor of Music; effective February 1, 2012

3. Sabbaticals (All faculty are on nine-month contracts except where noted as *12-month)

JSU

Doris O. Ginn, Associate Professor of English and Modern Foreign Language, College of Liberal Arts; *from* salary of \$60,562 per annum, pro rata; E&G Funds; *to* salary of \$30,281 for sabbatical period; E&G Funds; effective January 1, 2012 through December 31, 2012; professional development

UM

Jeanni Atkins, Associate Professor of Journalism, *from* salary of \$73,478 per annum, pro rata; E&G Funds; *to* salary of \$36,739 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to May 11, 2013; professional development

Deborah Barker, Associate Professor of English, *from* salary of \$62,681 per annum, pro rata; E&G Funds; *to* salary of \$31,340 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to December 31, 2013; professional development

Mark N. Bing, Associate Professor of Management, *from* salary of \$109,726 per annum, pro rata; E&G Funds; *to* salary of \$54,863 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

Richard Buchholz, Associate Professor of Biology, *from* salary of \$68,983 per annum, pro rata; E&G Funds; *to* salary of \$34,491 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

Xin Dang, Associate Professor of Mathematics, *from* salary of \$68,235 per annum, pro rata; E&G Funds; *to* salary of \$34,117 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

Elaine Baird Day, Assistant Professor of Biology, *from* salary of \$58,918 per annum, pro rata; E&G Funds; *to* salary of \$29,459 per annum, pro rata for sabbatical period; E&G Funds; effective January 22 2013, to May 11, 2013; professional development (contingent upon approval of tenure and promotion)

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Colin R. Jackson, Associate Professor of Biology, *from* salary of \$64,760 per annum, pro rata; E&G Funds, *to* salary of \$32,380 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; professional development

Laura R. Johnson, Associate Professor of Psychology, *from* salary of \$63,000 per annum, pro rata; E&G Funds; *to* salary of \$31,500 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

Willa Elaine Mathis Johnson, Assistant Professor of Sociology and Anthropology, *from* salary of \$54,922 per annum, pro rata; E&G Funds; *to* salary of \$27,461 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to December 31, 2013; professional development (contingent upon approval of tenure and promotion)

Bradley W. Jones, Associate Professor of Biology, *from* salary of \$69,256 per annum, pro rata; E&G Funds; *to* salary of \$34,628 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; professional development

Rhona Justice-Malloy, Professor of Theatre Arts, *from* salary of \$77,207 per annum, pro rata; E&G Funds; *to* salary of \$38,603 per annum, pro rata for sabbatical period; EUG Funds; effective August 16, 2012 to December 31, 2012; professional development

*Dale G. Nagle, Professor of Pharmacognosy and Research Professor in the Research Institute of Pharmaceutical Sciences, *from* salary of \$109,625 per annum, pro rata; E&G Funds; *to* salary of \$41,109 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

John R. Neff, Associate Professor of History, *from* salary of \$65,540 per annum, pro rata; E&G Funds; *to* salary of \$32,770 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; professional development

Molly Pasco-Pranger, Associate Professor of Classics, *from* salary of \$57,497 per annum, pro rata; E&G Funds; *to* salary of \$28,748 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; professional development

Cesar Rego, Professor of Production Operations Management, *from* salary of \$117,447 per annum, pro rata; E&G Funds; *to* salary of \$58,723 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012, to December 31, 2012; professional development

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Jason E. Ritchie, Associate Professor of Chemistry and Biochemistry, *from* salary of \$73,293 per annum, pro rata; E&G Funds; *to* salary of \$36,646 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; professional development

Mohammed Bashir Salau, Assistant Professor of History, *from* salary of \$56,260 per annum, pro rata; E&G Funds; *to* salary of \$28,130 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to May 11, 2013; professional development (contingent upon approval of tenure and promotion)

Christopher D. Sapp, Assistant Professor of Modern Languages, *from* salary of \$53,581 per annum, pro rata; E&G Funds; *to* salary of \$26,790 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development (contingent upon approval of tenure and promotion)

Nancy Maria Balach Schuesselin, Associate Professor of Music, *from* salary of \$59,634 per annum, pro rata; E&G Funds; *to* salary of \$29,817 per annum, pro rata for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

Laura Sheppardson, Associate Professor of Mathematics, *from* salary of \$66,791 per annum, pro rata; E&G Funds; *to* salary of \$33,395 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2013; professional development

Chung R. Song, Associate Professor of Civil Engineering, *from* salary of \$84,146 per annum, pro rata; E&G Funds; *to* salary of \$42,073 for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

John Sonnett, Assistant Professor of Sociology and Anthropology, *from* salary of \$55,021 per annum, pro rata; E&G Funds; *to* salary of \$27,510 for sabbatical period; E&G Funds; effective August 16, 2012 to May 11, 2013; professional development (contingent upon approval of tenure and promotion).

