

MISSISSIPPI  
BOARD OF TRUSTEES  
OF STATE  
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK  
October 17, 2013



# **FINAL BOARD BOOK OUTLINE**

## **IHL Board Meeting**

October 17, 2013 8:30 a.m.

Jackson State University Student Center

1400 J.R. Lynch Street

Jackson, MS 39217

## **CALL TO ORDER**

### **PRAYER**

Trustee Shane Hooper

## **INTRODUCTION OF GUESTS**

### **MINUTES**

September 11, 2013 MVSU Board Search Committee Meeting

September 16, 2013 Special Called Board Meeting

September 18, 2013 MVSU Board Search Committee Meeting

September 19, 2013 Regular Board Meeting

October 3, 2013 Special Called Board Meeting

## **PRESENTATIONS**

Jackson State University - Dr. Carolyn Meyers, President

Diversity Reports from:

Alcorn State University – Dr. M. Christopher Brown II, President

Jackson State University – Dr. Carolyn Meyers, President

Mississippi University for Women – Dr. Jim Borsig, President

University of Mississippi – Dr. Dan Jones, Chancellor

An Overview of Proposed Housing Development at Jackson State University  
– Jackson State Development Foundation

**CONSENT AGENDAS**

Trustee Bob Owens

**ACADEMIC AFFAIRS**

1. System – Approval of New Academic Units
  - a. ASU – Department of Social Work .....1
  - b. UMMC – Department of Dermatology.....1
  - c. UMMC – Department of Health Administration.....1
  - d. UMMC – Department of Health Informatics and Information Management.....1
  - e. UMMC- Department of Medical Laboratory Science .....2

*Centers and Institutes*

  - f. MSU – Center for Excellence for Watershed Management .....2
  - g. MSU – Global Center for Aquatic Food Security .....2
  - h. UM – Center for Health and Sports Performance.....2
  - i. UM – Child Advocacy and Play Therapy Institute.....3
2. SYSTEM – Approval of Academic Unit Modifications
  - Rename*
  - a. MSU – Forest Products Department .....3
  - b. JSU – Department of Mathematics .....3
  - c. JSU – Department of Computer Engineering .....4
  - d. UM – Sarah Isom Center for Women’s Studies .....4
  - e. UMMC- Mississippi Institute for Geographic Minority Health.....4
  - f. USM – Marketing and Fashion Merchandising.....4

*Reorganize and Rename*

  - g. JSU – Combine the School of Lifelong Learning and the College of Education and Human Development .....4
  - h. MUW – Reorganize Continuing Education.....5

*Delete*

  - i. UM – Research and Training Center for the Handicapped.....5
  - j. UM – Marine Minerals Technology Center.....5
  - k. UM – Center for Media Production and Distributed Learning.....5
  - l. UM – Center for Rural Studies .....5
  - m. UM – Center for Science, Engineering and Mathematics Education .....5
  - n. UM – Institute for Innovation in Mathematics Education .....5
  - o. UM – Enterprise for Innovative Geospatial Solutions.....5
  - p. UM – Institute for Humanitarian De-Mining.....5

3. SYSTEM – Approval of Academic Program Modifications

*Rename*

- a. MSU – Bachelor of Science in Office Systems Technologies .....6
- b. MSU – Master of Science in Wildlife and Fisheries .....6
- c. MSU – Doctor of Philosophy in Cognitive Science .....6
- d. UM – Bachelor of Arts in Parks and Recreation Management .....6
- e. UM – Master of Arts in Parks and Recreation Management.....7
- f. USM – Bachelor of Science in Fashion Merchandising and Apparel Studies .....7

*Consolidate*

- g. JSU - Specialist Degree in Secondary Education .....7

**FINANCE**

- 1. ASU – Approval of Contractual Services Agreement for Beverage Service – Coca-Cola Refreshments USA, Inc., d/b/a Natchez Coca-Cola Bottling Company..... 1
- 2. MSU – Approval of Charter Services Agreement with Delta Air Lines, Inc. ....4
- 3. MVSU – Approval of Budget Escalation – On-Campus Budget. ....5
- 4. UM – Approval of Charter Services Agreement with New England Flight Watch, LLC d/b/a CharterSearch.....6
- 5. UMMC – Approval to Enter into Contractual Services Agreements
  - a. Integrated Medical Systems International, Inc.. ....7
  - b. Corepoint Health, LLC .....9
  - c. Rotolo Consultants, LLC. ....11
  - d. Jackson Medical Mall Foundation .....13
  - e. Medtronic USA, Inc.....14
  - f. NxStage Medical, Inc.....16
  - g. Infor (US), Inc. formerly Lawson Software Americas, Inc. ....17

**REAL ESTATE**

Approval of Initiations of Projects/Appointments of Professionals

*Bureau of Building Projects*

- 1. JSU – GS 103-281 – Alexander Center for Renovation Phase II, Design Professional – Foil-Wyatt Architects and Planners, PLLC .....3
- 2. MSU – GS 113-136 – Meat Science Laboratory, Design Professional – Pryor & Morrow Architects and Engineers, PA .....4

*IHL Projects*

- 3. MUW – IHL 204-132 – Fire Sprinklers for Callaway and Grossnickle Halls, Design Professional – Atherton Consulting Engineers .....5
- 4. MSU – IHL – 205-264 – MSU Post Office, Design Professional – Allred Architectural Group .....6
- 5. MSU – IHL 205-271 – Robert L. Jones Circle Road and Utility Completion, Design Professional – Pritchard Engineering.....7
- 6. MSU – IHL 205-272 – Campus Services Shop Building – Buckner Lane, Approval of Exterior Design, Design Professional – Michael T. Muzzi, University Architect. ....8

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

*Bureau of Building Projects*

- 7. ERC – GS 111-049 – Road Improvements .....10

Approval of Other Real Estate Requests

- 8. DSU – Grating of Temporary Easement and Right-of-Way to Cleveland Music Foundation .....12
- 9. MSU – Award of Timber Sales – John W. Starr Memorial Forest.....13
- 10. UM – IHL 207-354 - Approval of Exterior Design of the Honors College Renovation and Addition, Design Professional – The McCarty Company Design Group, P.A.....14
- 11. UM - IHL 207-369 - Approval of the Exterior Design for the Proposed Parking Garage for the Multi-Purpose Facility, Design Professional - AEMCO and Cooke Douglass Farr Lemons.....16
- 12. USM – IHL 208-306 - Approval of Purchase of Property - 3701 and 3702 Pearl Street, Hattiesburg, MS .....18
- 13. USM – Delete from Inventory and Demolish Buildings 208, 211, 213 and 873 .....19
- 14. USM – Naming of New College of Nursing Building as “Asbury Hall” .....20

**LEGAL**

- 1. MSU – Approval of Modification of Contract with Jones, Walker, LLP as Outside Counsel .....1
- 2. MSU – Approval to Renew Contract with Butler, Snow, O’Mara, Stevens & Cannada, PLLC as Outside Counsel.....1
- 3. UMMC – Approval to Hire Stites and Harbison, PLLC as Outside Counsel.....2
- 4. UMMC- Approval to Hire Baker, Donelson, Bearman, Caldwell and Berkowitz, PC as Outside Counsel .....2
- 5. USM – Approval to Hire Estes and Estes, P.A. as Outside Counsel.....2
- 6. USM – Approval to Hire Stephen K. Thomas as Outside Counsel .....3

- 7. UMMC- Approval to Amend Board Approved Contracts Requiring a Business Associate Agreement to Conform with the Omnibus Rule .....3

**PERSONNEL**

- 1. Employment (DSU) .....1
- 2. Sabbatical (JSU).....1
- 3. Emeritus Status (USM).....1

**REGULAR AGENDAS**

**ACADEMIC AFFAIRS**

Trustee Robin Robinson

- 1. SYSTEM – Approval of Academic Program Productivity Reviews.....1
- 2. SYSTEM – Approval of Proposed Changes to Board Policy 201.0507 Subsection E. for First Reading .....2

**FINANCE**

Trustee Alan Perry

- 1. MSU – Approval of Contractual Agreements with Cooley Center, LLC
  - a. Lease of Cooley Building to Cooley Center, LLC .....2
  - b. Lease Back Approximately 36,000 Square Feet in the Cooley Building from Cooley Center, LLC .....3
  - c. Lease Parking Space to Cooley Center Hotel, LLC .....5
- 2. UM – Approval of Resolution to Enter Ground Leases and Operating Leases with Ole Miss Athletic Foundation.....6
  - a. Two Ground Leases with Ole Miss Athletics Foundation to Construct a Parking Structure and Multi-Purpose Arena .....7
  - b. Operating Lease with Ole Miss Athletics Foundation to Operate a Parking Garage ..9
  - c. Operating Lease with Ole Miss Athletics Foundation to Operate a Multi-Purpose Arena.....10
- 3. UMMC – Approval to Enter into Contractual Agreements
  - a. AutoMed Technologies, Inc.....11
  - b. Edwards Lifesciences, LLC .....13
  - c. St. Jude Medical S.C., Inc. d/b/a St. Jude Medical, U.S. Division (Mechanical).....15
  - d. St. Jude Medical S.C., Inc. d/b/a St. Jude Medical, U.S. Division (Tissue).....17
  - e. Philips Healthcare, a Division of Philips Electronics North America Corporation.....19

f. Infor (US), Inc. formerly Lawson Software Americas, Inc. ....	21
4. USM – Approval of Contractual Services Agreements	
a. Elsevier B.V. ....	23
b. EBSCO Information Services .....	25
5. SYSTEM – Approval of Tuition Multi-Year Rates (First Approval) .....	27

**REAL ESTATE**  
Trustee Hal Parker

Approval of Other Real Estate Requests

1. MSU – Approval of Mill Development at MSU Conference Center Related Items	
a. Approval of Sale of Property to Cooley Center Hotel, LLC and Russell Street Development, LLC .....	1
b. Approval to Grant a Temporary Construction Easement to Cooley Center, LLC, Cooley Center Hotel, LLC and Russell Street Development , LLC .....	4

**LEGAL**  
Trustee Doug Rouse

1. MSU – Approval to Settle IHL Self-Insured Workers’ Compensation Claim .....	1
2. UMMC – Approval to Settle Tort Claim No. 1797 Johnnie Stuart .....	1
3. UMMC- Approval to Settle Tort Claim No. 1878 David McBride.....	1
4. UMMC – Approval to Settle Tort Claim No. 1877 Edward Murphy.....	1

**INFORMATION AGENDAS**

Commissioner Hank Bounds

**FINANCE**

1. SYSTEM – Agreement Between the Mississippi Department of Information Technology Services acting as Contracting Agent for the Mississippi Institutions of Higher Learning and Ellucian Company, L.P. ....	1
2. SYSTEM – Ayers Accountability Manual as Required by the Settlement of <i>Jake Ayers, Jr., et. al. and United States of America v Ronnie Musgrove, Governor, State of Mississippi, et. al.</i> .....	1

**REAL ESTATE**

SYSTEM – Real Estate Items Approved Subsequent to the August 15, 2013 Board Meeting

Alcorn State University.....2  
Jackson State University .....3  
Mississippi State University .....5  
Mississippi Valley State University .....7  
University of Mississippi .....8  
University of Mississippi Medical Center .....12  
University of Southern Mississippi.....15  
ERC.....19

**LEGAL**

SYSTEM – Report of Payments to Outside Counsel .....1

**ADMINISTRATION/POLICY**

SYSTEM – Commissioner’s Notification of Approval.....1

**ADDITIONAL AGENDA ITEMS IF NECESSARY**

**OTHER BUSINESS/ANNOUNCEMENTS**

**EXECUTIVE SESSION IF DETERMINED NECESSARY**

**ADJOURNMENT**



MISSISSIPPI  
BOARD OF TRUSTEES  
OF STATE  
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

September 11, 2013 MVSU Board Search Committee Meeting

September 16, 2013 Special Called Board Meeting

September 18, 2013 MVSU Board Search Committee Meeting

September 19, 2013 Regular Board Meeting

October 3, 2013 Special Called Meeting

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 11, 2013**

**BE IT REMEMBERED**, That the Mississippi Valley State University Board Search Committee met in a teleconference meeting held at the Board Office in Jackson, Mississippi, at 3:30 p.m. and pursuant to notice in writing to each and every member of said Committee, said date being at least five days prior to this September 11, 2013 meeting. At the above-named place there were present the following Committee members to wit: Mr. Shane Hooper (by phone), Mr. Hal Parker (by phone), Ms. Robin J. Robinson (by phone), and Mr. C.D. Smith (by phone). Committee member Dr. Ford Dye was absent. Other trustees participating were Mrs. Karen L. Cummins (by phone), Mr. Bob Owens (by phone), and Mr. Aubrey B. Patterson (by phone). The meeting was called to order by Mr. Shane Hooper, Committee Chair.

**In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss issues concerning the search for the next president of Mississippi Valley State University.**

**EXECUTIVE SESSION**

On motion by Trustee Robinson, seconded by Trustee Smith, with Trustee Dye absent and not voting, all Committee members 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 Smith, seconded by Trustee Robinson, with Trustee Dye absent and not voting, all Committee members legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of personnel issues concerning the search for the next president of Mississippi Valley State University.

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

The Committee discussed personnel issues concerning the search for the next president of Mississippi Valley State University.

**On motion by Trustee Smith, seconded by Trustee Robinson, with Trustees Dye and Parker absent and not voting, all Committee members legally present and participating voted unanimously to return to Open Session.**

**ADJOURNMENT**

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

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 16, 2013**

**BE IT REMEMBERED**, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special-called teleconference meeting held at the Board Office in Jackson, Mississippi, at 11:30 a.m. and pursuant to notice in writing to each and every member of said Board, said date being at least five days prior to this September 16, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee (by phone), Mrs. Karen L. Cummins (by phone), Dr. Ford Dye (by phone), Mr. Shane Hooper (by phone), Mr. Bob Owens (by phone), Mr. Hal Parker (by phone), Mr. Aubrey B. Patterson (by phone), Mr. Alan Perry (by phone), Dr. Douglas Rouse (by phone), and Mr. C.D. Smith (by phone). Ms. Christine Pickering and Ms. Robin J. Robinson were absent. The meeting was called to order by Mr. Bob Owens, President.

**In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss personnel issues concerning the search for the next president of Mississippi Valley State University.**

**EXECUTIVE SESSION**

On motion by Trustee Perry, with Trustees Pickering and Robinson absent and not voting, 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 Blakeslee, seconded by Trustee Hooper, with Trustees Pickering and Robinson absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of personnel issues concerning the search for the next president of Mississippi Valley State University.

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

The Board discussed personnel issues concerning the search for the next president of Mississippi Valley State University.

**On motion by Trustee Blakeslee, seconded by Trustee Smith, with Trustees Pickering and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.**

**ADJOURNMENT**

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

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 18, 2013**

**BE IT REMEMBERED**, That the Mississippi Valley State University Board Search Committee met at the Board Office in Jackson, Mississippi, at 8:00 a.m. and pursuant to notice in writing to each and every member of said Committee, said date being at least five days prior to this September 18, 2013 meeting. At the above-named place there were present the following Committee members to wit: Dr. Ford Dye, Mr. Shane Hooper, Mr. Hal Parker and Mr. C.D. Smith. Committee member Ms. Robin J. Robinson was absent. Mrs. Karen L. Cummins also attended. The following members of the MVSU Interview Search Advisory Committee (ISAC) were present: Dr. Louis Hall, Chair of the ISAC Committee and Interim Chair/Associate Professor of Biology at Mississippi Valley State University; Mr. Derrick Jones, Student Government Association President at Mississippi Valley State University; Dr. Jay Kim, Chair of Business Education at Mississippi Valley State University; Mr. Kenneth Myricks, Owner of Affordable Insurance Solutions; Ms. LeChondia Nelson, Administrative Assistant/Travel Coordinator, Athletic Administration at Mississippi Valley State University; Ms. Clara Reed, Chief Executive Officer at Mid Delta Home Health Inc. and Vice-Chair of the MVSU Foundation Board; and Mr. Archie Tucker, Assistant Area Director of the United States Department of Agriculture-Agricultural Research Service- Mid South Area (MS). The meeting was called to order by Mr. Shane Hooper, Chair.

**EXECUTIVE SESSION**

On motion by Trustee Smith, seconded by Trustee Dye, with Trustee Robinson absent and not voting, all Committee members 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 Smith, seconded by Trustee Dye, with Trustee Robinson absent and not voting, all Committee members legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of personnel issues concerning the search for the next president of Mississippi Valley State University.

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

The Board Search Committee conducted first-round interviews for seven candidates in the search for the next president of Mississippi Valley State University.

**On motion by Trustee Parker, seconded by Trustee Smith, with Trustee Robinson absent and not voting, all Committee members legally present and participating voted unanimously to return to Open Session.**

**ADJOURNMENT**

There being no further business to come before the Board Search Committee, 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 adjourn the meeting.

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 19, 2013**

**BE IT REMEMBERED**, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the McClain Lodge in Brandon, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2012, to each and every member of said Board, said date being at least five days prior to this September 19, 2013 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, Ms. Christine Pickering, Dr. Douglas Rouse, and Mr. C.D. Smith. Mr. Alan Perry and Ms. Robin J. Robinson were absent. The meeting was called to order by Mr. Bob Owens, President, and opened with prayer by Mr. C.D. Smith.

**INTRODUCTION OF GUESTS**

- President Owens welcomed Senator John Polk.

**APPROVAL OF THE MINUTES**

On motion by Trustee Cummins, seconded by Trustee Rouse, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on August 12, 2013 and August 15, 2013.

**CONSENT AGENDA**

On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustees Perry and Robins absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

**FINANCE**

1. **MUW** - Approved the request to participate in the next state agency master lease purchase series through the Mississippi Department of Finance and Administration's (DFA's) master lease program, pursuant to Miss. Code Ann. Section 31-7-10 (14). No other state university is interested in pursuing an IHL master lease-purchase of equipment at this time, but MUW has a pressing need for the lease-purchase of up to \$750,000 in equipment. The next DFA series for state agencies will take place in or around October 2013, and MUW's participation in same would enable it to meet its current need for equipment for the university. The Board granted permission for MUW to participate in the next DFA state agency master lease-purchase program series in or around October 2013 in order to lease-purchase equipment for an amount not to exceed \$750,000.
2. **UM** - Approved the request to enter into a rental agreement with Bob Ladd and Associates, Inc. to provide UM's athletic department with the use of miscellaneous farm and utility equipment. UM currently owns farm and utility equipment that is either near or at the end of its serviceable life cycle. In lieu of purchasing new equipment, UM is opting to lease equipment for the proposed term. Ladd's will provide the following: ten (10) four (4) passenger utility vehicles, ten (10) eight (8) passenger utility vehicles, nine (9) 4 wheel utility turf vehicles, seven (7) 4 wheel drive mid-weight

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STATE INSTITUTIONS OF HIGHER LEARNING  
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fairway mowers, one (1) riding trim/slope reel mower, one (1) self contained 3 wheel infield machine, two (2) tow behind debris blowers, one (1) tow behind large area topdresser, and manufacturers' full warranty for all equipment for life of contract. The term of the agreement is for forty two (42) months – October 1, 2013 through March 31, 2017. The total cost for the forty two (42) month rental term is \$529,709.88. Funds are available from self-generated athletic funds. This agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

3. **USM - Exhibit 1** represents the approval of the MS-ITS Board of the preparation of a contractual agreement with Blackboard, Inc. for the provision of Blackboard software support, maintenance and hosting services for the University of Southern Mississippi (USM). The Attorney General's staff assigned to the MS-ITS will review the agreement prior to its execution. The resulting agreement will be between Blackboard, Inc. and MS-ITS on behalf of USM. **(See Exhibit 1.)**
4. **USM - Exhibit 2** represents the approval of the MS-ITS Board of the commencement of contract negotiations with Venture Technologies for the provision of Cisco software support and hardware maintenance for the University of Southern Mississippi (USM). The Attorney General's staff assigned to the MS-ITS will review any resulting contractual agreement prior to its execution. The finalized agreement will be between Venture Technologies and MS-ITS on behalf of USM. **(See Exhibit 2.)**

**REAL ESTATE**

5. **USM** - Approved the request to purchase 1.98 acres of property immediately adjacent to and west of the Gulf Coast Research Lab (GCRL) from Neil Harris for \$451,000 which is the average of two appraisals. Neil Harris, the current owner of the property, previously provided GCRL with an easement that allows access; however, at times, the current access point becomes flooded, leaving GCRL employees without the ability to enter or exit the property. By acquiring the property, GCRL can move the entrance/exit to the north end of the property ensuring access even when water covers the current access point. There is concern that the price of this property will escalate in the future due to substantial renovations being completed on adjacent properties located west of the Harris property. The tentative closing date shall be held at a location mutually agreeable to the parties on or before January 15, 2014 or upon such earlier or later date and time per agreement by the parties. If the sale and purchase of the property contemplated by this agreement is not consummated because of the Purchaser's default or failure or refusal to perform, Seller shall have as its sole remedy the right to terminate the agreement by written notice to Purchaser. A Phase I Environmental Site Assessment (ESA) was conducted for the purchase of the property. Based on the site observations and research conducted it was determined that there are no recognized environmental conditions associated with the site that warrant further inquiry at the present time. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved this item.

**LEGAL**

6. **JSU** - Approved the request to appoint Dr. William McHenry, a university employee, as legislative liaison in order to comply with Board Policy 201.0506 Political Activity.
7. **JSU** - Approved the consultant agreement between Jackson State University, Jackson State University Development Foundation and Worth Thomas of W.T. Consultants, who will provide a full scope of legislative liaison services within the state of Mississippi, with such services designed

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 19, 2013**

to achieve the state agency and governmental relations goals of Jackson State University. The client list and proposed contract for Worth Thomas of W.T. Consultants are included in the bound *September 19, 2013 Board Working File*.

8. **JSU** - Approved a consultant relationship between JSU and Polsinelli Shughart PC, who will provide lobbying services on behalf of the university regarding: (i) the formulation, modification or adoption of federal legislation, rules, regulations, executive orders or any other program, policy or position of the United States government, and/or (ii) the administration or execution of a federal program or policy, designed to achieve the governmental relations goals of the university. JSU represents that this relationship does not involve lobbying within the state of Mississippi or to the Mississippi Legislature, including its various committees.
9. **System** - Approved a new inter-agency agreement for the provision of legal services for fiscal year 2014, between IHL and the Attorney General's Office. No terms of the new contract are changing from last year's contract except for the total amount increasing from \$402,302.97 to \$402,907.87, due to salary adjustments for Attorney General's staff at IHL that began in August of 2013. A copy of the proposed inter-agency agreement is included in the bound *September 19, 2013 Board Working File*.
10. **PERSONNEL REPORT**

**EMPLOYMENT**

**Delta State University**

- Dr. E.E. Butch Caston; *interim* Provost and Vice President of Academic Affairs; salary of \$172,509, per annum, pro rata; E&G funds; effective September 1, 2013
- Dr. Charles McAdams; Provost and Vice President of Academic Affairs; salary of \$165,000, per annum, pro rata; E&G funds; effective December 1, 2013

**Mississippi Valley State University**

*(Hire with tenure - also reported under tenure section below)*

- Barbara Newsome, Assistant Professor of Social Work; salary of \$55,000, per annum, pro rata; E&G funds; hired with tenure, effective August 19, 2013

**CHANGE OF STATUS**

**University of Southern Mississippi**

- Patricia Biesiot, *from* Assistant Dean of Science and Technology and Associate Professor of Biological Sciences; salary of \$77,176, per annum, pro rata; E&G Funds; *to* Interim Dean of Science and Technology and Associate Professor of Biological Sciences; salary of \$117,176 per annum, pro rata, E&G Funds; effective September 1, 2013

**TENURE**

**Mississippi Valley State University**

*(Nine-month contract effective August 19, 2013)*

- Barbara Newsome, Assistant Professor of Social Work *(New hire with tenure)*

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 19, 2013**

**FINANCE AGENDA**

Presented by Trustee Alan Perry, Chair

On motion by Trustee Blakeslee, seconded by Trustee Smith, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda items #1 and #2 on the Finance Agenda.

