

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
November 15, 2012



FINAL BOARD BOOK OUTLINE

IHL Board Meeting
November 15, 2012, 9:00 a.m.

Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee Dr. Doug Rouse

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October 18, 2012 Regular Board Meeting Minutes

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- System Energy Management – Mr. J.D. Hardy, Energy/Mechanical Engineer at Mississippi State University

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MISSISSIPPI
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OF STATE
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MINUTES FOR:

October 18, 2012 Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
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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 Inn at Ole Miss in Oxford, Mississippi in Ballrooms B, C and D, at 8:00 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 October 18, 2012 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson (by phone), Dr. Douglas Rouse, and Mr. C.D. Smith. The meeting was called to order by Mr. Ed Blakeslee, President, and opened with prayer by Trustee Pickering.

INTRODUCTION OF GUESTS

- President Blakeslee thanked Dr. Dan Jones, Chancellor of The University of Mississippi, for hosting the October Board meeting and for the excellent dinner last night. Chancellor Jones welcomed the Board Members, presidents and staff members to his campus.
- President Blakeslee welcomed the Student Government Association officers: Ms. Alanna Ferguson, President at Delta State University; Mr. Tim Mbogo, Vice President at Mississippi University for Women; Ms. Kim Dandridge, President at The University of Mississippi; and Mr. Jake Lancaster, President at The University of Mississippi Medical Center.

PRESENTATION

Dr. Al Rankins, Associate Commissioner of Academic and Student Affairs, gave a presentation about System Online Program Offerings.

APPROVAL OF THE MINUTES

On motion by Trustee Hooper, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on September 20, 2012.

CONSENT AGENDA

On motion by Trustee Pickering, seconded by Trustee Owens, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

ACADEMIC AFFAIRS

1. **System** - Approved the establishment of the following new academic units in accordance with Board Policy 501 Academic Programs and Units.

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- a. UM - The University of Mississippi Clinical-Disaster Research Center (UM-CDRC). The Center, a research, teaching/training, and service center in the Department of Psychology, College of Liberal Arts, will support the university's mission by its impact on the welfare of individuals in the state and region that are experiencing emotional and economic pain due to disasters such as hurricanes, oil spills, etc. The anticipated cost for the Center will average \$29,663 annually. No new funding is associated with the Center; external funding will be sought to support programming.
 - b. UMMC - The Behavioral Center for Children, Adolescent, and Youth (CAY). The Center will provide centralized services to young Mississippians from birth to age 25 by provide education, research, and clinical services. The Center will coordinate existing services within the structure of UMMC, with no additional costs incurred. An annual cost estimate of \$180,000 for the first year of running the CAY Center would be born entirely by clinical billing. No new funding is associated with the Center; external funding will be sought to support programming.
 - c. USM - The Institute for Collaborative Research and Engagement. The Institute, to be located in the College of Arts & Letters, will expand the college's capacity to pursue major multi- and interdisciplinary research initiatives and help capitalize on the expertise of researchers in Arts & Letters to best serve the College, the University, and the region. The anticipated cost for the Center will average \$54,419 annually. No new funding is associated with the Institute; external funding will be sought to support programming.
 - d. USM - The USM Center for Gulf Studies. The Center, which will serve as the framework for new, long-term research and socioeconomic initiatives along the Mississippi Gulf coast, aims to bring science-based technological solutions to bear on both chronic and acute stressors such as oils spills, and hurricanes; and to optimize sustainable use of its important resources without sacrifice of the Gulf's health. A one-time investment from the Office of the Vice-Provost for Research in the amount of \$300,000 will establish the Center. No new funds are associated with the establishment of the Center.
2. **System** - Approved the following academic unit modifications in accordance with Board Policy 502 New Academic Programs and Units.
- REORGANIZE
- a. JSU to combine the Department of Mass Communications and the Department of Speech Communication and Theatre and to name the combined unit the Department of Communications. In an effort to streamline administrative oversight and associated costs, the restructuring allows for the reorganization of departments with homogeneous degree programs and faculty. No new funding is requested; minimal cost for signage will be covered with existing funds; minimal cost for signage will be covered with existing funds.
 - b. JSU to combine the College of Education and Human Development and the School of Lifelong Learning and to name the combined unit the College of Education and Human Development; Division of Academic Affairs. The Division of Academic Affairs is reorganizing to include an Assistant Provost responsible for the BS Degree Program in Professional Interdisciplinary Studies and Extended Learning, which includes the Department of Continuing Professional Studies and the Center for Adult and Continuing Education. The School of Lifelong Learning serves to meet the needs of present day workforce and adult learners, allowing participants to work with academic advisors to customize students that meet their personal needs while taking into consideration family and

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employment responsibilities. The School of Lifelong Learning provides instruction and training services meeting the needs of non-traditional students who require classes during the evening, weekends, and those available through technological innovations. The College of Education and Human Development will continue operating with the Dean and Associate Dean reporting to the Provost/Vice President for Academic Affairs. No new funding is requested; minimal cost for signage will be covered with existing funds.

REORGANIZE AND RENAME

- c. UM to reorganize the McLean Institute by expanding its scope and to rename the Institute to the McLean Institute for Public Service and Community Engagement. The expanded scope of the McLean Institute will dramatically increase the number of faculty and student involved in community service projects, organize and expand volunteerism, service-learning, community-based research, social entrepreneurship, and community development projects. The anticipated cost for the Center will average \$166,667 annually. Funding in the amount of \$450,000 has already been secured through private donors. No new funding is requested; the Institute will be largely supported by a recently received gift to the university.

RENAME

- d. DSU to rename the College of Education to the College of Education and Human Sciences. The College of Education prepares both candidates in the education field and the human sciences. The name change more accurately reflects the range of preparation available to candidates enrolled in the varied programs within the College. No new funding is requested; minimal cost for signage will be covered with existing funds.
 - e. USM to rename the Department of Acute Care to the Department of Collaborative Nursing Care. The name change better represents the programs housed in the department and reflects the expertise of the faculty. No additional cost is associated with the name change; minimal cost for signage will be covered with existing funds.
 - f. USM to rename the Department of Care Coordination to the Department of Advanced Practice. The name change better represents the programs housed in this department and reflects the expertise of the faculty. No additional cost is associated with the name change; minimal cost for signage will be covered with existing funds.
 - g. USM to rename the Department of Leadership to the Department of Systems Leadership and Health Outcomes. The name change better represents the programs housed in this department and reflects the expertise of the faculty. No additional cost is associated with the name change; minimal cost for signage will be covered with existing funds.
3. **System** - Approved the following program modification in accordance with Board Policy 503 Program Modifications.
- a. MVSU to consolidate the Bachelor of Science in English Education (CIP 13.1305), Bachelor of Math Education (CIP 13.1311), Bachelor of Science Education (CIP 13.1399), and Bachelor of Social Science Education (CIP 13.1317) into the Bachelor of Science in Secondary Education (CIP 13.1205) degree. The Secondary Education degree is administered through the Department of Education in the College of Professional Studies and Education. Students will complete 124 credit hours to include field experiences and an internship, thus meeting certification standards to gain teaching licensure. No new funding is requested and current education faculty is sufficient to provide instruction.

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4. **ASU** - Approved the initiation of the following agreements with Enterprise FM Trust and Enterprise Fleet Management, Inc. for: 1) a Master Equity Lease Agreement for a customized fleet leasing and management services program, 2) a Maintenance Agreement for the provision of preventative maintenance services for covered fleet vehicles and 3) a Service Agreement that establishes specific contract terms and conditions. Currently the university owns a fleet of 121 vehicles with mileage averaging 144,000 miles each and ranging in age from 8 to 21 years. Due to this advanced age and mileage of the vehicles, most of the fleet have become inefficient, unreliable, and costly to maintain. ASU intends to reduce the size of its fleet from 121 to 82 vehicles by disposing of 103 of the current higher mileage, older vehicles and acquiring sixty four new vehicles through an open-ended lease program. The lease agreement will result in ASU obtaining ownership of each vehicle at the end of the lease term. There are three separate but related agreements. 1) Master Equity Lease Agreement: The lease agreement under which ASU may order vehicles is for a five year period - November 1, 2012 through October 31, 2017. The primary term of the agreement is for a one year period – November 1, 2012 through October 31, 2013. The agreement may be renewed annually for up to four years, or through October 31, 2017. 2) Service Agreement: The term of the service agreement correlates with the term of the Master Equity Lease Agreement. 3) Maintenance Agreement: This agreement is for a five year period which will commence on the delivery date of each vehicle leased pursuant to the Master Equity Lease Agreement and continue on through the lease term. The projected cost for the five year contract term is approximately \$1,467,880 for lease, maintenance, and title and registration expenses. The annual cost will vary depending upon the current cost for vehicles incorporated into the fleet for a particular year. The agreement will be funded by E & G funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
5. **JSU** - Approved the amendment of the professional services agreement with Aramark Educational Services, LLC (Aramark) to obtain an additional \$500,000 towards the completion of the Burger King kiosk. This would bring the total commitment paid by Aramark for facility upgrades to \$3.61 million. The additional \$500,000 would be used to add sprinklers to the kiosk, the addition of a patio, HVAC improvements, and specialty flooring. No other changes to the original contract terms are expected. The original contract length was approved for ten years – July 1, 2011 through June 30, 2021. This amendment will become effective on November 1, 2012. The end date of the contract will remain the same. This revenue contract amendment will generate an additional \$500,000 to the university thereby increasing the total projected revenue from the original \$23,982,919 to \$24,482,919 over the ten-year life of the contract. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
6. **MSU** - Approved the request to enter into an agreement with Waste Pro of Mississippi, Inc. d/b/a Mississippi Industrial Waste – A Waste Pro Company to remove waste and recyclable material from university property in Oktibbeha County. The intent is to move as much material as possible into the recycling stream. By having one company provide both services, MSU believes that waste pickups will be decreased while recycling will be increased, thus reducing the costs associated with waste disposal at the local landfill. The contract period is nine years – January 1, 2013 through December 31, 2021. This includes an initial three-year period and an option to renew, upon mutual agreement of both parties, for up to three additional 24-month periods. The calculated cost estimate is based on past usage related to the number of lifts and containers. It is projected that the annual cost will be approximately \$297,261.60, and the three-year cost will be approximately \$891,784.80.

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The maximum nine-year contract period cost will be approximately \$2,675,354.40. MSU will evaluate the status of the contractual relationship at the end of the initial three-year period and the remaining scheduled renewal periods and reserves the right to terminate the relationship. If MSU or the contractor pursues termination, IHL will be notified. Funds are available from general funds (MSU Facilities Management). The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

7. **MUW** - Approved the creation of the Mississippi University for Women Educational Building Corporation (EBC) and the related articles of incorporation in the state of Mississippi in accordance with Miss. Code Ann. §37-101-61 and Board Policy 906 Educational Building Corporations. The EBC will be used as the conduit to issue debt for facilities projects approved by the Board of Trustees. Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. will serve as counsel for incorporation of the EBC. MUW has made no request to issue debt through the EBC at this time. The pertinent documents which have been reviewed and approved by the Attorney General's Office are on file at the Board Office.
8. **UM** - Approved the request to enter into a contract with Event Operations Group, Inc. for staff to perform athletic game day duties including, but not limited to, guest services, ticket taking, ushering, parking, and event staff operations. The contract period is October 19, 2012 through June 30, 2017. Upon Board approval the contract may be renewed for additional one-year periods. The annual contract cost is estimated between \$400,000 and \$500,000. The total expected cost for the five-year contract period is between \$2 million to \$2.5 million. Approval is granted based on the \$2.5 million estimate. Funds are available from athletic revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
9. **UMMC** - Approved the request to enter into an agreement with CareFusion Solutions, LLC, formerly Cardinal Health Solutions, Inc. for the purchase of the proprietary disposable intravenous therapy supplies for the CareFusion IV pumps currently used by UMMC. The term of the agreement is for five years – November 1, 2012 through October 31, 2017. The total estimated contract cost for the five-year contract is \$5,806,804.20. UMMC anticipates paying approximately \$96,780.07 monthly or \$1,161,360.84 annually. The estimates are based on past purchasing history. In order to receive the discounted pricing for the supplies, UMMC intends to commit to spending at least \$1,112,131 yearly for supplies. Purchasing at this tier will result in an approximate savings of \$47,777 monthly throughout the term of the contract. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
10. **UMMC** - Approved the request to enter into an agreement with Central Parking System of Mississippi, LLC for the provision and management of staff for Parking Garages A and B, and Parking Lots 17 and 21 on the main campus. The total term of the agreement is for five years – November 1, 2012 through October 31, 2017. The initial term of the agreement is for three years – November 1, 2012 through October 31, 2015 with the option to renew for two additional one-year terms upon mutual agreement of the parties. The overall estimated cost for the five-year contact term is \$2,543,925.60. UMMC will pay \$39,930 monthly or \$479,160.00 for the first twelve months of the agreement. The following four years are subject to an annual rate adjustment which will not exceed the Consumer Price Index for All Urban Consumers, U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. Such a rate increase must be agreed upon by the parties. A breakdown of the costs assuming an annual increase of 3% after year 1 of the agreement is included in the bound *October 18, 2012 Board Working File*. Funds are available from

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- general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
11. **UMMC** - Approved the request to enter into a reagent rental agreement with Hologic, Inc. for testing supplies and instruments for UMMC's Cytopathology Department. Under the agreement Hologic will provide usage and maintenance of pap testing equipment and maintenance for one piece of UMMC-owned equipment in return for a commitment by the university to purchase a minimum amount of ThinPrep Papanicolaou anatomic preparation reagent. The rental fee for the equipment covers the purchase of reagent supplies (kits) used in conjunction with the equipment. The term of the agreement is five years – December 1, 2012 through November 30, 2017. The total contract cost for the five-year contract term is estimated to be \$1,079,957.25. Of this amount, \$1,022,400 is the cost of the testing supplies that the university is committing to purchase, and \$57,557.25 is the cost optional lab and physician's kits that UMMC anticipates purchasing. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
 12. **UMMC** - Approved the request to enter into an agreement with Mall Services, LLC to provide armed security guards between the hours of 7 a.m. and 6 p.m., Monday - Friday, at three guard stations to be designated in the areas surrounding the Ambulatory Services and Outpatient clinics located at the Jackson Medical Mall. The term of the agreement is for three years – November 1, 2012 through October 31, 2015. The estimated total cost for the three-year contract is \$347,490 or \$115,830 annually. This amount is based on the provision of 165 hours of security services weekly at a rate of \$13.50 per hour. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
 13. **UMMC** - Approved the request to enter into a lease agreement and a cost procedure schedule with Olympus America Inc. to provide diagnostic equipment and associated accessories to UMMC's Adult GI Lab for performing digestive and pulmonary endoscopes in order to diagnose and treat digestive and pulmonary diseases. The term of the agreement is for two years – November 1, 2012 through October 31, 2014. The estimated total contract cost for the two-year contract term is \$176,760. This amount is based on a cost per procedure of \$24.55 for an estimated 7,200 procedures overall. In the event the number of procedures exceeds 7,200, UMMC will be permitted to use the equipment free of charge for such overages. In Year 1 of the agreement it is expected that 3,280 procedures will be performed for a total cost of \$80,524. In Year 2 it is expected that 3,920 procedures will be performed for a total cost of \$96,236. At the end of the two year lease term UMMC, at its option, may elect to purchase the leased equipment at a purchase price of fair market value. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
 14. **UMMC** - Approved the request to enter into a reagent rental agreement with Roche Diagnostics Corporation for the usage and service of testing equipment for the hospital's Clinical Laboratory in return for a commitment by UMMC to purchase a minimum annual amount of reagents and related consumables (kits). The rental fee for the equipment covers the purchase of the reagents and kits used in conjunction with the equipment. It is estimated that 12,270 tests will be performed each year using the purchased supplies. The term of the agreement is for five-years – November 1, 2012 through October 31, 2017. The total contract cost for the five-year contract term is estimated to be \$1,254,068.25 for the purchase of the reagents and kits that UMMC anticipates purchasing above the minimum amount committed of \$1,049,670.84. Beginning November 1, 2013 and each November 1st thereafter for the length of the agreement, and upon thirty days' written notice, there

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may be an annual rate adjustment in an amount not to exceed the increase in the Hospital and Related Services component of the Consumer Price Index for All Urban Consumers, U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC estimates a maximum rate adjustment of 4% yearly in the event Roche opts to impose a price adjustment on UMMC. A breakdown of the annual costs which includes an annual 4% increase effective year two of the contract and each year thereafter is included in the bound *October 18, 2012 Board Working File*. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

15. **UMMC** - Approved the request to enter into an agreement with Roche Diagnostics Corporation for 1) the lease of laboratory equipment and 2) purchase of equipment maintenance and associated supplies for chemistry and immunoassay testing. The primary purpose of the agreements is to modify the financing arrangements for currently leased laboratory equipment, chemical reagents, and related supplies that are currently purchased under a rental reagent agreement with Roche. In addition, UMMC worked with Roche to develop a Master Agreement under which UMMC may negotiate future Statements of Work or Product and/or Product Schedules with Roche attached to the Master Agreement; however, Board approval will be required. The term of the agreement is for five years – November 1, 2012 through October 31, 2017. The total estimated cost of the five year contract term is \$12,363,215.55. This total includes 1) lease of laboratory equipment - \$1,813,439.55, 2) purchase of equipment services - \$1,595,241 and 3) purchase of reagents and supplies in the amount that UMMC anticipates purchasing above the minimum amount committed - \$8,954,535. Under the Master Agreement Roche may annually adjust the rate for reagent and supply pricing after the first twelve months of the agreement and upon thirty days advance notice to UMMC. Such amount will not exceed the increase in the Hospital and Related Services component of the Consumer Price Index for All Urban Consumers, U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC estimates a maximum rate adjustment of 4% yearly in the event Roche opts to impose a price adjustment. In addition, UMMC will receive a Novation discount of 2.75% yearly toward the purchase price of the reagents and supplies. A breakdown of annual reagent and supply costs which includes the anticipated annual 4% increase effective Year 2 and the 2.75% rebate which is effective Year 1 is included in the bound *October 18, 2012 Board Working File*. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
16. **UMMC** - Approved the request to enter into an agreement with ThyssenKrupp Elevator Corporation to perform comprehensive monthly maintenance and repair services to 58 elevators located within 22 buildings on the campus. The term of the contract is five years – November 1, 2012 through October 31, 2017. The total estimated cost of the contract for the five-year period is \$2,434,452.84. Beginning November 1, 2013 and each November 1st thereafter for the length of the agreement, there will be an annual rate adjustment based on the following three factors. 1) The agreement price may be adjusted to reflect the percentage change, including applicable fringe benefits, paid to other elevator examiners. 2) The agreement price may be adjusted in the event the equipment covered under the agreement is modified from its present state. 3) The agreement price may be adjusted to reflect an increase in fuel costs when such increases exceed the Consumer Price Index for All Urban Consumers, U.S. City Average current rate, as released by the U.S. Labor Department, Bureau of Labor Statistics. In any event, total price escalations are limited to a maximum of 4% overall in any one-year period. A breakdown of annual costs which includes an annual 4% increase effective year two of the contract and each year thereafter is included in the bound *October 18, 2012 Board*

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Working File. Funds are available from patient revenues. The University of Mississippi will reimburse UMMC approximately \$4,699 annually for costs associated with elevator maintenance services for the School of Pharmacy. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

REAL ESTATE

17. **MSU** - Approved the initiation of **GS 105-348, Energy Monitoring and Control (EMC) System.** This project will design and install an automated utility metering system across the Starkville campus for electricity, natural gas, hot water, chilled water, and domestic water that allows measurement information to be collected and analyzed in real time for energy management. Concurrent with the Bureau of Building and Mississippi Development Authority (MDA) joint initiative to enhance the state-wide energy monitoring database, the Bureau of Building has provided funds for MSU to implement a Starkville campus-wide automated utility metering system. Additionally, the "Advanced Metering Infrastructure" will be designed to provide automated readings to the existing facilities management utility billing software and thus present a cost savings to the university. Further, as MDA will begin to mandate regular updates of building energy consumption to the state-wide EMC, the automated metering will prevent the additional man hours required to upload all of this data on a regular basis. The project will prioritize electrical and gas meters for the largest consuming facilities and then address lesser consuming facilities and water metering as funds are available. The proposed project budget is \$1,275,000. The proposed funding source is 2011 Bureau of Building Energy Discretionary Funds (\$1,275,000).
18. **UM** - Approved the initiation of **IHL 207-363, Library Cooling Tower Replacement,** and the appointment of GCM Group as the design professional. The five existing galvanized towers are in an advanced stage of deterioration and total failure of the fan shafts is imminent. The towers supply the condensing water for two, one thousand ton chillers that provide cooling for part of the campus chilled water loop system. The proposed project budget is \$1.5 million. The proposed funding source is Internal R&R (\$1.5 million).
19. **UM** - Approved the initiation of **IHL 207-365, Kinard Hall Water Storage Tank Replacement at Rebel Drive,** and the appointment of Engineering Solutions, Inc. as the design professional. The project will replace the aging 300,000 gallon Kinard Hall elevated water tank at Rebel Drive with a 750,000 gallon tank that is designed to meet current structural and seismic codes and will require less maintenance. The current volume is not adequate to meet the growing demand for water on campus per Mississippi Health Department Requirements. The project scope includes site development and tank construction including foundations, site piping, grading, fencing and electrical. The project scope will also include the demolition of the old water tank and the restoration of that site. The proposed project budget is \$2.5 million. The proposed funding source is Internal R&R (\$2.5 million).
20. **USM - Gulf Park** - Approved the initiation of **IHL 214-018, Central Mechanical Plant Expansion,** and the appointment of Studio South Architects, PLLC as the design professional. The project was initiated with Board staff in July 2012 with a budget of \$996,206. Since the project had a budget at the time of \$1 million or less, Board approval was not required. Studio South Architects, PLLC was selected by the university as the design professional. Bids were received on September 12, 2012, at which time J.F. Pate submitted the low bid of \$1,320,500. Due to bids being over the \$1 million threshold, Board approval is now required. Currently the lone boiler/chiller plant for USM Gulf Park is a 40' x 110' concrete block rectangular building which houses two chillers, two

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boilers, and two condensing towers. Together, they supply all the cold and hot water needed for the university's campus air conditioning system. This project will create an exact sister to that building. It will be located directly adjacent to the existing structure and will include one new chiller, boiler, and condensing tower. This new expanded system will handle the additional load created by the new Science Building, Nursing Building, and Hardy Hall addition. The proposed project budget is \$1.5 million. The proposed funding source is general funds (\$1.5 million).

21. **ASU** - Approved the request to increase the project budget for **GS 101-292, Bowles Hall Renovations**, from \$5.5 million to \$8.2 million for an increase of \$2.7 million. The Board also approved the request to add an additional funding source to the project (HB 1701, Laws of 2010) to allow for the budget increase. The remainder of the budget increase is coming from sources previously approved by the Board. The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The escalation of the project budget is required based on the professional's latest design development documents and updated cost estimate to address unforeseen issues with the building's envelope, mechanical system, and electrical system. The current budget was simply an estimate of the project costs and has since been updated to reflect the true costs associated with the renovation of the building. Funds are available from SB 3100, Laws of 2011 (\$7.2 million) and HB 1701, Laws of 2010 (\$1 million).
22. **DSU** - Approved the request to increase the project budget for **GS 102-237, Caylor-White/Walters Renovation Phase III**, from \$11.7 million to \$15,715,249 for an increase of \$4,015,249. The Board also approved the request to add two additional funding sources to the project (HB 1722, Laws of 2009 and 2010 and Bureau of Building Envelope Discretionary Funds) to allow for the budget increase. The remainder of the budget increase is coming from sources previously approved by the Board. The project is currently in the design phase. This is the second budget escalation request made for this project by the university for Phase III. The project was initiated with the Board on August 19, 2010 as Phase III of the Caylor/White-Walters Renovation. Due to the size of the project, design and construction has been phased over several years and bond bills. The project was bid on June 20, 2012. All bids received were well above the project budget and were rejected. The bids received indicate that the architect's estimate was in error. Delta State will transfer funds from the following bond bills and projects to produce the \$4,015,249: SB 3100, Laws of 2011, \$2 million; GS#102-229 Residence Halls Fire Protection, \$100,000; GS#102-230 Electrical Service Upgrade PH I, \$800,000; GS#102-252 Campus Roofing, \$750,000; GS#102-241 Envelope Renovations, \$250,000; GS#102-250 Energy Conservation Measures, \$115,249. Phase III of the project will complete the construction of 12 laboratories with prep rooms in a 24,000 square foot expansion and will renovate existing labs, lecture halls, faculty offices, restrooms, auditoriums, and the front entrance. A new sprinkler system and fire alarm system will also be installed. Funds are available from HB 1722, Laws of 2009 (\$643,485); HB 1701, Laws of 2010 (\$6,279,071); SB 3100, Laws of 2011 (\$8,042,693); 2010 Bureau of Building Envelope Discretionary Fund (\$750,000).
23. **UM** - Approved the request to increase the project budget for **IHL 207-341, Thad Cochran National Center for Natural Products Research Phase II**, from \$36,801,620 to \$40 million for an increase of \$3,198,380. The Board also approved the request to add an additional funding source to the project to include \$1 million of United States Department of Agriculture federal grant funds. The project is currently in the construction phase. This is the third budget escalation request made for this project by the university. The increase in the budget is due to the receipt of an additional \$1 million in grant funds from the United States Department of Agriculture and increases in construction prices during an extended review period by the funding agencies. The plan provides

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- 35,053 square feet of gross area with 4,630 square feet on the upper level and 9,260 square feet on the lower level. Laboratory spaces comprise 13,890 square feet of area with 21,163 square feet of dedicated support space and offices. Funds are available from Federal Grant Funds #C76HF10917 (\$17,886,175); NIH/NCRR [ARRA] (\$13,915,445); Internal R&R (\$7,198,380); USDA (\$1 million).
24. **UM** - Approved the request to increase the project budget for **IHL 207-354, Honors College Renovation and Addition**, from \$4 million to \$6.6 million for an increase of \$2.6 million. The Board also approved the request to add an additional funding source to include \$2 million of private donations. The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The university is requesting the increase in project budget and scope in order to address the need for additional space in the Honors College. The space that will be renovated accounts for 15,750 of existing gross square feet. When this project was initiated in November, 2011, the area of the new addition was estimated at 10,000 gross square feet. The area of the new addition has now increased to approximately 15,695 gross square feet. Funds are available from Internal R&R funds (\$4.6 million); Private donations (\$2 million).
25. **DSU** - Approved the request to lease approximately 4.5 acres of land located on the university golf course to the Cleveland Music Foundation, Inc. in order to construct a Grammy Mississippi Museum on the DSU campus. The Foundation was established to organize, fund, construct, and administer the museum. The Foundation has selected an exhibit design firm and is in the process of selecting a project architect. The Foundation has secured \$10 million in commitments for this \$15 million project. Securing the leasehold at this time will allow the Foundation to focus on completing the fundraising and project design. An operating agreement between Delta State and the Foundation will be negotiated once the building is under construction. This operating agreement may include the provision of maintenance, landscape, custodial, utility and other services at a cost to be determined. The lease is structured with two terms, a five year term to allow the Foundation to complete the fundraising and begin the construction, and a 94 year term. The lease runs from November 1, 2012 through October 30, 2111. The lease may be terminated in the event the Cleveland Music Foundation, Inc. defaults on any of the covenants, agreements, conditions or provisions contained in the lease. The Attorney General's Office has reviewed and approved the lease agreement.
26. **MSU** - Approved the exterior design of the new classroom building with parking for **IHL 205-260**. A copy of the rendering is included in the bound *October 18, 2012 Board Working File*. The project is currently in the design phase. The new Classroom Building with Parking will provide needed academic classroom space and take advantage of site topography to provide needed parking to service the student union, cafeteria, and functions in Lee Hall. In addition, the project will include site work and hardscape for vehicular and pedestrian circulation.
27. **UM** - Approved the request to re-name the UM Track Facility the "Joe Walker, Jr. Track and Field Complex." Coach Walker was the head UM track and field coach for 30 years. Over the course of the last three decades, he earned countless honors and awards; brought national attention and recognition to the track program and left an indelible mark on the Ole Miss family.
28. **UM** - Approved the request to grant a perpetual and permanent utility easement to the City of Oxford on the university's campus to lay, construct, maintain, and operate water lines, pipes, wells, facilities, and appurtenances over, above, under, and across, and for the exclusive use of two tracts of property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved the

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- easement documents.
29. **USM** - Approved the request to sell a house and property located at 322 Barbara Street, Jackson, Hinds County, MS to Christine Minor in accordance with HB 977, Laws of 2010 Regular Session. The university received a subgrant from the Mississippi Development Authority on July 13, 2009 in the amount of \$3,566,726 for the purpose of buying foreclosed homes in the City of Jackson, MS, rehabilitating those homes, and then reselling these homes to low income and very low income citizens. The university has purchased homes under this grant, rehabilitated nearly all of the homes, and is now commencing the sale of these homes to low income buyers. The university received two independent property appraisals for the property. The average of the two appraisals is \$87,500. The university is selling the property to Christine Minor for \$89,000 which is above the property's appraised value. The university also has a tentative closing date of on or before November 23, 2012. A Phase I Environmental Site Assessment is not required for the sale of property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved the pertinent documents.
30. **USM** - Approved the request to sell a house and property located at 5930 Whitestone Drive, Jackson, Hinds County, MS to James Williams in accordance with HB 977, Laws of 2010 Regular Session. The university received a subgrant from the Mississippi Development Authority on July 13, 2009 in the amount of \$3,566,726 for the purpose of buying foreclosed homes in the City of Jackson, MS, rehabilitating those homes, and then reselling these homes to low income and very low income citizens. The university has purchased homes under this grant, rehabilitated nearly all of the homes, and is now commencing the sale of these homes to low income buyers. The university received two independent property appraisals for the property. The average of the two appraisals is \$109,950. The university is selling the property to James Williams for \$121,000 which is above the property's appraised value. The university also has a tentative closing date of on or before December 5, 2012. A Phase I Environmental Site Assessment is not required for the sale of property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved the pertinent documents.
31. **USM** - Approved the request to sell a house and property located at 6133 Floral Drive, Jackson, Hinds County, MS to Ferlanda Loggins in accordance with HB 977, Laws of 2010 Regular Session. The university received a subgrant from the Mississippi Development Authority on July 13, 2009 in the amount of \$3,566,726 for the purpose of buying foreclosed homes in the City of Jackson, MS, rehabilitating those homes, and then reselling these homes to low income and very low income citizens. The university has purchased homes under this grant, rehabilitated nearly all of the homes, and is now commencing the sale of these homes to low income buyers. The university received two independent property appraisals for the property. The average of the two appraisals is \$91,500 for the property listed above. The university is selling the property to Ferlanda Loggins for \$93,000 which is above the property's appraised value. The university also has a tentative closing date of on or before November 23, 2012. A Phase I Environmental Site Assessment is not required for the sale of property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved the pertinent documents.