Waheed Uddin, Professor of Civil Engineering, *from* salary of \$100,244 per annum, pro rata; E&G Funds; *to* salary of \$50,122 for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; E&G Funds; professional development

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Randy M. Wadkins, Associate Professor of Chemistry and Biochemistry, *from* salary of \$74,604 per annum, pro rata; E&G Funds; *to* salary of \$37,302 for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

Brooke White, Associate Professor of Art, *from* salary of \$59,419 per annum, pro rata; E&G Funds; *to* salary of \$37,302 for sabbatical period; E&G Funds; effective August 16, 2012 to May 11, 2013; professional development

*Kristine Lee Willett, Associate Professor of Pharmacology and Research Associate Professor in the Research Institute of Pharmaceutical Sciences, *from* salary of \$97,144 per annum, pro rata; E&G Funds; *to* salary of \$36,428 for sabbatical period; E&G Funds; effective August 16, 2012 to December 31, 2012; professional development

*Clint Williford, Chair and Professor of Chemical Engineering, *from* salary of \$122,101 per annum, pro rata; E&G Funds; *to* salary of \$45,787 for sabbatical period; E&G Funds; effective January 22, 2013 to May 11, 2013; professional development

USM

Randolph Arnau, Associate Professor of Psychology; *from* salary of \$65,398 per annum, pro rata; E&G Funds; *to* salary of \$29,066 for sabbatical period; E&G Funds; effective August 20, 2012 to December 31, 2012; professional development

David Beckett, Professor of Biological Sciences; *from* salary of \$65,812 per annum, pro rata; E&G Funds; *to* salary of \$29,250 for sabbatical period; E&G Funds; effective August 20, 2012 to December 31, 2012; professional development

Douglas Bristol, Associate Professor of History; *from* salary of \$53,915 per annum, pro rata; E&G Funds; *to* salary of \$23,962 for sabbatical period; E&G Funds; effective August 20, 2012 to December 31, 2012; professional development

Sam Bruton, Associate Professor of Philosophy and Religion; *from* salary of \$54,815 per annum, pro rata; E&G Funds; *to* salary of \$30,453 for sabbatical period; E&G Funds; effective January 1, 2013 to May 18, 2013; professional development

David Butler, Associate Professor of Political Science, International Development and International Affairs; *from* salary of \$78,446 per annum, pro rata; E&G Funds; *to* salary of \$34,865 for sabbatical period; E&G Funds; effective August 20, 2012 to December 31, 2012; professional development

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Michael DeArmey, Professor of Philosophy and Religion; *from* salary of \$70,908 per annum, pro rata; E&G Funds; *to* salary of \$31,515 for sabbatical period; E&G Funds; effective August 20, 2012 to December 31, 2012; professional development

Jameela Lares, Professor of English; *from* salary of \$63,654 per annum, pro rata; E&G Funds; *to* salary of \$35,363 for sabbatical period; E&G Funds; effective August 20, 2012 to December 31, 2012; professional development

Shadad Naghshpour, Professor of Political Science, International Development and International Affairs; *from* salary of \$100,799 per annum, pro rata; E&G Funds; *to* salary of \$55,999 for sabbatical period; E&G Funds; effective January 1, 2013 to May 18, 2013; professional development

Robert Press, Associate Professor of Political Science, International Development and International Affairs; *from* salary of \$52,000 per annum, pro rata; E&G Funds; *to* salary of \$28,889 for sabbatical period; E&G Funds; effective January 1, 2013 to May 18, 2013; professional development

Michael Salda, Associate Professor of English; *from* salary of \$64,216 per annum, pro rata; E&G Funds; *to* salary of \$35,676 for sabbatical period; E&G Funds; effective January 1, 2013 to May 18, 2013; professional development

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1. SYSTEM – APPROVAL OF NEW ACADEMIC PROGRAMS

In accordance with Board Policy 501: Academic Programs and Units “*All new curricula, departments, programs of study, organized research or services being proposed by any or all of the institutions must be submitted to the Board and must be approved by the Board before being initiated,*” Board approval is requested for establishing three new academic programs.

a. *Alcorn State University* requests permission to offer the *Master of Science in Applied Science & Technology* degree.

- **CIP:** 29.9999
- **Hours to Degree:** 36 credit hours
- **State Need:** This program will meet the need of developing more community college teachers in the Applied Sciences and Technology with masters’ degrees and meet a growing demand at these institutions.
- **Employment:** Projections from the Systems Research Institute based on projects lined up which will benefit from ongoing support of graduate students include 900+ anticipated jobs in the areas of automation of agricultural production, computer aided detection application, automation of defense related application, renewable energy monitoring and production, and remote sensing/GIS and digital government opportunities.
- **Funding:** There is no additional cost for the requested program in Applied Science and Technology. All funds required for the program will be covered through tuition and existing resources.
- **Enrollment:** Anticipated enrollment for the first six years of the program is approximately 78 students and 56 are expected to graduate within the first six years.
- **Duplication:** No other institutions within the state offer similar programs.

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b. *Mississippi University for Women* requests permission to offer the *Bachelor of Arts in Women's Studies* degree.

- **CIP:** 05.0207
- **Hours to Degree:** 124 credit hours (33 in major)
- **State Need:** In a recent report from the Washington-based Institute for Women's Policy Research (IWPR) labeled Mississippi as overall, "the worst state for women". In 2010, the Mississippi Commission on the Status of women reported that 24% of Mississippi women lived in poverty, up from 22% in 2000. An interdisciplinary major in Women's Studies at MUW will provide in-depth knowledge of the gender dynamics, strategies and organizational skills needed to address gender inequalities and will promote skills needed in the human resources field, in political think tanks, in management, and in a variety of professions such as law and medicine.
- **Employment:** According to the 2010-2011 Occupational Outlook Handbook of the Bureau of Labor Statistics, professions typically chosen by graduates with degrees in Women's studies are projected to grow at average or above-average rates nationwide through 2018. These professions include: Administrative Service Managers (12% growth; 32,300 new jobs), Social and Human Service Assistants (23% growth; 79, 400 new jobs), and Lawyer (13% growth; 98,500 new jobs). For Mississippi, the projected growth for Administrative Service Managers is (14.8% growth; 70 new jobs annually), Social and Human Service Assistants (19.3% growth; 75 new jobs annually), and Legal Occupations (15.5% growth; 305 new jobs annually).
- **Funding:** The major will be multidisciplinary and will draw on existing courses and faculty, so there will be no additional cost to the university.
- **Enrollment:** Anticipated enrollment for the first six years of the program is approximately 58 students and 28 are expected to graduate within the first six years.
- **Duplication:** No other IHL institutions within the state offer a major in women's studies.