1. **MSU** - Approved the request to enter into an agreement with Cray, Inc. for the purchase of a high performance computer system for the MSU High Performance Computing Collaboratory. The purpose of this agreement is to purchase a fully integrated computer system that will be designed and produced according to university specifications. The unique system will feature Cray CS300 liquid-cooled supercomputers with GreenBlade technology, the latest Intel processors, Cray's Advanced Cluster Engine (ACE) management software and other high-level components. The equipment will be designed to specifically meet the university's large scale computing needs in the area of research which requires high performance computing. Cray will provide a complete high level computer system; delivery and on-site assembly of the equipment; and, a three (3) year remote assistance and telephone support service plan. The agreement is for the immediate one-time purchase and installation of equipment. However, under the included "Standard Plus" Depot Maintenance and Support plan, MSU shall receive support services for the approximate period of December 1, 2013 through November 30, 2016. The total contract cost for the purchase of the equipment, delivery and assembly services and the three (3) year maintenance and support services plan is \$1,578,239. The current agreement will be funded by overhead recovery and other designated funds. The contract which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
2. **UMMC** - Approved the request to enter into a lease agreement with River Oaks Hospital, LLC to lease 12,175 square feet of clinical space at the newly constructed Flowood Capital Center at River Oaks in Flowood, MS for use in providing both patient care services and clinical training for family medicine residents. The term of the agreement is for three (3) years, October 1, 2013 through September 30, 2016. The total estimated contract cost for the three (3) year lease term is \$1,343,279.93. This amount includes monthly rent, a nominal annual rate adjustment to allow for potential increases in maintenance costs and utilities, and a potential fee for repairs made in the event and at the time UMMC vacates the premises. The current agreement will be funded by general funds. The contract which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

**LEGAL AGENDA**

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Dye, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 on the Legal Agenda.

1. **System** - Approved for first reading the proposed new policy 1105.01 Institutional Real Property, as follows:  
1105.01 INSTITUTIONAL REAL PROPERTY

All real property on the campus of any institution of higher learning (which includes the Education and Research Center housing the Board's Executive Offices and the Universities Center, as well as our eight state universities), including



**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 19, 2013**

without limitation all campus grounds, buildings, facilities, stadiums or other improvements, that is owned, leased, used, or otherwise controlled by an institution (“Institutional Property”), is dedicated for the specific purpose of furthering the educational, research, and/or service missions of the institution. Institutional Property is routinely utilized for institutional activities and events which can present safety and security issues for the institution and the Board. Therefore, all persons on Institutional Property must abide by all applicable laws and regulations as well as policies of the institution and the Board in order to further the missions of the institution and for the protection of the students, employees and guests of the institution.

An institution may deny or condition entrance onto or into Institutional Property or remove from the same, any person whose presence interferes with or does not advance the institution’s missions or any person who violates or refuses to comply with any Board or institutional policy or applicable law or regulation. Under no circumstances shall Institutional Property be utilized to carry out unlawful activity.

**INFORMATION AGENDA**

Presented by Commissioner Hank M. Bounds

**FINANCE**

1. **System** - Notification of approval of one JSU item and two MVSU items related to student housing.
  - a. **JSU** – At a special called meeting on August 12, 2013, the Board approved the request to enter into an agreement with BAPU Hotels, LLC d/b/a Travelodge to lease the Travelodge Hotel property to provide housing for students for the 2013-2014 academic year. JSU will have the use of 120 hotel rooms, all common areas and parking spaces. This is a nine (9) month agreement that provides JSU off-campus housing for 250 students. The lease term is August 17, 2013 through May 21, 2014 with an option to renew for up to (2) one-year terms. The total cost for the nine (9) month term is \$805,768 which includes monthly rent, installation of fencing, and specific property alterations.
  - b. **MVSU** – On August 22, 2013, the Commissioner, Trustee Owens, and Trustee Perry approved the request to enter into an agreement with Chawla Enterprises, Inc. d/b/a Rodeway Inn of Greenwood to lease up to thirty-five (35) hotel rooms to provide housing for students for the Fall 2013 academic term. This is a four (4) month agreement that provides MVSU off-campus housing for approximately 119 students. The lease term is August 22, 2013 through December 13, 2013 with an option to renew for up to (2) one-year terms. The total rental cost for the four (4) month term is \$155,610.
  - c. **MVSU** – On August 22, 2013, the Commissioner, Trustee Owens, and Trustee Perry approved the request to enter into an agreement with ASR, Inc. d/b/a Three Rivers Inn and Suites to lease up to forty-five (45) hotel rooms to provide housing for students for the Fall 2013 academic term. This is a four (4) month agreement that provides MVSU off-campus housing for approximately 119 students. The lease term is August 22, 2013 through December 13, 2013 with an option to renew for up to (2) one-year terms. The total rental cost for the four (4) month term is \$202,800.

**LEGAL**

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

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 19, 2013**

**EXECUTIVE SESSION**

On motion by Trustee Hooper, with Trustees Perry and Robinson absent and not voting, 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 Blakeslee, seconded by Trustee Hooper, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reason reported to the public and stated in these minutes, as follows:

Discussion of personnel issues regarding the search for the next president of Mississippi Valley State University and  
Discussion of a personnel matter at one of the public universities.

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

The Board discussed personnel issues regarding the search for the next president of Mississippi Valley State University.

On motion by Dr. Dye, seconded by Mr. Blakeslee, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to authorize Dr. Mark Keenum, President of Mississippi State University, to serve on the Mississippi Power Board of Directors.

**On motion by Trustee Hooper, seconded by Trustee Blakeslee, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.**

**ADJOURNMENT**

There being no further business to come before the Board, on motion by Trustee Dye, seconded by Trustee Blakeslee, with Trustees Perry and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to adjourn the meeting.

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President, Board of Trustees of State Institutions of Higher Learning

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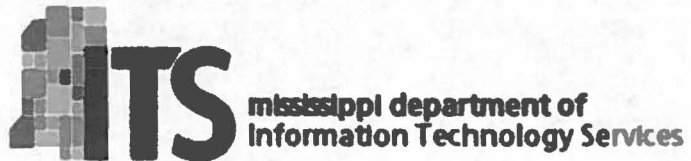
Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
September 19, 2013**

**EXHIBITS**

- Exhibit 1                      Approval of the MS-ITS Board of the preparation of a contractual agreement with Blackboard, Inc. for the provision of Blackboard software support, maintenance and hosting services for the University of Southern Mississippi.
- Exhibit 2                      Approval of the MS-ITS Board of the commencement of contract negotiations with Venture Technologies for the provision of Cisco software support and hardware maintenance for the University of Southern Mississippi.
- Exhibit 3                      Report of the payment of legal fees to outside counsel.

# EXHIBIT 1



3771 Eastwood Drive  
Jackson, MS 39211-6381  
Phone: 601-432-8000  
Fax: 601-713-6380  
[www.its.ms.gov](http://www.its.ms.gov)

---

Craig P. Orgeron, Ph.D., Executive Director

August 13, 2013

David Stiman  
Chief Information Officer  
University of Southern Mississippi  
118 College Drive, #5181  
Hattiesburg, Mississippi 39406

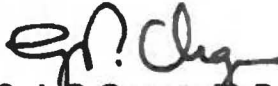
RE: ITS Project Number 40423: Learning Management System

Dear David:

My staff has reviewed the details of the above-referenced procurement project. Please accept this letter as certification that I have authorized the preparation of a Supplement to the Master License and Application Service Provider Agreement between ITS and Blackboard, Incorporated and a CP1 approval document in an amount not to exceed \$510,602.42. The term of the Supplement will be October 1, 2013 through September 30, 2014. The ITS Board has delegated software purchases below \$1,000,000.00 to me, so this purchase will not require ITS Board action.

Please contact Ben Garrett of my staff at 601-432-8138 if you have questions or need additional information.

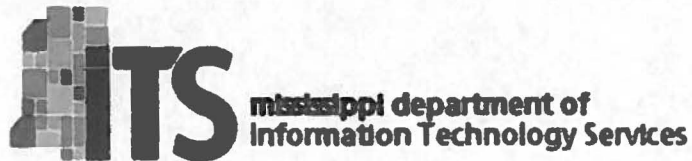
Sincerely,



Craig P. Orgeron, Ph.D.  
Executive Director

cc: ITS Project File Number 40423

# EXHIBIT 2



3771 Eastwood Drive  
Jackson, MS 39211-6381  
Phone: 601-432-8000  
Fax: 601-713-6380  
[www.its.ms.gov](http://www.its.ms.gov)

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Craig P. Orgeron, Ph.D., Executive Director

August 14, 2013

David Stiman  
Chief Information Officer  
University of Southern Mississippi  
118 College Drive, #5181  
Hattiesburg, Mississippi 39406

RE: ITS Project Number 40329: USM Cisco Smartnet Maintenance

Dear David:

My staff has completed an open and competitive procurement process for the above-referenced project. Pending successful contract negotiations, the award will be made to Venture Technologies at a total not-to-exceed 3 year lifecycle cost of \$874,912.45. The ITS Board has delegated software purchases below \$1,000,000.00 to the ITS Executive Director, so this purchase will not require ITS Board action.

Please contact Ben Garrett of my staff at 601-432-8138 if you have questions or need additional information.

Sincerely,

Craig P. Orgeron, Ph.D.  
Executive Director

cc: ITS Project File Number 40329

# EXHIBIT 3

September 19, 2013

## SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Ware/Gasparian (statements dated 7/19/13 and 8/1/13) from the funds of Mississippi State University. (These statements, in the amounts of \$5,050.00 and \$333.40, respectively, represent services and expenses in connection with labor certification.)

**TOTAL DUE.....\$ 5,383.40**

Payment of legal fees for professional services rendered by Evans Petree (statements dated 7/8/13 and 8/6/13) from the funds of the University of Mississippi. (These statements, in the amounts of \$2,950.00 and \$5,850.00, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 8,800.00**

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statements dated 8/9/13 and 8/16/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$357.00 and \$205.00, respectively, represent services and expenses in connection with litigation matters.)

**TOTAL DUE.....\$ 562.00**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 8/8/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$13,640.20, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 13,640.20**

Payment of legal fees for professional services rendered by Kitchens Hardwick & Ray (statements dated 5/1/13, 7/3/13, 7/3/13, 7/3/13, 7/3/13, 7/3/13, 7/3/13, 8/5/13 and 8/6/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$10,890.00, \$1,452.00, \$511.50, \$4,887.45, \$2,244.00, \$11,846.65, \$4,887.45, \$5,643.00 and \$5,362.50, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 47,724.55**

# EXHIBIT 3

September 19, 2013

Payment of legal fees for professional services rendered by Watkins & Eager (statement dated 5/23/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$6,080.45, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 6,080.45**

Payment of legal fees for professional services rendered by Bryan Nelson (statement dated 7/16/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$5,065.50, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 5,065.50**

Payment of legal fees for professional services rendered by Mayo Mallette (statements dated 7/23/13 and 8/8/13) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$297.64 and \$528.00, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 825.64**

## **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 7/23/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Micro-Fluidic Device for Measuring Osmotic Second Virial Coefficients" - \$1,070.00; "Live Attenuated Catfish Vaccine" - \$270.00; "Klink - Glycine Max Resistance" - \$90.00 and "Klink - Glycine Max Resistance" - \$540.00.)

**TOTAL DUE.....\$ 1,970.00**

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 7/10/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Registration - Bulldog Head" - \$237.50; "Registration - Bulldog Head in Miss. State Circle" - \$142.50; "Registration - Bulldog with MState" - \$95.00; "Registration - Cowbell in Miss. State Circle" - \$213.75; "Registration - Miss. State Banner" - \$356.25; "Registration - Mississippi State University (words)" - \$356.25; "Registration - Mississippi State University (crest)" - \$71.25; "Registration - MState" - \$118.75; "Registration - Paw Print" - \$142.50; "Registration - Interlocking MS Baseball Trademark" - \$142.50; "Method and System for Estimating Antler, Horn, and Pronghorn Size of an Animal Pro & Utility Application" - \$1,457.50; "Occidiofungin, A Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminants" - \$1,543.75; "Occidiofungin, A Unique Antifungal Glycopeptide" - \$118.75; "XOS Production by Autohydrolysis of Corn Fiber Separated from DDGS" - \$3,562.50; "Generation of Imazapic Resistance Switchgrass Population" - \$5,035.00; "Crape myrtle Plant Named (Neshoba)" - \$47.50; "Crape myrtle Plant Named (Pascagoula)" - \$23.75; "Crape myrtle Plant Named (Sequoyah)" - \$23.75; "Crape

# EXHIBIT 3

September 19, 2013

myrtle Plant Named (Shumaka)" - \$23.75; "Crape myrtle Plant Named (Tishomingo)" - \$23.75; "Using Biochar, a Byproduct from Thermal Chemical Conversion of Biomass, as Container Substrate" - \$2,362.50; "National Filing from Occidiofungin PCT Application-Europe" - \$583.75; "Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins-Divisional Application" - \$950.00 and "Oxime Therapeutics-European National Application" - \$190.00.)

**TOTAL DUE.....\$ 17,943.75**

Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 7/31/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Fei Yu - Converting Biomass Derived Nitrogen Rich Syngas" - \$750.00; "Bio-Oil Pretreatment" - \$70.00 and "Blue Stain System" - \$327.50.)

**TOTAL DUE.....\$ 1,147.50**

Payment of legal fees for professional services rendered by Armstrong Teasdale (statements dated 5/22/13, 6/13/13 and 6/13/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Systems and Methods for Detecting Transient Acoustic Signals" - \$487.50; "Systems and Methods for Detecting Transient Acoustic Signals" - \$3,328.50 and "Systems and Methods for Underwater Reconnaissance" - \$2,365.00, respectively.)

**TOTAL DUE.....\$ 6,181.00**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/16/13, 6/20/13 and 7/31/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Animal Model of Anxiety and Depression" - \$180.00; "Animal Model of Anxiety and Depression" - \$6,747.50 and "Animal Model of Anxiety and Depression" - \$395.00, respectively.)

**TOTAL DUE.....\$ 7,322.50**

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 6/7/13, 6/13/13, 6/24/13, 6/26/13, 6/30/13, 7/1/13, 7/22/13, 7/26/13, 8/2/13, 8/6/13, 8/13/13 and 8/14/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$501.16; "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$1,669.50; "Novel Selective Inhibitors of Prolylcarboxypeptidase" - \$1,461.50; "Novel Selective Inhibitors of Prolylcarboxypeptidase" - \$507.50; "Highly Selective Sigma Receptor Ligands" - \$4,060.50; "Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$1,413.50; "Preparation of Pre-coated RP Rotors & Universal Chromatorotors" - \$157.00; "Compositions for Prevention/Prophylactic Treatment of Poison Ivy" - \$771.22; "Highly Selective Sigma



# EXHIBIT 3

September 19, 2013

Receptor Radioligands” - \$509.50; “Novel Selective Inhibitors of Prolylcarboxypeptidase” - \$267.50; “Highly Molecular Weight Polysaccharide Fraction from Aloe Vera with Immunostimulatory Activity” - \$1,065.00 and “Compositions for Prevention/Prophylactic Treatment of Poison Ivy” - \$312.00, respectively.)

**TOTAL DUE.....\$ 12,695.88**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/16/13, 5/16/13, 5/16/13, 5/16/13, 5/16/13, 5/16/13, 6/20/13, 6/20/13, 6/20/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13 and 7/15/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Methods for Detecting Humans” - \$350.00; “Methods for Detecting Humans” - \$660.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,488.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$310.00; “A Stable Plasmonic Cluster of Molecular Definition” - \$93.00; “Formulation for the Treatment of Hypertrophic Scar” - \$310.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$404.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$2,224.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$2,528.50; “Compositions Comprising Highly Purified Amphotericin-B” - \$178.00; “Methods for Detecting Humans” - \$428.50; “Methods for Detecting Humans” - \$3,522.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$464.13 and “Formulation for the Treatment of Hypertrophic Scar” - \$186.00, respectively.)

**TOTAL DUE.....\$ 13,146.13**

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 6/23/10, 6/23/10, 6/23/10, 7/12/13, 7/12/13, 7/12/13, 7/12/13, 7/12/13 and 7/12/13) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Compositions for Protection of Skin against Thermal Insul.” - \$2,635.00; “Soy Protein Adhesives and Uses Thereof” - \$170.00; “Provisional Application Filing Fee” - \$110.00; “Soy Protein Adhesives and Uses Thereof” - \$2,470.00; “Compositions for Protection of Skin against Thermal Insul.” - \$475.00; “Glycerol Ester-Free Functionalized Vegetable Oil Derivatives and their Latex Compounds” - \$1,101.25; “Nanoencapsulation of Isocyanates via Aqueous Media” - \$855.00; “Functionally Gradient Polymeric Materials” - \$1,850.00; “Cyclopentadiene Derivatives for Carbon-Carbon Composites” - \$1,850.00 and “Glycerol Ester-Free Functionalized Vegetable Oil Derivatives and their Latex Compounds-EPO” - \$665.00, respectively.)

**TOTAL DUE.....\$ 12,181.25**

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
October 3, 2013**

**BE IT REMEMBERED**, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special called meeting held at the Board Office in Jackson, Mississippi, at 9:00 a.m. and pursuant to notice in writing to each and every member of said Board, said date being at least five days prior to this October 3, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Ms. Christine Pickering, and Mr. C.D. Smith. Mrs. Karen L. Cummins, Mr. Alan Perry, Dr. Douglas Rouse, and Ms. Robin J. Robinson were absent. The following members of the MVSU Interview Search Advisory Committee (ISAC) were present: Dr. Louis Hall, Chair of the ISAC Committee and Interim Chair/Associate Professor of Biology at Mississippi Valley State University; Dr. Jay Kim, Chair of Business Education at Mississippi Valley State University; Mr. Kenneth Myricks, Owner of Affordable Insurance Solutions; Ms. LeChondia Nelson, Administrative Assistant/Travel Coordinator, Athletic Administration at Mississippi Valley State University; Ms. Clara Reed, Chief Executive Officer at Mid Delta Home Health Inc. and Vice-Chair of the MVSU Foundation Board; and Mr. Archie Tucker, Assistant Area Director of the United States Department of Agriculture-Agricultural Research Service- Mid South Area (MS). ISAC Committee member Mr. Derrick Jones, Student Government Association President at Mississippi Valley State University, was absent. The meeting was called to order by Mr. Bob Owens, President.

**EXECUTIVE SESSION**

On motion by Trustee Blakeslee, with Trustees Cummins, Perry, Robinson, and Rouse absent and not voting, 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 Blakeslee, seconded by Trustee Dye, with Trustees Cummins, Perry, Robinson, and Rouse absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of personnel issues concerning the search for the next president of Mississippi Valley State University.

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

The Board conducted second-round interviews of two candidates in the search for the next president of Mississippi Valley State University.

On motion by Trustee Hooper, seconded by Trustee Blakeslee, with Trustees Cummins, Perry, Robinson, and Rouse absent and not voting, all Trustees legally present and participating voted unanimously to name Dr. William Bynum, Jr. as the preferred candidate for position of President of the Mississippi Valley State University. Dr. Bynum will participate in open interviews on the MVSU campus with various university and community constituency groups.

**On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustees Cummins, Perry, Robinson, and Rouse absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.**

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
October 3, 2013**

**ADJOURNMENT**

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

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

# CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
**CONSENT AGENDA**  
**ACADEMIC AFFAIRS**  
**OCTOBER 17, 2013**  
**Page 1 of 7**

**1. SYSTEM – APPROVAL OF NEW ACADEMIC UNITS**

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.

- a. ***Alcorn State University*** requests approval of the ***Department of Social Work***. The Social Work program was awarded initial accreditation by the Council on Social Work Education during the 2013 spring semester. It is anticipated that the number of students majoring in Social Work will increase significantly because of the accreditation and seeks to establish the Department of Social Work independent from the Department of Social Sciences. The anticipated cost will average \$138,400 annually. The proposed Department of Social Work budget will be transferred from the current Department of Social Sciences where the program now exists. No new funds are requested.
- b. ***University of Mississippi Medical Center*** requests approval of the ***Department of Dermatology***. The Department of Dermatology will help meet the acute shortage of dermatologists in the state. Establishing Dermatology as a Department will provide the autonomy necessary to further UMMC’s commitment to research, leadership, and service. Department status will also provide the opportunity to freely experiment with methods of team-based clinical care that will improve the financial strength of UMMC. This will allow for the continuing provision of care to underserved populations in our region. The anticipated cost for the Center will average \$1,993,699 annually. The proposed Department of Dermatology budget will be transferred from the current Division of Dermatology budget with patient revenue providing the primary source of funding. Incremental expenses will not be added until corresponding revenues are generated.
- c. ***University of Mississippi Medical Center*** requests approval of the ***Department of Health Administration***. Establishing the Department of Health Administration moves the program to an independent department, thus making clear that the health administration program is growing to meet the needs of the state. The only cost difference will be the \$3250 difference between the stipend for the program director and department chair. The difference will be covered through tuition revenue.
- d. ***University of Mississippi Medical Center*** requests approval of the ***Department of Health Informatics and Information Management***. The Bachelor of Science in Health Informatics and Information Management has achieved a level of enrollment equal to

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
**CONSENT AGENDA**  
**ACADEMIC AFFAIRS**  
**OCTOBER 17, 2013**  
**Page 2 of 7**

enrollment in other departments. Establishing the Department of Informatics and Information Management reflects the growth of the degree program. The only cost difference will be the \$3250 difference between the stipend for the program director and department chair. The difference will be covered through tuition revenue.

- e. *University of Mississippi Medical Center* requests approval of the *Department of Medical Laboratory Science*. The Bachelor of Science in Medical Laboratory Science has achieved a level of enrollment equal to enrollment in other departments. Establishing the Department of Medical Laboratory Science reflects the growth of the degree program. The only cost difference will be the \$3250 difference between the stipend for the program director and department chair. The difference will be covered through tuition revenue.

**CENTERS AND INSTITUTES**

- f. *Mississippi State University* requests approval of the *Center of Excellence for Watershed Management*. The Center will integrate its expertise and resources into a comprehensive approach to benefit all water resource stakeholders at the local, state, regional, and national levels. The Center will enhance the ability of both MSU and the MS Department of Environmental Quality to fulfill their individual mission statements, while leveraging resources to jointly address future needs. The anticipated cost for the Center will average \$114,485 annually. Existing facilities are available and adequate, and no new faculty is associated with the Center. It is anticipated that the unit will be self-supporting after Year 1, and external funding will be sought to support additional staffing. External funding will be generated through grant and contract activities with current partners and federal agencies.
- g. *Mississippi State University* requests approval of the *Global Center for Aquatic Food Security*. The Center will serve as the MSU entity that the United Nations Food and Agriculture Organization will recognize as an FAO Center of Excellence. A major function of the proposed Center will be to collaborate with FAO to provide capacity building in developing countries. The Center will actively partner with the FAO to seek funding to support the diagnostic, capacity building, and investigative research programs that will assist developing countries. The anticipated cost for the Center will average \$20,000 annually to cover travel support for participants to meet with FAO scientists and participate in FAO activities internationally. It is anticipated that as the unit matures, the cost for travel and student exchange will be supported through extramural grants and contracts.
- h. *University of Mississippi* requests approval of the *Center for Health and Sports Performance*. There is a need for applied practice in all areas of sports medicine, including the clinical application as well as management. The Center will serve as a model for best practices in sports medicine and provide an avenue for students to gain

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING  
CONSENT AGENDA  
ACADEMIC AFFAIRS  
OCTOBER 17, 2013  
Page 3 of 7**

experience in order to be more competitive job applicants. The anticipated cost for the Center will average \$287,900 annually over a six year period. The program will require a full time sports dietitian for which a new position has been approved. Funding for the position will come from an existing agreement between the Department of Nutrition and Hospitality Management and UM Athletics.