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LEGAL

32. **UMMC** - Approved the request to hire Robert Lazarus and Keith Parsons of Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P. as outside counsel to advise the Medical Center Educational Building Corporation (EBC) on legal issues concerning bond financing and compliance with IRS regulations regarding tax-exempt bonds, and other related matters. This is a contract renewal. UMMC has used this firm (formerly Watkins, Ludlam, Stennis & Winter) as bond counsel for several issues and has been very pleased with their work, especially relating to Build America Bonds and Go Zone funding. The Attorney General's Office has approved this request. The term of the contract would be from November 1, 2012 through October 31, 2013. Either party may terminate on thirty (30) days' notice. The proposed hourly rates are \$205 for attorneys and \$85 for paralegals. The maximum amount budgeted for payment would be \$25,000.

33. **PERSONNEL REPORT**

EMPLOYMENT

Jackson State University

(Hires with Tenure)

- Dorothy Brown, Dean of Public Service and Professor of Public Health; College of Public Service; Salary of \$150,000 per annum, pro rata; E&G Funds; effective January 1, 2013; hired with tenure
- Lawrence T. Potter, Dean of Liberal Arts and Professor of English; College of Liberal Arts; salary of \$160,000 per annum, pro rata; E&G Funds; effective October 1, 2012; hired with tenure

(Correction to September 2012 Personnel Agenda)

- Richard Alo, Dean of College of Science, Engineering, and Technology and Professor of Computer Science; College of Science, Engineering, and Technology; Salary of \$170,000 per annum, pro rata; E&G Funds; effective October 1, 2012; **hired with tenure**

CHANGE OF STATUS

Jackson State University

- Thomas C. Calhoun, *from* Interim Dean, College of Liberal Arts; salary \$115,000 per annum, pro rata; E&G Funds; *to* Professor and Associate Provost, Office of the Provost/Academic Affairs; no change in salary, effective September 26, 2012
- Mark G. Hardy, *from* Provost and Vice President for Academic Affairs; salary \$185,000 per annum, pro rata; E&G Funds; *to* Special Assistant for Academic Initiatives, Office of Institutional Advancement; no change in salary, effective September 18, 2012 – December 31, 2012
- James Maddirala, *from* Associate Provost for Academic Affairs and Associate Professor of Educational Administration; salary \$117,060 per annum, pro rata; E&G Funds; *to* Associate Professor of Educational Administration; College of Education and Human Development; no salary change, effective September 21, 2012 – December 31, 2012
- James C. Renick, *from* Senior Advisor to the President, Office of the President; salary \$125,000 per annum, pro rata; E&G Funds; *to* Interim Provost/Vice President for Academic Affairs; salary \$175,000 per annum, pro rata; E&G Funds; effective September 18, 2012

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SABBATICAL

Mississippi University for Women

- Robert Gibson, Professor of Art, College of Arts and Sciences, *from* salary of \$60,509 per nine-month contract period, E&G Funds; *to* salary of \$30,285 per annum, pro rata for sabbatical period; effective January 2, 2013 to May 18, 2013; professional development

TERMINATION

Jackson State University

- Sandra Sellers, Executive Director of Human Resources, Department of Human Resources; \$98,753 per annum, pro rata; E&G Funds; effective September 17, 2012

EMERITUS STATUS

Jackson State University

- Maria Harvey, Dean Emeritus of the Honors College, effective November 1, 2012

University of Mississippi

(Rehired Retirees NOT on Contract)

- Thomas R. Brown, *former position* – Vice Chair & Professor of Clinical Pharmacy Practice & Research Professor in Research Institute of Pharmaceutical Sciences; *re-employment position* – Professor Emeritus of Student Health Pharmacy; *re-employment period* – July 1, 2012 – June 30, 2013
- James W. Davis, *former position* – Holder of H. Eugene Peery Chair of Accountancy & Professor of Accountancy; *re-employment position* – Peery Professor Emeritus; *re-employment period* – August 16, 2012 – May 12, 2013
- Ronald F. Vernon, *former position* – Associate Dean and Professor of Music; *re-employment position* – Professor Emeritus of Music; *re-employment period* – August 16, 2012 – May 12, 2013

University of Mississippi Medical Center

- Warren A. Jones, M.D., Professor Emeritus of Family Medicine; effective November 1, 2012
- William T. Buchanan, D.D.S., M.S.; Professor Emeritus of Care Planning and Restorative Sciences, School of Dentistry; effective October 19, 2012

ADMINISTRATION/POLICY

34. **DSU** - Approved the request to bestow one honorary degree at its December 2012 commencement. Supporting documents are on file at the Board Office.

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FINANCE AGENDA

Presented by Trustee Aubrey Patterson, Chair

Commissioner Bounds requested that agenda item #2 be pulled from the agenda for further review. On motion by Trustee Patterson, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the request to pull agenda item #2. On motion by Trustee Patterson, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda. On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #3. On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #4. On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #5.

1. **DSU** - Approved the request to authorize and define the criteria for granting waivers of out-of-state tuition to DSU students. More specifically, this policy will be implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. §37-103-25 (3). This policy reflects, and shall be construed in conformity with, the Policies and Bylaws of the Board of Trustees and with Mississippi statutory law, including Miss. Code Ann. § 37-103-25, as amended. This policy shall be effective upon approval by IHL and DSU with individual waivers becoming applicable as of the date approved by the university unless a later time is indicated below. DSU will offer a single flat tuition rate for all students whether resident, non-resident, undergraduate or graduate. The non-resident tuition surcharge will be waived effective with the fall 2013 academic term. The policy will be applicable to all current and future graduate and undergraduate non-resident students. A chart summarizing DSU's resident and non-resident student enrollment information for the fall of 2011 is included in the bound *October 18, 2012 Board Working File*.
2. **MSU and UM** - Request approval for first reading of a Capital Improvements Student Fee to provide a stable base of support for capital projects. Effective with the academic year 2013-14, MSU and UM are individually requesting approval to institute a \$50 student fee applicable to all students (excluding UMMC). These fees will be charged on a pro-rata hourly basis (capped at 12 hours) for all academic terms including fall, spring, summer, and intercessions. The revenue generated by the fees will be used to service debt on future building projects on each respective campus. MSU estimates that this fee will generate approximately \$1.7 million of new revenue annually while UM estimates that the fee will generate \$1.83 million of new revenue annually. **(THIS ITEM WAS PULLED FROM THE AGENDA FOR FURTHER REVIEW.)**
3. **UM** - Approved the request to establish a policy to authorize and define the criteria for granting out-of-state tuition to university students. More specifically, this policy will be implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. §37-103-25 (3). This policy reflects, and shall be construed in conformity with, the Policies and Bylaws of the Board of Trustees and with Mississippi statutory law, including Miss. Code Ann. § 37-103-25, as amended. This policy shall be effective upon approval by IHL and UM with individual waivers becoming applicable as of the date approved by the university unless a later time is indicated below. The following list of proposed out-of-state waivers will be authorized in

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addition to those currently in existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission of timely and adequate proof of having met the applicable criteria, and awarding of any such waiver will be determined on a case-by-case basis. 1) Military – Undergraduate applicants who have been engaged in and honorably discharged from active duty in the United States Army, Navy, Air Force, Marines, or Coast Guard would receive a waiver of their non-resident surcharge. 2) Academic Achievement & STEM Programs – Incoming first-year, full-time high academic achieving students must have earned a minimum high school high school grade point average and a minimum ACT/SAT score and meet a strategic enrollment criteria or be enrolled in specific programs outlined by UM strategic planning processes. These criteria and programs include: A) applicants who are residents of specific geographic markets, and help establish a greater presence in areas deemed a high priority, and B) applicants enrolling in specified STEM programs. With each incoming class the credentials and criterion will be reviewed and modified as needed to achieve financial sustainability and the desired results. These newly created waivers would become effective for the 2013-14 academic year. Students receiving a waiver during their first year must remain enrolled full-time, must maintain a specified GPA, and must continue to meet the additional criteria making them eligible to automatically renew the waiver. UM estimates that they would waive approximately \$2.4 million in non-resident surcharge revenue over a five-year period under these new categories. Conversely, the university could collect up to \$11 million of new tuition revenue from these same newly enrolled non-resident students.

4. **USM** - The Board retroactively approved the Phase 3 amendment to the professional agreement with Blackboard, Inc. for professional consulting services related to the university's distant education programs. The IHL Board approved a master agreement with Blackboard on September 17, 2009. The Board's initial approval covered two phases of a three phase agreement. Phase 1 and 2 were completed January 31, 2010. A third phase of the project was under consideration at the time the original agreement was signed, and this was noted in the agenda. The third phase was subsequently completed during summer 2010 under an amended Statement of Work between USM and Blackboard. The scope of work included integration of PeopleSoft with Blackboard, purchase of training for support staff, and training materials. The Statement of Work for Phase 3 was signed by USM on April 7, 2010 with actual work estimated to be completed by May 30, 2010. The total cost for the Phase 3 amendment was \$56,255. Of this amount \$16,000 was for software, and \$40,255 was for professional services and materials. The total cumulative cost for all three phases is \$815,466. Funds were used from E & G Funds. The amendment which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
5. **USM** - Approved the request to enter into a three-party long-term Golf Facilities Agreement with Hattiesburg Country Club (HCC) and the University of Southern Mississippi Athletic Foundation (Foundation) for the maximum term of fifty years. The Board also approved the request to enter into a lease agreement with the Foundation to use future golf facilities to be constructed by the foundation on the premises of HCC for the maximum term of fifty years. The purposes of these agreements are to provide the university golf teams a home course on which to practice and hold local, conference and/or national tournaments. In addition, an agreement between the university and the Foundation will permit the university to lease the planned Outdoor Practice Facility (Phase 1), Indoor Practice Facility (Phase 2), and Golf Teams Clubhouse (Phase 3), which will be located on the HCC property. These three facilities will be constructed by the Foundation. The initial terms of both agreements is twenty years each. The agreements will begin on November 1, 2012 and end on October 31, 2032. Each agreement may be renewed for six additional terms of five years each

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by written notice from USM and the Foundation to HCC. The maximum contractual period for each of these agreements is fifty years, or through October 31, 2062. The total cost of the contract for the maximum contract period of fifty years is \$3,022,420. This includes \$1,822,420 for facilities, estimated to equal between \$1 and \$1.2 million. A breakdown of the costs is included in the bound *October 18, 2012 Board Working File*. The amount USM would pay the Foundation is unknown at this time although professional estimates put construction costs in the range of \$1 and \$1.2 million for all three facilities. The final cost will depend upon the actual construction costs for the three new golf facilities. Upon the substantial completion of those facilities USM will annually pay approximately 2% of the final construction costs. Over the fifty year term the university will have essentially reimbursed the Foundation for its investment. Funds are available from auxiliary funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

6. **Other Business** - At the August 2012 meeting the Board authorized the Finance Committee to select a firm handle the internal audit function for the IHL system. Trustee Patterson reported that the Finance Committee received three responses to the request for proposal. After reviewing the responses, Carr, Riggs & Ingram, LLC was selected for a three year contract in the amount of \$641,650.
7. **SYSTEM** - Ms. Cheryl Mowdy, IHL Assistant Commissioner of Finance and Administration, gave a presentation on the *Ayers* Accountability Manual. In accordance with the *JAKE AYERS, JR. ET.AL. and United States of America v RONNIE MUSGROVE, GOVERNOR, STATE OF MISSISSIPPI, ET.AL.* Settlement (aka: *Ayers* Settlement Agreement), the Board, through its counsel, shall provide to lead counsel for the private plaintiffs and counsel for the United States an annual disclosure report reflecting specified line-item information. This document is due October 1 of each year and has been presented to the Court.

REAL ESTATE AGENDA

Presented by Trustee C. D. Smith, Chair

On motion by Trustee Smith, seconded by Trustee Cummins, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Real Estate Agenda.

1. **ASU** - Pending approval by the Mississippi Public Service Commission, the Board approved a natural gas contract with Claiborne Natural Gas Company to supply and transport natural gas to the Lorman campus. The contract will be a six year contract to begin upon written notice by CNG to ASU of the occurrence of the following two events: 1) the completion of installation of a new metering station and 2) the completion of installation of a second gas pipeline crossing across the Mississippi River, and thereafter shall remain in full force and effect for six years, and from year to year thereafter unless canceled by six months written notice by any party prior to the anniversary date of the agreement. The Seller shall sell and deliver the Buyer and Buyer shall receive and purchase from the Seller daily quantities of gas, subject to the provisions set out in the contract. The Buyer shall from time to time as requested by Seller, estimate the volumes of gas buyer anticipates requiring for specific periods of time during the term of the contract. Notwithstanding the above, the total volumes of gas deliverable by Seller to Buyer, shall not exceed in aggregate 2,000 MMBtu unless otherwise agreed upon by the parties in a single twenty-four hour period beginning at 7:00

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a.m. and 7:00 a.m. on the next day. Seller shall sell to Buyer and Buyer shall pay to Seller, for the term of this contract a total price MMBtu calculated as follows: The cost of purchasing and transporting the natural gas delivered to Buyer shall be the flat NYMEX price plus \$5.50 per MMBtu. The flat NYMEX price shall be determined by the monthly Market Center Spot Gas Price for South Louisiana, Henry Hub from the first publication index in – *Inside FERC's Gas Market Report*. On or before the thirtieth (30th) day of each month, Buyer shall make payment to Seller by check for the amount due for the preceding billing month. In the event any payment due is determined late in accordance with the payment provision, interest at a rate of 7.5% per annum on the delinquent balance shall be payable by Buyer to Seller. No request for payment shall be considered past due or late until the 45th day after receipt by Buyer and no late payment fees, interest, or penalties shall apply in excess of those prescribed by law. The Attorney General's Office reviewed and approved this agreement.

LEGAL AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Pickering, with Trustees Robinson participating by phone, all Trustees legally present and participating voted unanimously to move agenda items #19 and #20 to the Executive Session Agenda. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #1 - #10 as submitted on the following Legal Agenda. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #11 - #14. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #15 - #118.

1. **ASU** - Approved Marcus Ward as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
2. **DSU** - Approved Dr. Michelle Roberts as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
3. **JSU** - Approved Dr. William McHenry as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
4. **MSU** - Approved John Tomlinson as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
5. **MUW** - Approved Perry Sansing as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
6. **MVSU** - Approved Dr. A. Zachary Faison as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
7. **UM** - Approved Dr. Andrew Mullins, Jr. as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
8. **UMMC** - Approved Tara Mounger as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.
9. **USM** - Approved Chad Driskell as the legislative liaison for the university as required by Board Policy 201.0506 Political Activity.

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10. **SYSTEM** - Approved Kim Gallaspy as the legislative liaison for the Executive Office as required by Board Policy 201.0506 Political Activity.
11. **JSU** - Approved the request to contract with Polsinelli Shughart PC, to provide lobbying services on behalf of the university outside the State of Mississippi as required by Board Policy 201.0506 Political Activity.
12. **MSU** - Approved Federal Solutions, LLC, to lobby on behalf of the university outside the State of Mississippi as required by Board Policy 201.0506 Political Activity.
13. **UM** - Approved BGR Governmental Affairs, LLC, to lobby for the university and for UMMC outside the State of Mississippi as required by Board Policy 201.0506 Political Activity.
14. **USM** - Approved Cassidy & Associates, Inc. as a lobbyist outside the State of Mississippi as required by Board Policy 201.0506 Political Activity.
15. **JSU** - As required by Board Policy 201.0506 Political Activity, the Board approved a consulting agreement with Worth Thomas of W.T. Consultants, who will provide a full scope of legislative liaison services within the State of Mississippi. Such services are designed to achieve the state agency and governmental relations goals of JSU. The contract amount will be \$80,000, plus an approved maximum expense reimbursement of \$2,500. The source of funds for payment of the contract will be the JSU Development Foundation. The one-year contract may be terminated with thirty days' written notice. The client list is given along with the agreement in the bound *October 18, 2012 Board Working File*. The contract has been reviewed and approved by the Attorney General's Office.
16. **MSU** - As required by Board Policy 201.0506 Political Activity, the Board approved a one-year contract with Cornerstone Government Affairs, LLC, for assistance in pursuing government affairs and business objectives, including monitoring and lobbying of legislation of interest to the university during the regular session of the Mississippi Legislature, and additional services throughout the year. The contractual flat fee is \$40,000 which will be paid with private funds by the MSU Foundation. The contract will be terminable by MSU at any time at will. The client list is given along with the agreement in the bound *October 18, 2012 Board Working File*. The contract has been reviewed and approved by the Attorney General's Office.
17. **USM** - As required by Board Policy 201.0506 Political Activity, the Board approved the request to continue the agreement with Capitol Resources LLC, in Jackson, MS, to provide state lobbying and government relations and consulting services in Mississippi for FY 2013 in the amount of \$60,000 annually, and reasonable reimbursement of travel expenses, all to be funded by indirect cost recoveries, which are self-generated funds. USM may terminate the contract with ten days' notice. The client list is given along with the agreement in the bound *October 18, 2012 Board Working File*.
The contract has been reviewed and approved by the Attorney General's Office.
18. **USM** - As required by Board Policy 201.0506 Political Activity, the Board approved the request to continue the agreement with Joe Gill Consulting LLC, in Ocean Springs, MS, to provide state lobbying and government relations and consulting services in Mississippi pertaining to the Gulf Coast Research Laboratory in an amount not to exceed \$38,000 annually, and reimbursement of reasonable expenses, all to be funded by indirect cost recoveries, which are self-generated funds. The period of the contract will be during FY 2013. Either party may terminate the contract by noticing the other party of same. The client list is given along with the agreement in the bound *October 18, 2012 Board Working File*. The contract has been reviewed and approved by the Attorney General's Office.

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19. **UM** - Request approval of the settlement of IHL Self-Insured Workers' Compensation Claim No. 55-32412. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
20. **UM** - Request approval of the settlement of IHL Self-Insured Workers' Compensation Claim No. 55-8572-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

FINANCE

1. **USM** - On May 7, 2012, the USM Executive Head, Dr. Martha Saunders, authorized the emergency purchase of a fire alarm system for the Payne Center. This was necessary as the system was damaged by a lightning strike. As a result, the university was in violation of the International Fire Code 907.2.1 and 907.2.2. Before proceeding with the purchase, USM officials obtained two written quotes. The fire alarm system (equipment and installation) was purchased for a total of \$74,919. This information is being provided to the Board of Trustees in accordance with Miss. Code Ann. § 31-7-13(j) – State Agency Emergency Procedure: In the event such executive head is responsible to an agency board, at the meeting next following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be presented to the board and placed on the minutes of the board of such agency. Documentation to support the purchase is included in the bound *October 18, 2012 Board Working File*.

REAL ESTATE

2. **SYSTEM** - The Board received the Real Estate items that were approved by the Board staff subsequent to the August 16, 2012 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 1.)**

LEGAL

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

ADMINISTRATION/POLICY

4. **SYSTEM** - The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.
 - a. **DSU** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 13, 2012, the Commissioner approved the budget revisions to the On Campus budgets for Fiscal Year 2012. The financial staff has reviewed these revisions. The budget revisions contain no increases in the total budgets but rather reallocations among individual expense categories.
 - b. **MSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority “to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On August 13, 2012, the Commissioner approved the

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request to renew a lease agreement with the United States of America (USA) acting by and through the Agricultural Research Service. This agreement is for the lease of approximately 30.7 acres of land on the McNeill sub-unit of MSU's South Mississippi Branch Experiment Station, Coastal Research and Extension Center in Pearl River County, MS. The acreage will be used by the USA for the cultivation and research of small fruits, vegetables and ornamental vegetation. The lease term will run for a twelve month period, October 1, 2012 through September 30, 2013 and may be extended for an additional twelve month period upon thirty days of notice to the Lessor and subsequent approval of the Commissioner. The USA will pay MSU a nominal rent fee of \$1 yearly and will maintain the cultivated acreage. The Executive Office legal staff have reviewed and approved the contract documents.

- c. **MSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority "to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On August 13, 2012, the Commissioner approved the request to renew a lease agreement with the United States of America (USA) acting by and through the Agricultural Research Service. This agreement is for the lease of approximately 12.37 acres of land on MSU's South Mississippi Branch Experiment Station, Coastal Research and Extension Center in Pearl River County, MS. The acreage will be used by the USA for cultivation and agricultural research purposes. The lease term will run for a twelve month period, October 1, 2012 through September 30, 2013 and may be extended for an additional twelve month period upon ninety days of notice to the Lessor and subsequent approval by the Commissioner. In lieu of an annual rent payment, government personnel will maintain the leased acreage. The Executive Office legal staff have reviewed and approved the contract documents.
- d. **MSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority "to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On September 4, 2012, the Commissioner approved the request to renew a lease agreement with the United States of America acting by and through the USDA Agricultural Research Service. This agreement is for the lease of 4,164 square feet of greenhouse space at the MSU Delta Branch Experiment Station in Stoneville, MS. The space will be used by the USA for soybean breeding research in support of its Agricultural Research Service mission. The lease term will run for a twelve month period and may be extended for an additional twelve month period upon mutual agreement of the parties and subsequent approval of the Commissioner. In lieu of a payment of rent, government personnel will provide all necessary renovations, repairs and upkeep of the greenhouse space. Executive Office legal staff have reviewed and approved the contract documents.
- e. **MSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority "to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On September 26, 2012, the Commissioner approved the request to renew a lease agreement with the United States of American acting by and through the USDA Agricultural Research Service. This agreement is for the lease of 1.61 acres of land at the MSU Delta Branch Experiment Station in Stoneville, MS. The property also serves as the site for the USDA Mechanization Unit building. The building is used as a storage space for USDA owned mechanical equipment. The lease term will run for a twelve month period, from October 1, 2012 through September 30, 2013, and may be extended for

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an additional twelve month period upon mutual agreement of the parties and subsequent approval of the Commissioner. In lieu of payment of rent, government personnel will provide all necessary upkeep of the premises. Executive Office legal staff have reviewed and approved the contract documents.

- f. **USM** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority "to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On August 7, 2012, the Commissioner approved the request to enter into a revenue generating lease agreement with Reactive Surfaces, Ltd., LLP (Reactive). This agreement is for the lease of approximately 1,456 square feet of office and laboratory space in USM's Accelerator Building. The proposed lease space includes 456 square feet of laboratory/office space and 900 square feet of warehouse type space. The lease term will run for an initial twelve month period and may be extended for an additional twelve month period upon notice by the Lessee prior to the end of the then current lease term and subsequent approval by the Commissioner. In return for the lease of the designated space, USM will receive an annual rent payment of \$29,400. The university, as Lessor, will provide utilities, janitorial services and routine maintenance services for the premises. Executive Office legal staff have reviewed and approved the contract documents.
- g. **USM** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On August 13, 2012, the Commissioner approved the budget revisions to the On Campus, Gulf Coast Campus, and Gulf Coast Research Lab budgets for Fiscal Year 2012. The financial staff has reviewed these revisions. The budget revisions contain no increases in the total budgets but rather reallocations among individual expense categories.
- h. **SYSTEM** - Pursuant to the Board's action delegating authority to the Commissioner to approve the FY 2013 Contract for Legal Services between IHL and the Attorney General's Office, the Commissioner has approved such contract in the amount of \$402,302.97.

FINANCE COMMITTEE REPORT

Wednesday, October 17, 2012

The Committee was brought to order by Trustee Aubrey Patterson, Chair.

- 1. On motion by Trustee Pickering, seconded by Trustee Rouse, with Trustee Parker absent and not voting, all Committee members legally present and participating voted unanimously to approve the request for IHL to enter into a contract with Carr, Riggs and Ingram, LLC for internal audit outsourcing services. The purpose of the contract is to outsource the internal audit function for the IHL system. The goal fo the contract is to improve the efficiency and effectiveness of management, control, and governance processes. This contract is expected to begin on or about November 1, 2012 and will end three years after execution or approximately October 31, 2015. However, the Commissioner will be given authority to extend the contract for the completion of any examinations in progress at that time. Contract payments will be awarded on a cost reimbursement basis. Expected costs under this agreement equal \$841,650 for the three-year period. Actual costs will vary from year to year based upon work levels. There is a possibility of additional costs if it is necessary for CRI to utilize additional contract staff beyond original estimates. If this occurs, CRI

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estimates those costs will be charged out at a blended rate of \$112.50 per hour. The institutions will be billed for the proposed services. Legislatively earmarked funds for improving efficiencies will be used by the institutions for payment of the proposed services. The agreement which has been reviewed and approved the Attorney General's Office is on file at the Board Office.

2. On motion by Trustee Perry, seconded by Trustee Rouse, with Trustee Parker absent and not voting, all Committee members legally present and participating voted unanimously to adjourn.

The following Committee members were present: Mr. Aubrey Patterson (Chair), Mr. Shane Hooper, Mr. Alan Perry, Ms. Christy Pickering, and Dr. Doug Rouse. Committee member Hal Parker was absent. Other trustees attending the meeting were: Mrs. Karen Cummins, Dr. Ford Dye, and Mr. C.D. Smith.

ACADEMIC AFFAIRS COMMITTEE REPORT

Wednesday, October 17, 2012

The Committee was brought to order by Trustee Doug Rouse, Chair.

1. On motion by Trustee Dye, seconded by Trustee Smith, with Trustee Robinson absent and not voting, all Committee members legally present and participating voted unanimously to authorize the request to plan new degree programs for the following:
- a. DSU - Bachelor of Fine Arts in Digital Media Arts degree (CIP 50.0102);
 - b. UM - Master of Laws degree (CIP 22.0101);
 - c. USM - Master of Education in Higher Education with emphasis in Student Affairs Administration degree (CIP 13.0406); and
 - d. USM - Master of Education in Dyslexia Therapy Education degree (CIP 13.01011).

2. On motion by Trustee Smith, seconded by Trustee Cummins, with Trustee Robinson absent and not voting, all Committee members legally present and participating voted unanimously to adjourn.

The following Committee members were present: Dr. Doug Rouse (Chair), Mrs. Karen Cummins, Dr. Ford Dye, and Mr. C.D. Smith. Committee Member Robin Robinson was absent. Other trustees attending the meeting were: Mr. Shane Hooper, Mr. Aubrey Patterson, Mr. Alan Perry, and Ms. Christy Pickering.

ANNOUNCEMENT

On Wednesday, October 17, 2012, Dr. James Keeton, Vice Chancellor for Health Affairs and Dean of the School of Medicine at The University of Mississippi Medical Center gave a presentation of The University of Mississippi Medical Center. Then, Dr. Dan Jones, Chancellor of The University of Mississippi, gave a presentation about The University of Mississippi.