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c. *The University of Mississippi Medical Center* requests permission to offer the *Doctor of Health Administration* degree.

- **CIP**: 51.0701
- **Hours to Degree**: 60 credit hours
- **State Need**: The online/blended Doctor of Health Administration degree meets the need of the state to produce graduates who will be prepared to assume leadership roles in academe and practice as faculty members in health related education programs, health system leaders facilitating team building and interprofessional collaboration, and as policy advisors and advocates.
- **Employment**: According to the State of Mississippi's Occupational Employment Projections, it is expected that the need for medical and health services managers will grow by 21.4% through 2016. Across the nation employment of medical and health services managers is expected to grow faster than the average for all occupations with 16% growth expected through 2018. (Source: Bureau of Labor Statistics *Occupational Outlook Handbook*).
- **Funding**: This proposed Doctor of Health Administration degree program will be incorporated into the FY2013 School of Health Related Professions budget with tuition revenue providing the primary source of funding.
- **Enrollment**: Anticipated enrollment for the first six years of the program is approximately 150 students and 40 are expected to graduate within the first six years.
- **Duplication**: There are no similar degree programs within the IHL system.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. DSU – REQUEST FOR APPROVAL OF BOOKSTORE OUTSOURCING AGREEMENT

Agenda Item Request: Delta State University (DSU) requests approval of a professional services agreement with **Barnes and Noble College Booksellers, LLC.**

Contractor's Legal Name: Barnes and Noble College Booksellers, LLC. (B&N)

History of Contract: The Board previously approved an agreement with Follett Higher Education Group, Inc. to operate Delta State University's bookstore. Follett has operated the DSU bookstore since 2003. The Follett contract is scheduled to expire on February 29, 2012.

Specific type of contract: Bookstore Management Services Outsourcing Agreement

Purpose: The purpose of this agreement is to operate and provide services for DSU's bookstore. B&N will serve as the institution's exclusive buyer and seller of all required, recommended, or suggested course materials and supplies, including books, course packs, computer software, textbook rentals, and materials published or distributed electronically. This exclusive right includes but is not limited to all educational supplies, notebooks, and stationery, desk and room accessories.

Scope of Work: The agreement requires B&N to:

- Provide a \$115,000 one-time financial investment for renovation, fixtures, and equipment for the DSU bookstore
- Buy back books from students at fifty percent (50%) of the original purchase price for textbooks that have been adopted for an ensuing term until the Bookstore has filled its quota. B&N will also buy back textbooks that have not been adopted for an ensuing term at the current wholesale price.
- Sell new textbooks at no greater than (1) the publisher's list price or (2) a 25% gross margin on net priced books. Used textbooks in good condition will be sold at 25% less than the new selling price. Course packs and textbooks purchased from publishers with restrictive or non-returnable text policies will be priced at up to a 30% gross margin.
- Price rental textbooks competitively with industry standards
- Provide DSU an annual sales commission payment which will be calculated on a Gross Sales basis. The sales commission percentages will vary depending upon the level of gross sales generated each year.

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The commission rates are:

Gross Sales	Commission
\$0 - \$2,000,000	10.5%
Greater than 2,000,000	12.5%

A breakdown of the projected commissions, investment, and financial incentives is as follows:

Contract Year	Projected Commission Amount	One-time Facilities and Equipment Investment	Other Financial Incentives			Total
			Athletic Sponsorships	Scholarships	Contribution for Student Union Renovations ⁽¹⁾	
1	\$ 115,500	\$ 115,000	\$ 7,500	\$ 10,000		\$248,000
2	115,500		7,500	10,000		133,000
3	115,500		7,500	10,000	10,000	143,000
4	115,500		7,500	10,000	10,000	143,000
Total	\$462,000	\$115,000	\$ 30,000	\$40,000	\$ 20,000	\$667,000
¹ Union Renovation Amount will be renegotiated in any year gross sales exceed \$1,400,000.						

This agreement requires DSU to:

- Provide associated utilities and garbage service,
- Office equipment and machinery currently available to the bookstore, and
- Provide repairs and maintenance for the building and the physical structure in which the bookstore is located.

Term of contract: The contract period is four years (4) years – March 1, 2012 through February 29, 2016. There is an option to renew for an additional four (4) years, subject to mutual agreement and Board approval.

Termination Options: Either party may terminate the agreement with or without cause upon 120 days written notice. If the contract is terminated early by DSU, the institution will be responsible for reimbursement to B&N for the unamortized portion of their \$115,000 financial investment. Straight-line amortization will be used for the investment over the remaining years of the contract.

Contract Amount: The total projected revenue over the four (4) year contract is \$667,000.

Funding Source for Contract: The contract is a revenue contract.

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Contractor Selection Process: DSU issued a Request for Proposals (RFP) for bookstore services in the fall of 2011. Three bookstore vendors responded to the RFP.