- i. *University of Mississippi* requests approval of the *Child Advocacy and Play Therapy Institute (CAPTI)*. The Institute will serve the needs of children throughout north Mississippi and provide research in the area of child and adolescent mental health as well as in the area of child advocacy and the social issues that are inherent for children who experience problems both developmentally and through abuse. The program will provide opportunities for current licensed counselors to obtain a certificate in Play Therapy. As the program will be offered online, mental health clinicians throughout the United States could utilize the program. The anticipated cost for the Institute will average \$325,000 annually over a six year period. CAPTI will include a research protocol that will provide opportunities for grant and research funding.

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

**2. SYSTEM – APPROVAL OF ACADEMIC UNIT MODIFICATIONS**

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 the following academic unit modifications:

**RENAME**

- a. *Mississippi State University* requests permission to rename the *Forest Products Department* the *Department of Sustainable Bioproducts*. The name change more accurately reflects the contemporary and projected future of the profession. No new funding is requested; minimal cost for signage will be covered with existing funds.
- b. *Jackson State University* requests permission to rename the *Department of Mathematics* the *Department of Mathematics and Statistical Sciences*. The name change more appropriately reflects the training, academic, and scholarly activities in the department; provides a platform for statistical related research to be developed; and build strong programs in statistics, biostatistics, social statistics, and the mathematical

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
**CONSENT AGENDA**  
**ACADEMIC AFFAIRS**  
**OCTOBER 17, 2013**  
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sciences. No new funding is requested; minimal cost for signage will be covered with existing funds.

- c. *Jackson State University* requests permission to rename the *Department of Computer Engineering* the *Department of Electrical and Computer Engineering*. The name reflects the addition of the recently approved Bachelor of Science in Electrical Engineering degree. No new funding is requested; minimal cost for signage will be covered with existing funds.
- d. *University of Mississippi* requests permission to rename the *Sarah Isom Center for Women's Studies* the *Sarah Isom Center for Women and Gender Studies*. The name change better reflects the expansion of the Center to include broader topics in gender studies. No new funding is requested; minimal cost for signage will be covered with existing funds.
- e. *University of Mississippi Medical Center* requests permission to rename the *Mississippi Institute for Geographic Minority Health* the *Myrlie Evers-Williams Institute for the Elimination of Health Disparities*. The name change better reflects the researched-based focus on three main areas of research: The Social Determinants of Health, Health Literacy and African American Men's Health. Additionally, Dr. Evers-Williams and her life of tireless work to eliminate disparities of all types symbolizes the importance of interdisciplinary and inter-institutional efforts to eliminate health disparities by improving the health of all Mississippians. No new funding is requested; minimal cost for signage will be covered with existing funds.
- f. *University of Southern Mississippi* requests permission to rename *Marketing and Fashion Merchandising* to *Marketing and Merchandising*. A proposal has been submitted to change the name of Fashion Merchandising and Apparel Studies BS to Merchandising BS/BA. Changing the name of the department will reflect the proposed program name change. No new funding is requested; minimal cost for signage will be covered with existing funds.

**REORGANIZE AND RENAME**

- g. *Jackson State University* requests permission to combine the *School of Lifelong Learning* and the *College of Education and Human Development* and to name the combined unit the *College of Education and Human Development/School of Lifelong Learning*. The restructuring supports the mission of the University by continuing to offer quality teacher education programs and outreach services in the community and throughout the state. No new funding is requested; minimal cost for signage will be covered with existing funds.



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- h. *Mississippi University for Women*** requests permission to reorganize *Continuing Education* and name the unit *Office of Outreach and Innovation*. The reorganization will provide MUW with a central office to oversee and coordinate non-credit learning activities; provide administrative and logistical support for campus-wide initiatives serving the university, local communities, and the state; and, facilitate interaction between the university and the community. No new funding is requested; minimal cost for signage will be covered with existing funds.

**DELETE**

- i. *University of Mississippi*** requests permission to delete the *Research and Training Center for the Handicapped*. The Center ceased to exist many years ago following the retirement of a faculty member.
- j. *University of Mississippi*** requests permission to delete the *Marine Minerals Technology Center*. The Center no longer exists as a separate unit. Its function is now under the Center for Marine Resources and Environmental Technology.
- k. *University of Mississippi*** requests permission to delete the *Center for Media Production and Distributed Learning*. The Center's function was subsumed under other offices.
- l. *University of Mississippi*** requests permission to delete the *Center for Rural Studies*. The Center no longer exists, following the retirement of a faculty member.
- m. *University of Mississippi*** requests permission to delete the *Center for Science, Engineering, and Mathematics Education*. The Center stopped functioning years ago follow a retirement. Many of the functions of the center have been subsumed under the Center for mathematics and Science Education.
- n. *University of Mississippi*** requests permission to delete the *Institute for Innovation in Mathematics Education*. The Institute, which had been externally funded, ceased to function following the retirement of its director. Some of the functions have been subsumed under the Center for mathematics and Science Education.
- o. *University of Mississippi*** requests permission to delete the *Enterprise for Innovative Geospatial Solutions*. The activities of this alliance are no longer coordinated by the University. The functions are now controlled by businesses using geospatial technologies.
- p. *University of Mississippi*** requests permission to delete the *Institute for Humanitarian De-Mining*. The Institute, which had been externally funded, no longer functions.

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

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**3. SYSTEM – APPROVAL OF ACADEMIC PROGRAM MODIFICATIONS**

Board Policy 503: Program Modifications states: “As part of its broad constitutional authority to govern the universities, the Board shall exercise its authority to modify programs offered by the universities generally or at various units of the universities.”

In accordance with Board policy, approval is requested for the following academic program modifications.

**RENAME**

- a. *Mississippi State University* requests permission to rename the *Bachelor of Science in Office Systems Technologies* (CIP 11.1006) the *Bachelor of Science in Information Technology Services* (CIP 11.1006) degree. Changing the name from an office focus will allow recruitment of both male and female students. An additional six hours of training (design, implementation, and evaluation) will supply a logical transition from the undergraduate degree in ITS to the master’s degree in instructional technology. No new funding is requested; minimal cost for signage will be covered with existing funds.
- b. *Mississippi State University* requests permission to rename the *Master of Science in Wildlife and Fisheries* (CIP 03.0601) the *Master of Science in Wildlife, Fisheries and Aquaculture* (CIP 03.0601) degree. The name change better reflects the name of the department and the subject matter taught within the MS graduate program. Course content of the major will not change as a result of the name change. No new funding is requested; minimal cost for signage will be covered with existing funds.
- c. *Mississippi State University* requests permission to rename the *Doctor of Philosophy in Cognitive Science* (CIP 03.0601) the *Doctor of Philosophy in Applied Psychology* (CIP 42.2813) degree. The name change more accurately reflects the degree program’s location (the Department of Psychology) and a curriculum that consists largely of Psychology courses. The current CIP code is associated with Systems Science and Theory, not Cognitive Sciences; the new CIP code denotes a more accurate description of the current degree. No new funding is requested; minimal cost for signage will be covered with existing funds.
- d. *University of Mississippi* requests permission to rename the *Bachelor of Arts in Parks and Recreation Management* (CIP 31.0301) the *Bachelor of Arts in Recreation Administration* (CIP 31.0301) degree. The name change better reflects updated accreditation standards from the Council on Accreditation of Parks, Recreation, Tourism and Related Professions (COAPRT) that the program must adhere to during the next – reaccreditation phase in 2015. No new funding is requested; minimal cost for signage will be covered with existing funds.

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- e. *University of Mississippi* requests permission to rename the *Master of Arts in Parks and Recreation Management* (CIP 31.0301) the *Master of Arts in Recreation Administration* (CIP 31.0301) degree. The name change better reflects the management and administration focus of the degree with graduates prepared to become front-line supervisors in a variety of recreation, tourism, parks, sport or related area organizations.. No new funding is requested; minimal cost for signage will be covered with existing funds.
- f. *University of Southern Mississippi* requests permission to rename the *Bachelor of Science in Fashion Merchandising and Apparel Studies* (CIP 52.1902) the *Bachelor of Science/Bachelor of Arts in Merchandising* (CIP 52.1902) degree. The name change and repositioning of the degree is requested to better serve the needs of students and the companies that recruit and hire program graduates. It is anticipated that expanding the focus to include merchandising and the retail industry in a broader sense will recruit more male students into the program. No new funding is requested; minimal cost for signage will be covered with existing funds.

**CONSOLIDATE**

- g. *Jackson State University* requests permission to consolidate the *Specialist Degree in Secondary Education* (CIP 13.1205) into the *Education Specialist* (CIP 13.0101) degree with a concentration in Secondary Education. The degree offers an AAA teacher certification in secondary education and allows teachers to become highly qualified in a content area. No new funding is requested and current education faculty is sufficient to provide instruction.

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

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**1. ASU- REQUEST FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENT FOR BEVERAGE SERVICE**

**Contractor's Legal Name: Coca-Cola Refreshments USA, Inc., d/b/a/ Natchez Coca-Cola Bottling Company (Coca-Cola)**

**Agenda Item Request:** Alcorn State University seeks IHL Board approval to enter into a sponsorship agreement with **Coca-Cola** who in return will serve as exclusive beverage sponsor to ASU.

**History of Contract:** This sponsorship agreement was originally submitted to the IHL Board for approval at the August 2013 meeting. The form of sponsorship agreement presented to ASU by the vendor was outdated and did not reflect recent corporate entity changes made by Coca-Cola Refreshments USA, Inc. The vendor acknowledged its error and submitted the correct form of sponsor agreement to ASU, which includes the appropriate vendor party to the contract. No other terms of the proposed original agreement were altered. ASU is currently partnering with **Coca-Cola** for similar services. The relationship between the two organizations spans the last 15 years, beginning in 1997. The current five year contract began in 2008 and expired on August 1, 2013. That agreement stipulated that ASU would offer *Rights of First Negotiation and Refusal* upon expiration to the vendor. The vendor presented a proposal to continue the relationship that ASU deemed acceptable.

**Specific type of contract:** This is a new revenue generating contract for campus-wide beverage service.

**Purpose:** The purpose of the contract is to provide beverage service to the ASU campus. Under this agreement, ASU elects to have **Coca-Cola** serve as the exclusive beverage sponsor of the University, with campus-wide beverage availability rights, on and off campus marketing rights, and the right to operate full-service vending on campus.

**Scope of Work:** Under the contract, ASU will receive the following benefits:

- Sponsorship fees in the aggregate amount of \$880,000 payable throughout the term of the agreement (10 years);
- Rebates of \$1 to \$2 for each standard case of bottle/can product purchased by ASU's dining service concessionaire and then subsequently made available for sale at the campus, inclusive of concessions;
- Net commissions of 30% on full-service vending sales;
- Marketing funds valued at \$75,000 over 10 years, as well as experienced marketing activities;
- Product donations of \$50,000 over 10 years; and

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- State-of the art interactive vending with customized Alcorn messaging.

Under the contract, ASU will perform the following:

- Allow **Coca-Cola** the right to place its sponsorship recognition panels and signage on 25% of available signage space on the campus;
- Provide vendor with two (2) broadcast announcements per game that each athletic team plays during the term; and
- Provide vendor with twenty (20) complimentary tickets and parking passes to all home game sporting events.

**Term of contract:** This is a ten (10) year approximate agreement effective August 16, 2013, through August 1, 2023.

**Termination Options:** Termination options include:

- ASU may terminate the contract if the vendor fails to make any obligated payment to the University in the agreement. Forty-five (45) days written notice of default must be given prior to termination;
- ASU may terminate the contract if the vendor breaches any other material term of this agreement. Forty-five (45) days written notice of default must be given prior to termination; and
- ASU may terminate the contract if the vendor becomes insolvent or bankrupt.

If the agreement is terminated prior to its scheduled Term expiration, the University will refund to the vendor a *pro rata* portion of all fees, commissions and other payments that have been paid but not earned as of the date of termination. All prepaid fees and commissions will be earned on a daily basis over the payment period.

**Contract Amount:** Under this agreement, ASU estimates that they will receive \$1,436,290 over the ten (10) year period. This estimate represents a 46.6% increase in comparative revenues versus the most current agreement. Final contract revenues may vary based on actual beverage sales incurred.

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A breakdown of the estimated total revenues is as follows:

*Alcorn State University  
Coca-Cola Agreement  
Revenue Proposals*

		Annual	Total
<b>Sponsorship Dollars</b>	<b>Year 1</b>	\$ 115,000	\$ 115,000
	<b>Years 2-10</b>	\$ 85,000	\$ 765,000
<b>Marketing Funds</b>		\$ 7,500	\$ 75,000
<b>Donated Product Values</b>		\$ 5,000	\$ 50,000
<b>Vending Commissions (30%)</b>		\$ 30,731	\$ 307,310
<b>Rebates on delivery cases</b>		\$ 12,398	\$ 123,980
<b>Total Average Annual</b>		\$ 143,629	
<b>Total 10-Year Contract</b>			\$ 1,436,290

**Funding Source for Contract:** Not-applicable as this is a revenue-generating contract

**Contractor Selection Process:** There were no competitive bids or proposals solicited by ASU. The University currently has a 15-year relationship with the vendor. Furthermore, the most recent agreement required ASU to offer *Rights of First Negotiation and Refusal* to the vendor. Per ASU's perspective, the vendor presented an acceptable proposal to continue the relationship. The University feel that the relationship has been a successful partnership since its inception. The beverage vendor chosen must have a willingness to support various events on campus and for the ASU Foundation. The Local Bottler must be in close enough proximity to reach campus for emergency deliveries. The local **Coca-Cola** bottler is located in Natchez, 45 miles from the main campus and has demonstrated on numerous occasions that they can be depended upon to make such deliveries. In addition, while not part of this agreement, the vendor has begun making scholarship grants in the name of the University to the ASU Foundation. Per ASU, for all of these reasons and many others, the university chose to forgo an RFP process and accepted the vendor's negotiated proposal.

**Staff Recommendation:** Based on Board Policy 707.01, *Land, Property, and Service Contracts*, Board approval prior to execution of all food service contracts projected to generate aggregate total revenues for a university of more than

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*\$250,000 is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.*

**2. MSU –REQUEST FOR APPROVAL OF CHARTER SERVICES AGREEMENT**

**Agenda Item Request:** Mississippi State University (MSU) requests approval to enter into a charter services agreement with **Delta Air lines, Inc.** for air transportation for the Men's Basketball team during the 2013/2014 basketball season.

**Contractor's Legal Name: Delta Air Lines, Inc. (Delta)**

**History of Contract:** This is a new agreement. MSU has contracted with this firm for air transportation for the basketball team in the past and has been satisfied with the service provided. Previous contracts were under the \$250,000 threshold required for Board approval. The Men's Basketball team used a different charter service during the prior year.

**Specific type of contract:** Service contract for aircraft chartering

**Purpose:** The purpose of the agreement is to appoint Delta as the authorized agent for MSU to transport the university's Men's Basketball team during the 2013/2014 season.

**Scope of Work:** Delta will serve jet aircraft transportation for the Men's Basketball team. The agreement includes 8 round trip flights as shown in the agreement. Specific duties to be performed by Delta include:

- chartering a CRJ-200, 49-seat passenger aircraft,
- providing fully qualified and licensed cockpit and cabin crews,
- providing all necessary scheduled and unscheduled maintenance and repair to the aircraft,
- providing all fuel, oil and delivery of such,
- providing beverage service for passengers and crew, and
- providing aircraft handling processes, including passenger check-in, baggage boarding, and all security screening and inspections.

**Term of contract:** The contract shall commence upon signing by both parties and terminate on March 30, 2014. The first flight is scheduled for January 7, 2014 and the last flight is scheduled to correspond to the dates of the SEC Conference Basketball Tournament.

**Termination Options:** Cancellation charges for termination of the agreement apply based on the following timeline:

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- MSU will pay 100% of the round-trip fare if cancelled within 30 days of the scheduled flight,
- MSU will pay 75% of the round-trip fare if cancelled within 31 to 60 days of the scheduled flight;
- MSU will pay 50% of the round-trip fare if cancelled within 61 to 90 days of the scheduled fare;
- MSU will pay 25% of the round-trip fare if cancelled within 91-179 days of the scheduled flight; and
- MSU will not have to pay for the round-trip fare if cancelled 180 days or more from the date of the scheduled flight.
- Either party may cancel a flight due to a material breach of this agreement by the other party.

**Contract Amount:** The total cost for the contract period is estimated to equal \$279,356. This includes air charter for 8 round-trip flights. There could be slight adjustments in final fees, as fuel charges may be adjusted to reflect actual costs paid by the vendor.

**Funding Source for Contract:** Athletic revenues (Auxiliary funds)

**Contractor Selection Process:** MSU has used this firm previously and is satisfied with their costs and services. The costs are considered consistent with prices paid previously.

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

**3. MVSU – REQUEST FOR APPROVAL OF BUDGET ESCALATION**

Mississippi Valley State University (MVSU) requests permission to escalate its **On-Campus Budget** for FY 2014. The escalation will be funded by Title III Endowment Matching Funds and will be used to fund academic and talent (band) scholarships.

Mississippi Valley State University FY 2014 On-Campus Budget			
Category	Original FY 2014 Operating Budget	Revision/Escalation	Revised FY 2014 Operating Budget
Salaries, Wages, and Fringe Benefits	\$ 20,543,978	\$ -	\$ 20,543,978



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Travel and Subsistence	780,719	-	780,719
Contractual Services	8,482,709	700,000	9,182,709
Commodities	1,026,856	-	1,026,856
Capital Outlay: Non-Equipment	160,716	-	160,716
Capital Outlay: Equipment	168,200	-	168,200
Mandatory Transfers	116,310	-	116,310
Non-Mandatory Transfers	(516,443)	-	(516,443)
Increase in Fund Balance	-	-	-
<b>Total</b>	<b>\$ 30,763,045</b>	<b>\$ 700,000</b>	<b>\$ 31,463,045</b>

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

**4. UM- REQUEST FOR APPROVAL OF CHARTER SERVICES AGREEMENT WITH NEW ENGLAND FLIGHT WATCH, LLC.**

**Agenda Item Request:** The University of Mississippi (UM) requests approval to enter into a charter services agreement with **New England Flight Watch, LLC (d/b/a CharterSearch)** for air transportation for the Men’s Basketball team during the 2013/2014 basketball season.

**Contractor’s Legal Name:** **New England Flight Watch, LLC (d/b/a CharterSearch)**

**History of Contract:** This is a new agreement. However, the previous year’s service was also provided by this same vendor.

**Specific type of contract:** Service contract for aircraft chartering

**Purpose:** The purpose of the agreement is to appoint CharterSearch as the authorized agent for UM to transport the university’s Men’s Basketball team during the 2013/2014 season.

**Scope of Work:** CharterSearch will charter jet aircraft transportation for the Men’s Basketball team. The agreement includes 7 round-trip flights and 1 one-way flight as shown in the agreement. Specific duties to be performed by the vendor include:

- chartering a Dornier FD328 Jet, 30-seat passenger aircraft,
- providing fully qualified and licensed cockpit and cabin crews,

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- providing all necessary scheduled and unscheduled maintenance and repair to the aircraft,
- providing all fuel, oil and delivery of such up to \$4.50 per gallon
- providing beverage service for passengers and crew, and
- providing aircraft handling processes, including passenger check-in, baggage boarding, and all security screening and inspections.

**Term of contract:** The contract will begin on November 16, 2013 and end on March 5, 2014.

**Termination Options:** Cancellation charges for termination of the agreement apply based on the following timeline:

- UM will pay 30% of the fare price if cancelled after the contract Signing, or issuance of a University purchase order,
- UM will pay 50% of the fare price if cancelled within 30 days of the scheduled flight;

**Contract Amount:** The total cost for the contract period is estimated to equal \$257,783. This includes air charter for 7 round-trip flights and 1 one-way flight. There could be slight adjustments in final fees, as fuel charges may be adjusted to reflect actual costs paid by the vendor.

**Funding Source for Contract:** Athletic revenues (Auxiliary funds)

**Contractor Selection Process:** The contractor was selected through invited proposals. Two companies offered proposals. Of the two proposals received, the bid from CharterSearch was the lowest cost. The costs to be paid are considered consistent with prices paid previously.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of contracts 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. Subject to receipt of confirmation from UM that the vendor has completed the registration process with the Mississippi Secretary of State, Board staff recommends approval of this item.*

**5. UMMC-REQUESTS TO ENTER INTO CONTRACTUAL SERVICES AGREEMENTS**

- a. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a three (3) year agreement with **Integrated Medical Systems International, Inc. (IMS)** to provide on-location surgical

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instrument repair for UMMC's hospitals and clinics. An on-location repair service allows for surgical instruments to be repaired and put back into circulation within hours, which helps decrease immediate use sterilization and delays due to lack of instrumentation.

**Contractor's Legal Name: Integrated Medical Systems International, Inc. (IMS)**

**History of Contract:** UMMC is currently in a one (1) year agreement with IMS for these services. The agreement between IMS is set to expire November 15, 2013. IMS has performed satisfactorily throughout the agreement and are accepting of an offer from UMMC to enter into a multiple year agreement. The multi-year proposal would be a new contract.

**Specific type of contract:** This is a new service agreement for on-location surgical instrument repair.

**Purpose:** The purpose of this contract is to provide on-location surgical instrument repair service along with the personnel and equipment needed to make these repairs. An on-location repair service allows for surgical instruments to be repaired and put back into circulation within hours, which helps decrease immediate use sterilization and delays due to lack of instrumentation. Without this type of agreement, UMMC would need to mail out instruments for repair, which significantly lengthens the process and results in surgeons being without instruments for several days or weeks. The purpose of this contract is also to have personnel on-location to focus on proactive maintenance in order to reduce the need for major repair.

**Scope of Work:** Under the agreement, IMS is responsible for:

- repairing general stainless steel surgical instruments, instrument containers, and laparoscopic instruments (levels 1-3);
- providing counter space, trained technical staff, equipment, and operations management necessary to provide the service; and,
- the on-location technician's salary, benefits, training, and management.

UMMC is responsible for providing:

- a clean, ventilated, open room dedicated for instrument repair with sufficient floor space, sink with running water, lighting adequate for proper instrument inspection, and electrical service.

**Term of contract:** The contract is for years three (3) years, beginning November 16, 2013, and ending November 15, 2016.

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**Termination Options:** Termination options include the following:

- by either party at any time upon thirty (30) days written notice;
- in the event of a reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC; and
- failure by IMS to comply with the federal E-Verify Program.

**Contract Amount:** The total cost of the contract is \$540,000. The annual costs will be \$180,000. Payment of \$15,000 will be issued on a monthly basis upon receipt of an invoice.

**Funding Source for Contract:** The agreement will be funded by patient revenues included in UMMC's 2013-2014 Board approved operating budget.