EXECUTIVE SESSION

On motion by Trustee Perry, with Trustee Robinson 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 Patterson, with Trustee Robinson participating by phone, 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:

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Discussion of two state university litigation matters,
Discussion of four state university personnel matters, and
Discussion of one IHL Board Office personnel matter.

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

On motion by Trustee Parker, seconded by Trustee Patterson, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Self-Insured Workers' Compensation Claim No. 55-32412, styled as *James Sykes vs. UM et al.*, as recommended by counsel.

On motion by Trustee Smith, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Self-Insured Workers' Compensation Claim No. 55-8572, styled as *Jeffery Woolfolk vs. UMMC et al.*, as recommended by counsel.

On motion by Trustee Patterson, seconded by Trustee Rouse, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to non-renew the employment contract of Dr. Donna Oliver, President of Mississippi Valley State University.

On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to extend the contract for an additional four years for Dr. Chris Brown, II, President of Alcorn State University.

On motion by Trustee Patterson, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to extend the contract for an additional four years for Dr. Carolyn Meyers, President of Jackson State University.

The Board discussed an state university personnel matter. No action was taken.

On motion by Trustee Pickering, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to extend the contract for an additional four years for Dr. Hank Bounds, Commissioner of Higher Education.

On motion by Trustee Cummins, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to return to Open Session.

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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Parker, with Trustee Robinson participating by phone, 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

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EXHIBITS

- Exhibit 1 Real Estate items that were approved by the IHL Board staff subsequent to the August 16, 2012 Board meeting.
- Exhibit 2 Report of the payment of legal fees to outside counsel.

EXHIBIT 1

October 18, 2012

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE AUGUST 16, 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.

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.

1. ASU– GS 101-288 – Bowles Hall Renovations

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

Staff Approval Date: July 27, 2012

Project Initiation Date: August 18, 2011

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

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$5,500,000.00

Funding Source(s): SB 3100, L'11 (\$5,500,000.00)

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

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$56,477.37 and one hundred fifteen (115) 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: August 8, 2012

Change Order Justification: **Change Order #5** is necessary to modify & add plate light covers, to provide make-up water for the chilled water system, to allow for a deduct for the Direct Digital Control System as listed as a line item allowance, add weather days incurred by the contractor, modify and add metal framing at furrdowns and to modify & add water line to avoid the new sewer manhole.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$127,980.79.

Project Initiation Date: January 31, 2008

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Paul Jackson & Son, Inc.

Contract Award Date: December 7, 2010

EXHIBIT 1

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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)

3. ASU – GS 101-278 – Lanier Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Barnard & Sons Construction, L.L.C., the lower of five (5) bidders, for a total contract amount of \$1,525,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 28, 2012

Project Initiation Date: May 14, 2009

Design Professional: Waycaster & Associates Architects

General Contractor: Barnard & Sons Construction, L.L.C.

Contract Award Date: August 28, 2012

Project Budget: \$1,800,000.00

Funding Source(s): HB 1722, L'09 (\$685,012.82); HB 1701, L'10 (\$1,114,987.18)

4. MSU– GS 105-341 – Hand Lab – Life Safety Upgrades

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

Staff Approval Date: August 27, 2012

Project Initiation Date: November 19, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,100,000.00

Funding Source(s): HB 1634, L'06 (\$400,000.00); HB 1641, L'08 (\$700,000.00)

5. MSU– GS 105-345 – Classroom Building with Parking

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Belinda Stewart Architects, P.S. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 20, 2012

Project Initiation Date: August 19, 2010

Design Professional: Belinda Stewart Architects, P.S.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$37,509,471.00

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Funding Source(s): SB 3100, L'11 (\$9,712,400.00); HB 246, L'07 (\$2,300,000.00); EBC Bonds & University Funds (\$25,497,071.00)

6. MSU – IHL 205-260 – Expansion & Renovation to Davis Wade Stadium

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Harrell Contracting Group, L.L.C., the lower of six (6) bidders, for a total contract amount of \$62,646,000.00.

Staff Approval Date: August 10, 2012

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects

General Contractor: Harrell Contracting Group, L.L.C.

Contract Award Date: August 10, 2012

Project Budget: \$80,000,000.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the credit amount of \$9,958.72 and zero (0) additional day to the contract of McMillan-Pitts Construction Company, L.L.C.

Staff Approval Date: August 27, 2012

Change Order Justification: **Change Order #3** is necessary to adjust the testing & balance allowance, deletion of inner duct, to provide credit for additional professional visits, to replace existing sinks for three handicap sinks and to modify the storm drain system.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$27,208.67.

Project Initiation Date: November 19, 2009

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

General Contractor: McMillan-Pitts Construction Company, L.L.C.

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)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$58,332.00 and seven (7) additional days to the contract of West Brothers Construction, 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 #13** in the amount of \$40,661.70 and zero (0) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) August 3, 2012; (#2) August 7, 2012

EXHIBIT 1

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Change Order Justification: **Change Order #12** is necessary for repairs to the existing storm drain system at the parking lot. **Change Order #13** is necessary for plaster repairs at gallery 119 & office 102, water repellent at tuckpointed brick, waterproofing injections at crawlspace, modifications to door hardware, support existing floor joists at crawlspace, remove existing concrete beneath asphalt parking lot and temporary utilities.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total amount of \$695,781.01.

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers

Contract Award Date: August 4, 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)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$41,783.54 and thirty-three (33) additional days to the contract of Harrell Contracting Group, L.L.C. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 31, 2012

Change Order Justification: **Change Order #2** is necessary to add sprinkler system engineering & certification, add metal studs & drywall at existing beam for plumbing riser, add concrete service pad under the electrical transformer, add modifications to the steel beams to accommodate the sprinkler pipe & conduit, add new foundation & modifications to the existing foundations, add cutting of existing precast panel to fit the new tube & attachment, add onsite modifications to the steel beams & columns to fit the existing beam, revise VE light fixtures back to specified fixtures, add a lockable electrical box to be mounted on the exterior of the boiler room, add concrete fill at the existing block walls and a deduct from the allowance line item for the Direct Digital Controls System.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$1,045,247.54.

Project Initiation Date: February 22, 2008

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Harrell Contracting Group, L.L.C.

Contract Award Date: November 5, 2010

Project Budget: \$11,500,000.00

Funding Source(s): AYERS (\$9,000,000.00); HB1722, L'09 (\$2,500,000.00)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** to award fifty-one (51) additional days to the contract of Terry Services, Inc.

Staff Approval Date: August 23, 2012

EXHIBIT 1

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Change Order Justification: **Change Order #1** is necessary due to issues with the MVSU network connectivity. Not allowing finalization of programming of the campus wide energy management system.

Total Project Change Orders and Amount: One (1) change order with no change in the contract budget.

Project Initiation Date: February 16, 2012

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

General Contractor: Terry Services, Inc.

Contract Award Date: February 16, 2012

Project Budget: \$1,285,585.72

Funding Source(s): HB 1701, L'10 BOB Energy Discretionary (\$1,057,725.72); HB 1641, L'08 (\$227,860.00)

11. UM– IHL 207-341 – Thad Cochran Natural Product Center Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Carothers Construction, Inc., the lower of eight (8) bidders, for a total contract amount of \$31,399,000.00.

Staff Approval Date: August 22, 2012

Project Initiation Date: May 20, 2010

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

General Contractor: Carothers Construction, Inc.

Contract Award Date: August 22, 2012

Project Budget: \$36,801,620.00

Funding Source(s): Internal R&R (\$5,000,000.00); C76HF10917 (\$17,886,175.00) NIH/NCRR (ARRA) (\$13,915,445.00)

12. UM– IHL 207-350 – Falkner Hall Renovation

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$1,610.16 and zero (0) additional days to the contract of Zellner Construction Services, LLC.

Staff Approval Date: August 22, 2012

Change Order Justification: **Change Order #5** is necessary to add base blocking material for rubber base installation due to on-site latent conditions.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$40,083.53

Project Initiation Date: May 19, 2011

Design Professional: Dale Partners Architects, P.A.

General Contractor: Zellner Construction Services, LLC

Contract Award Date: July 20, 2011

Project Budget: \$1,990,550.51

Funding Source(s): Internal R&R (\$1,990,550.51)

EXHIBIT 1

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13. UM– IHL 207-351 – Former Walmart Building Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$308,350.00 and ninety (90) additional days to the contract of Murphy & Sons, Inc.

Staff Approval Date: August 22, 2012

Change Order Justification: **Change Order #2** is necessary to change the window design in observation room G09, utilities to be installed to provide power to the signage being mounted in the lobby, to provide light fixtures over the reception area in math lab A02, to install/construct a new finished wall to conceal the electrical conduits & utilities along the existing south, exterior wall in Suite H, to omit storage space & accommodate additional offices for staff, to modify the existing vestibule space to better serve disabled patrons & visitors to the building, to modify the existing sidewalk space to provide additional safety between the main entrance of the building & the vehicular roadway, and additional days to the contract.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$475,060.00.

Project Initiation Date: June 16, 2011

Design Professional: Facilities Planning Department

General Contractor: Murphy & Sons, Inc.

Contract Award Date: March 29, 2012

Project Budget: \$3,200,000.00

Funding Source(s): Internal R&R (\$3,200,000.00)

14. UMMC – GS 109-195 – AED (Adult Emergency Department) Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$55,256.00 and eighteen (18) additional days to the contract of Flagstar Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 20, 2012

Change Order Justification: **Change Order #4** is necessary to provide corridor relocation to avoid shutting down this corridor during construction, to install temporary heating water lines to the VAV boxes to maintain existing VAV operation for corridors outside the Phase I area of the work, to provide additional data & power outlets and changes to the existing outlets to accommodate the newly installed EPIC Record Keeping System, and additional contract days.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$668,323.94

Project Initiation Date: November 14, 2007

Design Professional: Dale/Morris Architects, P.L.L.C.

General Contractor: Flagstar Construction Company, Inc.

Contract Award Date: July 6, 2011

Project Budget: \$11,755,000.00

Funding Source(s): HB 246, L'07 (\$5,130,000.00); HB 1641, L'08 (\$2,000,000.00); HB 1722, L'09 (\$2,500,000.00); HB 1701, L'10 (\$2,125,000.00)

EXHIBIT 1

October 18, 2012

15. UMMC – GS 109-208 – Fire Alarm Upgrades

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by The Power Source, P.L.L.C., 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: August 10, 2012

Project Initiation Date: June 16, 2011

Design Professional: The Power Source, P.L.L.C.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,050,000.00

Funding Source(s): HB 1701, L'10 (\$1,050,000.00)

16. UMMC– IHL 209-526 – Cafeteria/Kitchen Renovations

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$5,192.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: August 10, 2012

Change Order Justification: **Change Order #9** is necessary to install heat trace to the exposed piping at the roof area and to install sprinkler heads in two closets.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$119,699.00

Project Initiation Date: August 20, 2009

Design Professional: The McCarty Company Design Group, P.A.

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: January 17, 2012

Project Budget: \$7,750,000.00

Funding Source(s): Hospital Patient Revenue (\$7,750,000.00)

17. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$40,359.00 and zero (0) additional days to the contract of Fountain Construction Company.

Staff Approval Date: August 23, 2012

Change Order Justification: **Change Order #2** is necessary to add fittings, reducers & valves to connect the existing 12" water line to the new 10" line, to reroof an existing area, adjustment to the foundation, and replacement of the existing expansion joint material.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$63,528.00.

Project Initiation Date: February 18, 2010

EXHIBIT 1

October 18, 2012

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

General Contractor: Fountain Construction Company

Contract Award Date: January 19, 2012

Project Budget: \$20,182,526.00

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

18. UMMC – IHL 209-534B – Contract 2–Parking, Roadways, and Infrastructure Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the **credit amount** of \$185,990.00 and zero (0) additional days to the contract of Hemphill Construction Company.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$85,601.00 and zero (0) additional days to the contract of Hemphill Construction Company.

Staff Approval Date: (#1) August 10, 2012; (#2) August 22, 2012

Change Order Justification: **Change Order #1** is necessary to provide adjustments to the type of concrete sidewalk reinforcement and the type of exterior lighting from HID to LED to provide sufficient light levels and energy savings. **Change Order #2** is necessary for adjustments to miscellaneous/various pay item to account for impact(s) of latent soil conditions.

Total Project Change Orders and Amount: Two (2) change orders for a total credit amount of \$100,389.00.

Project Initiation Date: April 15, 2010

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

General Contractor: Hemphill Construction Company

Contract Award Date: April 30, 2012

Project Budget: \$11,150,000.00

Funding Source(s): Interest Income (\$625,000.00); EBC Bonds 2010 (\$5,500,000.00), 2011 (\$3,000.00); Pending MDA (\$2,025,000.00)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the **credit amount** of \$48,244.00 and zero (0) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: August 10, 2012

Change Order Justification: **Change Order #1** is necessary to increase the hardware allowance for the 2nd & 4th floors and to deduct the total allowance for the door access control for 2nd & 4th floors.

Total Project Change Orders and Amount: One (1) change order for a total credit amount of \$48,244.00.

Project Initiation Date: October 21, 2010

Design Professional: Dale Partners Architects, P.A.

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

EXHIBIT 1

October 18, 2012

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

20. USM – GS 108-235 – College Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the **credit amount** of \$35,306.00 and zero (0) additional days to the contract of W. G. Yates & Sons Construction Company. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 26, 2012

Change Order Justification: **Change Order #1** is necessary to revise the steel framing at the stair due to concealed conditions, revise the structural framing at the elevator, delete building aluminum letters & reuse the existing building sign, add a window insert at interior office signs, revise the basement plan, deduct for foundation walls due to concealed conditions and finding the existing wall foundations at the porch to be structurally stable after demolition of the porch slab, and to seal the existing floor drains to prevent flooding in the basement.

Total Project Change Orders and Amount: One (1) change order for a total credit amount of \$35,306.00.

Project Initiation Date: October 21, 2004

Design Professional: Dale and Associates Architects, P.A.

General Contractor: W. G. Yates & Sons Construction Company

Contract Award Date: September 13, 2011

Project Budget: \$6,252,302.68

Funding Source(s): SB 3197, L'02 (\$23,745.00) GO Bonds; SB 2988, L'03 (\$14,805.88) GO Bonds; SB 2010, L'04 (\$25,322.21) GO Bonds; HB 1634, L'06 (\$9,143.34); HB 246, L'07 (\$2,957,745.50) GO Bonds; HB 1641, L'08 (\$2,728,381.41) GO Bonds; HB 1722, L'09 (\$493,159.34) GO Bonds

21. USM – GS 108-260 – Residence Halls Sprinkler Systems – Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the **credit amount** of \$74,900.00 and ten (10) additional days to the contract of Hanco Corporation. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 21, 2012

Change Order Justification: **Change Order #1** is necessary to deduct for deletion of installation of smoke detectors in the air handlers in Mississippi Hall and Hattiesburg Hall.

Total Project Change Orders and Amount: One (1) change order for a total credit amount of \$74,900.00

Project Initiation Date: June 18, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Hanco Corporation

Contract Award Date: May 15, 2012

Project Budget: \$2,000,000.00

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

EXHIBIT 1

October 18, 2012

22. USM– Gulf Park - IHL 214-014 – Hardy Hall Storm Damage Repair

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$44,037.76 and zero (0) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: August 22, 2012

Change Order Justification: **Change Order #6** is necessary to provide operable windows in lieu of storefront on the south elevation of the 2nd & 3rd floors at the balconies, and add four fixed windows on the east & west sides of the balconies, to provide structural steel & increase window opening in the existing structure for 2 windows on the west elevation, do delete walls in the bookstore, to delete the urinal in the men's room 207 & cap the plumbing for future use, and to change the fire extinguisher to a wet chemical fire extinguisher.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$147,651.48.

Project Initiation Date: August 21, 2008

Design Professional: Dale and Associates Architects, P.A.

General Contractor: C. Perry Builders, Inc.

Contract Award Date: August 22, 2011

Project Budget: \$10,095,459.54

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

23. USM– Gulf Park - IHL 214-015 – Lloyd Hall Storm Damage Repair

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$54,348.00 and thirty-seven (37) additional days to the contract of Starks Contracting Company.

Staff Approval Date: July 17, 2012

Change Order Justification: **Change Order #2** is necessary to provide new window frames (17ea), provide a new window with frame & glazing at window W19 and N8, to remove & replace the glazing in approximately 976 pieces of glass , to remove underground obstructions including concrete pedestals, removing the below-grade elevator pit walls and removing a portion of the existing concrete elevator pit slab, to modify the floor slab sizes and structural steel framing including omitting approximately 29sf of the 1st floor slab area & providing approximately 436sf of additional metal decking, steel framing & concrete slabs at the 2nd & 3rd floors, to modify the site fire main piping, fire main tie-in location & fire sprinkler pipe size in order to feed the building's for sprinkler system from an existing fire main located west of Elizabeth hall in lieu of the existing fire main located to the east of Lloyd Hall, and to deduct for 500 CY of fill.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$277,348.00.

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

EXHIBIT 1

October 18, 2012

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

24. ERC – GS 111-049 – Road Improvements

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Southern Rock, L.L.C., the lower of two (2) bidders, for a total contract amount of \$2,041,575.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 23, 2012

Project Initiation Date: October 20, 2011

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

General Contractor: Southern Rock, L.L.C.

Contract Award Date: August 23, 2012

Project Budget: \$2,551,057.57

Funding Source(s): BOB Discretionary Funds (HB 1701, L'10) (\$1,200,000.00); IHL Discretionary Funds (SB 3100, L'11) (\$750,000.00); HB 1701, L'10 (\$250,000.00); JSU (SB 3100, L'11) (\$250,000.00); HB 1701, L'10 BOB Energy Fund (\$80,000); HB 246, L'07 (\$21,057.07)

EXHIBIT 2

October 18, 2012

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 David Ware & Associates (statement dated 9/3/12) from the funds of Mississippi State University. (This statement, in the amount of \$3,000.00, represents services and expenses in connection with labor certifications.)

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 6/29/12) from the funds of the University of Mississippi. (This statement, in the amount of \$780.00, represents services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities.)

TOTAL DUE.....\$ 780.00

Payment of legal fees for professional services rendered by Baker Donelson (statement dated 8/9/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$42.00, represents services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 42.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 7/7/12 and 8/6/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$266.50 and \$60.00, respectively, represent services and expenses in connection with litigation advice and corporate transactions advice, respectively.)

TOTAL DUE.....\$ 326.50

Payment of legal fees for professional services rendered by Kitchens, Hardwick & Ray (statements dated 7/6/12, 7/6/12, 7/6/12, 7/6/12, 7/6/12, 7/6/12, 7/6/12, 7/6/12, 8/7/12, 8/7/12, 8/7/12, 8/7/12, 8/7/12, 8/7/12, 8/7/12, 9/6/12, 9/6/12, 9/6/12, 9/6/12 and 9/10/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$14,833.50, \$3,960.00, \$3,135.00, \$1,336.50, \$1,683.00, \$8,192.00, \$1,353.00, \$1,765.50, \$8,022.69, \$1,402.50, \$429.00, \$528.00, \$4,603.50, \$5,709.00, \$25,080.00, \$1,980.00, \$13,913.80, \$676.50, \$3,019.50 and \$1,600.50, respectively, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 103,223.49

EXHIBIT 2

October 18, 2012

Payment of legal fees for professional services rendered by Watkins & Eager (statement dated 6/11/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$7,335.03, represents services and expenses in connection with real estate advice.)

TOTAL DUE.....\$ 7,335.03

Payment of legal fees for professional services rendered by Wilkins & Tipton (statement dated 7/20/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$264.00, represents services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 264.00

Payment of legal fees for professional services rendered by Adams & Reese (statements dated 5/15/12 and 6/11/12) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$6,063.00 and \$1,582.80, respectively, represent services and expenses in connection with personnel issues.)

TOTAL DUE.....\$ 7,645.80

Payment of legal fees for professional services rendered by Bryan Nelson (statements dated 11/10/11, 5/4/12 and 6/21/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the case styled *Krell* - \$371.10; *Krell* - \$363.00 and *Krell* - \$161.50, respectively.)

TOTAL DUE.....\$ 895.60

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 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 8/16/12, 8/16/12, 8/16/12 and 8/16/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Esterification and Bio-oil Upgrading" - \$425.00; "Live Attenuated Catfish Vaccine" - \$642.50; "Method of Preparation of Live Attenuated Bacterial Vaccines" - \$16.29; "Bio-oil Pretreatment with Catalysts" - \$145.00; "Srinivasan-Elusieve Processing CIP Application" - \$600.00; "Steele-Cellulosic Biodiesel Provisional Application" - \$125.00; "Catalytic Method to Produce Hydrocarbons Provisional Application" - \$455.00; "Esterification and Bio-oil Upgrading" - \$470.00; "Upgrading of Bio-oil using Synthesis Gas" - \$25.50; "Positive Directed Movement of Termites by Radio Waves as a Basis for Control Procedures" - \$1,510.00 and "Glycine Max Resistance" - \$42.50, respectively.)

TOTAL DUE.....\$ 4,456.79

EXHIBIT 2

October 18, 2012

Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 9/6/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Berg Solar/Photovoltaic Search” - \$250.00 and “Peeples Embryo Temperature Transponder” - \$500.00.)

TOTAL DUE.....\$ 750.00

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/18/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12 and 7/26/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “MSU-Patent Functional Enhancement of Antimicrobials” - \$1,377.50; “System and Method for Charging Rechargeable Batteries” - \$722.50; “Triglyceride-secreting Strain of Rhodococcus Opacus” - \$21.25; “Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde” - \$42.50; “MSU-Burmudagrass Plant” - \$637.50; “MSU Patent-XOS Production by Autohydrolysis of Corn Fiber” - \$1,886.25; “Generation of Imazapic Resistance Switch-grass Population” - \$2,505.00; “Buckscore Pre-litigation Infringement” - \$255.00; “Formed Bio-coke from Bio-oil and Charcoal” - \$422.50; “Change Analyst” - \$2,120.00; “Diethylene Tricarbamide and Diethylene Tricarbamide” - \$1,126.25; “BERBENT (Word Mark)” - \$1,600.00; “Functional Natural Fiber Nano Composites and Nano Iron Supported on Biomass Carbon and their Fabrication Techniques” - \$531.25; “Giant Miscanthus Utility” - \$1,487.50; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$382.50; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$668.75; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$5,588.81; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$1,835.81; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$4,697.00; -“ “Method of Epitaxial Growth of Silicon Carbide” - \$10.50; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$45.30; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$1.00; “Occidiofungin, A Unique Antifungal Glycopeptide” - \$4,000.28 and “Occidiofungin, A Unique Antifungal Glycopeptide” - \$50.73, respectively.)

TOTAL DUE.....\$ 32,015.68

Payment of legal fees for professional services rendered by Armstrong Teasdale (statements dated 4/24/12, 5/29/12 and 6/21/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “A New Model-based Method for Enhanced Detection of Acoustic Transients in the Presence of Correlated Wind Noise” - \$3,332.50; “A New Model-based Method for Enhanced Detection of Acoustic Transients in the Presence of Correlated Wind Noise” - \$1,560.00 and “A New Model-based Method for Enhanced Detection of Acoustic Transients in the Presence of Correlated Wind Noise” - \$247.50, respectively.)

TOTAL DUE.....\$ 5,140.00

EXHIBIT 2

October 18, 2012

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/8/12, 5/8/12, 5/8/12, 6/19/12 and 7/18/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Device for Demonstrating Components of a Vector" - \$42.50; "Complexes and Compounds for Light Emitting Applications" - \$4,037.90; "High Speed Data Compression based on Set-Associative Cache Mapping Techniques" - \$215.00; "Complexes and Compounds for Light Emitting Applications" - \$220.00 and "Secure Wireless Communication Transceiver" - \$212.50, respectively.)

TOTAL DUE.....\$ 4,727.90

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 3/29/12, 4/17/12, 4/17/12, 4/17/12, 4/26/12, 6/20/12, 6/26/12, 7/2/12, 7/23/12, 7/23/12 and 7/23/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "A Novel Selective Inhibitor of Prolylcarboxypeptidase" - \$127.50; "Immuno-stimulator Composition Comprising Lipoprotein in Microalgae Extract" - \$125.00; "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$4,423.95; "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$623.95; "Compositions for Manzamines for Treatment of Drug Resistant Infection" - \$1,675.00; "Stable Suppository Formulations Effecting Bioavailability of 9-THC" - \$821.00; "Highly Selective Sigma Receptor Ligands" - \$500.00; "Highly Selective Sigma Receptor Ligands" - \$500.00 and "Method for Preparing Delta-9-Tetrahydrocannabinol" - \$1,186.17, respectively.)

TOTAL DUE.....\$ 10,332.57

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 4/25/12, 4/25/12, 4/25/12, 4/25/12, 4/25/12, 4/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12 and 6/25/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Highly Purified Amphotericin-B" \$1,091.69; "Highly Purified Amphotericin-B" - \$713.00; "Multi-modal Plate Acoustic Wave Devices" - \$67.50; "High Speed Data Compression based on Set-Associative Cache Mapping Techniques" - \$490.00; "Methods for Detecting Humans" - \$404.00; "Gas Separating Membranes" - \$558.00; "Particle Feeder" - \$130.00; "Highly Purified Amphotericin-B" - \$140.55; "Multi-modal Plate Acoustic Wave Devices" - \$925.00; "Delivery of Medicaments to the Nail" - \$164.50; "Stabilized Formulation of Triamcinolone Acetonide" - \$576.50; "Stabilized Formulation of Triamcinolone Acetonide" - \$350.00; "Methods for Detecting Humans" - \$666.00; "Gas Separating Membranes" - \$8,353.50 and "Gas Separating Membranes" - \$1,281.56, respectively.)

TOTAL DUE.....\$ 15,911.80

EXHIBIT 2

October 18, 2012

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 8/24/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$2,540.50, represents services and expenses in connection with intellectual property advice.)

TOTAL DUE.....\$ 2,540.50

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 6/25/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 8/20/12, 8/20/12 and 8/20/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,934.62, \$175.09, \$2,897.50, \$457.50, \$200.90, \$122.00, \$75.00, \$559.40, \$430.40, \$1,136.50, \$430.40, \$961.00, \$28.50, \$1,256.10, \$975.44, \$931.12, \$213.40, \$142.50 and \$932.26, respectively, represent services and expenses in connection with intellectual property advice.)

TOTAL DUE.....\$ 14,859.63

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 6/30/12 and 7/18/12) 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" - \$237.50 and "Trademark Application for the Centennial Anniversary" - \$1,170.00, respectively.)

TOTAL DUE.....\$ 1,407.50

SYSTEM - LOBBYISTS TO CONTRACT WITH UNIVERSITY AFFILIATED ENTITIES

1. The Alcorn State University Foundation, Inc. plans to contract with Capitol Resources, LLC to perform lobbying services outside the State of Mississippi.
2. The University of Mississippi Foundation, Inc. plans to contract with Butler, Snow, O'Mara, Stevens & Cannada, PLLC to perform lobbying services within the State of Mississippi.

CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 ACADEMIC AFFAIRS
 NOVEMBER 15, 2012
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1. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN DECEMBER 2012

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

In accordance with Board policy, the institutions below requests permission to award degrees at the following levels in December 2012 provided each candidate has met all requirements for the degree.