<u>Vendor</u>	<u>Total Revenue Amount</u>
1. Barnes Books	\$ 586,000
2. Barnes and Noble College Booksellers, LLC.	667,000
3. Follett Higher Education Group, Inc.	588,000

A committee consisting of six DSU faculty and staff was formed to review the proposals and recommend a preferred choice. A total of 22 proposal elements were reviewed and compared by this committee. In addition, committee representatives visited other campus bookstores as part of their due-diligence. After careful consideration, the committee recommended the contract be awarded to B&N.

The rationale for this recommendation was based upon several factors.

- B&N's brand excellence is widely known and respected.
- B&N has more experience operating full service bookstores.
- B&N's total four-year revenue package proposed to DSU was higher than the others.
- B&N's commitment and investment in electronic textbooks and technology devices is better than the others.
- B&N's proposed financial sales commission rate was higher than the others.
- B&N proposed the largest financial investment to DSU for bookstore repairs and renovations (\$115,000).

Staff Recommendation: Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all bookstore contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

2. MSU – REQUEST FOR AUTHORIZATION TO CREATE A COMMERCIAL PAPER PROGRAM UP TO \$50,000,000

Project Professionals:

First Southwest Company - Financial Advisor

Jones, Walker, Waechter, Poitevent, Carrere & Denegre, LLP – Bond Counsel

Morgan Stanley & Co., Inc. – Commercial Paper Dealer

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Agenda Item Request: Mississippi State University (MSU) requests authorization for the **MSU Educational Building Corporation (EBC)** to establish an extendible commercial paper program that allows the institution to issue up to a maximum aggregate principal amount of \$50 million in the form of commercial paper, to appoint the bond counsel and commercial paper dealer, and to approve the standard legal documents to be used for this program.

History: MS CODE ANN. of 1972, Section 37-101-61, as amended, grants the state institutions of higher learning the authority to form non-profit corporations – Education Building Corporations – for the purpose of acquiring or constructing facilities for use by the institution. MS CODE ANN. of 1972, Section 37-101-63, permits these institutions to issue debt for purposes set forth in the section. According to Attorney General Opinion numbered 2003-0656 dated January 5, 2004, the term “bond”, as used in Miss. Code Ann., §37-101-63, may include other instruments of indebtedness, including promissory notes. Currently, Section 906 of Board Policy governs the Board’s authorization of debt for Educational Building Corporations. This section was amended at the January 2012 meeting to provide for the creation of a commercial paper program and requires the financial advisor to provide additional analysis on interest rates when commercial paper is used for an EBC project. Mississippi State University currently has three projects approved by the Board for which they would like to use the Commercial Paper Program. The request for approval to use the Commercial Paper Program is included in the Real Estate and Facilities Committee in February 2012.

Purpose: The purpose is to authorize the Mississippi State University Educational Building Corporation to establish an extendible commercial paper program that allows the institution to issue up to a maximum aggregate principal amount of \$50 million in the form of commercial paper. Commercial paper will be issued when and as necessary for the purpose of providing funds to finance projects approved for the use of commercial paper and only for projects approved by the Board of Trustees of the State Institutions of Higher Learning.

Specific Type of Contract: Commercial Paper Program

Scope of Work: Morgan Stanley and Co., Inc. will serve as the commercial paper dealer, and Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. will serve as bond counsel for the commercial paper program. First Southwest is the financial advisor.

Term of Contract: Short-term financial instruments with maturities from 1 to 270 days

Termination Options: The commercial paper documents contain redemption provisions which can be used in case of market changes.

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Contract Amount: Up to a maximum of \$50 million in an extendible commercial paper program for Board-approved educational building program projects

Funding Source for Contract: Educational Building Corporation revenue, cash on hand, or proceeds from conversion to long-term Educational Building Corporation bonds

STAFF RECOMMENDATION – The attorney general staff has approved the standard legal documents for this program. Staff is recommending approval of the establishment of the \$50 million Extendible Commercial Paper Program for Mississippi State University as approved in Board Policy Section 906. In order to use the commercial paper program, commercial paper must be listed as a source of funding for the facility project at the time of approval of the project subject to further limits which may be applied by the Board.

3. UMMC – REQUEST FOR WAIVER

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests a waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with the **Medical Center Research Development Foundation (MCRDF)** for the fiscal year ending June 30, 2012.

Justification: As per requirements stipulated in Board Policy 301.0806 D.9., copies of the MCRDF's June 30, 2010 audited financial statement from an independent Certified Public Accounting (CPA) firm, as well as an unaudited financial statement as of June 30, 2011 are being submitted to the Board under separate cover.

The assets of the Foundation are less than \$30,000 which is not expected to change by year-end. The request for the waiver is based on lack of activity during the fiscal year which includes only deposits of interest income from the bank. Assets remain unchanged except by this amount. Therefore, it is estimated that the 2012 financial statements will be materially the same as the previous year-end. Based on these facts, UMMC requests that the Board, on behalf of the affiliated entity, waive the requirement of an annual audit by a CPA firm for fiscal year 2012. An audit will be initiated if circumstances change and the MCRDF receives additional funds that materially impact the financial statements.

Staff Recommendation: Based on Board Policy 301.0806 D.9., University Foundation/Affiliated Entity agreements, Board approval is required to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds. The request and required supporting documentation has been reviewed and approved by Board staff. 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 §903(A), Master Plan

A master facilities plan must be developed for each campus and shall be revised periodically. The Board's staff shall review plans annually and mater plans must be approved by the Board every five (5) years. The master plan shall include the proposed location and estimated cost for new facilities to be added to the campus and any plans for major renovations. Prior to the initiation of any project for the construction of a new facility, the Institutional Executive Officer of each institution shall recommend for Board approval, the location for the proposed facility in keeping with the Board approved master plan.