**Contractor Selection Process:** Integrated Medical Systems International, Inc. is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m)(x). While a select few other vendors offer similar services, in UMMC's judgment, this particular vendor has proven themselves more than competent and reliable during the past service year. In addition, the monthly flat fees that will be paid out under the new agreement allows the institution to reduce costs on the back end as UMMC does not have to verify every minute service provided by the vendor during the course of a month's service, in comparison to a payment plan that paid on item by item basis.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of contracts for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. This 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 of an amendment to its current software license and service agreement with **Corepoint Health, LLC**

**Contractor's Legal Name: Corepoint Health, LLC (Corepoint)**

**History of Contract:** UMMC's original software license and service agreement with Corepoint was approved by the Board in October 2010 for a five (5) year term (November 1, 2010 through October 31, 2015) at a cost of \$301,070. Under the original agreement, Corepoint provided UMMC with a license for use with the

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Corepoint interface engine, connection licenses and, implementation and support services.

At this time, UMMC would like to purchase software licenses and service for use with an additional Corepoint interface engine, connections and related implementation and support services.

**Specific Type of Contract:** Contract amendment

**Purpose:** The purpose of this amendment is to purchase licenses for an additional enterprise interface engine and production connections, and for support and implementation service. The interface engine is used to integrate clinical and business systems at UMMC by directing and transferring data to the Epic system.

**Scope of Work:** Under the amendment, Corepoint will provide the following:

- a license for a production Corepoint interface engine environment,
- 140 production connection licenses to be used in the additional production environment,
- forty (40) hours of implementation services, and
- continual support service for the additional production environment.

**Term of Contract:** The term of the amendment is for the remaining two (2) years of the 2010 agreement – November 1, 2013 through October 31, 2015.

**Termination Options:** The agreement may be terminated for the following:

- by either party upon sixty (60) days written notice,
- by either party for a material breach of the agreement upon thirty (30) days notice of opportunity to cure,
- reduction of funds, and
- in the event Corepoint breaches the Business Associate Addendum (HIPAA Addendum),

**Contract Amount:** The total cost of the amendment for the remaining two (2) years of the contract period is \$122,200. The amendment will increase the total contract cost to \$423,270.

Costs associated with the amendment include:

- licenses for the production Corepoint interface engine environment and for 140 production connections - \$78,000

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- 2 years of continual support service - \$34,200 and,
- 40 hours of implementation service - \$10,000

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

**Contractor Selection Process:** This is an amendment to a current agreement with a vendor whose software is currently in use by UMMC.

**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.*

- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of an amendment to its current services agreement with **Rotolo Consultants, LLC**.

**Contractor's Legal Name: Rotolo Consultants, Inc. (RCI)**

**History of Contract:** The Board most recently approved a service agreement with RCI for grounds maintenance services in June 2012. This agreement was for a five (5) year term (July 1, 2012 through June 30, 2017) for a total cost of \$2,214,144.96.

At this time, UMMC would like to amend the existing agreement to include service at the new Lakeland Drive entrance to the main campus as well as at the roadway which intersects Lakeland Drive.

**Specific Type of Contract:** Contract amendment

**Purpose:** The purpose of this amendment is to increase the coverage area at UMMC's main campus which receives weekly landscaping services from RCI.

**Scope of Work:** Under the amendment, RCI will provide landscape services, including labor and materials. In addition, RCI will provide the following pursuant to the 2012 agreement:

- grass and brush cutting,
- edging, trimming, pruning and fertilizing, including ryegrass overseeding,
- sidewalk and street blowing,
- shrub and flowerbed care,

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- planting of annual color twice yearly,
- assisting UMMC staff in the monitoring of all landscape areas for proper irrigation,
- watering of non-irrigated areas,
- filling of ruts, holes and sink depressions in public lawn areas,
- insect, disease and weed control; soil sampling,
- pick-up and proper disposal of trash/debris throughout the service area,
- six (6) full time staff members on site throughout the year to include a full time project manager and Mississippi licensed chemical applicator,
- a working office on-site,
- equipment, chemicals, supplies, labor to perform services,
- stone replacement and silt removal as needed in specific storm drain ditches,
- weekly quality control inspections, and
- corrective action as needed.

**Term of Contract:** The term of the amendment is for the remainder of the term of the 2012 agreement commencing November 1, 2013 through June 30, 2017.

**Termination Options:** The agreement may be terminated for the following:

- for any reason upon thirty (30) days written notice,
- an inability to agree to renegotiated contract terms in the event a change of law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- reduction of funds, and
- in the event RCI fails to comply with the federal E-Verify program.

**Contract Amount:** The total cost of the amendment for the remainder of the contract period is \$80,271.40. The amendment will increase the total contract cost to \$2,294,416.36.

**Funding Source of Contract:** The agreement will be funded by General Funds. The University of Mississippi will reimburse UMMC \$38,843.04 annually for costs associated with grounds maintenance services for the areas around the School of Pharmacy.

**Contractor Selection Process:** This is an amendment to a current agreement with the vendor.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract*

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*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.*

- d. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Jackson Medical Mall Foundation (JMMF)** for valet services.

**Contractor's Legal Name:** Jackson Medical Mall Foundation (JMMF)

**History of Contract:** While this is a new agreement, the Board previously approved a contract between UMMC and JMMF for valet services from August 1, 2007 through July 31, 2012. The total cost of that agreement was \$811,200. Since August 2012, JMMF has continued to provide valet services for UMMC on a month-to-month basis at a total cost of \$83,673.98.

**Specific Type of Contract:** Services agreement

**Purpose:** Under this agreement, JMMF will provide valet services to UMMC patients and visitors at the University Hospital and Blair E. Batson Children's Hospital during the hours of 5:30 AM through 5:30 PM on Monday through Friday.

**Scope of Work:** JMMF will be responsible for the following:

- Provision of valet services at University Hospital and Blair E. Batson Children's Hospital,
- provision of appropriately valet personnel,
- purchase and maintain all supplies,
- provide valet services management under the direction of UMMC Security, and
- provide comprehensive insurance for the care, custody, control and property damage of patient vehicles of up to \$1 million per incident and including bonding for all attendants.

**Term of Contract:** The term of the agreement is for three (5) years – November 1, 2013 through October 31, 2018.

**Termination Options:** The agreement may be terminated for the following:

- by either party at any time upon thirty (30) days written notice,



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- a breach by Mall Services of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum.

**Contract Amount:** The estimated total cost for the three (5) year contract term is \$1,216,800 or \$243,360 annually. UMMC may also request additional staff at a rate of \$13.00 per hour during the term

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

**Contractor Selection Process:** JMMF was selected as vendor as a result of a request for proposal (RFP) to provide valet parking services. UMMC received three proposals. HealthCare Parking was the low bidder; however, UMMC did not select HealthCare Parking because the selection committee did not believe that HealthCare Parking adequately addressed the RFP specifications. Among the reasons were a failure to address returning vehicles within 10 minutes of departure requests, failing to provide a supervisor during hours of operation, and proposal of alternative hours of operation.

**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.*

- e. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Medtronic USA, Inc.** for the purchase of surgical supplies and disposables.

**Contractor's Legal Name:** **Medtronic USA, Inc. (Medtronic)**

**History of Contract:** This is a new agreement. UMMC previously purchased the items through Novation, its Group Purchasing Organization however, the contract between Novation and Medtronic has expired.

**Specific Type of Contract:** Purchase agreement.

**Purpose:** The purpose of this agreement is for the purchase of proprietary neurological and otolaryngological supplies for use with the Medtronic surgical systems currently owned by UMMC. The supplies and disposables will be purchased on an "as needed" basis at a discounted rate.

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**Scope of Work:** Under the agreement, Medtronic will provide UMMC with ENT, Neurologic Technologies and Navigation products to include drapes, shunt kits, blades, burs and instruments. The products are designed to work with the Medtronic Midas Rex drills, StealthStation navigation systems and Fusion navigation systems which UMMC currently uses.

**Term of Contract:** The term of the agreement is for five (5) years beginning on or about January 1, 2014 through December 30, 2018.

**Termination Options:** The agreement may be terminated for the following:

- by either party for a material breach of the terms of the agreement upon thirty (30) days notice,
- reduction of funds,
- in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership,
- by either party upon thirty (30) days written notice,
- 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, and
- failure by Medtronic to comply with the federal E-Verify Program.

**Contract Amount:** The total estimated contract cost for the five (5) year agreement is \$1,451,283.

Beginning twelve (12) months after the commencement of the agreement, Medtronic may annually adjust the rate for the purchase of supplies and disposables in an amount not to exceed 4% yearly. In addition, UMMC has calculated a 10% increase into the annual cost for years two through five of the agreement in anticipation of an increase in patient volume.

Assuming an annual rate increase of 4% , as well as a 10% annual cost increase based on expected increases in patient volume each year after Year 1 of the agreement, UMMC would pay the following annually:

- Year 1 - \$219,555
- Year 2 - \$250,293
- Year 3 - \$285,334
- Year 4 - \$325,281
- Year 5 - \$370,820

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

**Contractor Selection Process:** Sole source

**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.

- f. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **NxStage Medical, Inc.** for patient dialysis equipment and supplies.

**Contractor's Legal Name:** NxStage Medical, Inc. (NxStage)

**History of Contract:** This is a new agreement although UMMC has contracted with NxStage for dialysis supplies and equipment since 2008.

**Specific Type of Contract:** Chronic Outpatient Therapy Agreement

**Purpose:** The purpose of the agreement is for the provision of dialysis systems and supplies to those patients who use the home method of hemodialysis therapy. Qualified patients will be trained on the equipment by a designated UMMC employee prior to use at home.

**Scope of Work:** Under the agreement, NxStage will provide the following:

- NxStage System One dialysis machines, system supplies and related products,
- routine equipment maintenance and 24/7 technical support,
- optional on-site training in the use of the equipment, and
- the option to rent training equipment for use in educating staff and patients.

**Term of Contract:** The term of the agreement is for twenty six (26) months, November 1, 2013 through December 31, 2015.

**Termination Options:** The agreement may be terminated for the following:

- by either party upon thirty (30) days written notice,

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- reduction of funds,
- a breach by NxStage of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum, and
- failure by NxStage to comply with the federal E-Verify Program.

**Contract Amount:** The total estimated cost for equipment and supplies is \$1,650,196.80. This amount is based on an estimated number of patients who will participate in the home therapy program and incorporates a contingency to cover a 20% cost increase due to special patient orders, expedited shipping costs, etc. The projected annual costs including the 20% price increase are as follows:

- Year 1 – \$733,420.80
- Year 2 - \$785,808.00
- Months 25 and 26 - \$130,968.00

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

**Contractor Selection Process:** Sole source. The unit provided by vendor is the only FDA approved portable dialysis machine for at home hemodialysis. Sole source certification has been requested from DFA.

**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 contingent upon submission of a copy of the Department of Finance and Administration's (DFA) certification of sole source. Board staff recommends approval of this item.*

- g. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of an amendment to its Master Terms and Conditions Agreement with **Infor (US), Inc. formerly Lawson Software Americas, Inc.**

**Contractor's Legal Name:** **Infor (US), Inc. formerly Lawson Software Americas, Inc. (Infor)**

**History of Contract:** UMMC originally purchased the Infor Human Resources and Payroll System in 2002 and subsequently the Infor Absence Management module in 2006. With the purchase of this module, UMMC and Infor also negotiated a Master Terms and Conditions Agreement to allow for the purchase of future Infor software modules without extensive contract negotiation.

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In November 2008, the IHL Board approved UMMC's purchase of the Infor Enterprise Resource Planning (ERP) software suites to be used in the areas of financials, procurement, and business intelligence for a total cost of \$2,505,800. Of this total, software costs were \$1,580,800, and maintenance fees were \$925,000 with a 4% annual increase allowed for maintenance. The approved contract period was December 1, 2008 to November 30, 2011.

The purchase of a Bronze level maintenance plan was approved by the Board in May 2011 for a three (3) year term (June 1, 2011 through June 30, 2014) at a cost of \$1,648,021.63. At its June 2012 meeting the IHL Board approved an upgrade in maintenance from the Bronze Maintenance plan to the Silver Maintenance plan which provided a dedicated Support Account Manager, priority status regarding software issues, and a more rapid response time for repairs. The term of the maintenance agreement was for two (2) years, July 1, 2012 through June 30, 2014 at a cost of \$125,000 which increased the overall contract cost to \$1,773,021.63.

**Specific Type of Contract:** Contract amendment

**Purpose:** The purpose of the amendment is for specific revisions to the current agreement in order to ensure a successful upgrade to the new Infor platform.

**Scope of Work:** Under the agreement, Infor will provide the following:

- an additional 2,500 licenses for the Employee & Manager Self Service software, and
- movement of the Business Software, Inc. (BSI) software to a new Infor platform.

**Term of Contract:** The term of the amendment is for the remainder of the term of the current agreement commencing November 1, 2013 through June 30, 2014.

**Termination Options:** The agreement may be terminated for the following:

- reduction of funds,
- a breach of the Services Warranty and failure to cure,
- a non-payment of fees owed upon fifteen (15) days notice of opportunity to cure, and
- a breach of a material term of the agreement by UMMC upon ninety (90) days opportunity to cure.

**Contract Amount:** The total cost of the amendment for the purchase of additional software licenses and related support service is \$119,350. The cost for

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the two (2) Infor amendments that have been submitted for October IHL Board approval increases the total cost of the Infor agreement to \$1,905,221.63.

**Funding Source of Contract:** The agreement will be funded by general funds.

**Contractor Selection Process:** This is an amendment to a current agreement with the vendor

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. 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 §905(B), Real Estate Management**

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

**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*



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*agencies, a request for the building modification or demolition shall be submitted to the Board for approval. The request to the Board must include documentation evidencing approval by the Department of Environmental Quality and the Department of Archives and History.*

**APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS**

**BUREAU OF BUILDING PROJECTS**

**1. JSU – GS 103-281 – Alexander Center Renovation Phase II**

**Project Request:** Jackson State University requests approval to initiate a project, Alexander Center Renovation Phase II, and to appoint Foil-Wyatt Architects and Planners, PLLC as the design professional.

**Proposed Design Professional: Foil-Wyatt Architects and Planners, PLLC**

**Purpose:** Alexander Hall is a five-story residence hall that houses freshmen students. The building was constructed in the early 60's and has not been renovated since its original construction. A notice to proceed was issued in February 2013 to begin renovation on phase I of Alexander Center. This project is tentatively scheduled for completion in June 2014. Upon completion of phase I, the university will realize a total of 264 beds for occupancy, which will include ten (10) ADA accessible rooms.

Alexander Center Renovation Phase II is a continuation of phase I, which will complete the east side and center portion of the building. The facility will be a turnkey project that will include the replacement of mechanical, electrical, roof, windows, ADA Compliance, interior renovation and all other safety requirements to operate the facility. Alexander Center is critical to the long range residential plan for Jackson State University. The construction of phase II of this project is part of the Campus Master Plan. Jackson State University is seeking to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** October 17, 2013

**Date of Original Construction:** 1967

**Date of Last Renovation:** February 2013 (Phase I of renovation project began)

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**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 7,250,000.00
Architectural and Engineering Fees:	510,434.00
Commissioning Fee:	95,112.00
Miscellaneous Project Costs:	281,954.00
Contingency:	<u>362,500.00</u>
<b>Total Project Budget</b>	<b>\$ 8,500,000.00</b>

**Proposed Funding Source(s):** S.B. 2913, Laws of 2013 (\$8,500,000)

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

**2. MSU – GS 113-136 – Meat Science Laboratory**

**Project Request:** Mississippi State University requests approval to initiate a project, Meat Science Laboratory, and to appoint Pryor & Morrow Architects and Engineers, PA as the design professional.

**Proposed Design Professional:** Pryor & Morrow Architects and Engineers, PA

**Purpose:** This new facility will replace an existing older facility that does not meet current USDA standards. The project will construct a new Meat Science Laboratory building. The building will include a harvest area, demonstration area, freezer space and a classroom.

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

**Project Initiation Date:** October 17, 2013

**Date of Original Construction:** New Building

**Date of Last Renovation:** Not applicable

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**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 6,000,000.00
Architectural and Engineering Fees:	580,000.00
Miscellaneous Project Costs:	820,000.00
Contingency:	<u>300,000.00</u>
<b>Total Project Budget</b>	<b>\$ 7,700,000.00</b>

**Proposed Funding Source(s):** S.B. 2913, Laws of 2013 (\$7,500,000); SB 3100, Laws of 2011 (\$200,000)

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

**IHL PROJECTS**

**3. MUW – IHL 204-132 – Fire Sprinklers for Callaway and Grossnickle Halls**

**Project Request:** Mississippi University for Women requests approval to initiate a project, Fire Sprinklers for Callaway and Grossnickle Halls, and to appoint Atherton Consulting Engineers as the design professional.

**Proposed Design Professional: Atherton Consulting Engineers**

**Purpose:** Mississippi University for Women requests approval to install fire sprinklers in Callaway and Grossnickle residence halls in order to comply with the life safety requirements. The project will include design calculations, field investigations, plans, specifications, administration of bidding process, recommendations for award of construction contract, and project inspections for fire sprinklers in both Callaway and Grossnickle Hall.

Mississippi University for Women 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:** October 17, 2013

**Date of Original Construction:** Callaway (1860) and Grossnickle (1922)

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**Date of Last Renovation:** Callaway (1993) and Grossnickle (1996)

**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 1,008,433.00
Architectural and Engineering Fees:	85,011.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>50,422.00</u>
<b>Total Project Budget</b>	<b>\$ 1,143,866.00</b>

**Proposed Funding Source(s):** Unexpended Plant Funds (\$1,143,866). This fund is made up of SB 2851, Laws of 2013 appropriation funds designated for facilities and any future FY 2015 appropriation funds that may be needed to complete project.

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

**4. MSU – IHL 205-264 – MSU Post Office**

**Project Request:** Mississippi State University requests approval to initiate a project, MSU Post Office, and to appoint Allred Architectural Group as the design professional.

**Proposed Design Professional: Allred Architectural Group**

**Purpose:** Mississippi State University is requesting approval to initiate this project in order to allow for the relocation of the Post Office from the basement of the YMCA building to the space in the Roberts Building currently housing the campus Laundry. The Laundry will close and the Roberts Building will be renovated to house the Post Office. The university feels the Roberts Building is a centralized location for the Post Office allowing space for customer parking and easy access for students, staff, and visitors.

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

**Project Initiation Date:** October 17, 2013

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**Date of Original Construction:** 1946

**Date of Last Renovation:** 1999

**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 1,144,467.00
Architectural and Engineering Fees:	91,239.00
Miscellaneous Project Costs:	398,111.00
Contingency:	<u>57,223.00</u>
<b>Total Project Budget</b>	<b>\$ 1,691,040.00</b>

**Proposed Funding Source(s):** Student Capital Fee (\$1,691,040)

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

**5. MSU – IHL 205-271 – Robert L. Jones Circle Road and Utility Completion**

**Project Request:** Mississippi State University requests approval to initiate a project, Robert L. Jones Circle Road and Utility Completion, and to appoint Pritchard Engineering as the design professional.

**Proposed Design Professional: Pritchard Engineering**

**Purpose:** Mississippi State University is requesting approval to initiate a project, Robert L. Jones Circle Road and Utility Completion. The project will require the paving and extension of utilities and infrastructure to complete Robert L. Jones Circle. This project is necessary to complete the road to service the needed access to the new sorority houses.

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

**Project Initiation Date:** October 17, 2013

**Date of Original Construction:** Not applicable

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**Date of Last Renovation:** Not applicable

**Proposed Project Budget:**

	<i>Estimated</i>
Construction Cost:	\$ 1,037,026.00
Architectural and Engineering Fees:	83,262.00
Miscellaneous Project Costs:	88,176.00
Contingency:	<u>51,851.00</u>
<b>Total Project Budget</b>	<b>\$ 1,260,315.00</b>

**Proposed Funding Source(s):** Internal R&R Funds (\$1,260,315)

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

**6. MSU – IHL 205-272 – Campus Services Shop Building Buckner Lane**

**Project Request:** Mississippi State University requests approval to initiate a project, Campus Services Shop Building Buckner Lane, and to appoint Michael T. Muzzi, University Architect, as the design professional. In addition, Mississippi State University requests approval of the exterior design of the Campus Services Shop Building Buckner Lane (*See Rendering of Building on Page 9*)

**Proposed Design Professional:** Michael T. Muzzi, University Architect

**Purpose:** Mississippi State University is requesting approval to initiate a project, Campus Service Shop Building Buckner Lane. With the Mill project moving forward at a rapid pace, facilities for the campus services shop that are presently housed in the Cooley Building will be temporarily relocated to various locations. A new facility must be constructed to house the shops in a single location.

Mississippi State University is seeking to initiate the project and appoint the design professional as well as seeking approval of the exterior design of the building 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 as well as receive approval of exterior designs of all major buildings on campus.

**Project Initiation Date:** October 17, 2013



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

**BUREAU OF BUILDING PROJECTS**

**7. ERC – GS 111-049 – Road Improvements**

**Project Request:** The Education and Research Center requests approval to increase the scope and the budget for the Road Improvements project. The budget will increase from \$2,551,057.07 to \$2,651,057.07 for an increase in the amount of \$100,000.00.

**Project Phase:** Construction Phase

**Design Professional:** W.L. Burle Engineers

**General Contractor:** Southern Rock, LLC

**Purpose/Justification:** The project is currently in the construction phase. This is the third budget escalation/change or scope request made for this project by the Education and Research Center. The project was initiated with the Board on October 20, 2011 with a budget of \$2,250,000. The budget was raised on January 19, 2012 from \$2,250,000 to \$2,400,000 for an increase of \$150,000 in order to include additional Bureau of Building Energy funds to be used for replacing the current street lights with energy efficient lights. In August 2012, the project budget was raised from \$2,400,000 to \$2,551,057.07 for an increase of \$151,057.07 in order to award the project. Rising fuel costs caused the low bid of the project to be over the original project budget estimate thus requiring a budget increase in order to award the project. The current budget increase will increase the budget from \$2,551,057.07 to \$2,671,283.04 for an increase of \$120,225.97. The project will add \$100,000 from HB 1701, Laws of 2010 and \$20,225.97 from HB 1701, Laws of 2010 BOB Discretionary Funds. The purpose of this request is to obtain approval to escalate the project budget by \$120,225.97. Due to the need to cover unexpected change orders on the project, the budget needs to be increased so that the change orders can be approved and executed.

The Education and Research Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval.



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**Project Initiation Date:** October 20, 2011

**Project Budget:**

	<b>Current Budget</b>	<b>Proposed Budget</b>	<b>Amount (+/-)</b>
Construction Costs	\$ 2,041,573.00	\$ 2,041,573.00	\$ 0.00
Architectural and Engineering Fees	\$ 156,273.41	\$ 169,080.80	\$ 12,807.39
Miscellaneous Project Costs	\$ 132,050.00	\$ 166,473.12	\$ 34,423.12
Contingency	\$ 221,160.66	\$ 294,156.12	\$ 72,995.16
<b>Total Project Budget</b>	<b>\$ 2,551,057.07</b>	<b>\$ 2,671,283.04</b>	<b>\$ 120,225.97</b>

**Funding Source(s):** HB 1701, Laws 2010-BOB Discretionary Funds (\$1,220,225.97); SB 3100, Laws of 2011-IHL/Bureau of Building Discretionary Funds (\$750,000); HB 1701, Laws of 2010 (\$350,000); SB 3100, Laws of 2011 (\$250,000) –From JSU; HB 1701, Laws of 2010 Bureau of Building Energy Funds (\$80,000); HB 246, Laws of 2007 IHL Bond Funds (\$21,057.07)

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

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**APPROVAL OF OTHER REAL ESTATE REQUESTS**

**8. DSU- Granting of a Temporary Easement and Right-of-Way to Cleveland Music Foundation**

**Project Request:** Delta State University requests approval grant a temporary, non-exclusive easement and right-of-way to Cleveland Music Foundation to construct the easternmost portion of the Statesman Park Boulevard.