Institution	Degree to be Conferred	Number	Subtotal	Total	
Delta State University					
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	8			
	Bachelor of Fine Arts	7			
	Bachelor of Music Education	4			
	Bachelor of Science	33			
	Bachelor of Science in Education	10			
	Bachelor of Science in Social Justice and Criminology	6			
	Bachelor of Science in Interdisciplinary Studies	12			
			80		
	<i>College of Business</i>				
	Bachelor of Business Administration	23			
	Bachelor of Commercial Aviation	8			
			31		
	<i>College of Education</i>				
	Bachelor of Arts	9			
	Bachelor of Science	35			
	Bachelor of Science in Education	32			
			76		
	<i>School of Nursing</i>				
	Bachelor of Science in Nursing	28			
			28		
	<i>School of Graduate Studies</i>				
	Master of Applied Science	9			
	Master of Business Administration	24			
	Master of Commercial Aviation	13			
	Master of Education	67			
	Master of Arts in Teaching	10			
	Master of Professional Accountancy	1			

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Science in Community Development	1			
	Master of Social Justice and Criminology	7			
	Master of Science in Sport and Human Performance	4			
	Master of Science in Natural Sciences	1			
	Educational Specialist	36			
	Doctor of Education	2			
			175		
				390	
Jackson State University					
	<i>Undergraduate</i>				
	Bachelor of Arts	18			
	Bachelor of Business Administration	52			
	Bachelor of Music Performance	2			
	Bachelor of Music Education	6			
	Bachelor of Science	210			
	Bachelor of Science Education	14			
	Bachelor of Social Work	27			
			329		
	<i>Graduate</i>				
	Doctor of Education	1			
	Doctor of Philosophy	22			
	Specialist in Education	6			
	Master of Arts	15			
	Master of Arts in Teaching	9			
	Master of Business Administration	13			
	Master of Music Education	1			
	Master of Professional Accountancy	9			
	Master of Public Health	9			
	Master of Public Policy and Administration	12			
	Master of Science	25			
	Master of Science in Education	32			
	Master of Science in Teaching	2			
	Master of Social Work	1			
			158		
				487	
Mississippi State University					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	5			
	Bachelor of Science	85			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Agribusiness Management	1			
	Master of Science	26			
	Doctor of Philosophy	7			
			124		
	<i>College of Architecture, Art, and Design</i>				
	Bachelor of Fine Arts	20			
	Bachelor of Science	2			
			22		
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	165			
	Bachelor of Science	173			
	Bachelor of Social Work	13			
	Master of Arts	5			
	Master of Public Policy and Administration	5			
	Master of Science	22			
	Doctor of Philosophy	8			
			391		
	<i>College of Business</i>				
	Bachelor of Business Administration	148			
	Master of Arts	1			
	Master of Business Administration	63			
	Master of Science Information Systems	2			
	Doctor of Philosophy	1			
			215		
	<i>College of Education</i>				
	Bachelor of Science	238			
	Bachelor of Music Education	2			
	Master of Arts in Teaching	7			
	Master of Arts in Teaching Secondary	4			
	Master of Science	39			
	Educational Specialist	10			
	Doctor of Philosophy	10			
			310		
	<i>College of Engineering</i>				
	Bachelor of Science	127			
	Master of Engineering	2			
	Master of Science	32			
	Doctor of Philosophy	18			
			179		
	<i>College of Forest Resources</i>				
	Bachelor of Science	19			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Science	12			
	Doctor of Philosophy	4			
			35		
	<i>College of Veterinary Medicine</i>				
	Master of Science	6			
	Doctor of Philosophy	4			
	Doctor of Veterinary Medicine	1			
			11		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	27			
	Master of Professional Accountancy	5			
	Master of Taxation	1			
			33		
				1320	
Mississippi University for Women					
	<i>Undergraduate</i>				
	Associate of Science in Nursing				
	Bachelor of Arts	18			
	Bachelor of Science	80			
	Bachelor of Science in Nursing	24			
	Bachelor of Teaching	3			
			125		
	<i>Graduate</i>				
	Master of Education	13			
	Master of Science	4			
	Master of Arts in Teaching	1			
	Master of Fine Arts	1			
			19		
				144	
University of Mississippi					
	<i>College of Liberal Arts</i>				
	Bachelor of Arts	122			
	Bachelor of Science	7			
	Bachelor of Fine Arts	8			
			137		
	<i>School of Engineering</i>				
	Bachelor of Science in Chemical Engineering	3			
	Bachelor of Science in Civil Engineering	3			
	Bachelor of Science in Computer Science	2			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science in Electrical Engineering	2			
	Bachelor of Science in Mechanical Engineering	5			
	Bachelor of Science in Geological Engineering	4			
	Bachelor of Science	2			
			21		
	<i>School of Education</i>				
	Bachelor of Arts in Education	53			
			53		
	<i>School of Business</i>				
	Bachelor of Business Administration	163			
			163		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	47			
			47		
	<i>School of Applied Sciences</i>				
	Bachelor of Science in Criminal Justice	39			
	Bachelor of Science in Exercise Science	26			
	Bachelor of Science	39			
	Bachelor of Social Work	12			
	Bachelor of Arts in Parks and Recreation Management	12			
	Bachelor of Paralegal Studies	6			
	<i>School of Journalism and New Media</i>				
	Bachelor of Arts	45			
			45		
	<i>General Studies</i>				
	Bachelor of General Studies	40			
			40		
	<i>Graduate School</i>				
	Master of Arts	34			
	Master of Criminal Justice	2			
	Master of Science	33			
	Master of Accountancy	9			
	Master of Business Administration	22			
	Master of Taxation	1			
	Master of Education	37			
	Specialist in Education	19			
	Doctor of Philosophy	43			
			200		
	<i>Law School</i>				
	Juris Doctor	19			
			19		

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Institution	Degree to be Conferred	Number	Subtotal	Total	
				859	
University of Mississippi Medical Center					
	Bachelor of Science in Nursing	1			
	Bachelor of Science in Health Sciences	10			
	Bachelor of Science in Medical Laboratory Science	2			
			13		
	Master of Health Science	11			
	Master of Science in Nursing	7			
	Master of Science	3			
	Doctor of Philosophy	12			
	Doctor of Nursing Practice	1			
	Doctor of Physical Therapy	1			
			35		
				48	
University of Southern Mississippi					
<i>College of Arts and Letters</i>					
	Bachelor of Arts	166			
	Bachelor of Fine Arts	15			
	Bachelor of Interdisciplinary Studies	76			
	Bachelor of Music	10			
	Bachelor of Music Education	13			
	Bachelor of Science	19			
	Master of Arts	23			
	Master of the Arts in Teaching of Language	10			
	Master of Music	6			
	Master of Music Education	14			
	Master of Science	16			
	Doctor of Musical Arts	9			
	Doctor of Philosophy	21			
			398		
<i>College of Business</i>					
	Bachelor of Science	11			
	Bachelor of Science in Business Administration	203			
	Master of Business Administration	14			
	Master of Professional Accountancy	18			
			246		
<i>College of Education and Psychology</i>					
	Bachelor of Arts	11			
	Bachelor of Science	183			
	Master of Arts	8			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Arts in Teaching	7			
	Master of Education	59			
	Master of Library and Information Science	35			
	Master of Science	28			
	Specialist in Education	6			
	Doctor of Education	1			
	Doctor of Philosophy	64			
			402		
	<i>College of Health</i>				
	Bachelor of Arts	27			
	Bachelor of Science	106			
	Bachelor of Social Work	15			
	Master of Public Health	32			
	Master of Science	51			
	Master of Social Work	40			
	Doctor of Philosophy	3			
	<i>School of Nursing</i>				
	Bachelor of Science in Nursing	87			
	Master of Science in Nursing	38			
	Doctor of Nursing Practice	7			
	Doctor of Philosophy	2			
			134		
	<i>College of Science and Technology</i>				
	Bachelor of Arts	48			
	Bachelor of Science	168			
	Master of Arts	1			
	Master of Science	101			
	Doctor of Philosophy	35			
			353		
				1807	
System Total					
					5055

Staff Recommendation: Board staff recommends approval of this item.

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2. MSU – APPROVAL OF NEW ACADEMIC UNIT

Board Policy 502: New Academic Programs and Units states: “Requests to establish new degree programs, colleges, schools, departments, institutes, and centers will be considered by the Board on a schedule and in accordance with guidelines and procedures to be determined by the Commissioner after consultation with the Institutional Executive Officers.”

In accordance with Board policy, approval is requested for establishing the following academic units.

CENTERS AND INSTITUTES

- a. *Mississippi State University requests approval of the Center for Advancement of Service Learning Excellence.*** The Center will provide training and guidance to MSU faculty to help them tie service activities to course objectives and learning, as well as to facilitate the scholarship of outreach. The anticipated cost for the Center is \$95,000 annually. Existing funding within the MS Coop Extension Service and the Division of Academic Affairs will be used to fund the center.

Staff Recommendation: Board staff recommends approval of this item.

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1. DSU – REQUEST FOR APPROVAL OF A COPIER RENTAL AND SERVICES AGREEMENT

Agenda Item Request: Delta State University (DSU) requests approval to enter into an agreement with **Toshiba Business Solutions (USA), Inc.** for digital copier rental and services.

Contractor's Legal Name: **Toshiba Business Solutions (USA), Inc. (Toshiba)**

History of Contract: DSU has been under contract with Toshiba for copier equipment and services since 2008. The current agreement expired October 31, 2012. The proposed agreement is a new agreement in which Toshiba was selected pursuant to a Request for Proposals (RFP) issued in August 2012. As a result of the RFP process, DSU will be provided with new equipment and a reduced contract cost.

Specific Type of Contract: Equipment rental and services agreement

Purpose: The purpose of this agreement is to provide copy equipment and associated maintenance and service support for various university departments.

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

- delivery and installation of 60 pieces of photocopiers,
- equipment maintenance and service,
- back-up equipment as needed,
- semi-annual usage and service reports,
- equipment stands or tables for non-floor models,
- software installation, upgrades and support,
- an Operator Training Program,
- replacement parts and labor, and
- a dedicated Account Manager.

Term of Contract: The term of the agreement is for three (3) years – January 1, 2013 through December 31, 2015.

Contract Amount: The total estimated contract cost for the three (3) year contract term is \$314,442 or \$104,814 annually. Estimated costs are based on equipment cost and actual copies for FY2012. Actual contract costs may vary depending upon use.

Termination Options: The agreement may be terminated for:

- default by either party under the agreement upon thirty (30) days written notice of opportunity to cure by the non-defaulting party,

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- for any reason upon mutual agreement of the parties,
- reduction of funds, or
- upon a failure by Toshiba to comply with the federal E-Verify program.

Funding Source of Contract: The agreement will be funded by currently budgeted E & G funds.

Contractor Selection Process: DSU issued a RFP in August 2012 and received four (4) proposals. Pricing was based on equipment cost and the actual cost of the number of copies made during the previous twelve (12) month period. See vendor proposals below.

Vendor	Annual Equipment Cost	Annual Per Copy Cost	Total Annual Cost	Contract Cost (Three-Year Period)
1) Toshiba	\$ 86,352	\$ 18,457	\$ 104,809	\$ 314,427
2) RJ Young	85,819	28,432	114,251	342,753
3) Ricoh	91,675	24,768	116,443	349,329
4) Image Specialists	\$ 110,268	\$ 25,846	\$ 136,114	\$ 408,342

Toshiba, the lowest proposer, was selected.

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of leases in an amount greater than \$100,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

2. JSU – REQUEST FOR APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT

Agenda Item Request: Jackson State University requests approval to enter into a lease agreement with **INTIRION Corporation, d/b/a MicroFridge**.

Contractor's Legal Name: **INTIRION Corporation, d/b/a MicroFridge (the Firm)**

History of Contract: The Board approved a five-year contract between JSU and MicroFridge in January 2007 for \$591,375 that expired in December 2011. JSU exercised an option in the original agreement to extend the contract an additional six months ending on May 31, 2012. In November 2012 JSU submitted a request for a Commissioner approval to extend the contract through December 15, 2012. Cumulative costs through December 15, 2012 will be \$709,650. A new lease agreement is now being submitted for the Board's consideration.

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Specific type of contract: Lease agreement

Purpose: The purpose of this agreement is to provide designated residence halls with one (1) MicroFridge unit in every room.

Scope of Work:

A. The University is responsible for:

1. swap-out non-working units from residence hall rooms and place same in a school designed, central location on campus for servicing, and
2. allowing INTIRION CORPORATION® or its representatives or agents reasonable access with reasonable advance notice to a school-designated, on-campus site during normal business hours for repair or replacement of damaged or non-working product under warranty.

B. The Firm is responsible for:

1. all freight, handling, assembly, and installation of 908 MicroFridge® Energy Star 2.9MF-7TPX units,
2. providing 10 new spare MicroFridge® Energy Star 2.9MF-7TPX units to JSU at no cost to use and swap out should an appliance need servicing to limit disruption to the student and spares to be used for service replacement,
3. replacing, at no charge to JSU, any product with manufacturer defect, or damaged in shipping,
4. arranging for removal and disposal of all packaging material, and
5. servicing, at no charge to JSU, any product with mechanical defect, for the Term of the MicroFridge® Warranty. The Firm may replace defective product at its option. The Firm will replace with a new unit during initial 12 months of the lease term and with like product for the remainder of the lease term.

Term of contract: The length of the contract is approximately five (5) years – December 16, 2012 through December 31, 2017.

Contract Amount: The total cost for the contract term is \$559,982.55. The approximate annual cost is \$111, 996.51.

Termination Options: Either party may terminate this agreement for cause with written notice to the breaching party. If at any time during the term of this agreement, either party considers termination, such party shall give the other party thirty (30) days written notice that it is considering such action and shall set forth with sufficient specificity such party's reason for contemplating termination. Prior to such for cause termination, the breaching party shall be given 30 days to remedy any such deficiencies to the non-

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breaching party's satisfaction. Either party may terminate this Agreement without cause upon one year's written notice.

Funding Source for Contract: Rental costs for the units are built into the residence hall rates charged to students (Auxiliary funds).

Contractor Selection Process: JSU issued a Request for Proposals (RFP) on March 7, 2012. **INTIRION Corporation, d/b/a MicroFridge** was the only vendor to respond to the RFP.

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts, Board approval is required prior to execution of leases in an amount greater than \$100,000.* The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

3. MSU – REQUEST FOR APPROVAL TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT

Agenda Item Request: Mississippi State University requests approval to enter into a contact with **Event Operations Group, Inc. (EOG)** to provide event services at athletic venues as well as other university special events.

Contractor's Legal Name: Event Operations Group, Inc. (EOG)

History of Contract: This is a new agreement. MSU currently contracts with EOG to provide "in-stadium" event assistance (ticket scanners, bag checks, field ushers, etc.). The current contract was for the period August 2009 through November 2012. The MSU athletic department is currently handling responsibility of operations outside of the stadium.

Specific type of contract: Service contract

Purpose: The purpose of this agreement is to provide event services for the various events held by MSU-both on and off campus. Included in these services would be staffing to perform athletic game day duties including, but not limited to, guest services, ticket taking, ushering, parking, and event staff operations.

Scope of Work: The work to be performed by EOG includes, but is not limited to, the following:

- ticket taking,
- ushering,
- limited security functions (bag checkers, escorts, elevator attendants, etc.),

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- parking lot and traffic control attendants, and
- event staff operations.

EOG will provide one (1) event manager for each event and one (1) event supervisor per every ten (10) staff associates, or as defined by each region, zone, or area.

Term of contract: The length of the contract is approximately four years and seven months and will become effective no earlier than November 15, 2012 but only after signature approval of both parties through June 30, 2017.

Contract Amount: The total cost for the contract period is estimated at \$3,033,600. The annual contract cost is estimated between approximately \$650,000 and \$700,000 and is based on stipulated hourly rates for staffing.

Termination Options: The agreement may be terminated at any time prior to expiration as shown below.

1. Termination without cause – 10 day written notice
2. Termination for material breach – 30 day written notice

Funding Source for Contract: Athletic revenues (Auxiliary Funds) will fund costs associated with athletic events, while department E&G revenues will fund costs associated with other events.

Contractor Selection Process: The MSU athletic department researched what similar institutions were doing in this area. In addition to MSU, EOG is used by Alabama, Auburn, Louisiana Monroe, UAB and several smaller institutions in Alabama. In addition, EOG is the current provider for the University of Mississippi and the University of Southern Mississippi. A formal Request for Proposals (RFP) process was not undertaken. EOG has proved to be more than capable to the task required, and the current agreement between the two parties has proven to be successful. MSU reached the conclusion that to undertake an RFP process would prove time-consuming and ultimately lead the university to make the same choice (to contract with EOG).

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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4. UMMC – REQUEST FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a membership and license agreement with **University HealthSystem Consortium** for membership in the alliance and use of its clinical comparative databases.

Contractor’s Legal Name: University HealthSystem Consortium (UHC)

History of Contract: UMMC has had a license agreement with UHC since 2006. One year renewals for the agreement were approved by the Board in November 2010 for \$257,000 and in November 2011 for \$286,000. The current agreement will expire December 31, 2012. The proposed includes an annual alliance membership fee in addition to the license agreement, and the agreement is for a multi-year period.

Specific Type of Contract: Membership Enrollment and License agreement

Purpose: The purpose of the agreement is to allow UMMC to enroll in and have access to specific UHC programs in order to 1) fulfill the Joint Commission’s requirement to have a third-party submit core measure data, 2) to submit data to the Centers of Medicare and Medicaid Services, 3) to participate in a database to provide clinical, operational and resource management comparison with other academic medical centers, and 4) to have a mechanism for staff to report occurrences.

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

- a clinical and operational data warehouse with other academic medical centers,
- data aggregation of all applicable/relevant program participant data,
- the ability to apply any program specific, value-added processing, and
- availability of program data and any derivative works.

UMMC is responsible for:

- designating a data coordinator to gather applicable data elements, to properly submit the information pursuant to UHC policies, and to serve as operational contact with vendor for the Operational Data Base program,
- completing the survey tool for each program enrolled in and submitting data to UHC pursuant to UHC’s policies, and
- preventing both internal and external misuse, alteration, or modification of the UHC products.

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Term of Contract: The contract length is five (5) years - January 1, 2013 through December 31, 2017. The initial term of the agreement is for a one year period or through December 31, 2013 and is subject to automatic one year renewal periods for the remainder of the contract term unless UMMC delivers notice of intent not to renew by December 1 of the then current renewal term.

Contract Amount: The total estimated cost for the five (5) year contract term is \$2,374,883.90. These costs include the annual membership fee and purchase of additional products which allow access to specified databases and selection of reporting and performance tools. A breakdown on the components of the contract is shown below.

1. Principal Membership Fee for membership in a member-driven alliance consisting of over 90% of the nonprofit academic medical centers in the United States
2. Clinical Data Base which allows UMMC to compare its clinical outcome performance with that of other hospitals as well as run comparisons
3. Clinical Resource Manager is a database that builds on the patient-level data in the Clinical Database by providing comparative utilization information for select resource categories.
4. Operational Data Base which allows UMMC to compare staffing levels, departmental configurations, overall performance and operating practices against more than 70 UHC and 650 non-UHC facilities
5. Patient Safety Net Data Base which allows Risk Management to track occurrences throughout the hospital

The terms of the agreement allow for a potential annual rate adjustment to the membership and program fees. For purposes of this request UMMC has factored in a 10% rate increase for years 2 through 5 of the contract term.

See below for a breakdown of annual costs using a 10% increase in years 2 – 5.

Calendar Year	Cost Components					Annual Total
	Member Fee	Clinical Database	Clinical Resource Manager	Operational Database	Patient Safety Net Database	
2013	\$86,000.00	\$133,000.00	\$54,000.00	\$60,000.00	\$56,000.00	\$389,000.00
2014	94,600.00	146,300.00	59,400.00	66,000.00	61,600.00	427,900.00
2015	104,060.00	160,930.00	65,340.00	72,600.00	67,760.00	470,690.00
2016	114,466.00	177,023.00	71,874.00	79,860.00	74,536.00	517,759.00
2017	125,912.60	194,725.30	79,061.40	87,846.00	81,989.60	569,534.90
Total	\$525,038.60	\$811,978.30	\$329,675.40	\$366,306.00	\$341,885.60	\$2,374,883.90

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Termination Options: The agreement may be terminated for any of the following reasons:

- for convenience, by either party, upon sixty (60) days written notice,
- for cause, by either party, upon thirty (30) days written notice,
- by UHC for dissolution, insolvency, appointment of receiver, assignment for the benefit of creditors or the commencement of any proceedings under any bankruptcy or insolvency laws against UMMC,
- by UHC should UMMC violate any provisions of the agreement protecting UHC's intellectual property, proprietary information or other proprietary rights, or
- by UMMC should UHC violate a material term of the HIPAA Addendum.

Funding Source of Contract: The agreement will be funded by patient revenues.

Contractor Selection Process: UHC is a unique provider of comparative databases for academic medical centers and is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m)(x).

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Professional Hospital Supply, Inc.** for the purchase of custom surgical procedure trays (CPT).

Contractor's Legal Name: **Professional Hospital Supply, Inc. (PHS)**

History of Contract: This is a new agreement. There is no record of Board approval for previous suppliers.

Specific Type of Contract: Purchase agreement

Purpose: The purpose of this agreement is for the provision of a regular supply of prepackaged CPT trays for adult and pediatric surgeries. A continuous supply of the product allows UMMC to perform surgeries with no case delay or interruption.

Scope of Work: Under the agreement PHS will provide UMMC with an uninterrupted supply of custom surgical packs based upon UMMC's anticipated

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monthly need through UMMC's distributor, Owens and Minor. (Use of a distributor allows UMMC to forego the need for maintaining a large warehouse of supplies which would require staff to operate. UMMC orders items in bulk from PHS. The supplies are sent to UMMC's distributor, Owens and Minor, which is located in Richland, MS and can make time-sensitive deliveries to UMMC.)

PHS agrees that production quantity of each product will be based on one or two times UMMC's most current anticipated monthly need (30-60 days inventory per production run.) In no case will PHS undertake a production quantity of any product that is greater than three times the most current monthly need.

UMMC has the option to adjust production quantities, add new customized trays and/or adjust the contents of the packs as needed. UMMC agrees to purchase from PHS at least 90% of the total dollar volume of custom CPT trays that are used.

Term of Contract: The total term of the agreement is for fifty (50) months – December 1, 2012 through January 31, 2017. The initial term of the agreement is for twenty six (26) months - December 1, 2012 through January 31, 2015 with an option to renew for two (2) additional one-year terms upon written consent of the parties.

Contract Amount: The total estimated cost for the fifty (50) month contract term is \$12,388,675. UMMC anticipates paying approximately \$247,773.50 monthly or \$2,973,282 annually. The estimates are based in part on past purchasing of CPTs, projections for growth based on past increases in patient volume and product changes. The actual amount paid monthly and/or annually is likely to fluctuate according to the following variables:

- patient volume,
- types of surgical procedures performed,
- physician recruitment and turnover,
- new surgical procedures,
- changes to content of CPT,
- added or removed CPTs from the stocking agreement, or
- adjustments to manufacturers' prices.

Prices for tray components will remain firm for the initial twenty-six (26) month contract period. Beginning February 1, 2015 there is the possibility of a rate adjustment due to changes in componentry, pricing or manufacturer increases for this and the subsequent renewal term. Notice will be given UMMC for any proposed increase. UMMC included a contingency in the estimated contract amount to allow for volume and price increases.

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Termination Options: The agreement may be terminated for any of the following reasons:

- by either party upon thirty (30) days written notice,
- reduction of funds,
- for a breach by PHS of any representations and warranties to UMMC as specified in the Standard Contract Addendum,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement, or
- upon failure by PHS to comply with the Federal E-Verify Program.

Funding Source of Contract: The agreement will be funded by patient revenues.

Contractor Selection Process: PHS is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m)(x). However, because of the customized nature of the product, UMMC must sign an agreement directly with PHS.

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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

Board Policy §902, Initiation of Construction Projects

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

Board Policy §904(A), Board Approval

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

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

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

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

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

Board Policy §905(A), Real Estate Management

Prior Board approval is required for the execution of all 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 §917, Naming Buildings and Facilities

Board approval must be obtained prior to naming or re-naming any institutional building or facility. Board approval must also be obtained prior to naming or renaming any building or facility built on university property leased to a university affiliated entity, a private developer or any other individual or entity.

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

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

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

IHL PROJECTS

1. UM – IHL 207-366 – Music Hall Mechanical Upgrade & West Wing Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Music Hall Mechanical Upgrade & West Wing Renovation and to appoint Shafer & Associates as the design professional.

Proposed Design Professional: Shafer & Associates

Purpose: Shafer & Associates was hired by the “RFQ” submission and interview process. The west wing of the Music Building is single story and has an area of approximately 14,880 square feet. The project involves providing a new mechanical system, a pitched roof, and an upgrade of the interior and exterior finishes. This 82,008 square foot building was built in 1929. Approximately 67,128 square feet have undergone extensive renovations since 2002. The building's mechanical system has been replaced with the exception of the 14,880 square feet serving the west wing. The mechanical system and roof have reached the end of their useful lives. The interior & exterior finishes need to be replaced and upgraded. A recent accreditation review highlighted these areas of concern as significant facility deficiencies adversely affecting the future of the music program and strongly recommended that they be corrected as quickly as possible, to which the university concurred.

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

Project Initiation Date: November 15, 2012

Date of Original Construction: 1929

Date of Last Renovation: 2002

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Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 2,800,000.00
Architectural and Engineering Fees:	238,000.00
Miscellaneous Project Costs:	378,000.00
Contingency:	<u>583,800.00</u>
Total Project Budget	\$ 4,000,000.00

Proposed Funding Source(s): Internal R&R (\$4,000,000)

Staff Recommendation: Board staff recommends approval of this item.

2. UM – IHL 207-367 – East Stadium Drive Extension & Parking Lot

Project Request: The University of Mississippi requests approval to initiate a project, East Stadium Drive Extension and Parking Lot and to appoint Precision Engineering as the design professional.

Proposed Design Professional: Precision Engineering

Purpose: The university is requesting the approval of this project in order to construct a road suitable for the increased volume of traffic on the university campus. When Gertrude Ford Boulevard was constructed around 2004, the rear side of the football stadium and support buildings turned immediately into another “front” for the university. At the same time, the university has found the need for more parking on the perimeter of campus as per the university Master Plan. To help in this regard, the university would like to construct a parking lot for approximately 350 vehicles between the Indoor Practice Facility and the Wastewater Treatment Plant. These two important components are proposed as one project.

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

Project Initiation Date: November 15, 2012

Date of Original Construction: Not applicable

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Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,210,500.00
Architectural and Engineering Fees:	83,579.31
Miscellaneous Project Costs:	351,550.00
Contingency:	<u>254,370.69</u>
Total Project Budget	\$ 1,900,000.00

Proposed Funding Source(s): Internal R&R (\$1,900,000)

Staff Recommendation: Board staff recommends approval of this item.

3. UM – IHL 207-368 – Johnson Commons East Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Johnson Commons East Renovation and to appoint a design professional through the “Request for Qualifications” process.

Proposed Design Professional: TBD

Purpose: Johnson Commons East is a 28,073 square foot, 2-story concrete and masonry structure constructed in 1929. The lower floor of the building is approximately 60% under grade and has subterranean foundation walls. The building previously housed the University Department of Human Resources, Department for University and Public Events, and the Sarah Isom Center.

The occupants on the lower level of the building have been relocated due to excessive moisture infiltration through the foundation walls and beneath the slab. The occupants on the upper level of the building have been relocated so this area can be used to accommodate temporary food service and dining while the construction for the adjacent Johnson Commons West building is completed.

The scope of work includes correcting the building envelope (foundation walls, exterior walls, roof, slab, etc.), correcting the perimeter site drainage, renovation of the interior building spaces, new building HVAC systems, new electrical systems, new plumbing systems, and new communication systems to accommodate new

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building occupants upon the completion of the Johnson Commons West Renovation project.

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

Project Initiation Date: November 15, 2012

Date of Original Construction: 1929

Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 4,607,390.00
Architectural and Engineering Fees:	333,966.29
Miscellaneous Project Costs:	604,700.00
Contingency:	<u>853,943.71</u>
Total Project Budget	\$ 6,400,000.00

Proposed Funding Source(s): Internal R&R (\$6,400,000)

Staff Recommendation: Board staff recommends approval of this item.

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

BUREAU OF BUILDING PROJECTS

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

Project Request: The University of Mississippi Medical Center requests approval to increase the project budget for the School of Medicine project. The budget will increase from \$4,500,000.00 to \$14,500,000.00 for an increase in the amount of \$10,000,000.00. The university also requests to add a funding source to include \$10,000,000 in grant funds from MDA/CDBG.

Project Phase: Design Phase

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

General Contractor: TBD

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 June 16, 2011 with a budget of \$4,500,000. The proposed fourth budget increase will increase the project budget from \$4,500,000 to \$14,500,000 for an increase in the amount of \$10,000,000. The increase in the budget is due to the university receiving a \$10,000,000 MDA/CDBG grant for the School of Medicine.

The project will include planning and construction of a new 138,000 GSF classroom building to house the School of Medicine. The facility will include lecture halls, classrooms, clinical skills area, training center, teaching labs, offices and student support spaces. The proposed location is immediately north of and connected to, the existing Learning Resources Center. It is anticipated that the proposed project site will require substantial realignment of campus roadways, utilities, and infrastructure to accommodate the new building. The initial project budget is expected to be expanded in subsequent funding cycles to complete the project. The current estimate of total costs is \$65,000,000 for the School of Medicine. In order to maintain continued progress with current funds, phased construction may be a project consideration. Funds (\$4,500,000) are presently available from state bond funds and Bureau of Building sources to begin the design process and proceed through the

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construction document phase. Subsequent funding will come from future bond funds and/or UMMC sources.

Project Initiation Date: June 16, 2007

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 0.00	\$ 10,000,000.00	\$ 10,000,000.00
Architectural and Engineering Fees	\$ 3,440,000.00	\$ 3,440,000.00	\$ 0.00
Miscellaneous Project Costs	\$ 1,060,000.00	\$ 1,060,000.00	\$ 0.00
Contingency	\$ 0.00	\$ 0.00	\$ 0.00
Total Project Budget	\$ 4,500,000.00	\$ 14,500,000.00	\$ 10,000,000.00

Funding Source(s): SB 3100, Laws of 2011 (\$4,500,000); MDA/CDBC (\$10,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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IHL PROJECTS

5. UMMC – IHL 209-505 – Pediatric Emergency Room Renovations

Project Request: The University of Mississippi Medical Center requests approval to increase the project budget for the Pediatric Emergency Room Renovations project. The budget will increase from \$5,833,275.00 to \$6,058,275.00 for an increase in the amount of \$225,000.00.