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:

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

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

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

Board Policy §905(A), Real Estate Management

Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price. Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Request for approval of land contracts shall include property descriptions, terms of purchase, lease, or sale and intended use of the property. An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.

Board Policy §905(B), Real Estate Management

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

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. ASU – GS 101-292 – Campus Safety Phase II

Project Request: Alcorn State University requests approval to initiate a project, Campus Safety Phase II, and to appoint a design professional through the “Request for Qualification” method.

Proposed Design Professional: N/A

Purpose: Alcorn State University plans to initiate Phase II of this project in order to help improve the overall safety and security of the Lorman campus. Phase II of the project will include the installation of video surveillance cameras, exterior lighting, emergency blue lights, renovating the campus welcome centers, and improving the public communication systems. Phase I of the project was initiated in March of 2010 and will install a “Big Voice” emergency alert system on the Lorman campus. It is scheduled to begin construction in March of 2012. Alcorn State University is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 16, 2012

Date of Original Construction: N/A

Date of Last Renovation: N/A (Phase I will begin March 2012)

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$1,200,000.00
Architectural and Engineering Fees:	105,000.00
Miscellaneous Project Costs:	45,000.00
Contingency:	<u>150,000.00</u>
Total Project Budget	\$1,500,000.00

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Proposed Funding Source(s): SB 3100, Laws of 2011 (\$1,500,000)

Staff Recommendation: Board staff recommends approval of this item.

2. MVSU – GS 106-224 – Energy Management Upgrades

Project Request: Mississippi Valley State University requests approval to initiate a project, Energy Management Upgrades.

Design Professional: Pryor & Morrow Architects

General Contractor: Terry Trane Services

Purpose: Mississippi Valley State University initiated the project with Board staff on February 15, 2010 with an initial project budget of \$225,000. Due to the project not exceeding the threshold needed for Board approval the project did not come for Board approval at the time. Since that time, it has been determined that the escalation of the budget is needed based on the additional telecommunications infrastructural work needed in all buildings under the project scope. The project will provide for the integration of the university's campus mechanical controls systems at academic and auxiliary buildings. The current budget of \$225,000 was an estimate of the project costs and has since been updated to reflect more accurate market costs of \$1,285,586 which exceeds the \$1 million threshold established by the Board and needs to be approved by the Board. Mississippi Valley State University is seeking to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 16, 2012

Date of Original Construction: N/A

Date of Last Renovation: N/A

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Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$1,089,168.00
Architectural and Engineering Fees:	87,726.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>108,692.00</u>
Total Project Budget	\$1,285,586.00

Proposed Funding Source(s): HB 1641, Laws of 2008 (\$227,860); HB 1701, Laws of 2010 Bureau of Building Energy Discretionary Fund (\$1,057,726)

Staff Recommendation: Board staff recommends approval of this item.

3. UMMC – GS 109-204 – Boiler Room Upgrades

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, Boiler Room Upgrades, and to appoint Eldridge and Associates Consulting Engineers as design professional.

Proposed Design Professional: Eldridge and Associates Consulting Engineers

Purpose: The project was originally initiated with a budget of \$750,000 which is below the threshold required for Board approval. However, during the design phase the budget was determined to be \$1,200,000 and needed to be initiated with the Board.

The project is intended to replace the boiler room deaerator tank and pump system. The existing deaerator tank is currently supplying the steam deaerator boilers without problems, however to ensure the university has reliable redundancies, and additional deaerator tank is needed that will meet the need for several years to come. The project will remove the existing older deaerator tank and replace it with a new, modern generator, new pumps, and necessary equipment to improve the central plant ventilation. The University of Mississippi Medical Center is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 16, 2012

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Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$1,062,000.00
Architectural and Engineering Fees:	75,000.00
Miscellaneous Project Costs:	63,000.00
Contingency:	<u>10,000.00</u>
Total Project Budget	\$1,200,000.00

Proposed Funding Source(s): HB 1701, Laws 2010 (\$1,200,000)

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

4. UM – IHL 207-356 – Johnson Commons East Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Johnson Commons East Renovation, and to appoint Architecture South as design professional.

Proposed Design Professional: Architecture South

Purpose: The University of Mississippi request to initiate the project for Johnson Commons East Renovation. Johnson Commons East was constructed in 1929. Since then, the building has seen significant deterioration from moisture infiltration through the building envelope. The project will correct the moisture issues as follows: new roofs, masonry restoration and repointing, stone restoration, sealant replacement, window restoration, correction of below-grade and below-slab moisture infiltration, removal/replacement of deteriorated and infected materials, new carpet, new ceilings, and new light fixtures as needed. 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.

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Project Initiation Date: February 16, 2012

Date of Original Construction: 1929

Date of Last Renovation: Not available

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,255,601.00
Architectural and Engineering Fees:	99,437.62
Miscellaneous Project Costs:	42,700.00
Contingency:	<u>302,261.38</u>
Total Project Budget	\$ 1,700,000.00

Proposed Funding Source(s): Internal R&R (\$1,700,000)

Staff Recommendation: Board staff recommends approval of this item.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
January 19, 2012 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.

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1. ASU – GS 101-269 – Dumas Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$7,690.88 and sixteen (16) additional days to the contract of Paul Jackson & Son, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 6, 2012

Change Order Justification: **Change Order #3** is necessary to add longer beams at mechanical room 107 and 210 to accommodate the larger opening for new ductwork and fire damper, modifying steel to accommodate variances in the existing structure and for capping the existing water line.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$139, 958.88

Project Initiation Date: January 31, 2008

Design Professional: Duval Decker Architects, P. A.