**Purpose:** Delta State University is requesting approval of the easement for the purpose of installing the easternmost portion of the Statesman Park Boulevard in the property in such places and along such paths as the Foundation has graphically denoted on the plat., along with the right of reasonable pedestrian and vehicular ingress and egress to the property including without limitation, access to all utility easements, trenches, rights of way and common areas for the purposes of constructing the roadway.

**Property Description:** The temporary easement is being granted to Cleveland Music Foundation to provide reasonable access for the area geographically denoted as Tracts 1-4 on the plat. The descriptions are as follows:

*Tracts 1-4:* Part of the southeast quarter of the southwest quarter of Section 17, Township 22 North, Range 5 West, Bolivar County, Mississippi,

**Terms:** The agreement shall be temporary and shall remain in effect for the duration of the construction phase. The owner (DSU) will have the right to terminate the easement and rights granted in the agreement should the Cleveland Music Foundation fail to use the easement or the property to complete the construction of the eastern portion of the boulevard within thirty-six (36) months after the granting of the easement.

Delta State University is acting in accordance with Board Policy §905(A), Real Estate Management, which requires prior Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales. A copy of the legal description of the access easement is on file with the Office of Real Estate and Facilities.

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

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**9. MSU – Award of Timber Sales-John W. Starr Memorial Forest**

**Project Request:** Mississippi State University requests approval to advertise, accept, and award the sale to the highest and best bid for timber sales 13-03PT, 13-04PT, and 13-05PT from the John W. Starr Memorial Forest.

**Timber Sale No. 13-03PT,** Talking Warrior Unit, John W. Starr Memorial Forest. The sale area is approximately 38 acres in size and is located in a portion of the NE  $\frac{1}{4}$  of Section 17, Township 17 North, Range 14 East in Oktibbeha County, Mississippi. This sale contains an estimated volume of 275,222 board feet of pine sawtimber, 5 cords of pine chip-n-saw, and 14 cords of pine pulpwood.

**Timber Sale No. 13-04PT,** Noxubee Unit, John W. Starr Memorial Forest. The sale area is approximately 80 acres in size and is located in a portion of the SE  $\frac{1}{4}$  of Section 35, Township 17 North, Range 13 East in Oktibbeha County, Mississippi, and a portion of Lot 1 and a portion of Lot 4 in Section 5, and a portion of Lot 1 and a portion of Lot 4 in Section 6, all in Township 16 North, Range 14 East in Winston County, Mississippi. This sale contains an estimated volume of 409,977 board feet of pine sawtimber, 2 cords of pine chip-n-saw, and 3 cords of pine pulpwood.

**Timber Sale No. 13-05PT,** Talking Warrior Unit, John W. Starr Memorial Forest. The sale area is approximately 47 acres in size and is located in a portion of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  and a portion of the W  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of Section 6, Township 17 North, Range 14 East in Oktibbeha County, Mississippi. This sale contains an estimated volume of 238,740 board feet of pine sawtimber, 2 cords of pine chip-n-saw, and 4 cords of pine pulpwood.

**Timber Sale Process:** The timber sale process on the John W. Starr Memorial Forest, and other Mississippi State University owned lands, begins with the identification of the particular timber stand in need of thinning or a final harvest cut. This is identified by various means but mostly by directions taken from the Forest Management Plan. Other specific site characteristics may also dictate the need for the sale of timber. After the stand has been identified, the process of tree marking and sale identification begins. Once that is completed, the sale is computed and a bid prospectus is prepared and approved by the Dean of the College of Forest Resources and the Vice President of Agriculture, Forestry, and Veterinary Medicine. A request is made to the President of the university to advertise the timber sale for bid and to award the sale to the highest bidder who also satisfies all additional bid requirements. If/when the Board of Trustees approve that the sale may be advertised and awarded appropriately, a prospectus is sent to potential bidders with the vital details of the stand. Once the bids have been received in the Director of Purchasing office, a recommendation is made by the department to the President of the university to either accept or reject the

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bids. This recommendation has the approval of the Deal of the College of Forest Resources and the Vice President of Agriculture, Forestry, and Veterinary Medicine. If/when the President of the university concurs with the department's recommendation to accept the bid, a contract is executed between the university and the highest and best bidder for that sale. This process continues obtaining the Director of Purchasing's signature on the contract and then contacting the high bidder to set the closing. Finally, a meeting is set with the winning bidder to close the sale and to collect the remaining funds less the bid deposit amount.

Mississippi State University is acting in accordance with Board Policy §905(A), Real Estate Management, which requires prior Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales.

**Staff Recommendation:** The Attorney General's Office has reviewed and approved this item contingent upon submission to the Office of Attorney General a final executed agreement. Board staff recommends approval of this item.

**10. UM – IHL 207-354 – Approval of the Exterior Design for the Honors College Renovation & Addition**

**Project Request:** The University of Mississippi requests approval of the exterior design of the Honors College Renovation and Addition. (*See Rendering of Building on Page 15*)

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

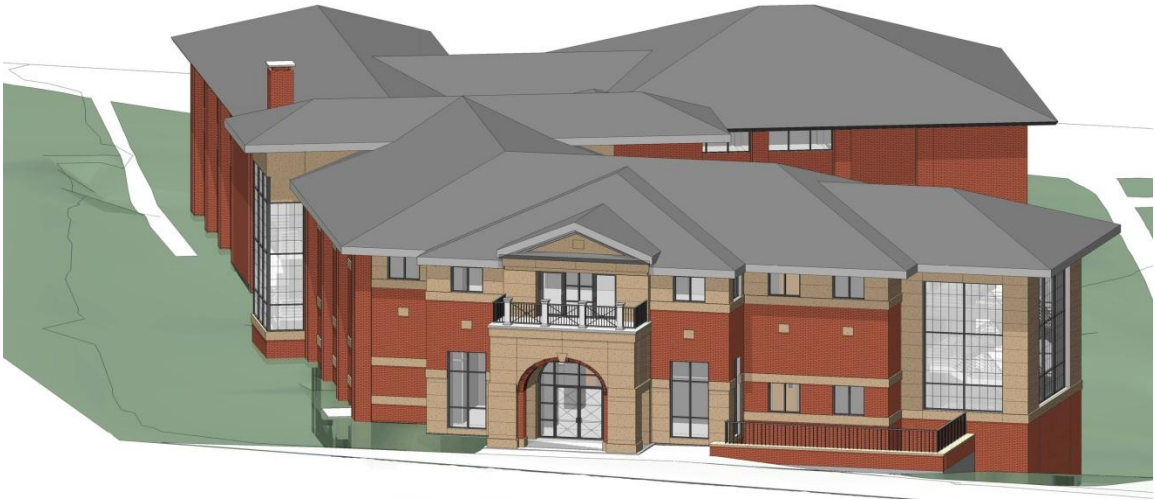
**Purpose:** The University of Mississippi is seeking Board approval of the project's exterior design. The project is currently in the design phase. The building was originally constructed in 1972. The project was initiated with the Board on November 17, 2011 and consists of two phases, the addition of 15, 400 gross square feet and the renovation of the existing structure. The addition will nearly double the size of the facility. It will include offices, support space, conference rooms, and classrooms. The renovation of the existing structure will reconfigure space to better accommodate the needs of the increased Honors College program at the university.

The University of Mississippi is seeking approval of the exterior design of the building 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.

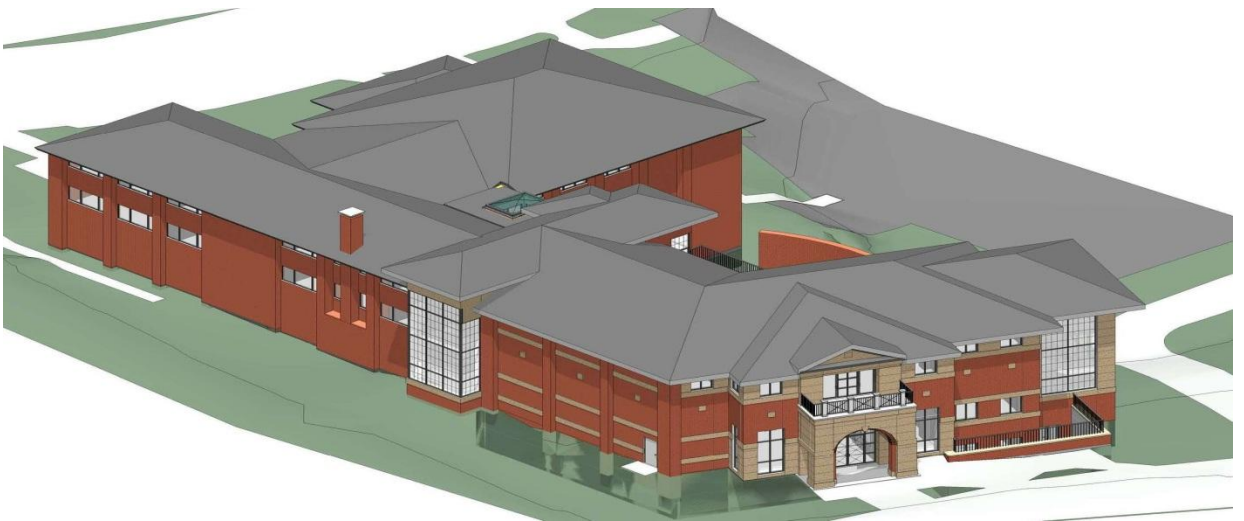
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**Staff Recommendation: Board staff recommends approval of this item.**

***Rendering 1: (Front of Building)***



***Rendering 2: (Side of Building)***



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**11. UM – IHL 207-369 – Approval of the Exterior Design for the Proposed Parking Garage For the Multi-Purpose Facility**

**Project Request:** The University of Mississippi requests approval of the exterior design of the Parking Garage for the Multi-Purpose Facility. (*See Rendering of Building on Page 17*)

**Design Professional:** AEMCO and Cooke Douglass Farr Lemons

**Purpose:** The University of Mississippi is seeking approval of the exterior design of the proposed parking garage that will be constructed on the university campus in conjunction with the Multi-Purpose Facility. The approval of the exterior of the parking garage is related to Budget and Finance Regular Agenda Item # 2 which seeks approval of a resolution for the ground leases and operational leases that will allow the Foundation to construct a new multi-purpose facility/arena with a seating capacity of approximately 9,500, a multi-level parking structure with approximately 820 stalls, associated west side improvements to Vaught Hemingway stadium, road realignment and other infrastructure improvements, and landscaping. A dedicated food service operation will be included in the multi-purpose facility/arena as an additional campus dining venue. The multi-level garage will adjoin the multi-purpose facility/arena and will be used as parking inventory when not in use for athletics and other special events. These facilities will be constructed in the parking lot adjacent to the west side of Vaught-Hemingway stadium and in the adjacent practice field.

The University of Mississippi is seeking approval of the exterior design of the building in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

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

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***Rendering 1:*** ( West Side and Back of Parking Garage)



***Rendering 2:*** (Parking Garage in Relation to Proposed Arena)



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**12. USM – IHL 208-306 – Approval of Purchase of Property-3701 and 3702 Pearl Street, Hattiesburg, Mississippi**

**Project Request:** The University of Southern Mississippi requests approval to purchase a residential property located at 3701 and 3702 Pearl Street, Hattiesburg, Mississippi adjacent to the Hattiesburg campus in Forrest County, Mississippi from Dr. Martin H. Baker, Sr. in the amount of \$155,000.

**Purpose:** The University of Southern Mississippi is seeking to purchase the property located at 3701 and 3702 Pearl Street, Hattiesburg, Mississippi located in Forrest County due to its location to the Hattiesburg campus. The property consists of a single family residence built in 1945 with +/- 2100 square feet of living area. This particular property is located at the edge of the university campus and within the university's primary land acquisition zone. The property is adjacent to university owned property and is intended to be held until it is needed for the future expansion on the west part of the Hattiesburg campus.

The University of Southern Mississippi received two independent property appraisals. The average of the two appraisals is \$162,000. The university is purchasing the property for \$155,000 which is less than the property's appraised value. The university also has a tentative closing date of on or before December 15, 2013 or upon an earlier or later date as agreed upon by both parties. A Phase I Environmental Site Assessment (ESA) has been conducted on the property. No recognized environmental conditions are evident at the subject property. The EDR report listed no regulatory findings for the subject property.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The University of Southern Mississippi is acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The university is also acting in accordance with Board Policy §905(B), Real Estate Management, that requires a Phase I or more detailed environmental report be completed by a qualified personnel and submitted to the Board's Real Estate and Facilities Office.

**Funding Source(s):** Internal Funds for property acquisition (\$155,000)

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



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**13. USM – Delete from Inventory and Demolish Buildings 208, 211, 213, and 873**

**Project Request:** The University of Southern Mississippi requests approval to delete the Buildings 208, 2011, 213, and 873 from inventory and demolish them.

**Purpose:** The University of Southern Mississippi is seeking to delete Building 208 (Yelverton House), Building 211 (Center for Community and Civic Engagement), Building 213 (Thomas House), and Building 873 (3401 Morningside Drive) from inventory and demolish them.

Yelverton House (208): The house is located at 104 North 31<sup>st</sup> Avenue in Hattiesburg and is denoted as building 208 on inventory. The house is currently vacant and in poor condition. The university plans to use the property as space for parking and future expansion.

Center for Community and Civic Engagement (211): The house is located at 106 North 31<sup>st</sup> Avenue in Hattiesburg and is denoted as building 211 on inventory. The house currently serves as the Center for Community and Civic Engagement. The occupants in the building are being relocated. The house is located in a flood zone and is in poor condition. The university plans to use the property as space for parking and future expansion.

Thomas House (213): The house is located at 108 North 31<sup>st</sup> Avenue in Hattiesburg and is denoted as building 213 on inventory. The house currently serves as the Community Health Services building. The occupants in the building are being relocated. The house is located in a flood zone and is in very poor condition. The property has frequent standing water under the house that has resulted in the sub-flooring being deteriorated significantly. The university plans to use the property as space for future parking.

3401Morningside Drive (873): The house is located at 3401 Morningside Drive in Hattiesburg and is denoted as building 873 on inventory. The house has been vacant for four (4) years and is in disrepair. The university plans to use the property as space for future parking and expansion.

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

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

**14. USM – Naming of New College of Nursing Building as “Asbury Hall”**

**Project Request:** The University of Southern Mississippi requests approval to name the new College of Nursing Building as “Asbury Hall”.

**Purpose:** The University of Southern Mississippi requests approval to name the new College of Nursing Building as “Asbury Hall” in recognition of the Asbury Foundation of Hattiesburg, Inc., a longtime and generous benefactor of the university and lead donor for the construction of this facility. The Asbury Foundation of Hattiesburg, Inc. is a private grant making foundation serving Hattiesburg, Mississippi and the surrounding area.

The University of Southern 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.**

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**1. MSU – APPROVAL OF MODIFICATION OF CONTRACT WITH JONES WALKER, LLP AS OUTSIDE COUNSEL**

Mississippi State requests approval to modify a contract with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones Walker L.L.P., 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 by Modifications #1 and #2 to extend the term until August 24, 2012 and August 24, 2013, respectively. Proposed Modification #3 will extend the term until August 24, 2014. All other provisions of the Agreement for Legal Services dated August 25, 2010 shall remain in effect. As such, the fees to be charged as bond counsel will be \$1.15 for every \$1000.00 of bonds issued by the EBC, plus any out of pocket expenses not to exceed \$4,000.00

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

**2. MSU – APPROVAL TO RENEW OF CONTRACT WITH BUTLER SNOW O'MARA STEVENS & CANNADA, PLLC AS OUTSIDE COUNSEL**

Mississippi State University requests approval to renew the contract for legal services between Mississippi State University and Butler Snow O'Mara Stevens & Cannada PLLC located at Suite 1400, 1020 Highland Colony Parkway, 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 the 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 firm will provide legal representation on a single, blended hourly rate which will apply to any attorney in the firm that works on an Intellectual Property or Commercial matter at a rate of \$240.00 per hour and any legal assistant at a rate of \$95.00 per hour. The term of the contractual agreement will be for one (1) year and the total amount payable, pursuant to the contract, shall not exceed \$75,000.

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

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**3. UMMC – APPROVAL TO HIRE STITES AND HARBISON, PLLC AS OUTSIDE COUNSEL**

The University of Mississippi Medical Center requests permission to employ Stites and Harbison, PLLC to perform services necessary for obtaining patents for designs, processes, products and other patentable materials developed in connection with the University of MS Medical Center as well as copyright and tech transfer matters. The contract period will be November 1, 2013 through October 31, 2014. The hourly rate would be \$320.00 for the partner and \$175.00 to \$195.00 for associates. The maximum amount payable under the contract would be \$100,000.00.

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

**4. UMMC – APPROVAL TO HIRE BAKER, DONELSON, BEARMAN, CALDWELL AND BERKOWITZ, PC AS OUTSIDE COUNSEL**

The University of Mississippi Medical Center requests permission to employ Baker, Donelson, Bearman, Caldwell and Berkowitz, PC to advise on environmental related issues. The contract period will be November 1, 2013 through October 31, 2014. The hourly rate would be \$210.00. The maximum amount payable under the contract would be \$50,000.00.

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

**5. USM – APPROVAL TO HIRE ESTES AND ESTES P.A., AS OUTSIDE COUNSEL**

The University of Southern Mississippi requests approval to hire George Estes III, of Estes and Estes, PA, located in Gulfport, MS, as outside counsel to perform real estate services for multiple real estate closings. It is anticipated that the University will have a minimum of two closings with the possibility of a maximum of five closings during this fiscal year ending June 30, 2014. The closings will be for purchases of property near the Gulf Park, Long Beach campus and the Gulf Coast Research Laboratory, Ocean Springs campus. An additional closing may be the sale of surplus University property located in Jackson County, MS. It is expected that each closing will cost the University approximately \$1,000. The maximum amount budgeted for payment under the contract is \$5,000. The attorney's average hourly rate, depending on services rendered, is \$150.00.

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

**6. USM – APPROVAL TO HIRE STEPHEN K. THOMAS, AS OUTSIDE COUNSEL**

The University of Southern Mississippi requests approval to hire Stephen K. Thomas, of Hattiesburg, MS, as outside counsel to perform real estate services for multiple real estate closings. It is anticipated that the University will have a minimum of two closings with the possibility of a maximum of five closings during this fiscal year ending June 30, 2014. The closings will be for purchases of property near the Hattiesburg campus. It is expected that each closing will cost the University approximately \$1,000. The maximum amount budgeted for payment under the contract is \$5,000. The attorney's average hourly rate, depending on services rendered, is \$150.00.

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

**7. UMMC – REQUEST FOR APPROVAL TO AMEND BOARD APPROVED CONTRACTS REQUIRING A BUSINESS ASSOCIATE AGREEMENT TO CONFORM WITH THE OMNIBUS RULE**

By law, the HIPAA Privacy Rule applies only to covered entities (i.e. hospitals, insurers, etc.). However, most covered entities do not carry out all of their health care activities and functions by themselves. Instead, they often use the services of a variety of other persons or businesses. The Privacy Rule allows covered entities to disclose protected health information to these "business associates" if they obtain satisfactory assurances that the business associate will use the information only for the purposes for which it was engaged by the covered entity, will safeguard the information from misuse, and will help the covered entity comply with some of the covered entity's duties under the Privacy Rule. The requisite satisfactory assurances are documented through business associate agreements (BAAs).

The Health Information Technology for Economic and Clinical Health (HITECH) Act Omnibus Rule ("Omnibus Rule") expanded the definition of "business associate" to include many new entities. UMMC is considered a covered entity and under the Omnibus Rule needed to update its BAAs with new and existing business associates. In addition to previous requisites, BAAs must now also require business associates to:

- Comply with the Security Rule (administrative, technical, and physical safeguards for electronic PHI);

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- Execute BAAs with their subcontractors (i.e. outside counsel hiring an expert);
- To the extent the business associate will carry out an obligation of a covered entity, agree to comply with any Health Insurance Portability and Accountability Act (HIPAA) rule applicable to that obligation; and
- Timely report breaches of unsecured PHI to the covered entity.

Therefore, the University of Mississippi Medical Center requests permission to amend all contracts approved by the Institutions of Higher Learning Board that required a BAA to include a revised BAA pursuant to the Omnibus Rule published in the Federal Register on January 25, 2013 at 78 Fed. Reg. 5566.

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

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**APPROVAL OF PERSONNEL ACTION REQUESTS**

**1. Employment**

**DSU**

Mr. Steve McClellan; Chief Financial Officer and Vice President of Finance & Administration; salary of \$131,000, per annum, pro rata; E&G funds; effective August 1, 2013

**2. Sabbatical**

**JSU** (Nine-month appointment)

Safiya R. Omari, Associate Professor of Social Work; *from* salary of \$58,719, per annum, pro rata; E&G Funds; *to* salary of \$29,359.50 for sabbatical period; E&G Funds; effective August 15, 2013 to May 5, 2014; professional development.

**3. Emeritus Status**

**USM** (Effective September 2013)

Richard L. Conville; Professor Emeritus of Communication Studies and Service Learning

Francis D. Glamser; Professor Emeritus of Sociology

Mabel Jane Hudson; Professor Emerita of Medical Laboratory Science

Charles E. Jordan; Professor Emeritus of Accounting

Vladimir Kamenkovich; Professor Emeritus of Marine Science

Patricia P. Munn; Instructor Emerita of Accounting

Roderick B. Posey; Professor Emeritus of Accounting

# REGULAR AGENDAS



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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-eight 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 7 academic programs**

JSU	Education Specialist in Secondary Education (CIP 13.1205)
MSU	Master of Science in Business Administration (MSBA) (CIP 52.0801)
MSU	Master of Science in Computer Engineering (CIP 14.0901)
MSU	Doctor of Philosophy in Computer Engineering (CIP 14.0901)
USM	Master of Education in Adult Education (CIP 13.0403)
USM	Doctor of Philosophy in Counseling Psychology (CIP 42.2803)
USM	Doctor of Music Education (CIP 413.1312)

**b. SUSPEND the following 4 academic programs**

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.