Project Phase: Construction Phase

Design Professional: Dale/Morris Architects, LLC

General Contractor: Evan Johnson and Sons Construction, Inc.

Purpose/Justification: The project is currently in the construction phase. This is the fourth budget escalation request made for this project by the university. The project was initiated with the Board on November 16, 2007 with a budget of \$3,650,000. The first budget increase was approved by the Board in April of 2009. The budget increased from \$3,650,000 to \$5,304,371, for an increase in the amount of \$1,654,371. The budget increase was required due to the updated Schematic Design documents estimate prepared by the design professional. In November 2009, the second budget increase for the project occurred when the Board approved the budget to be increased from \$5,304,371 to \$5,633,275, for an increase in the amount of \$328,904. The third budget increase occurred in October 2011 when the Board approved the budget to be increased from \$5,633,275 to \$5,833,275, for an increase of \$200,000 due to an increase in the project scope which provided for second floor shell space in lieu of a partial roof area. The proposed fourth budget increase will increase the project budget from \$5,833,275 to \$6,058,275 for an increase in the amount of \$225,000. The increase in the budget is due to change order #7 and change order #8 which are required to close the project out. These change orders address corrections required by latent conditions and resolution of contractor claim for additional time and expenses.

The project includes demolition of the existing basement interior walls, ceilings systems, etc., and provides a complete re-build of the interior spaces as well as an exterior building addition that will provide a new, modern pediatric emergency room area. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of scope or funding source and all budget increases to the Board for approval.

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Project Initiation Date: November 16, 2007

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 5,131,418.00	\$ 5,497,372.51	\$ 365,954.51
Architectural and Engineering Fees	\$ 496,095.00	\$ 502,726.34	\$ 6,568.74
Miscellaneous Project Costs	\$ 21,358.00	\$ 28,258.00	\$ 6,900.00
Contingency	\$ 184,404.00	\$ 29,918.15	\$ (154,423.25)
Total Project Budget	\$ 5,833,275.00	\$ 6,058,275.00	\$ 225,000.00

Funding Source(s): Hospital Patient Revenue/Pediatric Clinic Fund (\$6,058,275)

Staff Recommendation: Board staff recommends approval of this item.

6. USM-Gulf Park – IHL 214-015 – Lloyd Hall Storm Damage Repair-Gulf Park

Project Request: The University of Southern Mississippi requests approval to increase the project budget for the Lloyd Hall Storm Damage Repair project. The budget will increase from \$2,465,505.53 to \$2,613,142.55 for an increase in the amount of \$147,637.02.

Project Phase: Construction Phase

Design Professional: Allred Architectural Group

General Contractor: Starks Contracting Company

Purpose/Justification: The project is currently in the construction phase. This is the third 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 \$1,700,000. The first budget increase was approved by the Board in May of 2011. The budget increased from \$1,700,000 to \$2,208,922.94, for an increase in the amount of

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\$508,922.94. In October of 2011, the second budget increase for the project occurred when the Board approved the budget to be increased from \$2,208,922.94 to \$2,465,505.53, for an increase in the amount of \$256,582.59. The proposed third budget increase will increase the project budget from \$2,465,505.53 to \$2,613,142.55 for an increase in the amount of \$147,637.02. The increase in the budget is needed in order to take into account the additional work related to change order #3. The bulk of change order #3, which is depleting the university's approved contingency fund, stems from the omission in the construction documents of the IT cabling and installation. The university has the funds to cover the change order but simply needs to increase the approved budget to reflect the new project budget and replenish the contingency fund to an acceptable level.

The project seeks to repair damage incurred by Hurricane Katrina in August 2005. Lloyd Hall is a historic and major landmark on the Gulf Park campus. The renovation will repair external damage as well as reconfigure and restore interior classroom spaces. The University of Southern Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of scope or funding source and all budget increases to the Board for approval.

Project Initiation Date: November 16, 2007

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 2,242,348.00	\$ 2,372,573.00	\$ 130,225.00
Architectural and Engineering Fees	\$ 166,687.08	\$ 179,751.10	\$ 13,064.02
Miscellaneous Project Costs	\$ 10,818.45	\$ 10,818.45	\$ 0.00
Contingency	\$ 45,652.00	\$ 50,000.00	\$ 4,348.00
Total Project Budget	\$ 2,465,505.53	\$ 2,613,142.55	\$ 147,637.02

Funding Source(s): Insurance Funds and FEMA Funds (\$2,613,142.55)

Staff Recommendation: Board staff recommends approval of this item.

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APPROVAL OF OTHER REAL ESTATE REQUESTS

7. DSU – Delete from Inventory and Demolish Houses at 302 Shumate and 216 Fourth Avenue

Project Request: Delta State University requests approval to delete from inventory and demolish two houses it owns at 302 Shumate and 216 Fourth Avenue near the campus.

Purpose: The 302 Shumate property has not been in use for several years. Rehabilitating the property would not be cost-effective to the university. Once the house is demolished, the parcel will be sold. The 216 Fourth Avenue property has not been in use for several years. The property the house sits on will be used as a lay-down area for the contractor on the Caylor-White/Walters project. Once the Caylor-White/Walters project is completed, the property will be converted into a parking lot for the university.

The approval letter has been received from the Mississippi Department of Archives and History. The building will be demolished following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Delta State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

8. UM – Naming of the University Housing North Building – “Minor Hall”

Project Request: The University of Mississippi requests approval to name the University Housing North Building, “Minor Hall”.

Purpose: The naming of the building is in honor of Lucian Minor a 1937 graduate who helped play a vital role in the Accountancy School’s national top 10 ranking. In the mid-1930s when money was tight and few part-time jobs were available, Lucian Minor struggled financially as a University of Mississippi student. Minor’s family was able to provide only \$600 a year for his freshman and sophomore years. He ultimately used a personal loan to finance his last two years at Ole Miss. This successful professional has been dedicated to his alma mater for more than six decades. He and his wife, Mary, have recently provided \$5.2 million in gift annuities

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to the Patterson School of Accountancy. Their support has also included a trust to establish the Lucian S. Minor Endowment for the accountancy school in 1996 and another trust of \$1 million in 2007 as well as generous contributions to many other UM initiatives.

UM respectfully requests approval to name a new residence hall on the Oxford campus in honor of Lucian Minor for his support and longtime investments that have helped propel the accountancy programs to national prominence. The most recent *Public Accounting Report* has ranked the Patterson School's undergraduate program No. 10 in the nation—the only Southeastern Conference school placed in the top 10. The master's and doctoral programs are ranked No. 11 and 12 respectively in their categories. This is the seventh consecutive year the school has been ranked among the nation's top 30 and the fourth consecutive year it has been included among the top 20. Dean of Accountancy Mark Wilder called the Minors "cornerstones" of the school, with their gifts impacting generations of students. When the Minors' trust and annuities are eventually brought into their endowment, the school plans to expand the Minor scholarship program to include a named faculty position.

"Mary and Lucian Minor have been some of our most faithful supporters for many years and we are humbled by their generosity," Wilder said. "We appreciate so much the vision that the Minors have for our accountancy school and for their great interest and concern for our students. Their support will help to further strengthen the Patterson School and enable us to continue building on our strong teaching and mentoring tradition, a trademark of our program and a vital reason for the successes we enjoy. Generation upon generation of future accountancy students will benefit from their generosity."

Alumni bolster the school not only through financial support but also with career opportunities for younger alumni. Alumnus Larry Hardy of Memphis credits Minor with elevating the accountancy program and helping graduates.

"Over the past 15 years, Lucian's monetary contributions to the School of Accountancy have provided resources for scholarships for many deserving students as well as funds for the dean to use in faculty recruitment and retention. His contributions to the endowment will allow these programs to continue into the future for many years to come.

"Before Lucian's retirement from Ernst & Young in 1978, his most significant impact on the lives of accounting graduates came from his offering them employment," continued Hardy, who is also a major supporter of the Patterson School. "I can't tell you how many Ole Miss graduates Lucian hired over the years, but the number is substantial. Many of us owe our entire careers to Lucian; he taught us valuable

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lessons in both our personal and professional lives.” “Future generations of accountancy students should follow Lucian’s philosophy of client service. If you take care of the clients and put their interests first, positive financial results will follow. We should also follow his example in returning to the school a portion of the monetary rewards we have received from having excellent educational foundations obtained at Ole Miss,” Hardy said.

A native of Macon, Miss, Minor was recruited by General Mills Inc. in Minneapolis upon his college graduation. He joined the company’s internal audit staff, where he was employed until his service in the U.S. Navy in 1942. He was placed with Douglas Aircraft Co. in Los Angeles as a cost inspector and passed the CPA exam during his enlistment. Minor, a lieutenant commander in the Navy, was discharged in 1946 and soon resigned from General Mills to open his own accounting firm in Memphis. By 1967, his operation had grown to some 40 employees, large enough to interest the then Big Eight firms. He merged with Ernst & Ernst (now Ernst & Young) and became partner in charge of the Memphis office, a position he held until he retired in 1978. Minor was inducted into the Ole Miss Alumni Association’s Hall of Fame in 2005 and the Patterson School of Accountancy’s Hall of Fame in 1997. The University of Mississippi is acting in accordance with Board Policy §917, Naming Buildings and Facilities, that requires Board approval be obtained prior to naming or re-naming any institutional building or facility.

Staff Recommendation: Board staff recommends approval of this item

9. USM –Request Wavier of Board Policy 707.01 and Board Policy 905(A) – Requirement of Two Independent Appraisals for Sale of Property

Project Request: The University of Southern Mississippi requests an exception to Board Policy 707.01 and Board Policy 905(A) to allow the university to obtain only one appraisal for the sale of University properties under the Neighborhood Stabilization Program.

Purpose: H.B. 977 Laws of 2010 states “The University of Southern Mississippi is authorized to purchase, rehabilitate, reconstruct and sell foreclosed properties located in the Jackson, Mississippi, metropolitan area under such terms and conditions as provided in the Neighborhood Stabilization Program Subgrant from the Mississippi Development Authority. The authority granted in this section shall expire upon the completion of the sale of all such properties under the Subgrant.”

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The University of Southern Mississippi received a Subgrant from the Mississippi Development Authority on July 13, 2009 in the amount of \$3,566,726 for the purpose of buying foreclosed homes in the City of Jackson, Mississippi, rehabilitating those homes, and then reselling these homes to low income and very low income citizens. The university has purchased homes under this grant, rehabilitated nearly all of the homes, and is now commencing the sale of these homes to low income buyers.

For the first three property sales submitted to the Board of Trustees for approval in October of 2012, the university received two independent property appraisals for each property. However, in accordance with the MDA policy, MDA will only reimburse the university for one appraisal per property for the purpose of establishing the fair market value.

The Mississippi Code Ann. Section 29-1-1 governs the sale of public lands including the requirement for two independent appraisals under Section 29-1-1(3). However, 29-1-1(8) states as follows: "This section shall not apply to any lands purchased solely by the use of federal funds..." As stated above, these lands have been purchased by the university in accordance with the terms and conditions of the Subgrant and reimbursed by MDA with federal funds.

The cost of each appraisal is approximately \$350. The university has purchased 47 homes under the Subgrant and will need appraisals for the remaining 44 homes which are not currently under contract for sale. Therefore, requiring two appraisals will cost the university approximately \$15,000 in appraisal fees which will not be reimbursed by MDA.

Based on the information shown above, the university is requesting a waiver of IHL Board Policy 707.01 requiring two independent appraisals solely for the sale of the properties in Jackson, Mississippi under the terms and conditions of the Subgrant from MDA. The university would obtain one independent appraisal for each property in accordance with the terms of the Subgrant.

Staff Recommendation: The Attorney General's Office has reviewed and approved this item. Board staff recommends approval of this item.

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1. MSU - APPROVAL TO MODIFY/EXTEND LEGAL SERVICES AGREEMENT WITH BUTLER, SNOW, O'MARA, STEVENS & CANNADA LAW FIRM AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify/extend its contract with the firm of Butler, Snow, O'Mara, Stevens & Cannada located at 1020 Highland Colony Parkway, Suite 1400, Ridgeland, MS 39157, to provide services necessary in the practice areas of intellectual property and commercial matters. This representation does not and is not intended to include any representation by law firm for or on behalf of the University as bond counsel or in any related role in connection with any financing transaction undertaken by or for the University, including any other matters which may concern advice in connection with indebtedness of the University. The initial contract entered into on September 7, 2010, was modified to extend the term until September 6, 2012. This second modification/extension will extend the term for one (1) year, or until September 6, 2013, and the total amount payable during the extension shall not exceed \$75,000. The rates payable under the contract extension will be unchanged at \$225.00 per hour for intellectual property services, \$215.00 per hour for commercial services, and \$85.00 per hour for legal assistants. The extension has been approved by the Office of the Attorney General.

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

2. MSU - APPROVAL TO MODIFY/EXTEND LEGAL SERVICES AGREEMENT WITH JONES, WALKER, WAECHTER, POITEVENT, CARRÈRE & DENÈGRE LAW FIRM AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify/extend its contract with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones, Walker, Waechter, Poitevent, Carrère & Denègre LLP, located at 190 E. Capitol Street, Suite 800, Jackson, MS 39201, to provide services necessary in connection with the issuance of bonds for the financing of the construction and acquisition of buildings for Mississippi State University. The initial contract entered into on August 25, 2010 was modified to extend the term until August 24, 2012. This second modification/extension will extend the term for one (1) year, or until August 24, 2013. The rates payable under the extension will be unchanged at \$1.15 for each \$1000 of bonds issued by the EBC, plus out of pocket expenses, not to exceed \$4000. This extension has been approved by the Office of the Attorney General.

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

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3. MSU - APPROVAL TO MODIFY/EXTEND LEGAL SERVICES AGREEMENT WITH VALAUSKAS CORDER LAW FIRM AS OUTSIDE COUNSEL

Mississippi State University requests approval to modify/extend its contract with the firm of Valauskas Corder, LLC, 150 South Wacker Drive, Suite 620, Chicago, IL 60606, to provide services necessary in assisting the University with various patent applications, identification and forensic analysis of intellectual property, prosecution of patent applications, trademark registration applications, copyright registration applications, preparing and negotiating agreements and other related intellectual property and commercialization issues. This modification will extend the contract term for one (1) year or until November 16, 2013. All other provisions of the Agreement for Legal Services dated November 17, 2011 shall remain in effect. The rates payable under this extension will be unchanged at \$250.00 per hour for Kathleen Witt, \$310.00 per hour for Joseph Fox, \$350.00 per hour for Jill Fahrlander, \$350.00 per hour for Allison Corder and \$425.00 per hour for Charles Valauskas. This modification has been approved by the Office of the Attorney General.

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

4. UMMC - APPROVAL TO HIRE BARRY J. WALKER OF WALKER & UNGO IMMIGRATION LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi Medical Center requests permission to hire Barry J. Walker of Walker & Ungo Immigration Law Firm as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This is a renewal of a current contract. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The contract term shall be from December 1, 2012 through November 31, 2013. The maximum amount payable under the contract is \$50,000.00. The individual rates/fees are as follows:

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Labor Certification Fees
Walker & Ungo

PERM

Initial Fee:	\$2500
I-140:	\$2000
I-485:	\$2000
Family members:	\$500 per family member

EB-1 (Outstanding professor/researcher, extraordinary ability) and Special Handling Labor Certification

Initial Fee:	\$2000
On approval of I-140 or special handling:	\$2000
I-485:	\$2000
Family members:	\$500 per family member

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

5. UMMC - APPROVAL TO HIRE DAVID WARE & ASSOCIATES LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi Medical Center requests permission to hire David Ware and Associates as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This is a renewal of a current contract. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The term of the contract will be from December 1, 2012 through November 31, 2013. The maximum amount payable under the contract is \$50,000.00. The individual rates/fees are as follows:

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Labor Certification Fees
David Ware & Associates

\$2000 – special handling labor certification, no readvertisement required
\$2500 – special handling labor certification, readvertisement required
\$3000 – non teaching labor certification
Advertisement for special handling will be about \$500; for regular about \$1000

EB1 is \$4500 for the petition plus \$475 filing fee. Adjustment of status is \$1500 for the principal and \$750 for each dependent. Exclusive of filing and fees and medical which for one adult would be approximately \$1485 plus \$150.

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

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

MSU

John Blanton, Jr., Professor and Head, Department of Animal and Dairy Science; salary of \$145,000 per annum, pro rata, 12- month; E&G Funds; **hired with tenure**; effective December 1, 2012

2. Termination (Correction to termination date reported in October 2012)

JSU

Sandra Sellers, Executive Director of Human Resources, Department of Human Resources; \$98,753 per annum, pro rata; E&G Funds; effective date changed *from* September 17, 2012 *to* **October 17, 2012**

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1. **JSU – APPROVAL TO AWARD TWO HONORARY DEGREES**

The university requests approval to bestow two honorary degrees one at its December 2012 commencement and one at its Spring 2013 commencement. Supporting documents are on file at the Board Office.

2. **USM – APPROVAL TO DESIGNATE APPLICANT AGENT FOR FEMA FUNDING RELATIVE TO HURRICANE ISAAC**

Each city, county or other entity included in a Presidential disaster declaration under the Disaster Relief Act of 1974 (Public Law 93-228), amended by Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (Public Law 100-707) may be eligible for federal assistance to repair or replace damaged public facilities. When this happens, the local government must designate an Applicant's Agent who will be authorized by the City Council/Board of Supervisors (or other governing board) to represent the city, county or other entity with federal and state agencies managing these public assistance programs. The designation must be made by the action of the full body and should be recorded in the official record as any other ordinance or resolution would be. The University of Southern Mississippi requests approval to designate Dr. Chris Crenshaw, Physical Plant Director, as the Applicant's Agent to represent the university regarding the FEMA funding relative to Hurricane Isaac.

Staff Recommendation: Board staff recommends approval of this item.

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1. SYSTEM – APPROVAL OF ACADEMIC PROGRAM PRODUCTIVITY REVIEWS

Academic productivity reviews are triggered when cumulative graduates over the past 3 academic years for a single degree program are <15 for baccalaureate-level degrees, <9 for master-level degrees, and <5 for doctorate and specialist-level degrees. Twenty-four academic programs were evaluated to assess need, potential to grow enrollment, productivity potential, and unnecessary duplication. Based on institution-prepared proposals and subsequent review by the Office of Academic and Student Affairs (OASA), the following recommendation is presented for Board approval.

a. DELETE the following 5 academic programs

DSU	Education Specialist in Secondary Education (CIP 13.1205)
MSU	Bachelor of Science in Integrated Pest Management (CIP 01.1105)
MSU	Master of Fine Arts in Electronic Visualization
MSU	Bachelor of Science in Forest Products (CIP 03.0509)
MUW	Bachelor of Arts in Microbiology (CIP 26.0503)

b. SUSPEND the following academic program

DSU	Bachelor of Business Administration in Hospitality Services Management (CIP 52.0901)
-----	--

Although students may earn degrees from suspended academic programs, no additional students will be accepted into these majors. If the institution does not request that a suspended program be **deleted** or **removed** from suspension within 3 academic years, OASA will recommend to the Board that the program be deleted from the academic program inventory.

c. CONTINUE WITH STIPULATION the following 6 academic programs (these programs will be subjected to additional review by OASA for two years to assess progress toward future productivity)

ASU	Master of Business Administration in Hospitality and Gaming Management (CIP 52.0999)
JSU	Education Specialist in Reading (CIP 13.1315)
MUW	Bachelor of Science in Physical Sciences (CIP 40.0101)
MUW	Bachelor of Science/Bachelor of Arts in Interdisciplinary Studies (CIP 30.9999)
MUW	Master of Education in Differentiated Instruction (CIP 13.0301)
UM	Bachelor of Science in Medical Technology (CIP 51.1005)

STAFF RECOMMENDATION: Board staff recommends approval of Items a-c.

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1. MSU and UM – REQUEST FOR APPROVAL OF A CAPITAL IMPROVEMENTS STUDENT FEE

Agenda Item Request: Approval is requested for a Capital Improvements Student Fee to provide a stable base of support for capital projects.

Effective with the academic year 2013-14, Mississippi State University (MSU) and the University of Mississippi (UM) are individually requesting approval to institute a \$50 student fee applicable to all students (resident and non-resident) with the exception of University of Mississippi Medical Center students and MSU's distance education students. These fees will be charged on a pro-rata hourly basis (capped at 12 hours) for all academic terms including fall, spring, summer, and intercessions. The revenue generated by the fees will be used to support capital projects on each respective campus. The immediate uses of the proposed fees are as follows:

Mississippi State University:

- Immediate proceeds will fund a portion of the cost for the 150,000-square foot academic classroom building with parking and energy-efficient thermal storage. This project initiation was approved by the Board in October 2011 and is presently in the design stage.
- Anticipated future projects at MSU include, but are not limited to, renovation of the YMCA Building and continued upgrades and maintenance of the utility infrastructure of the campus.

University of Mississippi:

- Immediate proceeds will fund construction, renovation, and servicing of the associated debt for the Student Union project. This project initiation was approved by the Board in August 2011.
- Future uses of the fee at UM will be designated specifically for the construction, renovation, or associated debt service of student facilities.

Estimated Revenues: MSU estimates that this fee will generate approximately \$1.7 million of new revenue annually while UM estimates that the fee will generate \$1.83 million of new revenue annually.

Staff Recommendation: Based on Board Policy 702.04C – *Consideration of Requests: Requests to establish tuition, and room and board charges shall not be considered until at least thirty days after they have been submitted to provide an opportunity for review by the Board and the Commissioner. The Board reserves the right to waive the thirty-day review requirement during periods of extreme time constraint.* Staff recommends waiver of the first reading and approval of the Capital Improvements Student Fee.

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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 §904(A), Board Approval

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

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

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

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

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

Board Policy §905(A), Real Estate Management

Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Board approval prior to the execution of a contract for the sale of real

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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.

APPROVAL OF OTHER REAL ESTATE REQUESTS

1. MSU –Approval of Sale of Property – 1.129 acres of land to Cooley Center Hotel, LLC

Project Request: Mississippi State University requests approval to sell 1.129 acres of land to Cooley Center Hotel, LLC.

Purpose: The land is not needed by the university and is not located on the university campus. The land is also not part of the master plan. The land use will be limited to the development of a Marriot Courtyard or an equivalent hotel. MSU and Cooley Center Hotel, LLC will work together on additional contracts to bring before the IHL Board for MSU to sell and lease adjacent parcels of land on which Cooley Center Hotel, LLC will construct a parking garage, conference center, and restaurants. In addition, MSU will work with Cooley Center Hotel, LLC on a contract for the renovation of the Cooley Building.

After the previous contract with Cotton Mills Development Group expired, the university issued a notice to prospective developers seeking proposals to develop the land surrounding the Cooley Building and to renovate the Cooley Building. Several developers responded and Cooley Center Hotel, LLC was selected by MSU.

The property is a parcel of land containing 1.129 acres between Mill Street and Highway 12, Starkville, Mississippi. The legal description of the property proposed to be sold is as follows: SE ¼ of the NW ¼ of Section 2, Township 18 North, Range 14 East, in the City of Starkville, Oktibbeha County, Mississippi

Terms of Contract: Mississippi State University received two independent property appraisals for the 1.129 parcel of land. The average of the two appraisals is \$440,000 for the property listed above. The university is selling the property to Cooley Center Hotel, LLC for \$460,000 which is above the average of the property's appraised value of \$440,000. The university also has a tentative closing date of on or

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before May 1, 2013. The property will not be sold, however, unless the parties enter into additional contracts which are approved by the IHL Board for the renovation of the Cooley building and for the development of the contiguous property owned by MSU. A Phase I Environmental Site Assessment (ESA) is not required for the sale of property.

Termination Options: Cooley Center Hotel, LLC shall have the option not to purchase the property if it is not satisfied with the inspections or if it is unable to obtain the necessary approvals to develop a hotel on the property. Should Cooley Center Hotel, LLC fail to develop the property as agreed to, MSU shall have the right to repurchase the property for the purchase price as well as any actual costs incurred in constructing the hotel. Should the parties not enter into additional contracts which are approved by the IHL Board for the renovation of the Cooley building and for the development of the contiguous property owned by MSU, MSU has the right to terminate the contract without any penalty whatsoever.

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

Staff Recommendation: The Attorney General's Office has reviewed and approved this item. Board staff recommends approval of this item.

2. UMMC – IHL 209-537 – Parking Garage C

Project Request: The University of Mississippi Medical Center requests approval to convert the current privatized project (Parking Garage C) pursuant to the Educational Building Corporation (EBC) financing method. The EBC bond funds would come from a prior EBC bond issue already approved by the IHL Board. UMMC has obtained an opinion of counsel letter from bond counsel advising that such EBC bond proceeds may be used to finance the Parking Garage C project. The University of Mississippi Medical Center requests to retain Tim Haahs Engineers/Architects as the approved architects and to proceed to bid the project out as a construction project, as well as any other actions necessary to proceed with the project. UMMC also requests approval of the exterior design of Parking Garage C. (See page 6)

Proposed Design Professional: Tim Haahs Engineers/Architects

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Purpose: The University of Mississippi Medical Center is seeking to change the project to an EBC funded project in order to save funds and carrying costs. The six story 1,070 space parking garage is needed to provide additional on-campus parking in support of the UMMC development plans. Under UMMC's Master Plan approved by the IHL Board, several new buildings will be built on existing parking lots, including the Cancer and Biomedical Research Building and the new School of Medicine. The parking garage will be used by faculty, staff, students and other subscribers. There is an option to add an additional two levels and expand to 1490 spaces.

History of Project: The IHL Board has considered this public-private partnership project under M.C.A. 37-101-41 et seq., at three earlier meetings:

- August 18-19, 2010. UMC 209-537 Parking Garage C was initiated. The Board approved using the dual phase design-build process for constructing the project with private financing. The Board also approved the location of the parking garage, the advertising requirements for this project and the evaluation criteria for the selection, and the short list of development teams to participate in phase two of the selection process.

- October 20-21, 2010. The Board approved a short list of three development teams.

- April 21, 2011. The Board approved the professional team of Signet-Harrell Development, Tim Haahs Engineers/Architects and Harrell Contracting Group, LLC

At the January 2012 Board meeting the Board authorized a bond resolution with a maximum aggregate principal amount of \$112 million of fixed-rate bonds. The approval of the bond issue was accompanied by Board approval to execute a Lease, Ground Lease, Preliminary Offering Statement, Trust Indenture, Continuing Disclosure Agreement, and Bond Purchase Agreement related to the issue. At the March 2011 Board meeting, the Board approved **Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P** (as successor to Watkins, Ludlam, Winter & Stennis, P.A.) as Bond Counsel, **Morgan Stanley and Company, Inc.** as Lead Underwriter, and **Ziegler Securities** and **RBC** as additional underwriters.

UMMC now requests to convert the funding source for Parking Garage C from privatized funding to EBC bond proceeds authorized by the Board at the January 2012 Board meeting. UMMC proposes to use parking fee revenue to fund the operation and debt service of the facility.

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Project Professionals for the Original Bonds issued in January 2012 for \$112 million include:

- First Southwest Company (Chris Janning) – Financial Advisor
- Jones, Walker, Waechter, Poitevent, Carrère & Denègre L.L.P – Bond Counsel
- Morgan Stanley & Co. Inc. – Lead Underwriter
- Ziegler Securities and RBC – Additional Underwriters

Term of contract: Previously approved 30-year fixed-rate bonds

Termination Options: The bond issue documents contain redemption features to take advantage of any market changes.

The University of Mississippi Medical Center is seeking appoint the design professional and change the funding source of 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 and requires that all changes in funding source(s) be brought to the Board for approval. The University of Mississippi Medical Center is also seeking approval of the exterior design of Parking Garage C in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

Project Initiation Date: August 19, 2010 as privatized project

Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 17,400,000.00
Architectural and Engineering Fees:	1,000,000.00
Miscellaneous Project Costs:	544,973.00
Contingency:	<u>1,055,027.00</u>
Total Project Budget	\$ 20,000,000.00

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Proposed Funding Source(s): Educational Building Corporation (EBC)
(\$20,000,000) –*EBC approved in January 2012*

Staff Recommendation: Board staff recommends approval of this item.