General Contractor: Paul Jackson & Son, Inc.

Contract Award Date: December 7, 2010

Project Budget: \$7,000,000.00

Funding Source(s): HB 246, L'07 (\$2,057,735.00); HB 1641, L'08 (\$368,847.64); SB 2988, L'03 (\$300,000.00); SB 2010, L'04 (\$4,273,417.36)

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2. ASU – GS 101-278 – Lanier Hall

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Scott Ross, Chair of the Real Estate and Facilities Committee on December 16, 2011 **approving a budget increase** for the Lanier Hall project. The budget increase was increased from \$1,000,000.00 to \$1,550,735.00 for an increase in the amount of \$550,735.00.

Staff Approval Date: December 16, 2011

Project Initiation Date: May 14, 2009

Design Professional: Waycaster and Associates

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,550,735.00

Funding Source(s): HB 1722, L'09 (\$700,000.00); HB 1701, L'10 (\$579,000.00); HUD Grant (\$271,735.00)

3. ASU – GS 101-285 – Building Envelope Repairs

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Scott Ross, Chair of the Real Estate and Facilities Committee on December 16, 2011 **approving initiation of Building Envelope Repairs** project.

Staff Approval Date: December 16, 2011

Project Initiation Date: August 5, 2010

Design Professional: Burriss and Wagnon Architects, P.A.

General Contractor: TBA

Contract Award Date: TBA

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Project Budget: \$1,700,000.00

Funding Source(s): HB 1701, L'10 (\$1,000,000.00); DFA Discretionary Funds (\$700,000.00)

4. ASU – GS 101-285 – Building Envelope Repairs – Phase 1

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Burris and Wagnon Architects, P.A., design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 6, 2012

Project Initiation Date: August 5, 2010

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

General Contractor: Paul Jackson & Son, Inc.

Contract Award Date: January 6, 2012

Project Budget: \$1,700,000.00

Funding Source(s): DFA Discretionary Funds (\$700,000.00); HB 1701, L'10 (\$1,000,000.00)

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5. ASU – GS 101-285 – Building Envelope Repairs – Phase 2 Simmons Roof

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Burris and Wagnon Architects, P.A., design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 6, 2012

Project Initiation Date: December 16, 2011

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

General Contractor: Rowell Roofing

Contract Award Date: January 6, 2012

Project Budget: \$1,700,000.00

Funding Source(s): DFA Discretionary Funds (\$700,000.00); HB 1701, L'10 (\$1,000,000.00)

6. ASU – GS 101-291 – Rowan Hall

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Duval Decker Architects, P.A.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 11, 2012

Project Initiation Date: August 18, 2011

Design Professional: Duval Decker Architects, P.A.

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General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,000,000.00

Funding Source(s): HB 1722, L'09 (\$850,000.00); HB 1701, L'10 (\$1,150,000.00)

7. JSU – GS 103-234 – ADA Compliance Phase II-B (BP1)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$34,705.99 and sixty (60) additional days to the contract of FP Contracting, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 4, 2012

Change Order Justification: **Change Order #3** is necessary to credit back to project to change door hardware manufacturer from Cal Royal to install Yale door hardware and change wood door from factory stain finish to on-site finish, install handicap grab bars, install new p-trap to replace existing rusted & unserviceable p-trap at the 4th level mechanical room Reddix Hall Building, extend length of 17 handrails at the administration tower stair wells as required and at Reddix Hall recessed floor slab needs to be filled to raise floor elevation and repair stair treads due to chunks of concrete removed during asbestos abatement, rerouting of sewer piping to repair sewer lines found to be deteriorated and starting to leak and existing drain lines for electrical drinking fountains will require roding out to maintain acceptable drain flow.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$187,681.87

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: FP Contracting, LLC

Contract Award Date: June 22, 2010

Project Budget: \$5,032,985.50

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Funding Source(s): HB 246, L'07 (\$4,032,985.50); HB 1701, L'10 (\$500,000.00); SB 3197, L'02 (\$500,000.00)

8. MSU – GS 105-314 B – Middleton Hall Renovation – Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$77,092.80 and thirty (30) additional days to the contract of Weathers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 4, 2012

Change Order Justification: **Change Order #6** is necessary to abate the asbestos in the steam tunnel and direct bury the steam lines.

Total Project Change Orders and Amount: Eight (6) change orders for a total amount of \$379,780.81.

Project Initiation Date: November 18, 2005

Design Professional: Shafer & Associates, PLLC

General Contractor: Weathers Construction, Inc.

Contract Award Date: April 23, 2010

Project Budget: \$3,750,000.00

Funding Source(s): HB 246, L'07 (\$3,000,000.00); SB 2010, L'04 (\$750,000.00)

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9. MSU – IHL 213-139 - Stoneville Office Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$14,708.19 and twenty-one (21) additional days to the contract of McMillan-Pitts Construction Company, LLC.

Staff Approval Date: January 4, 2012

Change Order Justification: **Change Order #1** is necessary to replace an existing storm inlet that was not large enough to accept the new storm drain and to add 51 computer outlets omitted on the contract.

Project Initiation Date: November 19, 2009

Design Professional: Pryor & Morrow Architects & Engineers, P.A.