USM	Bachelor of Science in Business Technology Education (CIP13.1301)
USM	Master of Arts in Philosophy (CIP 38.0101)
UMMC	Master of Science in Clinical Health Sciences (CIP 51.1399)
UMMC	Doctor of Philosophy in Clinical Health Sciences (CIP 51.1399)

**c. CONTINUE WITH STIPULATION the following 17 academic programs (these programs will be subjected to additional review by OASA for two years to assess progress toward future productivity)**

ASU	Bachelor of Science in Agribusiness Management (CIP 01.0101)
ASU	Bachelor of Science in Robotics and Automation (CIP 15.0405)
DSU	Bachelor of Science in Environmental Science (CIP 30.0101)
DSU	Master of Science in Natural Sciences (CIP 30.0101)
JSU	Bachelor of Music Performance (CIP 50.0903)

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MSU	Bachelor of Science in General Science (CIP 24.0101)
MSU	Bachelor of Science in Environmental Economics and Management (CIP 03.0202)
MSU	Master of Arts in Economics (CIP 052.0601)
MSU	Doctor of Philosophy in Cognitive Sciences (CIP 30.0601)
MUW	Bachelor of Arts in Music (CIP 50.0901)
MVSU	Bachelor of Arts in Political Science (CIP 45.1001)
MVSU	Bachelor of Science in Public Administration (CIP 44.0401)
UM	Bachelor of Arts in Secondary Education – Biology, Chemistry, and Physics (CIP 13.1316)
UMMC	Master of Science in Biomedical Materials Science (CIP 14.1801)
USM	Master of Science in Human Performance (CIP31.0505)
USM	Doctor of Philosophy in Geography (CIP 45.0701)
USM	Doctor of Philosophy in Music Education (CIP 13.1312)

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

**2. SYSTEM – REQUEST FOR APPROVAL OF PROPOSED CHANGES TO BOARD POLICY 201.0507 SUBSECTION E. FOR FIRST READING**

**E. OFF-CAMPUS CONFLICTS**

~~Whenever one institution desires or is requested to offer programs or courses in close proximity to another state university, such instruction may be offered providing an agreement is made with the closest institution. Any exceptions shall be mediated by the Institutional Executive Officers and reported to the Commissioner. If necessary, the Commissioner shall mediate any remaining conflicts and make recommendations as to a resolution to the Board as needed.~~

Whenever one institution desires or is requested to offer a program/course within 50 miles of the main and/or branch campuses of another state university that currently does not offer that program/course, state universities should first explore offering the program/course collaboratively.

If attempts for collaborative program/course delivery have been exhausted, the program/course may be offered by the requesting institution providing an agreement is made with the closest institution.

- i. The IEO at the institution requesting to offer a program/course within the area/region of another IHL institution(s) must notify (in writing) the IEO(s) at the closest IHL institution(s) of that intent at least one

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- full semester prior to the anticipated date of enrolling students, and copy the Commissioner. IEO notification is required, regardless of the program/course availability at the closest institution(s).
- ii. The IEO(s) at the closest institution(s) must respond (opposing or not opposing the intent in writing) to the IEO at the requesting institution within 30 days of receiving the request and copy the Commissioner.
  - iii. If the IEO(s) at the closest institution(s) does not oppose the intent of the requesting institution, then the requesting institution has satisfied Board policy 201.0607 E.
  - iv. Opposition by the closest institution(s) to the requesting institution delivering a program/course in the area/region of the closest institution(s) should be based on program/course duplication or future plans of the closest institution(s) to deliver said program/course.
  - v. If the closest institution(s) plans to offer said program/course in the near future, that institution(s) must provide the IEO at the requesting institution and the Commissioner documentation of current efforts to offer said program/course, a reasonable timeline for implementation, and the institution must adhere to that timeline.
  - vi. Following written opposition from the IEO(s) at the closest institution(s), the IEO from the requesting institution may request that the Commissioner mediate the conflict.
  - vii. If mediation from the Commissioner is necessary to resolve a conflict, the Commissioner will inform the IEOs of his/her decision to resolve the conflict and report his/her decision to the Board.

(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2008; 3/2011)

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

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**1. MSU-REQUEST FOR APPROVAL OF CONTRACTUAL AGREEMENTS WITH COOLEY CENTER, LLC.**

**MSU – Approval of Contracts with Cooley Center, LLC**

Mississippi State University requests approval of two contracts with Cooley Center, LLC related to the renovation of the Cooley Building. **MSU further requests that the Board authorize the Commissioner and Board President to approve any changes to the contract which are required by the project lenders and which do not change the substantive terms of the contract without further Board approval. Any changes which do impact the substantive terms of the contract will be submitted to the Board for consideration.**

**Contractor’s Legal Name: Cooley Center, LLC**

**History of Contract:** These contracts are new contracts, but MSU has previously obtained Board approval for development of the Cooley Building with another developer.

In October 2010, the Board approved the following three agreements with Cotton Mill Development Group, LLC (CMDG): the sale of 8.477 acres for \$2,880,000 to CMDG; the lease of the Cooley Building to CMDG for \$300,000 per year for 41 years for a total of \$12.6 million; and, the lease-back of 35,865 square feet, parking space, and convention use from CMDG for \$1,000,000 per year for 10 years for a total of \$10,000,000. Later, in April 2011, October 2011, and January 2012, the Board approved extensions of the sale closing date to allow CMDG to obtain project financing before finally expiring on April 30, 2012.

Subsequently, the University issued a notice to prospective developers to provide a plan to redevelop the land surrounding the Cooley Building and to renovate the Cooley Building. Cooley Center Hotel, LLC was selected by the University. In November 2012, the Board approved the sale of 1.129 acres of land near the Cooley Building to Cooley Center Hotel, LLC for \$460,000, which was \$20,000 higher than the average of two appraisals, for the limited purpose of developing a Marriott Courtyard or equivalent hotel. In August 2013, the Board approved an agreement between MSU and the city of Starkville whereby MSU will lease 1.67 acres of land to the city for the purpose of constructing a 450 space parking garage. The city will obtain \$8 million in block grants from the Mississippi Development Authority and construct the parking garage, then lease the garage to the University for 10 years to operate at the University’s expense. At the end of the 10 year term, the parking garage will become the property of the University. MSU intends to use the parking to enter into a lease to provide parking space for the proposed Marriott Courtyard. On the Real Estate Agenda for the October 2013 Board meeting, the university is proposing the sale of 1.63 acres to Cooley Center Hotel, LLC

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and Russell Street Development Group, LLC as a part of the development of a Marriott Courtyard Hotel.

- a. Agenda Item Request:** Mississippi State University requests permission to lease the Cooley Building to Cooley Center, LLC.

**Specific Type of Contract:** Master lease agreement

**Purpose:** MSU will lease the Cooley Building to Cooley Center, LLC for the purpose of renovating the Cooley Building to the University's approved specifications. The renovated building will consist of 72,000 usable square feet of which approximately 22,000 will be developed into a conference center and operated by Cooley Center Hotel, LLC; 36,000 will be leased back to the University for office space; and, 14,000 will be available for other university approved subleases.

**Terms of Contract:** The contract provides for three contract terms: a construction term, an initial term, and optional terms. The construction term is for up to two years in order to provide Cooley Center, LLC with access to complete renovations of the Cooley Building. The initial term is for 41 years and begins upon expiration of the construction term. The optional terms provide for two 5-year extensions of the lease agreement after the expiration of the initial term.

**Scope of Contract:** The University will provide Cooley Center, LLC access to the Cooley Building during the construction term for the purpose of renovating the Cooley Building. During the initial and optional terms, the Cooley Center, LLC will use the renovated Cooley Building to sublease office space, operate a conference center, and other uses approved by the University.

**Contract Amount:** The proposed contract provides for the following rent payments from Cooley Center, LLC to the University. There will be no rent paid during the construction term. During the initial term, Cooley Center, LLC shall pay the University \$100,000 per year for a total of \$4.1 million. Should the optional terms be exercised, Cooley Center, LLC will pay an additional \$100,000 per year for a maximum contract payment of \$5.1 million over 51 years.

**Termination Options:** The University may terminate for a default by Cooley Center, LLC upon a 3 month cure period in which to cure.

**Funding Source for Contract:** Not applicable

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**Contractor Selection Process:** The University selected Cooley Center, LLC after sending a notice to prospective developers regarding the redevelopment of the Cooley Building and surrounding land.

**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. Attorney General's office recommendation is pending. A recommendation by Board staff is pending.**

- b. Agenda Item Request:** Mississippi State University requests permission to lease back approximately 36,000 square feet in the Cooley Building from Cooley Center, LLC.

**Specific Type of Contract:** Lease-back agreement

**Purpose:** MSU will lease approximately 36,000 square feet in the Cooley Building from Cooley Center, LLC. The leased space will be used as office space by the University.

**Terms of Contract:** The contract provides for two term types: an initial term and optional terms. The initial term is for 15 years. In addition, there are 4 optional terms of 5 years and a final optional term of 6 years for a total potential term of 41 years including all optional terms.

**Scope of Contract:** The University will use the leased space as office space. Cooley Center, LLC will be responsible for improvements, repairs, and normal maintenance.

**Contract Amount:** The proposed leaseback provides for

<b>Leaseback Year</b>	<b>Price Per Square Foot</b>	<b>Total Payment</b>
1 through 5	\$ 23.53	\$ 4,235,400
6 through 10	25.88	4,658,400
11 through 15	26.12	4,701,600
16 through 20 (optional term)	28.73	5,171,400
21 through 25 (optional term)	31.60	5,688,000
26 through 30 (optional term)	34.76	6,256,800

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31 through 35 (optional term)	38.24	6,883,200
36 through 41 (optional term)	42.06	9,084,960
<b>Total</b>		<b>\$ 46,679,760</b>

**Termination Options:** The University may terminate for a default by Cooley Center, LLC or inadequate funds to pay for leased space.

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

**Contractor Selection Process:** The University selected Cooley Center, LLC after sending a notice to prospective developers regarding the redevelopment of the Cooley Building and surrounding land.

**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. Attorney General’s office recommends approval of these items. Board staff recommends approval.

**MSU – Approval of Contracts with Cooley Center Hotel, LLC**

Mississippi State University requests approval of a contract with Cooley Center Hotel, LLC related to the renovation of the Cooley Building. **MSU further requests that the Board authorize the Commissioner and Board President to approve any changes to the contract which are required by the project lenders and which do not change the substantive terms of the contract without further Board approval. Any changes which do impact the substantive terms of the contract will be submitted to the Board for consideration.**

**Contractor’s Legal Name:** Cooley Center Hotel, LLC

**History of Contract:** This is a new contract, however, MSU has previously obtained Board approval for development of the Cooley Building with another developer.

In October 2010, the Board approved three agreements with Cotton Mill Development Group, LLC (CMDG): the sale of 8.477 acres for \$2,880,000 to CMDG; the lease of the Cooley Building to CMDG for \$300,000 per year for 41 years for a total of \$12.6 million; and, the lease-back of 35,865 square feet, parking space, and convention use from CMDG for \$1,000,000 per year for 10 years for a total of \$10,000,000. Later, in April 2011, October 2011, and January 2012, the Board approved extensions of the sale closing date to allow CMDG to obtain project financing before finally expiring on April 30, 2012.

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Subsequently, the University issued a notice to prospective developers to provide a plan to redevelop the land surrounding the Cooley Building and to renovate the Cooley Building. Cooley Center Hotel, LLC was selected by the University. In November 2012, the Board approved the sale of 1.129 acres of land near the Cooley Building to Cooley Center Hotel, LLC for \$460,000, which was \$20,000 higher than the average of two appraisals, for the limited purpose of developing a Marriott Courtyard or equivalent hotel. In August 2013, the Board approved an agreement between MSU and the city of Starkville whereby MSU will lease 1.67 acres of land to the city for the purpose of constructing a 450 space parking garage. The city will obtain \$8 million in block grants from the Mississippi Development Authority and construct the parking garage, then lease the garage to the University for 10 years to operate at the University's expense. At the end of the 10 year term, the parking garage will become the property of the University. MSU intends to use the parking to enter into a lease to provide parking space for the proposed Marriott Courtyard. On the Real Estate Agenda for the October 2013 Board meeting, the University is proposing the sale of 1.63 acres to Cooley Center Hotel, LLC and Russell Street Development Group, LLC as a part of the development of a Marriot Hotel.

- c. **Agenda Item Request:** Mississippi State University requests permission to lease parking space to Cooley Center Hotel, LLC

**Specific Type of Contract:** Lease agreement

**Purpose:** MSU will lease the bottom floor of the proposed parking garage to be constructed by the city of Starkville. In August 2013, the Board approved the lease of 1.677 acres to the city of Starkville to allow the city to construct a 450-space parking garage. Also in August 2013, the Board approved a lease back of the parking garage to MSU once construction is completed. MSU will operate the parking garage at its own expense for 10 years. After 10 years, the garage will become the property of the University.

**Terms of Contract:** The contract runs for 41 years and has a provision for an optional, additional 41 year term.

**Scope of Contract:** The University will provide exclusive use of the 110 parking spaces on the first floor of the proposed parking garage to be constructed by the city of Starkville and operated by the University.

**Contract Amount:** The University will receive payment of one-fourth of the operations and maintenance costs of the parking garage for years 1 through 15. Beginning in lease year 15, the University will receive an annual fee of \$15,155 in year 15 for a five year period. The annual fee will be escalated by 10 percent each five



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years thereafter for a total fee received of \$487,000. The University will continue to receive one-fourth of the maintenance and operation costs. Maintenance costs include electricity, water, sewer, landscaping, lawn care, janitorial, exterior maintenance, structural maintenance, and elevator maintenance.

<b>Lease Year</b>	<b>Maintenance and Costs Fee</b>	<b>Cumulative Annual Fee</b>
1 through 15	1/4 of Maintenance	\$ -
16 through 20	1/4 of Maintenance	75,775
21 through 25	1/4 of Maintenance	83,350
26 through 30	1/4 of Maintenance	91,685
31 through 35	1/4 of Maintenance	100,850
36 through 40	1/4 of Maintenance	110,935
Year 41	1/4 of Maintenance	24,405
<b>Total</b>		<b>\$ 487,000</b>

**Termination Options:** The University may terminate for a default by Cooley Center Hotel, LLC upon a 3 month period in which to cure.

**Funding Source for Contract:** Not applicable

**Contractor Selection Process:** The University selected Cooley Center Hotel, LLC after sending a notice to prospective developers regarding the redevelopment of the Cooley Building and surrounding land.

**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. Attorney General’s office recommends approval of these items. Board staff recommends approval.**

**2. UM – REQUESTS FOR APPROVAL OF RESOLUTION TO ENTER GROUND LEASES AND OPERATING LEASES WITH OLE MISS ATHLETIC FOUNDATION**

The University of Mississippi requests approval of a resolution to enter into two ground leases and two operating leases with the Ole Miss Athletic Foundation for the construction and operation of an arena and parking garage. The four (4) leases are presented as Exhibits “A-1”, “A-2”, “B-1” and “B-2” to the Resolution.

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**Contractor's Legal Name: Ole Miss Athletics Foundation (OMAF)**

**History of Contract:** At the October 2013 Board meeting, the University of Mississippi is requesting approval of a resolution to enter into two ground leases to lease University land to the Ole Miss Athletic Foundation for the purpose of construction of a basketball arena and a parking garage through the Board Real Estate Committee. The University received approval from the Board at the March 2013 meeting to initiate the arena and parking garage project and retain AECOM/ CDFL as design professionals.

The above-referenced exhibits to the proposed Resolution are presented below as Agenda Item requests

- a. **Agenda Item Request:** The University of Mississippi requests approval to enter into two (2) ground leases (Exhibits "A-1" and "A-2", respectively) with the Ole Miss Athletics Foundation for the purpose of constructing a parking structure and for the purpose of constructing a multi-purpose arena. The request as prepared by the IHL Real Estate & Facilities Division is below.

**Purpose:** To lease (a) University property to the Foundation, which will facilitate the construction, financing, and delivery of a new multi-use facility/arena, adjoining parking structure, and related improvements, to be financed by the Foundation and paid back, in-part, by private gifts to the Foundation, and (b) such improvements back to the University for the University's general use. The exterior designs are presented on the Real Estate Consent Agenda as Item 11.

**Scope of Project:** The ground leases will allow the Foundation to construct a new multi-purpose facility/arena with a seating capacity of approximately 9,500, a multi-level parking structure with approximately 820 stalls, associated west side improvements to Vaught Hemingway stadium, road realignment and other infrastructure improvements, and landscaping. A dedicated food service operation will be included in the multi-purpose facility/arena as an additional campus dining venue. The multi-level garage will adjoin the multi-purpose facility/arena and will be used as parking inventory when not in use for athletics and other special events. These facilities will be constructed in the parking lot adjacent to the west side of Vaught-Hemingway stadium and in the adjacent practice field.

**History of Project:** University basketball games and large assembly functions such as graduation and freshman convocation are currently held in the Tad Smith Coliseum, the University's largest indoor gathering space. This facility was built in 1967. Forty-five years of heavy use, envelope failures, changes in building and life-safety codes, technological developments, and audience expectations have contributed in equal measure to the realization that this building has reached the end of its useful life.

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This project began as an integral part of the Foundation's "Forward Together" fundraising campaign. The Foundation selected AECOM to work with them to develop a design suitable to present to potential donors and develop related video and promotional material. This selection was made through a competitive process that included input from Foundation, Athletics, and central University personnel. The University of Mississippi requested and received authority from the Board at its *March 21, 2013* meeting to initiate this Project and retain AECOM / CDFL as design professionals.

The University of Mississippi now requests authority to enter into ground leases and related documents with the Foundation for the construction sites described above. These leases will allow the projects to proceed in a timely manner to allow delivery of the parking facility and infrastructure improvements for use by the Fall of 2014 and to allow delivery of the multi-purpose facility by January 2016.

All construction financing for these facilities will be provided by the Foundation, and the Foundation shall pay debt service on such financing, in part, with proceeds from the Forward Together campaign. At the end of construction, the University anticipates either purchasing the facilities from the Foundation or leasing the facilities from the Foundation. If the University chooses to lease the facilities from the Foundation, such lease obligations will be less than the actual cost to design and construct the facilities and related improvements.

**Property Description:** The overall property tract in the two ground leases is located on the University of Mississippi's Oxford campus and described as follows: Section 29, Township 8 South, Range 3 West in Lafayette County, Mississippi, and containing 8.328 acres. The Parking Garage Parcel contains 3.108 acres and the Arena Parcel contains 5.220 acres for a total of 8.328 acres as described above.

**Terms of Lease:** The Lease, unless earlier terminated by an event of default hereunder or mutual agreement of the parties, shall be for a primary term of five (5) years, and shall automatically renew for successive one (1) year terms, unless either party shall provide one hundred eighty (180) days written notice of termination prior to the expiration of the then-current term.

**Termination Options:** The lease may be terminated by an event of default hereunder or mutual agreement of the parties or by either party providing the other party at least one hundred eighty (180) days written notice of termination prior to the expiration of the then-current term.

The University of Mississippi is acting in accordance with Board Policy §905(A), Real Estate Management, which requires prior Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales. A copy of the ground lease is on file with the Office of Real Estate and Facilities.

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- b. Agenda Item Request:** The University of Mississippi requests approval to enter into an operating lease with (Exhibit “B-1”) with the Ole Miss Athletics Foundation to operate a parking garage.

**Specific Type of Contract:** Operating lease agreement

**Purpose:** The OMAF will lease the parking garage constructed after execution of a ground lease of University property. The garage will have approximately 820 stalls and be located near Vaught-Hemingway Stadium. The exterior designs are presented on the Real Estate Consent Agenda as Item 11.

**Terms of Contract:** The lease contract provides for a primary lease term of five (5) years and will automatically renew for a successive one (1) year term unless either party submits an advance written notice of termination 180 days prior to the then-current term. At the end of the lease, the parking garage will become the property of the University.

**Scope of Contract:** The University will lease the parking garage from the OMAF and have beneficial possession. The University will operate the parking garage.

**Contract Amount:** To finance the parking garage, the OMAF has requested the Mississippi Business Finance Corporation (“MBFC”) to issue bonds which will be purchased by Regions Bank and Regions Capital Advantage, Inc. The proceeds of the Bonds will then be loaned by MBFC to OMAF and used by OMAF for the construction of the proposed parking garage. Pursuant to the Lease, the University will make rental payments equal to the debt service associated with the issuance of Bonds. Currently, the estimated debt finance portion of the parking garage is \$14 million which will have an average annual principal and interest obligation of \$1.1 million beginning in the Fall of 2014 and ending in fifteen years in the Fall of 2028. Total estimated principal and interest payments are \$17.4 million.

**Termination Options:** The University may terminate by mutual agreement of the parties, and will have an initial term of five (5) years with 180 days notice or before each succeeding one (1) year term with 180 days notice.

**Funding Source for Contract:** The University will use revenues generated from parking garage operations, contributions from the athletic department, and other university transportation operations revenues

**Contractor Selection Process:** N/A

**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

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**greater than \$100,000. Attorney General approval is pending. A recommendation by Board staff is pending.**

- c. **Agenda Item Request:** The University of Mississippi requests approval to enter into an operating lease (Exhibit "B-2") with the Ole Miss Athletics Foundation to operate an arena.

**Specific Type of Contract:** Operating lease agreement

**Purpose:** The OMAF will lease the arena constructed after execution of a ground lease of University property. The arena will contain a seating capacity of approximately 9,500. The exterior designs are presented on the Real Estate Consent Agenda as Item 11.

**Terms of Contract:** The lease contract provides for a primary lease term of five (5) years and will automatically renew for a successive one (1) year term unless either party submits an advance written notice of termination 180 days prior to the then-current term. At the end of the lease, the arena will become the property of the University.

**Scope of Contract:** The University will lease the arena from the OMAF and have beneficial possession. The University will operate the arena.

**Contract Amount:** To finance the arena, the OMAF has requested the Mississippi Business Finance Corporation ("MBFC") to issue bonds which will be purchased by Regions Bank and Regions Capital Advantage, Inc. The proceeds of the Bonds will then be loaned by MBFC to OMAF and used by OMAF for the construction of the proposed parking garage. Pursuant to the Lease, the University will make rental payments equal to the debt service associated with the issuance of Bonds. Currently, the estimated debt finance portion of the arena is \$64.8 million which will have an average annual principal and interest obligation of \$4.48 million beginning in the Fall of 2017 and ending in twenty years in the Fall of 2036. Total estimated principal and interest payments are \$89.4 million.

**Termination Options:** The University may terminate by mutual agreement of the parties, and will have an initial term of five (5) years with 180 days notice or before each succeeding one (1) year term with 180 days notice

**Funding Source for Contract:** The University proposes to use funds generated from the Forward Together fundraising campaign, which includes football and basketball seating priority plans and philanthropic gifts, as well as university cash flows becoming available from expiring debt amortization on other Athletic debt obligations.

**Contractor Selection Process:** N/A

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**Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of leases in an amount greater than \$100,000. The Attorney General's office has recommended approval for the resolution and the form of the ground leases and operating leases. Board staff recommends approval.**

**3. UMMC-REQUESTS FOR APPROVAL TO ENTER INTO CONTRACTUAL AGREEMENTS**

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of the following agreements with **AutoMed Technologies, Inc.** :
1. an Equipment Purchase and Software License Agreement for automated pharmacy dispensing cabinets and related software, and
  2. a System Maintenance Agreement for support services for both existing and newly purchased equipment and technology.

**Contractor's Legal Name: AutoMed Technologies, Inc. (AutoMed)**

**History of Contract:** While this is a new agreement, UMMC has been using the AutoMed equipment since 2001. UMMC has purchased equipment and maintenance services from AutoMed periodically since this time most recently in 2010. While some of the previous purchase agreements were under the \$250,000 threshold requiring IHL Board approval, the most recent 2010 agreements for equipment and maintenance were not submitted to the Board for approval.

**Specific Type of Contract:** Purchase and maintenance agreements.

**Purpose:** The purpose of the two (2) agreements is for the purchase and maintenance of four (4) new automated pharmacy dispensing cabinets and related software as well maintenance for the existing AutoMed cabinets and technology. The AutoMed equipment and technology has the ability to secure and dispense Schedule II-V narcotics without requiring the healthcare provider to access more than one (1) medication dose at a time thus greatly reducing the risk of theft. The new equipment will be used in UMMC's new Cardiovascular Unit.

**Scope of Work:** Under the agreements, AutoMed will provide UMMC four (4) automated pharmacy dispensing cabinets; on-site service and repair of both the new and existing equipment as well as telephone support, maintenance, and software upgrades and/or enhancements.