South Elevation 6 Levels:



West Elevation 6 Levels:



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3. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY §919 PREREQUISITES FOR BUILDING MODIFICATION OR DEMOLITION

Board approval for first reading is requested for proposed amendments to Board Policy 919 Prerequisites for Building Modification or Demolition as indicated below. The proposed amendments are needed because under the present wording of the subject policy, prior to requesting and obtaining Board approval to proceed with a restoration, improvement, construction, repair, renovation, rehabilitation, demolition or similar work, the institution must obtain approval from the Mississippi Department of Environmental Quality (DEQ) (as well as from the Mississippi Department of Archives and History). However, the DEQ does not grant approval of such a project prior to commencement of the project. The DEQ merely grants confirmation to proceed with the hazardous materials removal for a project after the contract has been signed with the low bidder/contractor, and after that low bidder /contractor has provided the DEQ with an acceptable disposal site location for any hazardous waste materials associated with the project. As a result, the subject Board policy needs to be amended to allow seeking and obtaining Board approval subject to any required approval of the DEQ, versus requiring prior approval of the DEQ before seeking Board approval to proceed with the project. The proposed amendments to Policy 919 are as follows:

§919 PREREQUISITES FOR BUILDING MODIFICATION OR DEMOLITION

Prior to ~~scheduling commencement of construction~~ of a building on an institution's property for ~~modification~~, restoration, improvement, ~~construction~~, repair, renovation, rehabilitation, demolition or similar work, the institution shall secure any required inspections and/or approvals from the Mississippi Department of Environmental Quality and any required permits or written permission approvals from the Mississippi Department of Archives and History authorizing the requested building action. ~~After obtaining approval from these two agencies, While general requirements for obtaining Board approval related to construction projects are set out in Board Policies 902 and/or 904, all projects involving the demolition of a university facility shall require prior Board approval, regardless of projected cost. A request for the building modification, or demolition shall be submitted to the Board for approval. The request to the Board must include documentation evidencing approval by the Department of Environmental Quality and the Department of Archives and History. Any Board approval of a modification or demolition project is subject to any required approvals of the Mississippi Department of Environmental Quality and the Mississippi Department of Archives and History.~~

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~~After approval is granted by the Board, the facility may be modified or, in the case of demolition, be removed from the state inventory of buildings and demolished.~~

Staff Recommendation: Board staff recommends approval of this item.

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1. MSU - APPROVAL OF PROPOSED AFFILIATION AGREEMENT BETWEEN MISSISSIPPI STATE UNIVERSITY AND THE BULLDOG CLUB, INC.

Mississippi State requests approval to enter into and/or renew the Affiliation Agreement between Mississippi State University and The Bulldog Club, Inc. ("Bulldog Club"). A new agreement between the University and the Bulldog Club is needed to reflect the Bulldog Club's current duties and obligations in light of the recent merger of the Bulldog Club and the Bulldog Foundation, Inc. This agreement is designed to govern the relationship between the University and the Bulldog Club by setting forth the terms and conditions under which the University will provide certain support and services for the Bulldog Club and the Bulldog Club will provide certain support and services for and on behalf of the University. The term of the agreement will be from December 1, 2012 through November 30, 2017. A copy of the proposed agreement is set out below.

**AGREEMENT
BETWEEN
MISSISSIPPI STATE UNIVERSITY
AND
THE BULLDOG CLUB, INC.**

THIS AGREEMENT ("Agreement") is entered into as of the 1st day of December, 2012, by and between MISSISSIPPI STATE UNIVERSITY ("University") and THE BULLDOG CLUB, INC. ("Club").

WHEREAS, the University is an institution of higher education, and an agency of the State of Mississippi; and

WHEREAS, the Club is a Mississippi non-profit corporation, recognized as tax exempt under Section 501(c) (3) of the Internal Revenue Code, the purpose of which is to support athletic programs (the "Programs") of the University by raising funds to support athletics in all of its aspects as may be requested by the University; and

WHEREAS, the Club has the obligation and the ability to use its resources in a responsible and effective manner to operate exclusively for the benefit of University

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athletics by providing certain services and funding to support the various needs of University's athletics programs; and

WHEREAS, the University has determined that it is in its best interest for athletic fund raising and other services to be coordinated through the Club to increase efficiency and to expand the current sources of support for the Programs and desires to engage the services of the Club in accordance with the terms and conditions set forth below;

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements contained herein, the parties hereby agree as follows:

1. Relationship of Parties. The Club is a not-for-profit corporation, organized under the laws of the State of Mississippi. In accordance with its Articles of Incorporation, the Club is to be administered and operated exclusively for the benefit of the Programs of the University. However, the Club is not a subsidiary of the University and is not directly controlled by the University. The independent Board of Directors of the Club is entitled to make all decisions regarding the business and affairs of the Club. Moreover, the assets of the Club are the exclusive property of the Club and do not belong to the University. The resources of the Club are committed and disbursed at the discretion of the Club's Board of Directors in accordance with donor directions and with Club policy developed and updated as needed in cooperation with the University. No university employee or other persons directly or indirectly employed by IHL shall serve as a voting member of the Board of Directors unless approved by IHL, but

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may serve as an ex-officio non-voting member. No member of the IHL Board shall hold a voting position.

2. Club Services. The services to be performed by the Club hereunder shall include, but not be limited to:
 - A. Planning and coordinating fund-raising activities, annual giving campaigns, fund-raising initiatives, making capital improvements, entering into contracts in its discretion as requested by the President, in cooperation with the MSU Foundation, Inc., and the University Athletics Department. The Club shall operate and perform services in compliance with all applicable state and federal laws.
 - B. Notifying the Director of Athletics of all designated gifts and contributions to the Club for the benefit of Athletics, including the terms of any restrictions on such gifts, and making regular reports of fund balances and expenditures available to appropriate University administrators.
 - C. Receiving all gifts and contributions to the Club for necessary and appropriate acknowledgment, as required by the Internal Revenue Code, and delivery to the chief financial officer of the Club for recording and deposit. Assets of the Club shall be maintained pursuant to the Uniform Management of Institutional Funds Act (UMIFA) or Uniform Prudent Management of Institutional Funds Act (UPMIFA) as promulgated by the State of Mississippi.

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- D. Directing the services of a professional staff for campaigns, planning, and corporate and Club development activities, prospect research, donor stewardship, investments, accounting, and disbursement.
- E. Working where appropriate with the designated offices of the University to arrange press conferences, press releases, and radio and television communications to acknowledge significant gifts.
- F. Maintaining records concerning charitable pledges, gifts, and contributions to the Club.
- G. Coordinating with appropriate university officials in the management and recognition of all scholarship programs.
- H. Providing timely transfer for funds, reimbursement of expenses or payment of vouchers approved in accordance with Club policy.
- I. Manage, control, market, and sell seating and parking, as designated by the University, for athletic events.
- J. Manage, plan, design, fund, and oversee construction of athletic facilities as designated by the University for the Athletic Department.
- K. Provide supplemental compensation to certain University athletics employees as requested by and at the discretion of the President of the University and as approved by the Club's Board of Directors.

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- L. Provide vehicles for use by coaches, assistants and other university employees as requested by the University and determined to be beneficial by the Club.
 - M. Administer, including marketing, production and distribution of, all (1) radio and television networks and programming, and (2) publications for appropriate University Athletics programs; sell all advertising and sponsorships for such broadcasting, programming and publications, and receive all revenues, if any, derived therefrom.
 - N. Administer, including marketing and selling, all corporate advertisements and sponsorships for University Athletics events and venues within guidelines agreed to by the University and receive all revenues, if any, derived therefrom.
 - O. Administer all athletic team apparel and footwear uses and sponsorships and receive all revenues, if any, derived therefrom.
 - P. Such other duties as the University may reasonably request as necessary or desirable to effectively conduct the programs and services of the University's Department of Athletics.
 - Q. University assets shall not be managed by the Club or its voting Directors.
3. University Obligations. For all services rendered by the Club under this Agreement, and in consideration of the agreements of the Club contained herein,

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the University shall, at no additional cost to the Club, during the term of this Agreement:

- A. Provide to the Club all personnel necessary for the performance of its duties under this Agreement; such personnel shall be selected, hired, and discharged by the University; the compensation of such personnel, together with all fringe benefits, employment taxes, and other costs thereof, shall be set and paid by the University; all such personnel shall be under the full supervision and control of the University and shall for all purposes be considered employees of the University.
- B. Provide offices, furnishing and equipment, utilities, and other support for the Club as necessary and appropriate for the performance of the services required hereunder.
- C. Reimburse the Club for certain reasonable business expenses, which the Club may incur on the University's behalf.
- D. Grant the Club exclusive multi-media advertising and sponsorship rights, including the right to market, sell and transfer such rights, for the University Athletics programs. Such rights shall include, without limitation, advertising and sponsorship rights associated with print, media, radio and television programming, existing and new signage at University athletic events and venues and related promotional and sponsorship rights for the University's athletics programs.

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- E. Grant the Club exclusive athletic team apparel and footwear use and sponsorship rights.
- 4. Determination of Needs for Solicitation of Private Funds. It is understood and agreed that the Club shall look to the University for a determination of specific needs and athletic programs the Club shall plan and manage as a part of its fund-raising efforts. However, the University understands the importance of long-range planning in fund solicitation and agrees to involve the Club in the process of determining the specific needs and programs. The President of the University shall be responsible for planning for these specific needs and programs.
- 5. Financial Statements. The Club shall maintain financial and accounting records and annual financial statements in accordance with Generally Accepted Accounting Principles, which records shall be maintained separately from the records of the University. These financial records shall be audited annually by a Certified Public Accounting firm engaged for that purpose by the Club and approved by IHL. These statements shall contain such detail as the IHL Board may from time to time require. The Club shall furnish, subject to such terms and conditions as required, to the University and IHL by March 1 of each year such audited financial statements together with a list of the officers and directors of the Club. The Club understands and agrees its Audited Financial Statement may be required for inclusion State of Mississippi's Comprehensive Annual Financial Report(CAFR). If so required the Club will submit annual audited financial

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statements for inclusion in the CAFR, as determined by the IHL Board's Deputy Commissioner of Finance and Administration and external auditing firm hired to perform the annual IHL system audit. If requested the Club will furnish the annual audited financial statements to the President and to IHL, along with a list of Club officers and directors by October 15 of the year requested. The IHL Board's Deputy Commissioner of Finance and Administration shall notify the Club of the applicability of the October 15 deadline as far in advance of the deadline as possible each year. The CPA firm utilized by the Club must be approved by the IHL Board and all requests for approval of such firm must be submitted to the IHL Board. All requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three (3) months prior to the end of the Club's fiscal year for which the audit will be conducted. Unless approval is specifically granted for multiple years, approval of a firm by the IHL Board for one year does not constitute approval for other years, and the Club shall then submit requests for CPA approval on an annual basis. The Club and the President may request a waiver of the requirement of an annual audit by a CPA firm on a showing of adequate grounds, such as limited assets which make the expense of such an audit financially burdensome to the Club and unnecessary. The IHL Board may grant such a waiver which may be conditioned upon such other review of the financial records of the Club as the University and IHL may deem feasible. The Club shall accompany such request for a waiver with (a) its

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most recent annual audited financial statement (if it exists),(b) the financial statements of the most recently completed fiscal year, (c) a written description of how the Club anticipates the year-end financial statement for the current year will differ from the financial statements of the end of the most recently completed fiscal year, and (d) a good faith estimate of the cost of engaging an auditor with respect to the statements. The granting of any request for such a waiver is within the sole discretion of the University and the IHL Board. Any waiver granted shall apply only for one year, and any request to waive the requirement for any succeeding year will be submitted as above set out.

6. Confidential Records. Certain donor and fund information and contracts maintained in furtherance of the Club's fundraising activities and other services is recognized to be the property of the Club and as such is confidential whether in paper or electronic format. The parties acknowledge the Club's electronic donor records, including, but not limited to related biographical, pledge, and gift records, and contracts entered into by the Club are the exclusive property of the Club, regardless of the server or computer on which the records reside. To the extent information shared with the University may be protected from disclosure, the University will notify the Club before disclosure to afford the University and the Club an opportunity to take all necessary action to protect such information under available statutory exceptions if disclosure would result in a breach of confidentiality or public disclosure of confidential, or private information. In

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particular, the University will actively join with the Club to pursue the protection of the identity of donors and any information the Club may collect about said donors and shall establish and enforce policies that support the Club's ability to respect the privacy and confidentiality of donor records.

If requested by the University, the Club shall provide any and all information relating to the operation or management of the Club or any funds contributed to, received by, expended by, or managed by the Club. To the extent that information is inspected, reviewed or received by the President or his designees with respect to the identity of donors who have expressly stated they wish to maintain anonymous, or with respect to any information relating to the identification, cultivation and solicitation of donors, or with respect to personal, commercial or proprietary information relating to a donor or his/her family or business, such information shall be treated as confidential by the President and any designee who may acquire such information. The University shall take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances. Such inspection rights are also extended to IHL acting upon its minutes; however, it is understood the appropriate extent of any disclosure or other use of the information is in the discretion of IHL and, further, any decision to release any personal, commercial, or proprietary information that would identify any particular donor shall be made by IHL, acting upon its minutes.

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7. Communications. The President of the University shall be responsible for communicating to the Club priorities and long-term plans of the University. The parties shall work together to encourage communications between the Board of Trustees of State Institutions of Higher Learning and the Board of Directors of the Club. To provide the Directors with the appropriate information to assist them in the proper execution of their duties and responsibilities as the Board of Directors of the Club, the University shall furnish the Club reports, schedules and records as may be requested by the Club, and the Directors of the Club will seek input from the President of the University in defining major needs and priorities.
8. Gift Receipting and Ownership. All gifts received by the University for athletics shall be immediately forwarded to the Club for acknowledgment in accordance with section 2(C) of this Agreement to ensure proper receipting and recording of all athletics gifts into a common record. Gifts made to the Club shall be accounted for and ownership maintained by the Club. However, checks made payable to the University will be transferred to the Club if a gift agreement, pledge, or expectancy exists between the donor and the Club. If a check is made payable to the University and no gift agreement, pledge, or expectancy exists between the Club and the donor, the donor will be contacted to clarify his intent. The intent expressed by the donor will control the delivery and ownership of the funds. Certain non-endowed gifts made for athletics may be received through the MSU Foundation, Inc. ("Foundation") as part of annual giving appeals, or

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otherwise. In these cases, the Foundation will acknowledge the gifts and hold the funds until disbursement is requested by the Club. If a donor wishes to establish an endowed fund for the benefit of athletics through the Foundation, normal policies governing the investment and disbursement of investment income from endowed funds will apply as set forth by the Board of Directors of the Foundation.

9. Trademark/Logo Usage: To assist the Club in discharging its obligations under this Agreement, the University grants the Club a non-exclusive worldwide license to use University trademarks, service marks and logos consistent with University policy and the terms and conditions of this Agreement. It is understood and agreed that the University's name, marks and logos have great economic and public relations value. The Club shall not assign or delegate authority to use the University's name, marks or logos to any person or entity without the written approval of the University's Trademark Licensing office.
10. Club Funding. The Club, with the consent of the University, which consent shall not be unreasonably withheld, may use a percentage of the annual unrestricted funds, assess fees for services, or impose charges against managed funds to support its operations.
11. Term of Agreement. Subject only to the provisions for termination as hereinafter set forth, the initial term of this Agreement shall be for a period beginning on

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December 1, 2012, and ending on November 30, 2017, and shall continue thereafter from year to year.

- A. The University may terminate this Agreement without cause with thirty (30) days written notice to the Club and with the prior approval of IHL, acting upon its minutes.
- B. The University may terminate this Agreement for cause, without notice to the Club but with notice to IHL and prior approval of IHL, acting upon its minutes.
- C. Upon termination and non-renewal of this Agreement: (1) the Club shall cease to use and shall not assign or delegate the authority to use the University's name or registered marks or logos to any person or entity without the written approval of the President; (2) the Club shall remit any and all unrestricted funds held for the benefit of the University to such entity as designated in writing by the President on behalf of the University; (3) the Club shall work in concert with its donors, to the extent practicable and allowed by law, to move any restricted funds held for the benefit of the University to such entity as designated in writing by the President on behalf of the University; (4) the Club shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to such entity as designated by the President; and, (5) the Club shall work in concert

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with the University to provide the University or its designee with records and materials of the Club as are necessary to continue the business and/or wind up the affairs of the Club.

- D. The Club agrees to cease using University's name, marks, and logos, in the event that the Club dissolves, ceases to be a non-profit corporation, or ceases to be recognized by the Internal Revenue Service as a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code.
- E. In the event that the President notifies IHL, that the relationship between President and the Club is detrimental to the well being of the University, IHL shall attempt to reconcile the parties, including through mediation, if advisable. However, if IHL determines and notifies the President that it is in the best interest of the University to substitute new members of the Board of Directors of the Club, the President may direct that at the expiration of a ninety-day period, the terms of office of up to 100% of the total number of Directors shall be deemed to have expired. Upon such event, a five person Commission shall be selected as follows: (1) one member appointed by the President; (2) one member appointed by IHL; (3) one member appointed by the Board of Directors of the Mississippi State University Alumni Association; and, (4) two members appointed by a majority vote of the Athletic Director, the Faculty Representative of the Athletic Department and the living three (3) largest lifetime individual

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donors to the Bulldog Club not members of the Board of Directors and who were not removed as a director under the provisions of this subsection. The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. It is expressly understood that any one, or all, of the previous members of the Board of Directors of the Club may be re-appointed by this Commission. The reconstituted Board of Directors shall then elect new officers of the Club, which may include former officers or Board Members.

F. The Club may not terminate this Affiliation Agreement without the consent of the President and IHL.

12. This agreement shall apply to any and all entities owned or controlled by the Club, with the exception of a special purpose entity created for the sole and specific purpose of utilization as a financing vehicle for the private financing of university auxiliary facilities by a private developer using the alternate dual-phase design-build privately financed construction method, as specially authorized by Miss. Code Ann. Section 37-101-41, et seq. (1972), as amended. Should the use/purpose of any such special purpose entity change, the Club will comply with any and all provisions of the affiliation agreement between the University and the entity owning or controlling the special

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purpose entity.

13. Notices. Any notice, request, demand, or other communication permitted to be given hereunder shall be in writing and shall be deemed to be duly given when personally delivered to an officer of the Club or the President of the University, as the case may be, or when deposited in the United States mails, by certified or registered mail, return receipt requested, postage prepaid, at the respective addresses of the Club and the University as shown below, or to such other address as either party shall designate by written notice to the other:

As to the University: MISSISSIPPI STATE UNIVERSITY
Post Office Box 6018
Mississippi State, MS 39762

As to the Club: President
THE BULLDOG CLUB
Post Office Box BT
Mississippi State, MS 39762

14. Assignment. Neither this Agreement nor any interest herein may be assigned, transferred, or conveyed in whole or in part by one party without the written consent of the other party.
15. Applicable Law. This Agreement shall be construed, interpreted and the rights and duties of the parties determined in accordance with the laws of the State of Mississippi.
16. Independent Contractor. It is understood and agreed that the Club, its officers, employees, and agents, if any, shall act solely in the capacity of an independent contractor and not as employees of or agents for the University.

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17. Reportable Events and Notices.

- A. The Club President shall promptly notify the President and IHL, in writing, if any of the following events (“Reportable Events”) occur:
- (i) The Club has materially breached any of its contractual obligations under the Agreement;
 - (ii) The Club has materially failed to properly receive, apply, manage, or disburse any funds or has materially failed to properly comply with any binding instructions from donors relating to those funds;
 - (iii) The Club has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;
 - (iv) There has been a failure by the Club or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing document or procedures of the Club;
 - (v) Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the Club or upon its status as a tax exempt organization; or
 - (vi) The Club has contracted with or entered into any business or pecuniary relationship with any of its Board members, other than a full-time employee of the Club, or any entity controlled directly or

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indirectly by the Board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of Fifty Thousand Dollars (\$50,000) in any calendar year; the previous sentence creates a duty to the Club to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.

- B. The President of the Club shall submit to the President and IHL a signed certification statement annually, before January 31 of each year, which affirmatively states the Club has examined its donor records and business transactions occurring during its fiscal year ending within the prior calendar year, and to the best of its knowledge, there is no evidence any Reportable Event occurred, other than those which have been duly reported to the President and IHL, as required above. The President of the Club shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the Club President will immediately notify, in writing, the President of the University.

18. Miscellaneous.

- A. It is recognized that the Mississippi State University Foundation, Inc. is primary in major gift fund-raising activities as requested by the University but does not hold an exclusive right to other activities such as solicitation for support of athletic programs as currently performed by the Club.

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However, the University has agreed to first notify the MSU Foundation, Inc. before making any contract or commitment with any other individual, corporation, association, or partnership concerning such activities.

- B. The parties acknowledge the Club has, and the Club agrees, to keep in effect a conflict-of-interest policy that complies with all requirements of MISS. CODE ANN. § 79-11-269 (1972), as amended.
- C. The President of the University shall make all necessary reports to the Commissioner of Higher Education concerning supplemental compensation or salary supplements made by the Club to employees of the University. No form of additional compensation for the President or any IHL system office employee may be underwritten or increased by the Club without prior approval of the IHL Board.
- D. A waiver by either party of any of the terms and conditions of this Agreement in any instance shall not be deemed or construed to be a waiver of such term or condition for the future, or any subsequent breach thereof, or of any other term and condition of this Agreement.
- E. This Agreement constitutes the basic agreement between the parties with respect to the services of the Club concerning athletics programs. This Agreement may be amended only by an instrument in writing specifically referring to this Agreement and executed by duly authorized representatives of both parties to this Agreement.

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- F. This Agreement supersedes and cancels all prior, similar agreements between the Club and the University.
- G. If any provisions of this Agreement shall, for any reason, be held violative of any applicable law, and so much of said Agreement is held to be unenforceable, then the invalidity of such specific provision shall not be held to invalidate any other provisions, which shall remain in full force and effect.
- H. The maximum period of time for which the Club shall enter into contracts for professional, advisory, or other personal services shall be six (6) years.
- I. The headings of the several Sections herein are inserted for convenience of reference only and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be as of the day and year first above written.

Dr. Mark E. Keenum
President
MISSISSIPPI STATE UNIVERSITY

Beth Clay
President
THE BULLDOG CLUB, INC.

Date: _____

Date: _____

STAFF RECOMMENDATION: This Agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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2. UMMC - APPROVAL TO SETTLE UMMC-IHL SELF-INSURED WORKERS' COMPENSATION CLAIM

The IHL Self-Insured Workers' Compensation Program is seeking Board approval for settlement of Claim's No. 55-15684-1 at UMMC.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. UMMC - APPROVAL TO SETTLE UMMC-IHL SELF-INSURED WORKERS' COMPENSATION CLAIM

The IHL Self-Insured Workers' Compensation Program is seeking Board approval for settlement of Claim's No. 55-25443-1 at UMMC.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1772.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

5. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1804.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

6. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1805.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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7. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1806.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

8. SYSTEM – APPROVAL FOR FIRST READING OF PROPOSED AMENDMENTS TO BOARD POLICY 102.06 DIVERSITY STATEMENT

The system staff diversity committee, some time ago, recommended changes to the Board’s policy 102.06 Diversity Statement that included using the term “underrepresented” versus the term “minority”. Additionally, the EEOC race/ethnicity classifications have changed since the passage of our current policy 102.06, so that language needs updating. Lastly, there are several other “clean-up” changes proposed for your consideration. The proposed changes to this policy are as indicated below:

102.06 DIVERSITY STATEMENT

One of the strengths of Mississippi is the diversity of its people. This diversity enriches higher education and contributes to the capacity that our students develop for living in a multicultural and interdependent world. Our system of government, rooted in respect for all people and respect for each individual, is based on understanding. Dealing with this diversity continues to be a challenge and an opportunity.

~~As one of the qualities essential to Mississippi’s success, diversity creates the rich environments so critical to democratic, real-world learning. Since population projections show that by 2025 the American workforce will be predominantly comprised of people of color, access to higher education for historically underserved individuals is also in our best interest. The Board believes that institutions of higher learning have a moral and educational responsibility to ensure that talent is developed in all our citizens, and that our universities, individually and collectively, are strengthened by diversity in student bodies, faculties, administration, and in all areas offering employment opportunities, including construction, financing, and consulting.~~

~~This diversity statement applies to citizens or lawful residents of the United States who are: African American, Hispanic, Asian American, American Indian, Alaskan Native, and Female.~~

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For the purposes of this diversity statement, and unless otherwise specified within this policy, the term “underrepresented” refers to citizens or lawful residents of the United States who are: Black or African American, Hispanic or Latino, Asian, American Indian or Alaskan Native, Native Hawaiian or other Pacific Islander, and/or female.

This statement shall be applicable to the various institutions and the Board Office.

As to our Historically Black Institutions, and for the purposes of this policy, the term “underrepresented” refers to Whites and to the above listed underrepresented individuals, other than to Blacks and African Americans.

The Board recognizes the desirability for campus environments to promote ~~multicultural~~ diversity and to increase the participation and achievement of ~~minority students~~ underrepresented individuals, which generally includes females at our institutions, unless females constitute a majority of the individuals making up the subject group at a particular institution. To that end, the Board adopts the following goals for higher education in Mississippi:

1. To increase the enrollment and graduation rate of underrepresented students ~~minorities~~ at our institutions;
2. To increase the employment of underrepresented individuals in administrative, faculty and staff positions;
3. To enhance the overall curriculum by infusion of content that enhances multicultural awareness and understanding; and
4. To increase the use of underrepresented ~~minority~~ professionals, contractors, and other vendors.

The Board recognizes that the full and meaningful implementation of this statement and these goals requires that a high priority be assigned to this endeavor; therefore, the Board will require that the performance evaluation of all institutional executive officers and the Commissioner include this as one of the most significant elements. The Board also expects the institutional executive officers and the Commissioner to incorporate this into the performance evaluation in their units and in the establishment of goals and performance evaluation of the institutions and organizations.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. **SYSTEM – APPROVAL OF DATES AND LOCATIONS FOR JANUARY THROUGH DECEMBER 2013 BOARD MEETINGS**

Thursday, January 17, 2013	Board Office
Thursday, February 21, 2013	Board Office
Thursday, March 21, 2013	Board Office
Thursday, April 18, 2013	Board Office
Thursday, May 16, 2013	Board Office
Thursday, June 20, 2013	Mississippi University for Women
Thursday, July 18, 2013	Subject to Call
Thursday, August 15, 2013	Board Office
Thursday, September 19, 2013	(Board Retreat)
Thursday, October 17, 2013	Jackson State University
Thursday, November 21, 2013	Board Office
Thursday, December 19, 2013	Subject to Call

Staff recommendation: Board staff recommends approval of this item.

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1. **SYSTEM – REPORT ON EXISTING PROGRAMS NOW OFFERED ONLINE**
 - a. *Alcorn State University* is offering the **Master of Science in Nursing – Nurse Practitioner Program Option**
 - b. *Delta State University* is offering the **Master of Science in Special Education**
 - c. *University of Southern Mississippi* is offering the **Master of Science in Nutrition and Food Systems with an Emphasis in Management of Child Nutrition Programs**
 - d. *University of Southern Mississippi* is offering the **Master of Science in Nursing (Psychiatric Nurse Practitioner)**
 - e. *University of Southern Mississippi* is offering the **Bachelor of Science in Applied Technology**
 - f. *University of Southern Mississippi* is offering the **Bachelor of Business Administration in Tourism (Casino and Resort Management)**
 - g. *University of Southern Mississippi* is offering the **Master of Education in Educational Curriculum and Instruction**

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2. SYSTEM - ANNUAL REPORT ON INSTITUTIONAL ACCREDITATION

In accordance with Board Policy 508 (2): Accreditation Procedures “*The Commissioner of Higher Education shall report to the Board at least annually, through its Academic Affairs Committee, on each accreditation visit or change in accreditation status of each university,*” the table below summarizes system accreditation activity for the period beginning July 1, 2011 and ending June 30, 2012.