General Contractor: McMillan-Pitts Construction Company, LLC

Contract Award Date: December 13, 2010

Project Budget: \$3,000,000.00

Funding Source(s): MAFES Sales Funds (\$1,795,000.00); MSU-ES State Funds (\$1,205,000.00)

10. MUW – GS 104-149 – Poindexter Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$21,938.19 and one (1) additional day to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 6, 2012

Change Order Justification: **Change Order #8** is necessary to furnish and install additional rough-in and components at entry doors 106 to provide access control per RFP 11 and to provide standard size brick to match existing brick lengths where replacement brick is required in the existing walls.

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Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$484,666.50.

Project Initiation Date: November 20, 2003

Design Professional: Pryor & Morrow Architects and Engineers

General Contractor: West Brothers Construction

Contract Award Date: July 13, 2010

Project Budget: \$9,579,000.00

Funding Source(s): SB 2010, L'04 (\$6,930,000.00); HB 246, L'07 (\$714,000.00); HB 1641, L'08 (\$435,000.00); HB 722, L'09 (\$1,500,000.00)

11. MVSU – GS 106-201 – Library Enhancements Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$1,003,464.00 and twenty-one (21) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 11, 2012

Change Order Justification: **Change Order #1** is necessary to add to the project Bid Alternate No. 2 the fit out of the second floor of the library. In order to complete this added work within the funds available strategic cost reducing changes were made in the awarded work and the alternate 2 scope of work. In addition , the university required additional time to prepare for the move of the library collection to the temporary library.

Project Initiation Date: February 22, 2008

Design Professional: Duval Decker Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: November 5, 2010

Project Budget: \$11,500,000.00

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Funding Source(s): AYERS (\$9,000,000.00); HB 1722, L'09 (\$2,500,000.00)

12. UMMC – IHL 209-510 – Guyton Contract III Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$84,330.00 and zero (0) additional days to the contract of Evan Johnson and Sons Construction, Inc.

Staff Approval Date: January 4, 2012

Change Order Justification: **Change Order #5** is necessary due to the electrical and mechanical items left out of design which were required for proper operation, the removal of the concrete thrust block was unforeseen and not anticipated and the balance of the unused allowances need to be credited out of the contract and back to the owner.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$91,667.78.

Project Initiation Date: June 17, 2008

Design Professional: Simmons Associates/Eley Associates – A Joint Venture

General Contractor: Evan Johnson and Sons Construction, Inc.

Contract Award Date: February 10, 2010

Project Budget: \$16,500,000.00

Funding Source(s): Interest Income (\$700,000.00); MCEBC (\$15,800,000.00)

13. UMMC– IHL 209-538 – 4th (and 2nd) Floor Renovations – 764 Lakeland Building

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Facilities Planning Department, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids**.

Staff Approval Date: January 11, 2012

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Project Initiation Date: October 21, 2010

Design Professional: Dale and Associates Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$5,915,536.00

Funding Source(s): Restricted Funds (\$5,915,536.00)

14. USM– GS 108-217 and GS 114-015 – Science Building & Recreation Building Repair & Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$14,076.41 and twenty-four (24) additional days to the contract of J.F. Pate and Associates Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In Accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$1,557,521.00 and two hundred forty (240) additional days to the contract of J.F. Pate and Associates Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Change Order Justification: **Change Order #1** is necessary for re-routing of site utilities, storm drainage and fire protection lines due to obstructions, deduction for work pertaining to changes regarding the hollow core slab requirements and waterproofing of exterior grade beam walls, and to create a new retention pond as part of an existing runoff retention swale. **Change Order #2** is necessary to renovate the recreation building into new classes, lab and office space for the College of Health building.

Staff Approval Date: December 19, 2011

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$1,571,597.41.

Project Initiation Date: January 21, 2010

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Design Professional: Studio South/Allred Architectural Group

General Contractor: J.F. Pate and Associates Contractors, Inc.
Contract Award Date: July 25, 2011

Project Budget: \$12,292,109.24

Funding Source(s): HB 1641, L'08 (\$249,488.02); SB 2010, L'04 (\$6,031,955.11); SB 2988, L'03 (\$1,279,656.30); SB 3197, L'03 (\$231,009.81); SB 3100, L'11 (\$1,500,000.00); HB 1701, L'10 (\$3,000,000.00).

15. USM– GS 108-261 – School of Nursing Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Eley Associates/Studio South, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 13, 2012

Project Initiation Date: September 17, 2009

Design Professional: Eley associates/Studio South

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,500,000.00

Funding Source(s): Federal Grant (\$1,500,000.00)

16. USM – IHL 214-014 – Hardy Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$34,039.99 and fourteen (14) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: January 13, 2012

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Change Order Justification: **Change Order #1** is necessary to provide additional asbestos abatement work, adjustment for energy management allowance and to add one way viewing film for control room 340, 344 and 370A.

Project Initiation Date: August 21, 2008

Design Professional: Dale and Associates Architects

General Contractor: C. Perry Builders, Inc.

Contract Award Date: August 22, 2011

Project Budget: \$10,095,459.54

Funding Source(s): Insurance & FEMA reimbursements (\$10,095,459.54)

17. ERC – GS 111-049 – Road Improvements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by W. L. Burle Engineers. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 12, 2012

Project Initiation Date: October 20, 2011

Design Professional: W. L. Burle Engineers

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,250,000.00

Funding Source(s): BOB Discretionary Funds- HB 1701, L'10 (\$1,000,000.00); IHL Discretionary Funds- SB 3100, L'11 (\$750,000.00); HB 1701, L'10 (\$250,000.00)

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Grunsky, Ebey, Farrar & Howell (statements dated 11/30/11 and 12/31/11) from the funds of Mississippi State University. (These statements, in the amounts of \$939.88 and \$857.48, respectively, represent services and expenses in connection with Aydelott Trust Litigation.)