UMMC is responsible for designating system operators who will serve as the key points of contact responsible for operating the equipment.

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**Term of Contract:** The term of the agreement is for five (5) years, November 1, 2013 through October 31, 2018.

**Termination Options:** The Equipment Purchase and Software License Agreement may be terminated for the following:

- for breach by UMMC of the agreement upon thirty (30) days notice of opportunity to cure,
- in the event UMMC becomes insolvent or becomes the subject of any bankruptcy or receivership proceedings,
- by either party for a breach of the Business Associate Addendum (HIPAA Addendum),
- by UMMC upon thirty (30) days written notice,
- reduction of funds,
- a breach by AutoMed of any representations and warranties to UMMC as specified in the Standard Terms and Conditions 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, and
- failure by AutoMed to comply with the federal E-Verify Program.

The System Maintenance Agreement may be terminated for the following:

- by agreement of the parties upon written notice,
- for breach by UMMC of the Equipment Purchase and Software License Agreement upon thirty (30) days notice of opportunity to cure,
- in the event UMMC becomes insolvent or becomes the subject of any bankruptcy or receivership proceedings,
- in the event UMMC's software license is terminated, and
- by either party upon 180 days written notice.

**Contract Amount:** The total estimated contract cost is \$2,733,543.67.

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

**Contractor Selection Process:** NA. This is an agreement with an existing vendor.

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

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**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 **Edwards Lifesciences, LLC (Edwards)** for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve repair and replacement procedures.

**Contractor's Legal Name: Edwards Lifesciences, LLC (Edwards)**

**History of Contract:** This is a new agreement with Edwards for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories. UMMC has been purchasing heart valves from Edwards for several years via its Group Purchasing Organization (GPO), Novation. However, due to some recent changes with Novation, UMMC is no longer able to purchase these items through its GPO. As such, UMMC publically solicited bids for the products needed to perform heart valve replacement procedures.

**Specific Type of Contract:** Purchase agreement.

**Purpose:** The purpose of this agreement is for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve replacement procedures, at prices locked-in for two (2) years at a discounted rate.

**Scope of Work:** Under the agreement, Edwards will provide tissue heart valves, rings, bands, and accessories needed to perform heart valve repair and replacement surgeries. UMMC will directly order the products covered in the agreement from Edwards at the prices agreed upon on an "as needed" basis for patient care.

**Term of Contract:** The initial term of the agreement is for two (2) years with the option to renew for three (3) additional one (1) year terms. The total maximum term of the agreement is five (5) years, approximately December 1, 2013 through November 30, 2018. UMMC is requesting approval for the maximum five (5) year term.

**Termination Options:** The agreement may be terminated for the following:

- by either party at any time upon thirty (30) days written notice,
- a breach by Edwards of any representations and warranties to UMMC as specified in the Standard Terms and Conditions 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,



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- in the event of breach of a material term of the agreement by either party, unless such breach is remedied within the thirty (30) day period between notification of termination and the effective date of termination,
- in the event of any reduction of funds in available funds to UMMC, the contract may be terminated without penalty to UMMC,
- failure by Edwards to comply with the federal E-Verify Program, and
- if the other party has become insolvent, has filed for bankruptcy, or has been debarred or excluded from participating in federal health care programs.

**Contract Amount:** The total estimated contract cost for the maximum five (5) year contract term and is \$2,289,749.00. Below is the estimated total cost breakdown by year:

	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
<b>Total Spend</b>	\$307,696	\$369,235	\$443,082	\$531,698	\$638,038	2,289,749

Prices are fixed for the first two years of the agreement. The first year estimate is based on historical numbers plus a 20% growth factor. There *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 (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC has factored in a 20% growth, beginning in year two, for increases in patient volume and addition of physician staff due to the new cardiovascular unit will open soon. In years three through five, UMMC continued to factor in 20% growth to account for increases in pricing and patient volume.

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

**Contractor Selection Process:** St. Jude was selected as a vendor through UMMC's Invitation for Bid (IFB) #3536, Heart Valves- Tissue. This was a multi-award in which St. Jude and Edwards Lifesciences were awarded contracts as both met the specifications and pricing outlined in the bid documents. UMMC will provide IHL with a copy of approval (P-1) from DFA to purchase these products within ten (10) days of obtaining DFA's approval in writing.

**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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- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **St. Jude Medical S.C., Inc. d/b/a/ St. Jude Medical, U.S. Division** for the purchase of mechanical heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve repair and replacement procedures.

**Contractor's Legal Name:** **St. Jude Medical S.C., Inc. d/b/a St. Jude Medical, U.S. Division (St. Jude)**

**History of Contract:** This is a new agreement with St. Jude for the purchase of mechanical heart valves, rings, bands, and other cardiac surgery accessories. UMMC has been purchasing heart valves from St Jude for several years via its Group Purchasing Organization (GPO), Novation. However, due to some recent changes with Novation, UMMC is no longer able to purchase these items through its GPO. As such, UMMC publically solicited bids for the products needed to perform heart valve replacement procedures.

**Specific Type of Contract:** Purchase agreement.

**Purpose:** The purpose of this agreement is for the purchase of mechanical heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve replacement procedures, at prices locked-in for two (2) years at a discounted rate.

**Scope of Work:** Under the agreement, St. Jude will provide mechanical heart valves, rings, bands, and accessories needed to perform heart valve repair and replacement surgeries. UMMC will directly order the products covered in the agreement from St. Jude at the prices agreed upon on an "as needed" basis for patient care.

**Term of Contract:** The initial term of the agreement is for two (2) years with the option to renew for three (3) additional one (1) year terms. The total maximum term of the agreement is five (5) years, approximately December 1, 2013 through November 30, 2018. UMMC is requesting approval for the maximum five (5) year term.

**Termination Options:** The agreement may be terminated for the following:

- by either party at any time upon thirty (30) days written notice,
- by either party for a breach of the confidentiality requirements of the agreement,
- a breach by St. Jude of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum,

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- 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,
- in the event of any reduction of funds in available funds to UMMC, the contract may be terminated without penalty to UMMC,
- failure by St. Jude to comply with the federal E-Verify Program, and
- if the other party has become insolvent, has filed for bankruptcy, or has been debarred or excluded from participating in federal health care programs.

**Contract Amount:** The total estimated contract cost for the maximum five (5) year contract term and is \$2,289,749.00. Below is the estimated total cost breakdown by year:

	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
<b>Total Spend</b>	\$307,696	\$369,235	\$443,082	\$531,698	\$638,038	2,289,749

Prices are fixed for the first two years of the agreement. The first year estimate is based on historical numbers plus a 20% growth factor. There *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 (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC has factored in a 20% growth, beginning in year two, for increases in patient volume and addition of physician staff due to the new cardiovascular unit will open soon. In years three through five, UMMC continued to factor in 20% growth to account for increases in pricing and patient volume.

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

**Contractor Selection Process:** St. Jude was selected as a vendor through UMMC's Invitation for Bid (IFB) #3535, Heart Valves- Mechanical. St. Jude was the only company who met the specification and pricing outlined in the bid documents.

UMMC will provide IHL with a copy of approval (P-1) from DFA to purchase these products within ten (10) days of obtaining DFA's approval in writing.

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

- d. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **St. Jude Medical S.C., Inc. d/b/a/ St. Jude Medical, U.S. Division** for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve repair and replacement procedures.

**Contractor's Legal Name:** **St. Jude Medical S.C., Inc. d/b/a St. Jude Medical, U.S. Division (St. Jude)**

**History of Contract:** This is a new agreement with St. Jude for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories. UMMC has been purchasing heart valves from St Jude for several years via its Group Purchasing Organization (GPO), Novation. However, due to some recent changes with Novation, UMMC is no longer able to purchase these items through its GPO. As such, UMMC publically solicited bids for the products needed to perform heart valve replacement procedures.

**Specific Type of Contract:** Purchase agreement.

**Purpose:** The purpose of this agreement is for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve replacement procedures, at prices locked-in for two (2) years at a discounted rate.

**Scope of Work:** Under the agreement, St. Jude will provide tissue heart valves, rings, bands, and accessories needed to perform heart valve repair and replacement surgeries. UMMC will directly order the products covered in the agreement from St. Jude at the prices agreed upon on an "as needed" basis for patient care.

**Term of Contract:** The initial term of the agreement is for two (2) years with the option to renew for three (3) additional one (1) year terms. The total maximum term of the agreement is five (5) years, approximately December 1, 2013 through November 30, 2018. UMMC is requesting approval for the maximum five (5) year term.

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**Termination Options:** The agreement may be terminated for the following:

- by either party at any time upon thirty (30) days written notice,
- by either party for a breach of the confidentiality requirements of the agreement,
- a breach by St. Jude of any representations and warranties to UMMC as specified in the Standard Terms and Conditions 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, in the event of any reduction of funds in available funds to UMMC, the contract may be terminated without penalty to UMMC, failure by St. Jude to comply with the federal E-Verify Program, and
- if the other party has become insolvent, has filed for bankruptcy, or has been debarred or excluded from participating in federal health care programs.

**Contract Amount:** The total estimated contract cost for the maximum five (5) year contract term and is \$2,289,749.00. Below is the estimated total cost breakdown by year:

	Year 1	Year 2	Year 3	Year 4	Year 5	TOTAL
<b>Total Spend</b>	\$307,696	\$369,235	\$443,082	\$531,698	\$638,038	2,289,749

Prices are fixed for the first two years of the agreement. The first year estimate is based on historical numbers plus a 20% growth factor. There *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 (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC has factored in a 20% growth, beginning in year two, for increases in patient volume and addition of physician staff due to the new cardiovascular unit will open soon. In years three through five, UMMC continued to factor in 20% growth to account for increases in pricing and patient volume.

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

**Contractor Selection Process:** St. Jude was selected as a vendor through UMMC's Invitation for Bid (IFB) #3536, Heart Valves- Tissue. This was a multi-

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award in which St. Jude and Edwards Lifesciences were awarded contracts as both met the specifications and pricing outlined in the bid documents.

UMMC will provide IHL with a copy of approval (P-1) from DFA to purchase these products within ten (10) days of obtaining DFA's approval in writing.

**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.*

- e. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of the following related to its agreement with **Philips Healthcare, a division of Philips Electronics North America Corporation.**
1. renewal of the eCare Manager system and service agreement which currently will expire on October 31, 2013,
  2. to amend the renewed eCare Manager system and service agreement to include the Epic 2012 Upgrade Services Addendum, and
  3. to amend the renewed eCare Manager system and service agreement to include the Orion Addendum

In addition, UMMC is requesting the Board's retroactive approval of two (2) amendments to the original 2008 system and services agreement with VISICU, Inc.

**Contractor's Legal Name: Philips Healthcare, a division of Philips Electronics North America Corporation (Philips), formerly VISICU, Inc.**

**History of Contract:** The original agreement between VISICU, UMMC and Delta Health Alliance (DHA) for the purchase of an electronic ICU monitoring system (eICU) and related services was approved by the Board in September 2008 for a total cost of \$13,015,740. Subsequent amendments to the original system and services agreement provided more specific information and pricing regarding the technology, software and services to be used. In March 2013, the Board approved an amendment to original system and services agreement in order to remove DHA as a party to the contract. The Board most recently approved a short-term renewal of the eCare Manager system and service agreement in April 2013.

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UMMC is now seeking approval of an October 2009 amendment for an additional fifteen (15) software license at a cost of \$96,120 as well as a November 2011 amendment for an additional nine (9) software licenses at a cost of \$80,740. Because the cost associated with the October 2009 amendment was included in the original contract cost, the two (2) amendments only increased the overall contract cost by \$80,740 to \$13,096,480.

**Specific Type of Contract:** Software license and support agreements

**Purpose:** The purpose of the agreements is to the extend service and support for the eCare Manager system through the Service and Support Agreement; to provide service and support during the Epic 2012 upgrade through the Epic 2012 Upgrade Services Addendum; and, to provide Orion software licensing through the Orion Addendum.

**Scope of Work:** Under the agreements, Philips will provide the following:

- a perpetual license to the eICU software including third party software,
- service and support for the eCare Manager system,
- service and support for the Epic 2012 upgrade, and
- a sublicense for Orion software which will provide an upgrade to the eCare Manager system interface engine.

UMMC will

:

- contract with facilities who will use the remote ICU monitoring services through the eCare Manager system,
- provide clinical staff who will perform the monitoring activities, and
- provide project staff as needed for the implementation of the system at facilities and/or to assist in system upgrading.

**Term of Contract:** The term of the agreement is for three (3) years, November 1, 2013 through October 31, 2016.

**Termination Options:** The agreement may be terminated for the following:

- by either party for a material breach of the agreement upon thirty (30) days written notice of opportunity to cure by the non-defaulting party,
- in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership, and
- reduction of funds.

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**Contract Amount:** The total estimated cost for the three (3) term is \$1,615,960 and is based on the following:

- service and support fees for the eCare Manager system - \$1,558,960
- service and support fees for the Epic 2012 system upgrade - \$25,000
- licensing for the Orion interface engine - \$32,000

As noted above, UMMC is also requesting retroactive approval of a contract amendment that will increase the 2008 contract cost *from* \$13,015,740 *to* \$13,096,480.

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

**Contractor Selection Process:** Philips is a current vendor for UMMC under an agreement approved by the Board in August 2008.

**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 renewal agreement has been reviewed and approved by the Attorney General's Office however a formal approval is not issued for retroactive items. Board staff recommends approval of this item.*

- f. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests retroactive approval of an amendment to its Master Terms and Conditions Agreement with **Infor (US), Inc. formerly Lawson Software Americas, Inc.**

**Contractor's Legal Name:** **Infor (US), Inc. formerly Lawson Software Americas, Inc. (Infor)**

**History of Contract:** UMMC originally purchased the Infor Human Resources and Payroll System in 2002 and subsequently the Infor Absence Management module in 2006. With the purchase of this module, UMMC and Infor also negotiated a Master Terms and Conditions Agreement to allow for the purchase of future Infor software modules without extensive contract negotiation.

In November 2008, the IHL Board approved UMMC's purchase of the Infor Enterprise Resource Planning (ERP) software suites to be used in the areas of financials, procurement, and business intelligence for a total cost of \$2,505,800. Of this total, software costs were \$1,580,800, and maintenance fees were



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\$925,000 with a 4% annual increase allowed for maintenance. The approved contract period was December 1, 2008 to November 30, 2011.

The purchase of a Bronze level maintenance plan was approved by the Board in May 2011 for a three (3) year term (June 1, 2011 through June 30, 2014) at a cost

of \$1,648,021.63. At its June 2012 meeting the IHL Board approved an upgrade in maintenance from the Bronze Maintenance plan to the Silver Maintenance plan which provided a dedicated Support Account Manager, priority status regarding software issues, and a more rapid response time for repairs. The term of the maintenance agreement was for two (2) years, July 1, 2012 through June 30, 2014 at a cost of \$125,000 which increased the overall contract cost to \$1,773,021.63.

At this time, the Board is requested to provide *retroactive* approval of the October 2012 purchase of Micro Focus servers and platform upgrade.

**Specific Type of Contract:** Contract amendment

**Purpose:** Request for retroactive approval of a contract amendment for the purchase of Micro Focus servicers and for the provision of an upgrade of the current operating system or platform on which the Infor system resides.

**Scope of Work:** Under the agreement, Infor will provide the following:

- the Micro Focus ServerExpress Compiler (development/test) and associated application runtime,
- the Micro Focus ServerExpress Compiler (disaster recovery) and associated application runtime,
- the Micro Focus ServerExpress Compiler (training) and associated application runtime, and
  
- a platform change/upgrade to the IBM 8205-E6c.

**Term of Contract:** The term of the amendment is for the remainder of the term of the current agreement or through June 30, 2014.

**Termination Options:** The agreement may be terminated for the following:

- reduction of funds,
- a breach of the Services Warranty and failure to cure,
- a non-payment of fees owed upon fifteen (15) days notice of opportunity to cure, and

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- a breach of a material term of the agreement by UMMC upon ninety (90) days opportunity to cure.

**Contract Amount:** Retroactive approval is requested for \$12,840 for the purchase of Micro Focus servers. There is no cost associated with the platform upgrade. The cost for the two (2) Infor amendments that have been submitted for

October IHL Board approval increases the total cost of the Infor agreement to \$1,905,221.63.

**Funding Source of Contract:** The agreement will be funded by general funds.

**Contractor Selection Process:** This is an amendment to a current agreement with the vendor

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. Board staff recommends approval of this item. (As the Board is being asked to provide retroactive approval to an existing agreement, the Attorney General's Office has chosen not to issue a formal approval.)*

**4. USM-REQUESTS FOR CONTRACTUAL SERVICES AGREEMENTS**

- a. **Agenda Item Request:** The University of Southern Mississippi (USM) requests retroactive approval to enter into an agreement with **Elsevier B.V.** for subscription products and services for library materials, including books and journals, as well as all subsequent amendments to the original since its inception.

**Contractor's Legal Name:** Elsevier B.V.

**History of Contract:** USM has had a long-standing agreement with Elsevier for library subscription products and services. The current agreement began on January 1, 2011. The agreement has been amended on five separate occasions since. Neither the original agreements, nor the amendments have ever been brought to the IHL Board for approval as there was a misunderstanding as to whether-or-not library subscription contracts need follow the IHL Contract approval process.

The original agreement is scheduled to expire on December 31, 2015. USM is currently seeking retroactive approval for the original agreement, as well as all past amendments since inception. In addition, approval is sought to ratify the Fifth

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Amendment which alters the fees for annual payment periods 2013, 2014, and 2015.

**Specific type of contract:** Subscription Agreement

**Purpose:** The purpose of the Fifth Amendment modification is to mitigate against sharp increases in costs for library materials by providing predictability and stability in pricing as well as securing discounted pricing for scientific journals. The name of the package of journals supported by this agreement is “Science Direct ® online”, and it provides access to 203 e-journals. In addition, this subscription provides access to the journals dating back to 1995.

**Scope of Work:** This agreement gives USM students, faculty, staff, researchers and independent contractors the non-exclusive, non-transferable right to access, search, browse, view and print the products and services for 203 e-journals.

**Term of contract:** The term of the agreement, as amended remains the same and will continue until December 31, 2015. The agreement will be automatically be renewed for successive one-year terms, unless either party gives notice to the other by August 1<sup>st</sup> prior to the end of then current term.

**Termination Options:** Termination options include the following:

- by USM on December 31, 2015, provided notice is given the vendor prior to August 1<sup>st</sup> of the then current term, and
- by USM, in the event of non-availability of funds.

**Contract Amount:** USM has expended the following fees under this agreement since its inception in January 2011:

<b>USM - Elsevier B.V. Contract Fees</b>		
<b>Payment Period</b>	<b>Expected Fees</b>	<b>4th Amendment Fees</b>
January 2011 - December 2011	415,438	
January 2012 - December 2012	436,210	
January 2013 - December 2013		436,632
January 2014 - December 2014		466,964
January 2015 - December 2015		503,312
Total	\$ 851,648	\$ 1,406,908

The total cost of the agreement from inception is estimated to equal \$2,258,556.

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**Funding Source for Contract:** Educational and General (E&G) funds

**Contractor Selection Process:** This vendor was selected based on unique qualifications to provide the “Science Direct ® online” package of electronic journals with a significant discount for the volume of journals included in the package. Elsevier is a sole provider and publisher for this unique journal package.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of contracts for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. Board staff recommends approval of this item. (As the Board is being asked to provide retroactive approval to an existing agreement, the Attorney General’s Office has chosen not to issue a formal approval.)*

- b. **Agenda Item Request:** The University of Southern Mississippi (USM) requests retroactive approval to enter into an agreement with **EBSCO Information Services** for print and electronic subscription resources.

**Contractor’s Legal Name:** EBSCO Information Services (EBSCO)

**History of Contract:** USM has a current three-year agreement in place with EBSCO that began on January 1, 2012 and is slated to end on December 31, 2014. The agreement has an automatic one-year extension through December 31, 2015, unless notice of termination is provided by USM prior to September 30, 2014. The original agreement was not brought to the IHL Board for approval as there was a misunderstanding as to whether-or-not library subscription contracts need follow the IHL Contract approval process. USM is currently seeking retroactive approval for the original agreement.

**Specific type of contract:** Subscription Agreement

**Purpose:** The purpose of the agreement is to allow EBSCO to serve as USM’s information service interface to handle many thousands of invoices to obtain individual journal subscriptions and electronic resources with publishers. Without these services, USM would have to individually deal with dozens of publishers to correct issues of misplaced journal volumes, failed software platforms, changes in line-up and similar issues. EBSCO also provides statistical information for USM’s use. EBSCO collaborates with large international publishers and software vendors to help USM obtain better pricing and discounts.

**Scope of Work:** This agreement gives USM students, faculty, staff, researcher’s access to and use of approximately 473 titles (283 domestic titles, 184 non-domestic titles, and 6

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e-packages). In addition, EBSCO orders subscriptions and manages billings with the publishers of the titles USM selects.

**Term of contract:** The term of the original agreement began on January 1, 2012 and is slated to end on December 31, 2014. The agreement will automatically extend one additional year through December 31, 2015, unless USM formally cancels that extension by giving's its intent by September 30, 2014.

**Termination Options:** Termination options include the following:

- by USM on December 31, 2014, provided notice of intent is provided by September 30, 2014;
- by USM should the vendor's performance be deemed deficient with contracted services. A reasonable period must be given for EBSCO to correct deficiencies prior to termination;
- by vendor upon default in the payment of monies due in a timely manner, or if USM substantially changes its ordering of serials to the point where EBSCO's financial incentive to perform is no longer present;

**Contract Amount:** USM has, or is expected to expend the following fees under this agreement:

<b>USM - EBSCO</b>		
<b>Contract Fees</b>		
<b>Payment Period</b>	<b>Expected Fees</b>	<b>Extended Fees</b>
January 2012 - December 2012	1,029,406	
January 2013 - December 2013	1,035,078	
January 2014 - December 2014	1,088,946	
January 2015 - December 2015		1,145,571
<b>Total</b>	<b>\$ 3,153,430</b>	<b>\$ 1,145,571</b>
- the 2015 fees include a 5.2% price escalation. This is an estimate of the expected 2015 increase, using historical data.		

Included in this summary are expected additional fees for the one-year extension. Should that extension be exercised, total expected costs are estimated to equal \$4,299,001.

**Funding Source for Contract:** Educational and General (E&G) funds

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**Contractor Selection Process:** This vendor was selected based on unique qualifications to provide the unique subscription services and products. EBSCO is the largest and most complete provider for these services in the industry. EBSCO has served as the agent for

USM Libraries since 1994. Many of the databases that USM subscribes to are available only through this vendor.

**Staff Recommendation:** *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of contracts for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. Board staff recommends approval of this item. (As the Board is being asked to provide retroactive approval to an existing agreement, the Attorney General's Office has chosen not to issue a formal approval.)*

5. **SYSTEM – REQUEST FOR APPROVAL OF TUITION MULTI-YEAR RATES**  
**(First Approval)**

**Agenda Item Request:** Approval is requested for the required 30-day review period for the multi-year tuition rates effective FY 2015 and FY 2016.

Additional information will be submitted to the Board under separate cover.