Institution/Area	Accreditation Agency	Date of Visit or Notification of Status Change	Reason for Visit or Status Change	Institutional Action	Accreditation Agency Action
Alcorn State University					
School of Business	Accrediting Council for Business Schools and Programs (ACBSP) formerly Association of Collegiate Business Schools and Programs	February 2012 (Candidacy for Accreditation Approved)	Initial Accreditation	Progress Report	Accreditation Anticipated AY 2013-2014
School of Arts and Sciences Bachelor of Social Work	Council on Social Work Education (CSWE)	March 2012	Initial Accreditation	Submit Follow-up Report March 2013	Approved for Initial Accreditation (June 2008-2016)
Delta State University					
College of Arts and Sciences Department of Art BA (General, Teacher Licensure); BFA: Studio Arts (Crafts, Graphic Design, Painting, Photography, Sculpture)	National Association of Schools of Art and Design (NASAD)	May 2012	Renewal of Continuing Accreditation	Rejoinder Submitted	Accreditation for 10 years (2022)
College of Business Master of Professional Accountancy (MPA)	Accreditation Council for Business Schools and Programs (ACBSP)	April 2012	Initial Accreditation	Quality Assurance Report Due September 15, 2012	Approved Accreditation through 2015
College of Education Division of Health, Physical Education and Recreation	Commission on Accreditation of Athletic Training Education (CAATE)	November 2011	Continuing Accreditation	Response to the Report of On-Site Evaluation Submitted May 2, 2012	Results Pending
College of Education Division of Counselor Education and Psychology	Council for Accreditation of Counseling and Related Educational Programs (CACREP)	April 2012	Continuing Accreditation	Addendum Submitted	Site Visit Fall 2012
College of Education Educational Leadership Master's Degree Program	Mississippi Department of Education (MDE)	November 2011	State Mandate	Submitted Redesign Proposal in Compliance with MDE	Educational Leadership Redesign Approved
College of Education Division of Teacher Education, Leadership and Research	Mississippi Department of Education (MDE)	April 2012	Continuing MDE Annual Process and Performance Review	No Action	No additional reporting required before next affirmation
Robert E. Smith School of Nursing	Commission on Collegiate Nursing Education (CCNE)/Mississippi	November 2011	Approval of DNP Program	Submitted IHL Appendix 8 (New Degree Program Proposal) for Approval	Change Approved by IHL

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Institution/Area	Accreditation Agency	Date of Visit or Notification of Status Change	Reason for Visit or Status Change	Institutional Action	Accreditation Agency Action
	Institutions of Higher Learning (IHL) Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)			Submitted Prospectus to SACSCOC for Approval March 2012	SACSCOC Results Pending
Jackson State University					
Institutional	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	February 2012	Required Report	Executive Summary of QEP	Report Accepted
Institutional	Southern Association of College and Schools-Commission on Colleges (SACSCOC)	February 2012	Approval of Two Online Degree Programs	Substantive Change Notification Letter	Notification Accepted
College of Public Service Department of Communicative Disorders MS Degree Program	American Speech-Language-Hearing Association (ASHA) Council on Academic Accreditation	February 18, 2012	Placed on Probation for Faculty Deficiencies and Unsatisfactory Student Pass Rates for Licensure	Providing Resources for Faculty Enhancement, and Rigorous Tutorials for Ensuring Student Exam Success	Program Review August 2013
College of Liberal Arts Department of Psychology PhD in Clinical Psychology	American Psychological Association (APA) Commission on Accreditation	April 2012	Review of Revised and Updated Self-Study Report	Submit Follow-up and Annual Reports	Reaffirmation of Accreditation through 2016
College of Science, Engineering and Technology School of Science and Technology Department of Technology BS Degree Program	Association of Technology, Management, and Applied Engineering (ATMAE)	April 2012	Site Team Visit	Update Reports Required Every Two Years	Reaffirmation of Accreditation through 2016
Mississippi State University					
College of Business	Association to Advance Collegiate Schools of Business (AACSB)	February 2012	Continuing Accreditation	Report Required January 2013	Review of Report March 2013
School of Accountancy	Association to Advance Collegiate Schools of Business (AACSB)	February 2012	Continuing Accreditation	Report Required January 2013	Review of Report March 2013
College of Arts and Sciences Master of Public Policy and Administration	National Association of Schools of Public Affairs and Administration (NASPAA)	July 2011	Continuing Accreditation	Non-Substantive Change	Approved Accreditation through 2018
Landscape Architecture	Landscape Architectural Accreditation Board (LAAB), American	August 2011	Continuing Accreditation	Annual Reports	Approved Accreditation through June 30, 2017

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	Society of Landscape Architects (ASLA)				
College of Veterinary Medicine Veterinary Technologist	Committee on Veterinary Technician Education and Activities (CVTEA), American Veterinary Medical Association (AVMA)	January 2012	Initial Accreditation	Interim Report September 2012 Annual Report March 2013	Accreditation for 5 Years (2017)
College of Education Teacher Education Program, Starkville and Meridian Campuses	Mississippi Department of Education (MDE)	May 2012	Continuing Accreditation	No Action	No additional reporting required before next affirmation
Bagley College of Engineering 10 Undergraduate Degree Programs: Aerospace Engineering Biological Engineering Chemical Engineering Civil Engineering Computer Engineering Computer Science Electrical Engineering Industrial Engineering Mechanical Engineering Software Engineering	Engineering Accreditation Commission (EAC) of Accrediting Board of Engineering and Technology (ABET)	November 2011	Continuing Accreditation	Periodic Self-Study Reports	Continuing Accreditation for each degree program through 2017-2018
Mississippi University for Women					
College of Arts and Sciences Department of Art and Design BA, BFA in Fine Arts	National Association of Schools of Art and Design (NASAD)	March 2012	Continuing Accreditation	Rejoinder Due September 2012	Results Pending (Action at October 2012 NASAD meeting)
College of Nursing and Speech-Language Pathology Associate of Science in Nursing Program	MS Institutions of Higher Learning, Board of Trustees (IHL)	Spring 2012	Continuing Accreditation	Routine Annual Ongoing Compliance Report Fall 2011	Ongoing Full Accreditation
College of Nursing and Speech-Language Pathology Bachelor of Science in Nursing Program	MS Institutions of Higher Learning, Board of Trustees (IHL)	Spring 2012	Continuing Accreditation	Routine Annual Compliance Report Fall 2011	Ongoing Full Accreditation
College of Nursing and Speech-Language Pathology Master of Science in Nursing Programs	MS Institutions of Higher Learning, Board of Trustees (IHL)	Spring 2012	Continuing Accreditation	Routine Annual Compliance Report Fall 2011	Ongoing Full Accreditation
College of Nursing and Speech-Language Pathology Master of Science in Speech-Language Pathology	Council of Academic Accreditation (CAA) of the American Speech-Language-Hearing Association (ASHA)	Fall 2011	Continuing Accreditation	Written Response to Minor Points in Written Report Submitted	Ongoing Full Accreditation for the maximum period allowed (Spring 2019)
College of Business and Professional Studies Business Department Bachelor of Science in	Accreditation Council for Business Schools and Programs (ACBSP)	May 2012	Continuing Accreditation	Interim Quality Assurance (QA) Report February 2012	Condition Removed No additional reporting required until next Quality Assurance (QA)

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Accounting Bachelor of Science in Business Administration					Report (February 2014)
College of Business and Professional Studies Legal Studies Department Bachelor of Science in Legal Studies Bachelor of Arts in Legal Studies	American Bar Association (ABA)	August 2011	Continuing Approval <i>(Note: ABA uses the term 'approval' for programs that offer opportunities in paralegal studies.)</i>	Interim Report February 2012	Granted Re-Approval Periodic 3-year reporting until next Re- Approval visit
Mississippi Valley State University					
College of Arts and Sciences/Education English Department English Education	National Council for Accreditation of Teacher Education (NCATE)/MS Department of Education (MDE)	April 2012	NCATE/NCTE SPA Report Review	Report Submitted March 2012	Report Under Review
College of Arts and Sciences NSHEH Department Environmental Health MS	National Environmental Health Science and Protection Accreditation Council (EHAC)	April 2012	Reaffirmation	Rejoinder	Conditional Accreditation through 2013
College of Professional Studies/Education Education Department Elementary Education BS	National Council for Accreditation of Teacher Education (NCATE)/MS Department of Education (MDE)	April 2012	NCATE/ACEI SPA Report Review	Report Submitted March 2012	Report Under Review
University of Mississippi					
College of Liberal Arts Department of Art BA, BFA	National Association of Schools of Art & Design (NASAD)	March 2012	Continuing Accreditation	Rejoinder	Results Pending
College of Liberal Arts Department of Theatre Arts BA, BFA	National Association of Schools of Theatre (NAST)	March 2012	Continuing Accreditation	Progress Report	Good Standing Accredited until next review (2020-2021)
College of Liberal Arts Department of Music BA – Music BM – Music Education (Instrumental, Keyboard, Vocal) BM – Performance (Instrumental, Piano, Vocal) MM – Conducting (Choral) MM – Music Education MM – Performance (Instrumental, Piano, Vocal) PhD – Music (Music Educational)	National Association of Schools of Music (NASM)	June 2012	Continuing Accreditation	Progress Report	Good Standing Accredited until next review (2020-2021)
College of Liberal Arts Department of Chemistry and Biochemistry	Forensic Science Education Programs Accreditation	September 29-30, 2011	Continuing Accreditation	No Action Necessary	Five-Year Full Accreditation (1/1/2012 until

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BS – Forensic Chemistry	Commission (FEPAC) of the American Academy of Forensic Science (AAFS)				1/1/2017)
School of Law J.D.	American Bar Association (ABA)	March 2012	Sabbatical Site Evaluation	No Action	Continuing Accreditation for 7 years (2019)
School of Business Administration BBA, MBA, PhD	Association for the Advancement of Collegiate Schools of Business (AACSB)	January 29-31, 2012	Reaccreditation of all Programs	No Action	Continuing Accreditation for 5 years (2012-2017)
Patterson School of Accountancy MACCY MTAX PhD	Association for the Advancement of Collegiate Schools of Business (AACSB)	January 29-31, 2012	Maintenance of Accreditation for all Accountancy Degree Programs	No Action	Continuing (Maintained) Accreditation for 5 years, next visit during 2016-2017 AY
School of Pharmacy Doctor of Pharmacy Program	Accreditation Council for Pharmacy Education (ACPE)	March 2012	Continuing Accreditation	Progress Reports Every 1-2 Years	Continuing Accreditation for 8 years (March 2020)
School of Engineering BS in Chemical Engineering	Accreditation Board of Engineering and Technology (ABET)	August 4, 2011	Continuing Accreditation	No Action	Continuing Accreditation for 6 years (2017)
School of Engineering BS in Civil Engineering	Accreditation Board of Engineering and Technology (ABET)	August 4, 2011	Continuing Accreditation	No Action	Continuing Accreditation for 6 years (2017)
School of Engineering BS in Computer Science	Accreditation Board of Engineering and Technology (ABET)	August 1, 2011	Continuing Accreditation	Progress Report Submitted October 2010	Continuing Accreditation for 6 years (2014-2015)
School of Engineering BS in Electrical Engineering	Accreditation Board of Engineering and Technology (ABET)	August 4, 2011	Continuing Accreditation	No Action	Continuing Accreditation for 6 years (2017)
School of Engineering BS in Geological Engineering	Accreditation Board of Engineering and Technology (ABET)	August 4, 2011	Continuing Accreditation	No Action	Continuing Accreditation for 6 years (2017)
School of Engineering BS in Mechanical Engineering	Accreditation Board of Engineering and Technology (ABET)	August 4, 2011	Continuing Accreditation	No Action	Continuing Accreditation for 6 years (2017)
School of Applied Sciences Social Work MSW Program	Council on Social Work Education (CSWE)	October 2011	Initial Accreditation	No Negative Findings	Initial Accreditation (from AY 2008-2009 to October 2015)
School of Applied Sciences Communication Sciences and Disorders Master's Program	Council on Academic Accreditation in Audiology and Speech-Language Pathology (CAA) of the American Speech-Language-Hearing Association (ASHA)	June 2012	Continuing Accreditation	Submitted Progress Report February 1, 2012, Addressing Standard 2.2 on the Number of Faculty	Continuing Accreditation for 8 years (March 2019)
School of Education BAE in Elementary Education K-8 BAE in Secondary Education 9-12, Special Education, K-12, Curriculum and Instruction, Music	Mississippi Department of Education (MDE)	April 2012	Continuing, State Department of Education Process and Performance Review	None	No additional reporting required before next affirmation

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Education					
School of Education Counseling MEd, PhD	Council for the Accreditation of Counseling and Related Education Programs (CACREP)	July 2011	Continuing Accreditation	None	Received Extension of Accreditation until October 2016
University of Mississippi Medical Center					
School of Medicine	Liaison Committee on Medical Education	February 2012	Continuing Accreditation	Monitoring Report Due December 2013	Continuing Accreditation for 8 years; next full Survey in AY 2019-2020
School of Nursing	Commission on Collegiate Nursing Education (CCNE)	April 2012	Continuing Accreditation BSN and MSN Programs Initial Accreditation DNP Program	None	Results Pending
School of Health Related Professions Health Informatics and Information Management	Commission on Accreditation for Health Informatics and Information Management Education (CAHIIM)	Annually	Continued Accreditation	None	Continuing Accreditation
School of Dentistry [clock to credit hours]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	August 2011	Continued Accreditation	Substantive Change Prospectus Submitted	Approved
School of Medicine [clock to credit hours]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	August 2011	Continued Accreditation	Substantive Change Prospectus Submitted	Approved
School of Health Related Professions [addition of Master of Health Informatics and Information]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	January 2012	Continued Accreditation	Substantive Change Prospectus Submitted	Results Pending
School of Health Related Professions [addition of Doctor of Health Administration]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	January 2012	Continued Accreditation	Potential Substantive Change Notification Submitted	Notification Accepted
School of Health Related Professions [change number of hours provided in Cytotechnology]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	January 2012	Continued Accreditation	Potential Substantive Change Notification Submitted	Notification Accepted
School of Health Related Professions [name change: from Clinical Laboratory Science to Medical Laboratory Science]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	January 2012	Continued Accreditation	Potential Substantive Change Notification Submitted	Notification Accepted
School of Nursing [name change from Adult Acute Care Nurse]	Southern Association of Colleges and Schools-Commission	January 2012	Continued Accreditation	Potential Substantive Change Notification Submitted	Notification Accepted

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Practitioner to Adult-Gerontology Acute Care NP; and from Gerontological NP to Adult-Gerontology NP	on Colleges (SACSCOC)				
School of Nursing [resume RN-BSN program]	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	March 2012	Continued Accreditation	Potential Substantive Change Notification Submitted	Notification Accepted
University of Southern Mississippi					
Nutrition and Dietetics Didactic Program in Dietetics - BS Dietetic Internship Program	Accreditation Council for Education in Nutrition and Dietetics (ACEND)	March 8, 2012	Continuing Accreditation	Interim Report to Monitor Continued Compliance with Standard One Due May 1, 2014	Continue Full Accreditation until next Review (2016), the 5-year midpoint of 10-year accreditation period
Accounting BS/BA Accounting MPA	Association to Advance Collegiate Schools of Business (AACSB – International) Accounting Accreditation Committee	January 24, 2012	Maintenance of Accreditation	No Action	Accreditation for 5 additional years; next on-site Maintenance Review 2016-2017
Business Administration BS/BA Finance BS/BA Healthcare Marketing BS/BA International Business BS/BA Management BS/BA Marketing BS/BA Tourism BS/BA Fashion Merchandising and Apparel Studies BS Business Administration MBA	Association to Advance Collegiate Schools of Business (AACSB – International) Business Accreditation Committee	January 24, 2012	Maintenance of Accreditation	No Action	Accreditation for 5 additional years; next on-site Maintenance Review 2016-2017
Architectural Engineering Technology BS Construction Engineering Technology BS Industrial Engineering Technology BS	Technology Accreditation Commission (TAC) of the Accreditation Board for Engineering and Technology (ABET)	November 6-8, 2011	Reaccreditation Evaluation Visit	Submitted Documentation in Response to a Remaining Weakness Cited by the Visiting Team June 11, 2012	Awaiting Notification
Library and Information Science MLIS	Committee on Accreditation (COA) of the American Library Association (ALA)	June 24, 2012	Continuing Accreditation	Address Concerns in Biennial Report Due December 1, 2012	Continued Accreditation; next Comprehensive Review Spring 2019
Professional Education Unit	Mississippi Department of Education (MDE)	March 24-28, 2012	Continuing State Department of Education Annual Process and Performance Review	No Action	No additional reporting required before next affirmation

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Professional Education Unit	National Council for Accreditation of Teacher Education (NCATE)	March 24-28, 2012	Continuing Accreditation	Submitted Rejoinder to Board of Examiners Report June 8, 2012	Awaiting Notification
Nursing (Anesthesia) DNP	Council on Accreditation of Nurse Anesthesia Education Programs (COA)	April 3-4, 2012	Initial Accreditation	Response to On-site Review Summary Report Due by August 1, 2012	Awaiting Notification
Dance (Dance Education) BFA Dance (Performance and Choreography) BFA	National Association of Schools of Dance (NASD) Commission on Accreditation	April 9-13, 2012	Continuing Accreditation	Due August 15, 2012 Optional Response to Visitors' Report (Received June 11, 2012)	Awaiting Notification
Nursing (RN-BSN) BSN Nursing (Nurse Executive) MSN Nursing (Family Nurse Practitioner) MSN Nursing (Psychiatric Nurse Practitioner) MSN Nursing (Clinical) DNP	Commission on Collegiate Nursing Education (CCNE)	April 18-20, 2012	Continuing Accreditation (BSN and MSN Programs) Initial Accreditation (DNP Program)	Submitted Response to Report of Recent Accreditation Review (Received May 29, 2012)	Awaiting Notification
Theatre BA Theatre BFA Theatre MFA	National Association of Schools of Theatre (NAST) Commission on Accreditation	April 18-20, 2012	Continuing Accreditation	Due February 15, 2013 Prior to Consideration by the NAST Commission on Accreditation, Program may Submit Formal Reply to Visitors' Report (Received June 25, 2012)	Awaiting Notification
Paralegal Studies BA	American Bar Association (ABA) Standing Committee on Paralegals Approval Commission	July 13, 2011	2010 Interim Report Review	No Action	Report Complete
Biological Sciences (Licensure) BS Chemistry (Licensure) BS Physics (Licensure) BS	National Science Teachers Association (NSTA)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	No Action	Nationally Recognized. Pending NCATE Reaccreditation in 2012, programs will be Nationally Recognized until next NCATE Visit (2019)
Education (Educational Administration and Supervision) EdD Education (Educational Administration and Supervision) PhD	Education Leadership Constituent Council (ELCC)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	Report Addressing the Conditions to Recognition Due by March 15, 2013	Nationally Recognized with Conditions through August 1, 2013
Educational Administration and Supervision MEd	Education Leadership Constituent Council (ELCC)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	Report Addressing the Conditions to Recognition Due by March 15, 2013	Nationally Recognized with Conditions through August 1, 2013
Elementary Education BS	Association for Childhood Education International (ACEI)/National	August 1, 2011	Response to a Conditions Report	Submitted Report Addressing the Conditions to Recognition March 15,	Nationally Recognized with Conditions through August 1, 2012

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	Council for Accreditation of Teacher Education (NCATE) SPA			2012	Awaiting Notification on Report Addressing the Conditions to Recognition
English (Licensure) BA	National Council of Teachers of English (NCTE)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	Report Addressing Conditions to Recognition Due by March 15, 2013	Nationally Recognized with Conditions
Foreign Languages (Licensure) BA	American Council on the Teaching of Foreign Languages (ACTFL)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	No Action	Nationally Recognized. Pending NCATE Reaccreditation in 2012, programs will be Nationally Recognized until the next NCATE Visit (2019)
History (Licensure in Social Studies) BA	National Council for Social Studies (NCSS)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	No Action	Nationally Recognized. Pending NCATE Reaccreditation in 2012, programs will be Nationally Recognized until the next NCATE Visit (2019)
Human Performance (K-12 Physical Education Licensure) BS	National Association for Sport and Physical Education (NASPE)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	Report Addressing the Conditions to Recognition Due by March 15, 2013	Nationally Recognized with Conditions through August 1, 2013
Special Education BS	Council for Exceptional Children (CEC)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	Report Addressing the Conditions to Recognition Due by March 15, 2013	Nationally Recognized with Conditions through August 1, 2013
Mathematics (Licensure) BS	National Council for Teachers of Mathematics (NCTM)/National Council for Accreditation of Teacher Education (NCATE) SPA	August 1, 2011	Response to an Initial Review	Report Addressing the Conditions to Recognition Due by March 15, 2013	Nationally Recognized with Conditions through August 1, 2013
Medical Technology BS	National Accrediting Agency for Clinical Laboratory Sciences (NAACLS)	October 5, 2011	Continuing Accreditation	No Action	Continued Accreditation until October 31, 2018
Recreation (Recreation Administration) BS Recreation (therapeutic Recreation) BS	Council on Accreditation of Parks, Recreation, Tourism, and Related Professions (COAPRT)	November 3, 2011	Continuing Accreditation	No Action	Continuing Accreditation until Fall 2016
Mississippi Educational	Commission on	November 21,	Initial	Submit Continuous	Accredited for 5 years

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Consortium for Specialized Advanced Practice Nursing (MECSAPN) Nursing (Gerontological Nurse Practitioner) MSN	Collegiate Nursing Education (CCNE)	2011	Accreditation	Improvement Progress Report at Mid-Point of Accreditation Term (June 1, 2014)	(December 31, 2016)
Secondary Education and Teaching (Teach Mississippi Institute) Graduate Certificate	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC)	November 28, 2011	Continued Accreditation	Notification No Additional Information Required	Notification Accepted Certificate incorporates existing courses and is included within the scope and mission of the University
Marriage and Family Therapy MS	Commission on Accreditation for Marriage and Family Therapy Education (CAMFTE)	December 12, 2011	Renewal of Accreditation	Submitted Annual Report January 31, 2012	Accepted Response to Stipulations and Additional Information; Removed Stipulation on Standard IV
Computer Engineering Technology BS Electronics Engineering Technology BS	Technology Accreditation Commission (TAC) of the Accreditation Board for Engineering and Technology (ABET)	February 13, 2012	Continuing Accreditation	Informed Commission March 13, 2012 that Draft Statement contained no errors; therefore, the Program had No Response	Invited Institution to submit Written Response to the Draft Statement Awaiting Notification
Construction Engineering Technology BS	American Council for Construction Education (ACCE)	March 5, 2012	Acceptance of Third Year Report	No Action	Approved Action Taken by Institution to correct or eliminate Weaknesses and Concerns cited in 2008 Visiting Team Report

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**3. ANNUAL REPORT OF WINNERS OF THE HALBROOK AWARDS FOR
 ACADEMIC ACHIEVEMENT AMONG ATHLETES FOR 2011-2012**

David C. Halbrook Awards for Academic Achievement Among Athletes^a			
Public University Division – Men		Mississippi State University	
Public University Division – Women		The University of Mississippi	
Independent College Division Overall		Millsaps College	
Community and Junior College Division Overall		Mississippi Gulf Coast Community College	
John C. and Ernestine McCall Halbrook Improvement Award^b		Mississippi Delta Community College	
David M. Halbrook Certificate Award for Academic Achievement Among Athletes^c			
	Institution	Male Recipient	Female Recipient
Public Division	Alcorn State University	Jerry Salas	Jasmine Jamison
	Delta State University	Micah Davis	Veronica Walker
	Jackson State University	Andre Wright	Latoya Clark
	Mississippi State University	Louis Cant	Tracey Kimberly Pettit
	Mississippi Valley State University	Daniel Kibet	Joyce Chumo
	University of Mississippi	Marcel Thiemann	Gabriela Rangel
	University of Southern Mississippi	Julien Bousquet	Kelsea Seymour
Independent Division	Belhaven University	Terrance Stringfellow	Erin Bradley
	Blue Mountain College	Austin Epting	Candace Davis
	Millsaps College	Nick Cortese	Megan Yglesias
	Mississippi College	Joseph R. Pharr, Jr.	Bethany Roberson
	Rust College	Migel G. Chimbetete	Gayle Parker
	Tougaloo College	Dawton Queiroz	Dayane Souza
	William Carey University	Alex Lahasky	Anna-Lauren Fontenot
Community and Junior College Division	Coahoma Community College	Anthony McLean	Chandrika Pearson
	Copiah-Lincoln Community College	William W. Ashley	Christy R. Wright
	East Central Community College	Tate William Rogers	Nikki Lynn Cumberland
	East Mississippi Community College	Derrick Wilson	Shelby Whitt
	Hinds Community College	Kyle Williams	Heather Bell
	Holmes Community College	Kyle Robert Loggins	Rebecca Faye Shields
	Itawamba Community College	Jacob Smithey	Susan Shea
	Jones County Junior College	Robert Slater Smith	Sarah O'Quinn
	Meridian Community College	Brian Donohoe	Kelsey Wilson
	Mississippi Delta Community College	M. Blake Palasini	Candice M. McGehee
	Mississippi Gulf Coast Community College	Steven M. Campbell	Jordan M. Papas
	Northeast Mississippi Community College	~	~
	Northwest Mississippi Community College	Kyle Blount	Casey Nicole Gibson
Pearl River Community College	Stephen Harris	Janessa Dedeaux	
Southwest Mississippi Community College	Johnny McKenzie	Rachel Cox	

^a Trophy award.

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

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

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
OCTOBER 18, 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 101-278 – Lanier Hall

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Lanier Hall project and to award the construction project to Banard and Sons. The budget increase was increased from \$1,550,735.00 to \$1,800,000.00 for an increase in the amount of \$249,265.00.

Staff Approval Date: August 28, 2012

Project Initiation Date: May 14, 2009

Design Professional: Waycaster & Associates

General Contractor: Banard & Sons

Contract Award Date: August 28, 2012

Project Budget: \$1,800,000.00

Funding Source(s): HB 1722, 1'09 (\$685,012.82); HB 1701, L'10 (\$1,114,987.18)

2. JSU – GS 103-234 – ADA Compliance Phase II-B (BP1 and BP2)

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the ADA Compliance Phase II-B project and adding a funding source to the project. The budget increase was increased from \$5,032,985.50 to \$5,632,985.50 for an increase in the amount of \$600,000.00.

Staff Approval Date: September 11, 2012

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: FP Contracting, LLC (BP1); Coleman Hammons Construction Co. (BP2).

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Contract Award Date: August 17, 2006

Project Budget: \$5,632,985.50

Funding Source(s): HB 1701, L'10 (\$500,000); HB 246, L'07 (\$4,032,985.50); SB 3197, L'02 (\$500,000); SB 3100, L'11 (\$600,000)

3. JSU – GS 103-268 – Capitol Centre Improvements Phase IV

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Capitol Centre Improvements project and adding a funding source to the project. The budget increase was increased from \$1,250,000.00 to \$1,879,448.59 for an increase in the amount of \$629,448.59.

Staff Approval Date: September 11, 2012

Project Initiation Date: November 17, 2011

Design Professional: M3A Architects

General Contractor: TBD

Contract Award Date: TBD

Project Budget: \$1,879,448.59

Funding Source(s): SB 3100, L'11 (\$1,250,000.00)-[Legislative specified line item in JSU Bond bill]; SB 2957, L'12 (\$629,448.59)

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4. MSU– GS 105-343 – Lee Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$78,231.60 and zero (0) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 12, 2012

Change Order Justification: **Change Order #1** is necessary to provide two temporary ADA-compliant restroom trailers for use by Lee Hall Auditorium patrons, to remove & dispose of asbestos-containing pipe insulation in all basement areas, and to remove & dispose of asbestos-containing pipe insulation in all first & second floor areas uncovered during demolition

Total Project Change Orders and Amount: One (1) change order for a total amount of \$78,231.60.

Project Initiation Date: June 16, 2011

Design Professional: Dale and Associates Architects, P.A.

General Contractor: West Brothers Construction, Inc.

Contract Award Date: April 26, 2012

Project Budget: \$20,700,000.00

Funding Source(s): HB 1641, L'08 (\$2,463,146.89); HB 1722, L'09 (\$4,660,866.80); HB 1701, L'10 (\$8,000,000.00); SB 3100, L'11 (\$5,575,986.31)

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5. MSU - IHL 205-267 – Fresh Food Company Residential Dining Facility

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving initiation** of the Fresh Food Company Residential Dining Facility and to appoint the design professional.

Staff Approval Date: September 11, 2012

Project Initiation Date: September 11, 2012

Design Professional: JH&H Architects

General Contractor: TBD

Contract Award Date: TBD

Project Budget: \$10,000,000

Funding Source(s): EBC Bonds & Commercial Paper (\$10,000,000)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #14** in the amount of \$2,381.28 and zero (0) additional days to the contract of West Brothers Construction, 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 #15** in the amount of \$4,332.80 and fifteen (15) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) September 7, 2012; (#2) October 12, 2012

Change Order Justification: **Change Order #14** is necessary for repairs to the existing storm drain system at the parking lot. **Change Order #15** is necessary to raise eight speakers to 7'2" A.F.F. at the 2nd floor balconies, to provide controls to the exhaust fan through the BAS system, to reconcile the controls allowance and to reconcile tuckpointing.

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Total Project Change Orders and Amount: Fifteen (15) change orders for a total amount of \$690,233.09.

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers Construction, Inc.

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 1722, L'09 (\$1,500,000.00)

7. MUW- GS 104-171 – Energy Conservation Measures, Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$117,626.92 and ninety (90) additional days to the contract of Siemens Industry, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: September 27, 2012

Change Order Justification: **Change Order #1** is necessary to add EMC data points, five years of EMC monitoring for electric meter date (KW/KWH), gas meter date (consumption), water meter data (consumption), BTU heating & cooling meter data (BTU/hr), add meters (gas, water, electric, BTU heating) to various buildings, and to provide EMS panel & points for adding eight split systems for club rooms in the Hogarth Student Center.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$117,626.92.