TOTAL DUE.....\$ 1,797.36

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statement dated 11/7/11) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$1,197.00, represents services and expenses in connection with an Environmental Audit.)

TOTAL DUE.....\$ 1,197.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/31/11, 9/23/11, 11/18/11, 11/18/11, 11/18/11 and 11/18/11) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with *Jackson HMA, LLC vs. UMMC, et al.* - \$30,273.01; University of Mississippi Medical Center - North Clinic - Intellectual Property - \$945.00; University of Mississippi Medical Center - North Clinic - Healthcare Regulatory and Compliance - Family Practice Plan - \$132.50; University of Mississippi Medical Center - Healthcare Regulatory and Compliance - 409A - Deferred Compensation - \$2,042.50; University of Mississippi Medical Center - Healthcare Regulatory and Compliance - Cardiologist Agreement - \$1,397.50 and *Jackson HMA, LLC vs. UMMC, et al.* - \$17,941.26, respectively.)

TOTAL DUE.....\$ 52,731.77

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statement dated 10/25/11) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$328.00, represents services and expenses in connection with General Advice.)

TOTAL DUE.....\$ 328.00

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Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 12/6/11) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the case styled *The University of Iowa, et al. v. The University of Southern* - \$675.00.)

TOTAL DUE.....\$ 675.00

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

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 11/18/11, 11/18/11 and 1/6/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Alcohol Esterification (Condensor Train)” - \$42.50; “Methods of Preparation of Live Attenuated Bacterial Vaccines” - \$177.50 and “Pelvic Floor Strength Assessment Device” - \$160.50, respectively.)

TOTAL DUE.....\$ 380.50

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 10/13/11, 11/7/11, 11/7/11, 11/18/11 and 11/30/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Method for Detecting Buried Objects by Measuring Seismic Vibration” - \$2,140.00; “Utilizing Tactile Speech Feedback for Stuttering and other Speech/Fluency/Motor Initiation Disorders” - \$127.50; “Utilizing Tactile Speech Feedback for Stuttering and other Speech/Fluency/Motor Initiation Disorders” - \$405.00; “Emerging Models for Wireless Communication Systems” - \$42.50 and “Utilizing Tactile Speech Feedback for Stuttering and other Speech/Fluency/Motor Initiation Disorders” - \$34.00, respectively.)

TOTAL DUE.....\$ 2,749.00

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 9/30/11, 9/30/11, 10/12/11, 10/26/11, 10/31/11 and 11/28/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Methods of Centrifugal Preparative Chromatography” - \$247.50; “Highly Selective Sigma Receptor Ligands” - \$546.50; “Highly Selective Sigma Receptor Ligands” - \$547.50; “Immunostimulatory Composition Comprising Lipoprotein in Microalgae Extract” - \$620.57; “Highly Selective Sigma Receptor Ligands” - \$960.00 and “Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$589.50, respectively.)

TOTAL DUE.....\$ 3,511.57

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Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 10/24/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11, 11/23/11 and 11/23/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “AU324, A Stable Plasmonic Cluster of Molecular Definition” - \$94.00; “In-Furnace Reduction Nitrogen Oxide” - \$954.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Process for Solubilization and Disposal of Radioactive Scale and Sludge from Oil and Gas Production” - \$840.00; “Novel Compounds and Methods for Inhibiting Cellular Responses to Hypoxia” - \$490.00; “High-Speed Data Compression based on Set-Associative Cache Mapping Techniques” - \$288.00; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$372.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$372.00; “Method and Device for Reducing Engine Noise” - \$350.00; “Process and Apparatus for Producing Spherical Pellets” - \$915.00; “In-Furnace Reduction of Nitrogen Oxide” - \$1,963.00; “Highly Purified Amphotericin-B” - \$1,032.47; “Highly Purified Amphotericin-B” - \$927.30; “Highly Purified Amphotericin-B” - \$685.69; “Highly Purified Amphotericin-B” - \$435.90; “Highly Purified Amphotericin-B” - \$500.34; “Highly Purified Amphotericin-B” - \$586.96; “High-Speed Data Compression based on Set-Associative Cache Mapping Techniques” - \$1,293.00; “High-Speed Data Compression based on Set-Associative Cache Mapping Techniques” - \$915.00; “Delivery of Medicaments to the Nail and Perionychium” - \$721.29 and “Method and Device for Reducing Engine Noise” - \$1,942.25, respectively.)

TOTAL DUE.....\$ 17,410.10

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1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

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

- a. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On January 16, 2012, the Commissioner approved the request to enter into a lease agreement with the USDA Forest (Forest Service). This agreement is for the lease of 2,760 square feet of office and laboratory space to the Forest Service. The space, which is located in Thompson Hall on the MSU campus, includes 698 square feet of office space and 2,062 square feet of laboratory space. A prior twenty year lease between the parties ended in 2011. The lease term will run for a five year period and may be extended for an additional five year period upon a least ninety days written notice by Lessee prior to the end of the term. In lieu of a monthly rent payment, the Forest Service personnel will provide ongoing cooperation and collaboration on research projects to designated MSU faculty. In addition, the Forest Service will provide funding for the research projects. The Executive Office legal staff have reviewed and approved the contract documents.

- b. **System** - On January 24, 2012, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning October 1, 2011 and ending December 31, 2011. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.