Project Initiation Date: June 16, 2010

Design Professional: Atherton Consulting Engineers

General Contractor: Siemens Industry, Inc.

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Contract Award Date: September 13, 2012

Project Budget: \$1,300,000.00

Funding Source(s): HB 1701, L'10 (\$1,100,000.00); BOB Discretionary Energy Fund (\$200,000.00)

8. MUW– GS 104-173 – HVAC Upgrade Program, Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$138,746.28 and ninety (90) additional days to the contract of Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: September 24, 2012

Change Order Justification: **Change Order #2** is necessary for installing water, gas and BTU⁴H meters & control devices in various buildings, to furnish & install eight new DX HVAC units for club rooms, to remove existing ventilators, cutting & chipping existing piping, hanging & piping of new split systems, connecting electrical & new controls, add new 225 amps, 3 phase, main breaker panel with two 80 amp, 3 pole breakers and one 50 amp, 3 pole breaker and to replace three 100 amp non-fused disconnects at the cooling tower with new 100 amp, NEMA 3R fused disconnects.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$165,753.48.

Project Initiation Date: June 16, 2011

Design Professional: Atherton Consulting Engineers

General Contractor: Upchurch Plumbing, Inc.

Contract Award Date: January 17, 2012

Project Budget: \$1,400,000.00

Funding Source(s): HB 1701, L'10 (\$1,300,000.00); BOB Energy Discretionary Fund (\$100,000.00)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$128,122.87 and twenty-eight (28) additional days to the contract of Tri-Star Mechanical Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: September 26, 2012

Change Order Justification: **Change Order #1** is necessary to add a sidewalk from the temporary stair to Gertrude Ford Blvd., to demo the sidewalk at the project completion, add pedestrian stairs and relocate the construction fence, store pipe & materials at the Whirlpool Building, install one owner-provided standby generator, change lamps in the light fixtures from T-8 to T-5, provide labor & materials to extend the 8” C-900 water line approx.. 80’ which would extend to pick-up fire hydrant on 8” line, shut down all work on All American Way and remove & transport all construction equipment, material, fencing & barricades to the Whirlpool lay down site, offset of 18” heating water lines due to latent conditions of concrete & 6” conduit running in the ditch, break, load & haul off the large sections of concrete found upon site clearing & excavation to subgrade and the delay caused by the duct bank that was not marked or shown on the survey.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$128,122.87.

Project Initiation Date: November 21, 2008

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

General Contractor: Tri-Star Mechanical Contractors, 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)

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10. UM– IHL 207-345 – University Housing – Package A

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$67,299.52 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$8,813.99 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$10,994.42 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$9,337.71 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #6** is necessary to furnish & install all site drainage, inlets, layout, equipment backfill material, and taps into existing storm drainage piping, furnish & install site segmented retaining wall including all temporary & final grading, backfill, French drain, layout, to furnish & install filter fabric & rock road on the south side of the project to allow access while maintaining tree protection set-backs, relocate SD-16 installed under previous contract to allow for installation at the site foundation wall on the south building and revisions made to the sidewalk layout, communication manhole inlet elevation & a couple of site inlet elevations, relocations.

Change Order #7 is necessary to modify the site concrete & lighting design which includes the fill dirt required to modify the slopes & the intermediate handrail the the relocated stairs. **Change Order #8** is necessary to furnish & install all site concrete paving under pavers and the seat wall. **Change Order #9** is necessary to provide additional rock required to provide a workable site due to heavy construction traffic and fifteen rain days.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$117,025.06.

Project Initiation Date: November 18, 2010

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

General Contractor: D. Carroll Construction Company, Inc.

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)

11. UM– IHL 207-345 – University Housing – Package B

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$6,819.90 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the **credit amount** of \$1,037.32 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$5,121.40 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$15,509.20 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #4** is necessary to deduct for cleaning charges to the prime contractor who did not clean the project per the contract requirements. **Change Order #5** is necessary to repair the damaged studs due to construction forklift traffic around the buildings and credit is due for the walk-off mat replaced with carpet for the PT slab. **Change Order #6** is necessary to modify the site concrete & lighting design including the fill dirt required to modify the slopes & the intermediate handrail at the relocated stairs. **Change Order #7** is necessary to furnish &

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install all site handrails along the segmented retaining wall, powder coat finish to match the existing handrail on the west building plaza with all concrete footings.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$155,169.01.

Project Initiation Date: November 18, 2010

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

General Contractor: D. Carroll Construction Company, Inc.

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)

12. UM – IHL 207-345 – University Housing – Package C

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$19,398.30 and zero (0) additional days to the contract of SMSA.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #6** is necessary to furnish & install all layout, CMU and brick seat wall with precast cap, site pavers, sand and clean-up.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$27,941.60.

Project Initiation Date: November 18, 2010

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

General Contractor: SMSA

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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)

13. UM – IHL 207-345 – University Housing – Package D

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$463.54 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #9** is necessary to repair the top track that was damaged by the drywall contractor to be paid by Prime Package G.

Total Project Change Orders and Amount: Six (6) change orders for a total **credit amount** of \$11,993.34.

Project Initiation Date: November 18, 2010

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

General Contractor: Drywall Systems Plus, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

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14. UM– IHL 207-345 – University Housing – Package E

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$1,445.00 and zero (0) additional days to the contract of Atlas Group Enterprises, Inc.

Staff Approval Date: September 6, 2012

Change Order Justification: **Change Order #4** is necessary to repair damage to the drywall finishes due to roof leaks.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$4,705.08.

Project Initiation Date: November 18, 2010

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

General Contractor: Atlas Group Enterprises, Inc.

Contract Award Date: August 9, 2011

Project Budget: \$39,314,500.00

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

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15. UM– IHL 207-345 – University Housing – Package F

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$2,406.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the **credit amount** of \$508.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$25,312.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$2,111.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #5: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$559.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #6: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$3,005.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval Date: (#1 - #2) September 6, 2012; (#3 - #6) September 7, 2012

Change Order Justification: **Change Order #6** is necessary to apply panic hardware (lockset) to door D-7 leading to the attic. **Change Order #7** is for credit to be applied to offset the cost of the carpet due to a flooring change. **Change Order #8** is necessary to replace the center stair doors of all three buildings with the same single type D3 door, to deduct for cleaning charges due to the prime contractor not cleaning up site per the contract requirements and to furnish & install materials to incorporate the changes to stair #4 of the west building that are beyond the original scope of work. **Change Order #9** is necessary to provide & install additional solid surface infill pieces at the perimeter of the six kitchen ranges. **Change Order #10** is necessary to provide & install an additional 30"x30" access panel at the first floor of the west building stair #4 in order to gain access to the space under the stairs. **Change Order #11** is necessary to provide & install millwork microwave supports at all kitchens, and to provide & install wood under the monumental stair at the intermediate landings to cover the steel attachments.

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Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of \$91,962.38.

Project Initiation Date: November 18, 2010

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

General Contractor: EMJ Corporation

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 – IHL 207-345 – University Housing – Package G

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$124,422.12 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$2,431.80 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #9** is necessary to repair the top track damaged by the drywall contractor, to install framing, 2 layers of drywall between the attic floor grating & the top floor of the north, south and west buildings to achieve the required two hour rating. **Change Order #10** is necessary to furnish & install materials to incorporate the changes to stair #4 of the west building beyond the original scope of work.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$201,773.86.

Project Initiation Date: November 18, 2010

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

General Contractor: Clinton Interiors, Inc.

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. UM– IHL 207-345 – University Housing – Package H

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$12,520.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #4** is necessary for fire taping of rated ceiling between the top floor and attic of the north, south & west buildings required to achieve two hour rating, to deduct for cleaning charges due to the prime contractor not cleaning up site per the contract requirements.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$15,356.00.

Project Initiation Date: November 18, 2010

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

General Contractor: Specialty Finishes, Inc.

Contract Award Date: August 9, 2011

Project Budget: \$39,314,500.00

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

18. UM – IHL 207-345 – University Housing – Package I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$336.00 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #2** is necessary to deduct for cleaning charges due to the prime contractor not cleaning site per the contract requirements.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$867.85.

Project Initiation Date: November 18, 2010

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

General Contractor: F.L. Crane & Sons, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

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19. UM – IHL 207-345 – University Housing – Package J

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$5,280.00 and zero (0) additional days to the contract of Thyssenkrupp Elevator Corporation.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #1** is necessary to furnish & install top divider beams per the layout specifications in the north south and west buildings.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$5,280.00

Project Initiation Date: November 18, 2010

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

General Contractor: Thyssenkrupp Elevator Corporation

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)

20. UM – IHL 207-345 – University Housing – Package M

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$3,017.16 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$4,476.44 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

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Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$996.76 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$601.03 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval Date: September 7, 2012

Change Order Justification: **Change Order #7** is necessary to replace 2'x 4' light fixtures with 2'x 2' fixtures and can lights. **Change Order #8** is necessary to furnish & install new conduit, lights and panel work per SE-53. **Change Order #9** is necessary for revisions to the sidewalk layout, communication manhole inlet elevation and a couple of site inlet elevations/relocations between the west and south buildings to better coordinate the site grades, sidewalks and access to the communication vault. **Change Order #10** is necessary to modify the site concrete & lighting design including the fill dirt required to modify the slopes & the intermediate handrail at the relocated stairs.

Total Project Change Orders and Amount: Ten (10) change orders for a total **credit amount** of \$12,328.22.

Project Initiation Date: November 18, 2010

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

General Contractor: Whitfield Electric Company, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

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21. UM – 207-351 – Jackson Avenue Center Renovation

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Jackson Avenue Center Renovation project. The budget increase was increased from \$3,200,000 to \$3,230,000 for an increase in the amount of \$30,000.

Staff Approval Date: September 11, 2012

Project Initiation Date: June 16, 2011

Design Professional: Department of Facilities Planning, Ian Banner, AIA

General Contractor: Murphy & Sons, Inc.

Contract Award Date: TBD

Project Budget: \$3,230,000

Funding Source(s): Internal R&R Funds (\$3,230,000)

22. UM– IHL 207-358 – Interior Heating Modifications – Lewis Hall/Kennon Observatory

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by The CGM Group, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **a waiver of Design Development Documents**.

Staff Approval Date: October 1, 2012

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group, Inc.

General Contractor: TBA

Contract Award Date: TBA

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Project Budget: \$1,300,000.00

Funding Source(s): Internal R&R (\$1,300,000.00)

23. UM– IHL 207-361 – Lamar Hall Phase IIB

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

Staff Approval Date: October 12, 2012

Project Initiation Date: August 16, 2012

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$7,500,000.00

Funding Source(s): Internal R&R (\$7,500,000.00)

24. UMMC- GS 109-195 – AED (Adult Emergency Department) Renovations

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$39,889.20 and thirteen (13) additional days to the contract of Flagstar Construction Company, Inc.

Staff Approval Date: October 3, 2012

Change Order Justification: **Change Order #5** is necessary for removal of existing concrete piling due to the discovery outside the drive entrance that are in the way of the new storm drainage system, to deduct for a change in the nurse's station extending the stud wall & reducing the length of the counter, to allow for revisions to the existing fresh air tunnel, removal of additional asbestos floor tile and to provide metal stud furring to enclose hose cabinets due to latent conditions, to provide a deduct for damper deletion, to

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provide revisions to x-ray equipment rough-in due to the originally selected item being discontinued, and to provide revisions in the smoke barrier wall locations.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$708,213.14.

Project Initiation Date: November 14, 2007

Design Professional: Dale and Associates Architects, P.A.

General Contractor: Flagstar Construction Company, Inc.

Contract Award Date: July 6, 2011

Project Budget: \$11,755,000.00

Funding Source(s): HB 246, L'07 (\$5,130,000.00); HB 1641, L'08 (\$2,000,000.00); HB 1722, L'09 (\$2,500,000.00); HB 1701, L'10 (\$2,125,000.00)

25. UMMC – GS 109-208 – Fire Alarm Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Moses Electric, Inc., the lower of four (4) bidders, for a total contract amount of \$843,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 5, 2012

Project Initiation Date: June 16, 2011

Design Professional: The Power Source, PLLC

General Contractor: Moses Electric, Inc.

Contract Award Date: October 5, 2012

Project Budget: \$1,050,000.00

Funding Source(s): HB 1701, L'10 (\$1,050,000.00)

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26. UMMC- IHL 209-526 – Cafeteria/Kitchen Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$9,227.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$907.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$8,167.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: (#1) September 7, 2012; (#2) September 13, 2012; (#3) September 19, 2012

Change Order Justification: **Change Order #10** is necessary to add fire dampers in dry storage 129, to install fire stopping at the existing south wall in the kitchen on the basement floor, and to install Simon/Mohawk Cat-6 cabling. **Change Order #11** is necessary to add fiberglass insulation where ACM was removed from existing piping. **Change Order #12** is necessary to close in floating furr down per code, to shunt trip required for kitchen hood #8.

Total Project Change Orders and Amount: Twelve (12) change orders for a total amount of \$138,000.00.

Project Initiation Date: August 20, 2009

Design Professional: McCarty Company Design Group, P.A.

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: January 17, 2012

Project Budget: \$7,750,000.00

Funding Source(s): Hospital Patient Revenue (\$7,750,000.00)

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27. UMMC- IHL 209-534B – Contract 2 – Parking, Roadways, and Infrastructure Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$300,000.00 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$183,997.00 and one hundred seventeen (117) additional days to the contract of Hemphill Construction, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$15,803.60 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval Date: (#1 - #2) September 26, 2012; (#3) October 9, 2012

Change Order Justification: **Change Order #3** is necessary is necessary to account for the discovery & disposal of unforeseen medical & construction rubbish in the slopes of the proposed roadway, the fiber optic re-work at the pharmacy by JSI, and the additional pull boxes at MH's 1 A/B, 2 A/B & 3 A/B requested by UMMC. **Change Order #4** for adjustments to miscellaneous/various pay items for unforeseen latent conditions/conflicts with installation of electrical underground services, revisions to existing northwest well services, additional concrete protection for underground service, wire size adjustments required to accommodate installation procedures & applicable credits for owner cancellation of the relocation of existing MDEQ monitoring station. **Change Order #5** is necessary for the removal of discovered concrete slabs beneath the VA roadway, the repair of an existing 36" concrete culvert beneath the SHRP's parking lot that was leaking when uncovered, the adjustment of the curb inlet tops along the VA roadway to match finished grade elevations, the lowering of the emergency power feeder to the School of Pharmacy, and the installation of a concrete pad beneath an electrical pad mounted switch requested by UMMC.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$399,411.60.

Project Initiation Date: June 6, 2011

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

General Contractor: Hemphill Construction, Inc.

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Contract Award Date: April 30, 2012

Project Budget: \$11,150,000.00

Funding Source(s): Interest Income (\$625,000); EBC Bonds 2010 (\$5,500,000), 2011(\$3,000); Pending MDA (\$2,025,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Harris Constructors, Inc., the lower of eleven (11) bidders, for a total contract amount of \$3,594,000.

Staff Approval Date: October 8, 2012

Project Initiation Date: October 21, 2010

Design Professional: Dale and Associates, Architects P.A.

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$179.00 and zero (0) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: October 9, 2012

Change Order Justification: **Change Order #2** is necessary to repair roof drain & relocate piping, to offset existing piping due to latent conditions uncovered during demolition, change the location of the water heater due to a number of electrical panels existing in the rooms where the water heaters were to be located originally, to provide

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fire caulk at all existing piping in all wet columns due to concealed conditions uncovered during construction, and to provide a sink, cabinets & necessary fixtures in X-ray room 246B.

Total Project Change Orders and Amount: Two (2) change orders for a total **credit amount** of \$48,065.00.

Project Initiation Date: October 21, 2010

Design Professional: Dale and Associates Architects, P.A.

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

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

30. USM– IHL 208-297 – Century Park South (Dorm Replacement Phase II)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by The McCarty Company.

Staff Approval Date: October 12, 2012

Project Initiation Date: April 15, 2010

Design Professional: The McCarty Company

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$55,000,000.00

Funding Source(s): IHL Approved Bond Sale (\$55,000,000.00)

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31. USM – Gulf Park - GS 108-217 and GS 114-015 – Science Building & Recreation Bldg. Repair & Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$9,361.48 and zero (0) 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 Date: September 7, 2012

Change Order Justification: **Change Order #6** is necessary to re-route the sanitary sewer as required for connection due to discrepancy between existing conditions survey and the actual tie-in location, to change from metal hat channels to metal studs in the east & west stairwells due to interference with steel beam flanges, and to add 1” of concrete topping to the hollow core slabs.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$1,594,442.83.

Project Initiation Date: January 21, 2010

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)

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32. USM– Gulf Park - IHL 214-014 – Hardy Hall Storm Damage Repair

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$137,886.61 and sixteen (16) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: September 27, 2012

Change Order Justification: **Change Order #7** is necessary to provide handrails at the east & west exterior stairs, to make electrical & door changes, to have the building complete & ready by November 2nd which will require overtime to incorporate the changes made during construction, and additional compensation due to delays incurred during change order approvals by the owner.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$285,538.09.

Project Initiation Date: August 21, 2008

Design Professional: Dale and Associates Architects, P.A.

General Contractor: C. Perry Builders, Inc.

Contract Award Date: August 22, 2011

Project Budget: \$10,095,459.54

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

33. USM– Gulf Park - IHL 214-016 – Elizabeth 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 \$69,902.00 and twenty-one (21) additional days to the contract of Starks Contracting Company.

Staff Approval Date: October 9, 2012

Change Order Justification: **Change Order #1** is necessary to provide blocking at the new storefront system, installation of a new skylight system in lieu of infill, to revise guard rail detail, to paint the exterior entry soffit instead of stain, changes to flush valves

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& faucets, to provide furring & GWB at the back of the existing chase walls, to revise laminate GWB at the existing ceramic tile walls, to provide builders risk insurance, to install carpet, tile, to change the exterior glass, and to provide solid surface window sills in lieu of p. laminate.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$69,902.00.

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 reimbursables (\$2,000,000.00)

34. ERC – 111-049 – Road Improvements

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. C.D. Smith, Chair of the Real Estate and Facilities Committee on September 11, 2012 **approving a budget increase** for the Road Improvement project. The budget increase was increased from \$2,400,000.00 to 2,551,057.07 for an increase in the amount of \$151,057.07.

Staff Approval Date: August 28, 2012

Project Initiation Date: October 20, 2011

Design Professional: W.L. Burle Engineers

General Contractor: Southern Rock, LLC

Contract Award Date: August 23, 2012

Project Budget: \$2,551,057.07

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Funding Source(s): HB 1701, L'10 BOB Discretionary Fund (\$1,200,000.00); HB 1701, L'10 BOB Energy Fund (\$80,000.00); HB 1701, L'10 IHL GO Bonds (\$250,000.00); HB 246, L'07 IHL GO Bonds (\$21,057.07); SB 3100, L'11 IHL Discretionary Fund (\$750,000.00); SB 3100, L'11 JSU R&R Funds (\$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 Mayo Mallette (statement dated 10/2/12) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$2,920.00, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 2,920.00

Payment of legal fees for professional services rendered by Adams & Reese (statement dated 8/9/12) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$2,404.04, represents services and expenses in connection with personnel issues.)

TOTAL DUE.....\$ 2,404.04

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 9/11/12) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$630.00, represents services and expenses in connection with the case styled *The University of Iowa, et al. vs. The University of Southern Mississippi.*)

TOTAL DUE.....\$ 630.00

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 10/2/12) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$234.00, represents services and expenses in connection with general advice.)

TOTAL DUE.....\$ 234.00

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 9/27/12, 9/27/12, 9/27/12, 9/27/12, 10/10/12, 10/10/12, 10/10/12, 10/10/12 and 10/10/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Water Repellant Solids PCT" - \$42.50; "Upgrading of Bio-Oil Using Synthesis Gas" - \$25.50; "Method for Transformation of Cotton and Organogenic Regeneration" - \$888.50; "Elusieve Processing CIP Application" - \$630; "Upgrading of Bio-Oil Using Synthesis Gas" - \$210.00; "Pelvic Floor Strength Assessment Device" - \$42.50; Bio-Oil Pretreatment Provisional Application" - 42.50;

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“Glycine Max Resistance” - \$412.90 and “Enhanced Wood Preservative Composition” - \$290.00, respectively.)

TOTAL DUE.....\$ 2,584.40

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 9/14/12, 9/14/12, 9/14/12, 9/14/12, 9/14/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12, 10/11/12 and 10/11/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Occidinofungin, a Unique Antifungal Glycopeptide” - \$595.00; “Occidinofungin, a Unique Antifungal Glycopeptide” - \$1,402.50; “Occidinofungin, a Unique Antifungal Glycopeptide” - \$127.50; “Occidinofungin, a Unique Antifungal Glycopeptide” - \$191.25; “Occidinofungin, a Unique Antifungal Glycopeptide” - \$127.50; “Registration - Bulldog Head” - \$95.00; “Registration - Bulldog Head in Miss. State Circle” - \$95.00; “Registration - Bulldog with MState” - \$142.50; “Registration - Cowbell in Miss. State Circle” - \$118.75; “Registration - Miss. State Banner” - \$142.50; “Registration - Mississippi State University (words)” - \$118.75; “Registration - Mississippi State University (crest)” - \$118.75; “Registration - MState” - \$142.50 and “Registration - Paw Print” - \$71.25, respectively.)

TOTAL DUE.....\$ 3,488.75

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 8/3/12, 8/3/12, 8/16/12 and 8/22/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Stuttering Inhibition Method and Device” - \$965.00; “Stuttering Inhibition Method” and Device” - \$426.60; “Wireless Encryption” - \$962.50 and “Cache Mapping Technology Matter” - \$430.00, respectively.)

TOTAL DUE.....\$ 2,784.10

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 8/15/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Method for Preparing Delta-9 Tetrahydrocannabinol” - \$131.25 and “Immunostimulatory Composition Comprising Lipoprotein in Microalgae Extract” - \$131.25.)

TOTAL DUE.....\$ 262.50

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Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 7/26/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12 and 9/18/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Highly Purified Amphotericin-B” - \$2,361.97; “Particle Feeder” - \$780.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,512.10; “Stabilized Formulation of Triamcinolone Acetonide” - \$438.50; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,833.59; “Stabilized Formulation of Triamcinolone Acetonide” - \$155.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$155.00; “Methods for Detecting Humans” - \$1,623.60; “Methods for Detecting Humans” - \$1,680.78; “Multi-domain Plate Acoustic Wave Devices” - \$1,216.50; “Highly Purified Amphotericin-B” - \$670.00; “Particle Feeder for Coal Combustion Studies” - \$796.50; “Stabilized Formulation of Triamcinolone Acetonide” - \$150.83; “Stabilized Formulation of Triamcinolone Acetonide” - \$186.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$54.00 and “A Stable Plasmonic Cluster of Molecular Definition” - \$124.00, respectively.)

TOTAL DUE.....\$ 13,738.37

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 8/27/12, 9/14/12, 9/24/12 and 9/27/12) 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” - \$1,385.00; “Trademark Application for the Centennial Anniversary” - \$12,712.50; “Lockhead - Oil Dispersant Patent” - \$467.50 and “Photocurable Thiol-Ene Gas Permeability Membranes” - \$1,637.50, respectively.)

TOTAL DUE.....\$ 16,202.50

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 7/18/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Method for Front Matching Stereo Vision” - \$212.50; “Soy Protein Adhesives and Uses Thereof” - \$956.25; “Application for Registration of D.E.E.P. Comprehension Service Mark” - \$63.75; “Glycerol Ester-free Functionalized Vegetable Oil Derivatives and their Latex Compounds” - \$2,398.75; “Nanoencapsulation of Isocyanates via Aqueous Media” - \$1,253.75; “RNA Containing Coenzymes, Biotin, Fluorophores, and Methods for their Preparation and Use” - \$2,821.25 and “SportEvac Trademark” - \$680.00.)

TOTAL DUE.....\$ 8,386.25

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1. **SYSTEM – 2012 COMMENCEMENT SCHEDULES**

Delta State University

Time/Date: 10:00 a.m., Saturday, December 15, 2012
Location: Walter Sillers Coliseum
Speaker: Mr. Jim Brown and Dr. Paula Norris, 2012 Recipient of S. E. Kossman Outstanding Teacher Award, Delta State University

Jackson State University

Time/Date: 9:00 a.m., Saturday, December 8, 2012
Location: Lee E. Williams Athletics and Assembly Center
Speaker: Mr. Myron Gray, President of U.S. Operations UPS

Mississippi State University

Meridian Campus

Time/Date: 11 a.m., Friday, December 14, 2012
Location: MSU Riley Center
Speaker: Beth Clay, founder and principal of The Clay Firm, Jackson, Mississippi

Starkville Campus

Time/Date: 10 a.m., Saturday, December 15, 2012
Location: Humphrey Coliseum
Speaker: The Honorable Phil Bryant, Governor of the State of Mississippi

Mississippi University for Women

Time/Date: 2:00 p.m., Friday, December 7, 2012
Location: Rent Auditorium, Whitfield Hall
Speaker: Mrs. Robin Robinson, IHL Board of Trustees

The University of Southern Mississippi

Time/Date: 10:00 a.m. and 2:30 p.m., Friday, December 14, 2012
Location: Reed Green Coliseum
Speaker: Rick Cleveland, Executive Director, Mississippi Sports Hall of Fame and Museum

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2. 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. **JSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority “to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On November 2, 2012, the Commissioner approved the request to extend the rental agreement to lease refrigerator units for the student residence halls from the INTIRION Corp., d/b/a MicroFridge. The Board approved the original contract in January 2007 for a five-year period. The total contract cost was \$591,375. A total of 1,245 refrigerator units will be rented, approximately one for each residence hall room. JSU and MicroFridge have been operating without a contract since June 2012. The Commissioner grants his *retroactive* approval for the extension period of June 1, 2012 through December 15, 2012. The total cost for this period is \$59,137.50. JSU submitted a new five-year lease agreement for the Board’s consideration at its November 2012 meeting that will be effective after the extension period expires through December 2017. The Executive Office legal staff have reviewed and approved the contract documents.
- b. **MSU** - In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority “to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On October 10, 2012, the Commissioner approved the request to enter into a one-year lease with Coblenz Properties, LLC (Coblenz) 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 the university. Comparable space located on-campus at MSU could not be secured; therefore, an off-campus site was secured. 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 \$2,950 per month for the lease of the space. The total cost for the twelve month lease term is \$35,400. This agreement is funded externally by the Mississippi Department of Education with USDE Migrant Education federal funds. The Executive Office legal staff have reviewed and approved the contract documents.
- c. **SYSTEM** – In accordance with Board Policy 703.04 (f) Policy Guidelines, each institution is required to submit an annual summary of actual expended E & G Scholarships, Fellowships and Tuition Waivers for the past fiscal year. On

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October 26, 2012, the Commissioner reviewed and approved the 2012 summary presentation. The Executive Office financial staff have reviewed and approved this report.

- d. **SYSTEM** - On November 1, 2012, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning July 1, 2012 and ending September 30, 2012. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.
- e. **SYSTEM** – In accordance with Board Policy 401.0103 Salaries and Compensation, each institution is required to submit an annual report of their additional compensation paid to selected employees. Additional compensation includes any institutional pay outside of an employee’s regular contract rate. This could include additional pay for items such as teaching overloads, performing additional duties, athletic camp service, etc. On November 5, 2012, the Commissioner approved the submitted report. The financial staff has reviewed and approved the institutions’ submissions.
- f. **SYSTEM** - In accordance with Board Policy 702.03 Approval of Tuition, Fees, and Other Student Charges, each institution is required to submit a report of their annual participation/optional fees to the Board through guidelines established by the Commissioner’s Office. Participation/Optional Fees are defined in Board Policy 702.02 Definitions as assessments for “supplies, activities, or services made available to students or as fines for misconduct, violation of institutional policy, or violation of contractual agreements”. The fees became effective July 1, 2012 and remain in effect throughout the 2012-13 fiscal year. On November 5, 2012, the Commissioner approved the submitted report. The financial staff has reviewed and approved the institutions’ submissions.

3. USM – REPORT OF A GIFT FROM THE UNIVERSITY OF SOUTHERN MISSISSIPPI ATHLETIC FOUNDATION

Pursuant to IHL Board Policy 301.0806 University Foundation/Affiliated Entity Activities, Subsection D General Requirements of Affiliation Agreements (13), Interim President Aubrey K. Lucas reports that The University of Southern Mississippi Athletic Foundation provided former Athletic Director Richard Giannini a gift in the form of a vehicle valued at \$42,390 on June 14, 2012. The gift was in honor of his years of service to the university, and the gift is considered to be additional compensation.