**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 approval of the proposed multi-year tuition rates for first approval.**

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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 §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.*

*Prior to the commencement of Construction, the Board must approve the exterior design of the major buildings that have an 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.*

**APPROVAL OF OTHER REAL ESTATE REQUESTS**

- 1. MSU –Approval of Mill Development at MSU Conference Center Related Items**
  - a. Approval of Sale of Property to Cooley Center Hotel, LLC and Russell Street Development, LLC**

**Project Request:** As part of the development of the Mill at MSU Conference Center, Mississippi State University requests approval to sell 1.63 acres of property to Cooley Center Hotel, LLC. In addition, Mississippi State University requests approval to sell 1.30 acres and 0.59 acres of land to Russell Street Development, LLC. Mississippi State University further requests approval to allow the Commissioner and Board President to approve any changes to the contract which are required by the project lenders and which do not change the essential terms of the contract without further Board approval. Any changes

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which do impact the essential terms of the contract will be submitted to the Board for consideration.

**Purpose:** Mississippi State University is seeking approval to sell 1.63 acres of property to Cooley Center Hotel, LLC. The land use will be limited to the development of a Marriot Courtyard. MSU is also seeking to sell 1.30 acres and 0.59 acres of land to Russell Street Development, LLC. This land use will be limited to the development of restaurants or retail use approved by MSU. The land is not needed by the university, is not located on campus, and is not part of the campus master plan.

After the previous contract with Cotton Mill Development Group expired, Mississippi State 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. Russell Street Development, LLC is owned by the same individual.

**Property Description:** The legal description of the property proposed to be sold known as the Hotel Parcel (Lot 2) is a parcel of land containing 1.63 acres, more or less, and being a part of Block 31 of the Starkville Land Company subdivision as platted and recorded in the Oktibbeha County Chancery Clerk's office in Plat Book 1 at page 15 (Slide 8) and also a portion of Lot 1 of Block 9 of the University Urban Renewal Area, First Revision as platted and recorded in the Oktibbeha County Chancery Clerk's office in Plat Book 4 at pages 3-9 (Slides 72-75).

The legal description of the property proposed to be sold known as Parcel 2 is a parcel of land containing 0.59 acres, more or less, and containing all of Lot 1 and 1A and a part of Lots 2 and 20 of Block 10 of the University Urban Renewal Area, First Revision as platted and recorded in the Oktibbeha County Chancery Clerk's office in Plat Book 4 at Pages 3-9 (Slides 72-75)

The legal description of the property proposed to be sold known as Lot 3 is a parcel of land containing 1.30 acres, more or less, and being a part of Block 31 of the Starkville Land Company subdivision as platted and recorded in the Oktibbeha County Chancery Clerk's office in Plat Book 1 at page 15 (Slide 8) and also a portion of Lot 1 of Block 9A of the University Urban Renewal Area, First Revision as platted and recorded in the Oktibbeha County Chancery Clerk's office in Plat Book 4 at pages 3-9 (Slides 72-75).



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**Terms:** The agreement is for the sale of 3 parcels of land noted above. The hotel parcel (Lot 2) must close on or before November 30, 2013. The 2 outparcels (Parcel 2 and Lot 3) must close on or before April 30, 2014. MSU does have the option to grant up to six (6) months extension for the sale of any parcel upon good cause shown.

Cooley Center, 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 or Russell Street Development, LLC fail to develop the property as agreed to or fail to adhere to the terms of the Master Lease Agreement regarding the Cooley Building, MSU shall have the right to repurchase the property for the purchase price as well as any actual costs incurred in construction less \$25,000 or for the average of two appraisals, whichever is less.

**Sale Price:** Mississippi State University has received two independent property appraisals for the property. The first appraisal of the property reflected a total property value of \$1,430,000. The second appraisal of the property reflected a total property value of \$2,080,000. The university is selling the Hotel property (1.63 acres) to Cooley Center Hotel, LLC for \$665,000.00 (Lot 2) and the Outparcels to Russell Street Development for \$1,090,000.00. The sale price of the Outparcels is broken down as follows: [\$355,000 for the 0.59 acres (Parcel 2) + \$735,000 for the 1.30 acres (Lot 3)]. The total sale price for all 3 pieces of property is \$1,755,000.00 which is the average of the two appraisals and complies with Board Policy for the sale of property. A Phase I Environmental Site Assessment (ESA) 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. 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.**

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**b. Approval to Grant a Temporary Construction Easement to Cooley Center, LLC, Cooley Center Hotel, LLC and Russell Street Development, LLC**

**Project Request:** As part of the development of the Mill at MSU Conference Center, Mississippi State University requests approval grant a temporary construction easement to Cooley Center, LLC, Cooley Center Hotel, LLC, and Russell Street Development, LLC.

**Purpose:** Mississippi State University is requesting approval of the easement for the purpose of allowing the access to the remaining property Mississippi State University owns surrounding the Cooley Building in order for these entities to construct a road on a portion of the property and to grade a portion of the property as well as run utilities to it as described in the Agreement for the Purchase, Sale, and Redevelopment of Real Estate.

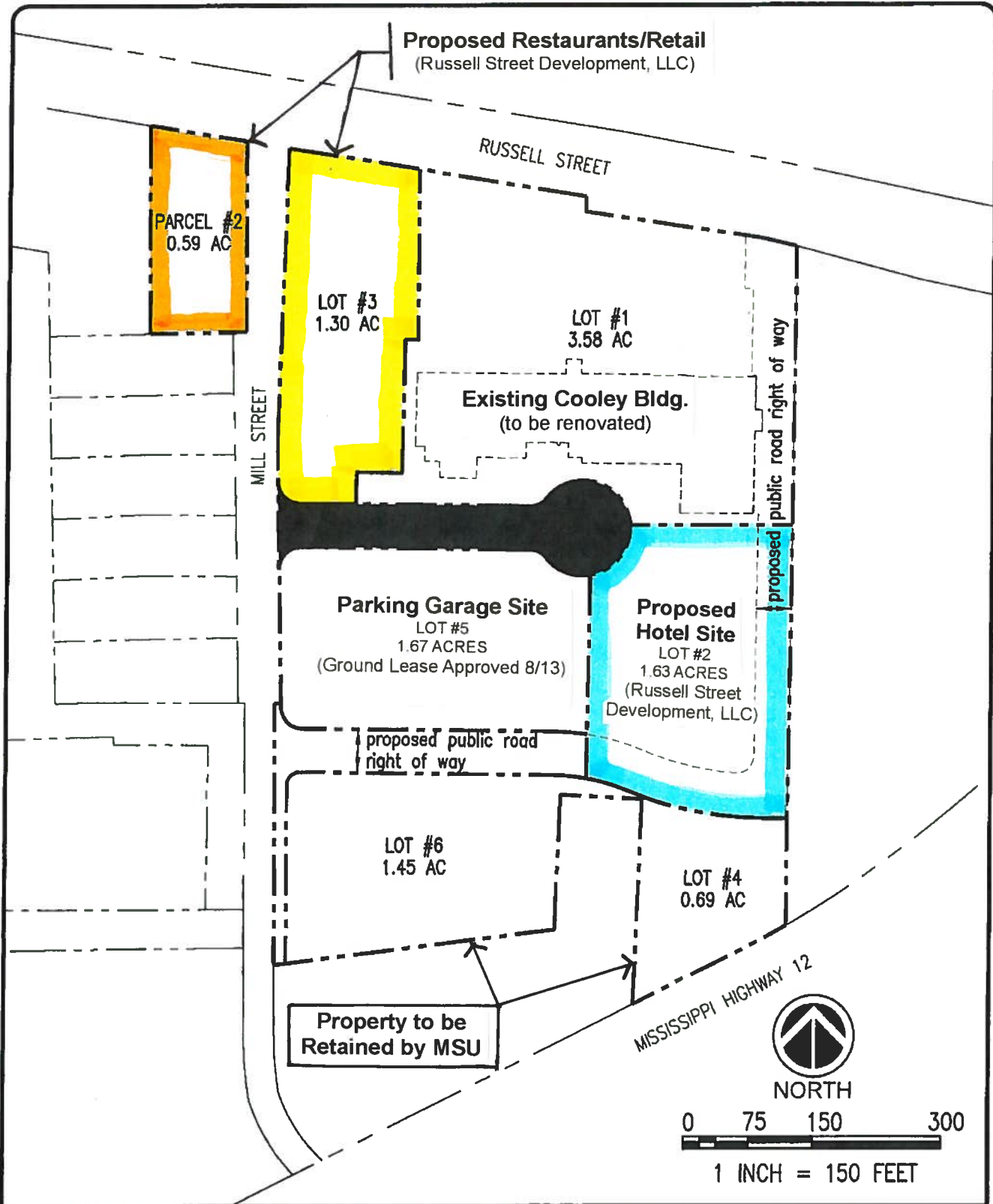
**Terms:** Mississippi State University will grant a temporary construction easement to Cooley Center, LLC, Cooley Center Hotel, LLC, and Russell Street Development, LLC. In the event construction of the improvement is not commenced within six (6) months from the date in signed agreement, the rights and privileges in the agreement shall at once revert to the Grantor, its successors, and assigns. The easement includes the rights of ingress or egress at any time over and upon the property. There is reserved to the Grantor, its successors and assigns the right and privilege to use the property at any time, in any manner, and for any purpose not inconsistent with the full use and enjoyment by the Grantees, their successors and assigns, of the rights and privileges granted in agreement. The Grantees are responsible, at their expense, for constructing, operating, and maintaining improvements.

All rights granted by this instrument from the Grantor to the Grantees are temporary and terminate upon the completion of the Construction of Improvements described above. Grantor may terminate this easement and all rights granted herein at any time after six (6) months of continuous non-use of the easement by Grantees. Upon completion of the above construction of Improvements, the Grantees shall relinquish all rights granted herein, and any and all interest in the Grantor's property conveyed in this easement shall automatically revert to the Grantor or its successors or assigns.

Mississippi State University is acting in accordance with Board Policy §905(A), Real Estate Management, which requires prior Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales. A copy of the legal description of the access easement is on file with the Office of Real Estate and Facilities.

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



Pickering Firm, Inc.  
 Facility Design • Civil Engineering • Surveying •  
 Transportation • Natural / Water Resources  
 2001 Airport Road, Suite 201  
 Flowood, MS 39232  
 601.956.3863

**Exhibit to Accompany Legal Descriptions  
 The Mill At MSU  
 Starkville, Mississippi**

SCALE 1"=150'	DATE 09-23-13	PROJECT # 24095.00
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**1. MSU – APPROVAL TO SETTLE IHL SELF-INSURED WORKERS’  
COMPENSATION CLAIM**

The IHL Self-Insured Workers’ Compensation Program is seeking Board approval for settlement of Claim No. 55-34088-1 at Mississippi State University

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

**2. UMMC - APPROVAL TO SETTLE TORT CLAIM**

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1797 Johnnie Stuart

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

**3. UMMC - APPROVAL TO SETTLE TORT CLAIM**

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1878 David McBride

**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. 1877 Edward Murphy

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

# **INFORMATION AGENDAS**

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1. SYSTEM --- Mississippi Department of Information Technology Services is acting as contracting agent for the Mississippi Institutions of Higher Learning (IHL) and is entering into an agreement with Ellucian Company, L.P. This agreement will afford the institutions that utilize banner Enterprise Resource Planning Systems a pool of consulting hours available for consulting and training services on an as needed basis. The institutions that use Banner are ASU, DSU, JSU, MSU, MUW, MVSU. The contract will be two-years in length and provides for 5,000 hours of consulting and training services at a rate of \$180 per hour. The 5,000 hour work order is time and materials bases. There is no obligation to consume the hours and member institutions are only billed for hours consumed. The total contract cost will not exceed \$900,000.
2. SYSTEM ---In accordance with the *JAKE AYERS, JR. ET.AL. and United States of America v RONNIE MUSGROVE, GOVERNOR, STATE OF MISSISSIPPI, ET.AL.* Settlement (aka: *Ayers Settlement Agreement*), the Board, through its counsel, shall provide to lead counsel for the private plaintiffs and counsel for the United States an annual disclosure report reflecting specified line-item information. This document is due October 1 of each year and has been presented to the court.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE  
August 15, 2013 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 101-291 – Rowan Hall**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$7,706.40 and fourteen (14) additional days to the contract of Barnard & Sons Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** August 6, 2013

**Change Order Justification:** **Change Order #3** is necessary to provide repairs to the undocumented waterline uncovered during the excavation at the front entry plaza.

**Total Project Change Orders and Amount:** Three (3) change order for a total amount of \$212,874.40.

**Project Initiation Date:** August 18, 2011

**Design Professional:** Duvall Decker Architects, P.A.

**General Contractor:** Barnard & Sons Construction

**Project Budget:** \$2,338,928.00

**2. ASU– GS 101-294 – Utility Infrastructure**

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

**Staff Approval Date:** August 8, 2013

**Project Initiation Date:** March 21, 2013

**Design Professional:** Atherton Consulting Engineers

**General Contractor:** TBD

**Project Budget:** \$1,292,079.00

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**3. JSU– GS 103-268 – Capitol Centre Improvement**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by M3A Architects. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** July 10, 2013

**Project Initiation Date:** November 17, 2011

**Design Professional:** M3A Architects

**General Contractor:** TBD

**Project Budget:** \$3,065,842.00

**4. JSU – GS 103-275 – Administration Tower Exterior Waterproofing**

**Interim Approval:** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on August 2, 2013 **approving a budget increase** for the Administration Tower Exterior Waterproofing project. The project budget was increased from \$2,000,000.00 to \$2,804,452.00 for an increase in the amount of \$804,452.00. In addition, **approving the addition of a funding source** to the project. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Interim Approval Date:** August 2, 2013

**Project Initiation Date:** April 18, 2013

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

**General Contractor:** Coleman Hammons Construction Company, Inc.

**Project Budget:** \$2,804,452.00

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**5. JSU– GS 103-275 – Administration Tower Exterior Waterproofing**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Coleman Hammons Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** August 6, 2013

**Project Initiation Date:** April 18, 2013

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

**General Contractor:** Coleman Hammons Construction Company, Inc.

**Project Budget:** \$2,804,452.00

**6. MSU– GS 105-345 (GC02) – Classroom Building with Parking (Mechanical)**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** June 26, 2013

**Project Initiation Date:** August 19, 2010

**Design Professional:** Belinda Stewart Architects, P.A.

**General Contractor:** Upchurch Plumbing, P.A.

**Project Budget:** \$37,509,471.00

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**7. MSU– GS 113-130 – Necropsy Renovation**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$22,045.58 and thirty-one (31) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** July 1, 2013

**Change Order Justification:** **Change Order #10** is necessary to add a hot water line to the hose reel located near the large animal coolers, to furnish & install a sink and components in the sample receiving room, to provide & install a drain for the incinerator and to add 11 days due to rain delays.

**Total Project Change Orders and Amount:** Ten (10) change orders for a total amount of \$787,604.63.

**Project Initiation Date:** October 21, 2010

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

**General Contractor:** T. L. Wallace Construction, Inc.

**Project Budget:** \$12,197,791.22

**8. MSU– IHL 205-260 – Expansion and Renovation to Davis Wade Stadium (Signage)**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Mitchell Signs, Inc.

**Staff Approval Date:** July 3, 2013

**Project Initiation Date:** May 19, 2011

**Design Professional:** LPK Architects, P.A.

**General Contractor:** Mitchell Signs, Inc.

**Project Budget:** \$80,000,000.00

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

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$556,251.16 and zero (0) additional days to the contract of Harrell Contracting Group, LLC.

**Staff Approval Date:** August 7, 2013

**Change Order Justification:** **Change Order #2** is necessary for removal & replacement of soil, removal of concrete obstruction, additional steel beams for support, relocation of the existing storm drain, re-routing of east stadium medium voltage conduit, to provide increase width of grade beams GB5-GB9, northwest site sanitary sewer revisions, to re-route 6” water main for east stadium, to re-feed M-Club power from Lloyd Ricks,, modifications made to rigid conduit requirements, relocation of generator, north ramp modifications at west concourse, additional 4” domestic water piping, capping of 4” water line discovered at the northwest corner of the site, re-design of the southwest elevator tower, to re-route existing west side rain leaders, to re-route existing west concourse feeds, relocation of an unknown 42” storm drain, additional A/V conduits from west concourse to M-Club and revision to the west concourse south ramp.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$704,677.71.

**Project Initiation Date:** May 19, 2011

**Design Professional:** LPK Architects

**General Contractor:** Harrell Contracting Group, LLC

**Project Budget:** \$80,000,000.00

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**10. MVSU– GS 106-218 – New President’s Home**

**Interim Approval:** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on August 2, 2013 **approving a budget increase** for the New President’s Home project. The project budget was increased from \$993,696.00 to \$1,292,696.00 for an increase in the amount of \$299,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Interim Approval Date:** August 2, 2013

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

**Design Professional:** Shafer & Associates, Office of Architecture

**General Contractor:** David Smith Construction, Inc.

**Project Budget:** \$1,292,696.00

**11. MVSU– GS 106-240 – Leflore Hall Bath Renovation**

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

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

**Staff Approval Date:** July 1, 2013

**Project Initiation Date:** January 17, 2013

**Design Professional:** Atherton Consulting Engineers

**General Contractor:** TBD

**Project Budget:** \$1,617,079.00

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**12. UM – GS 107-308 – Student Union Addition and Renovation**

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

**Staff Approval Date:** July 17, 2013

**Project Initiation Date:** August 18, 2011

**Design Professional:** Eley Guild Hardy Architects

**General Contractor:** TBD

**Project Budget:** \$50,000,000.00

**13. UM– IHL 207-306 – Center for Manufacturing Excellence**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the **credit amount** of \$10,500.00 and zero (0) additional days to the contract of Panola Construction Co., Inc.

**Staff Approval Date:** July 17, 2013

**Change Order Justification:** **Change Order #12** is necessary to deduct for assessment of liquidated damages.

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

**Project Initiation Date:** November 15, 2007

**General Contractor:** Panola Construction Co., Inc.

**Project Budget:** \$17,700,000.00

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**14. UM– IHL 207-346 – Stockard Hall & Martin Hall Brick Veneer Replacement**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$1,909.36 and two (2) additional days to the contract of Evan Johnson & Sons Construction, Inc.

**Staff Approval Date:** July 17, 2013

**Change Order Justification:** **Change Order #4** is necessary for removal of existing exhaust fans and infil and to replace two window sashes.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$35,812.01.

**Project Initiation Date:** February 17, 2011

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

**General Contractor:** Evan Johnson & Sons Construction, Inc.

**Project Budget:** \$8,000,000.00

**15. UM– IHL 207-348 – Johnson Commons West Renovation**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$183,864.96 and zero (0) additional days to the contract of Zellner Construction.

**Staff Approval Date:** July 17, 2013

**Change Order Justification:** **Change Order #6** is necessary for additional plumbing & electrical work specified for the food service equipment, to modify the glass canopy & glass wall systems, to add a new door to replace the existing door 104b, and to modify the opening to accommodate access hardware, to replace the vanities in restrooms 112 & 113 as the existing units could not be salvaged, to replace the existing damaged louvers, for miscellaneous steel modifications & additions for market diffusers & furrdowns and to install blocking for POS and needed electrical for POS systems.



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**Total Project Change Orders and Amount:** Six (6) change orders for a total amount of \$1,216,905.25.

**Project Initiation Date:** May 19, 2011

**Design Professional:** Tipton Associates, A Professional Architectural Corporation

**General Contractor:** Zellner Construction

**Project Budget:** \$14,500,000.00

**16. UM – IHL 207-353 – Coulter Hall Addition and Renovation**

**Interim Approval:** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on August 2, 2013 **approving sole source** of the Building Energy Management & Control System (Johnson Controls) and the Laboratory Airflow Control System (Phoenix Controls).

**Interim Approval Date:** August 2, 2013

**Project Initiation Date:** February 16, 2012

**Design Professional:** CDFL & BEJ - A Professional Association

**General Contractor:** N/A

**Project Budget:** \$18,000,000.00

**17. UM– IHL 207-358 – Lewis Hall Academic Heating Modifications**

**Staff Approval #1 :** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$6,310.63 and zero (0) additional days to the contract of Acy Mechanical.

**Staff Approval #2 :** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$1,827.00 and five (5) additional days to the contract of Acy Mechanical.

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**Staff Approval Date:** (#1) July 3, 2013; (#2) August 8, 2013

**Change Order Justification:** **Change Order #2** is necessary to add additional light fixtures in storage room 110, venetian blinds in room 109 & 212, window boxes in room 110 and to deduct for a laptop computer. **Change Order #3** is necessary for changes to modify 21 windows installed in the 1930's and the hardware required for repair is no longer available.

**Total Project Change Orders and Amount:** Three (3) change orders for a total **credit amount** of \$4,684.17.

**Project Initiation Date:** March 15, 2012

**Design Professional:** The CGM Group

**General Contractor:** Acy Mechanical

**Project Budget:** \$1,600,000

**18. UM– IHL 207-363 – Library Cooling Tower Replacement**

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

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

**Staff Approval Date:** July 29, 2013

**Project Initiation Date:** October 18, 2012

**Design Professional:** The CGM Group, Inc.

**General Contractor:** TBD

**Project Budget:** \$1,500,000.00

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**19. UM– IHL 207-365 – Kinard Hall Water Storage Tank Replacement at Rebel Drive**

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

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

**Staff Approval Date:** June 25, 2013

**Project Initiation Date:** October 18, 2012

**Design Professional:** Engineering Solutions, Inc.

**General Contractor:** TBD

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

**20. 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 #8** in the amount of \$20,134.00 and thirty-five (35) 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 30, 2013

**Change Order Justification:** **Change Order #8** is necessary to omit replacement of the ceiling grid & removal of existing abandoned ducts, to add new lights & other electrical devices, branch ducts & grilles, and to install new 2x2 ceiling panels, to add tv outlets for six treatment rooms and change fluorescent 2x4 fixtures to 2x2 fixtures in the x-ray diagnostic room, provide changes to the HVAC serving Comm Room E009 to provide adequate cooling based on actual heat loads of equipment selected & being installed under the separate MITS project for the Adult Emergency Renovation, to extend the fiber cable connection point for the new fire alarm panel installed to Comm Room #5 on the first floor of the South wing & make connections in that space where directed by DIS, to provide smoke detectors tied to the new fire alarm system on both sides of Door E080-C in order to comply with code requirements, and to change casework in the treatment rooms from stainless steel to phenolic core construction panels with solid surface tops.

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**Total Project Change Orders and Amount:** Eight (8) change orders for a total amount of \$840,224.94.

**Project Initiation Date:** November 14, 2007

**Design Professional:** Dale/Morris Architects, PLLC

**General Contractor:** Flagstar Construction Company, Inc.

**Project Budget:** \$11,755,000.00

**21. UMMC– GS 109-204 – Boiler Room Upgrades**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$70,652.00 and zero (0) additional days to the contract of McLain Plumbing and Electrical Service, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** July 3, 2013

**Change Order Justification:** **Change Order #1** is necessary to revise the roof hatch & the roof opening size and location, and to change the main electrical breaker to a 300 amp and feed from a new emergency motor control center in the boiler plant.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$70,652.00.

**Project Initiation Date:** February 16, 2012

**Design Professional:** Eldridge and Associates Consulting Engineers

**General Contractor:** McLain Plumbing and Electrical Service, Inc.

**Project Budget:** \$1,200,000.00

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**22. UMMC – GS 109-210 – School of Medicine (GC-001)**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by CDFL + ELEY, A Joint Venture, 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:** July 25, 2013

**Project Initiation Date:** June 16, 2011

**Design Professional:** CDFL + ELEY, A Joint Venture

**General Contractor:** TBD

**Project Budget:** \$14,500,000.00

**23. UMMC – GS 109-210 – School of Medicine (GC-003)**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by CDFL + ELEY, A Joint Venture, 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:** July 25, 2013

**Project Initiation Date:** June 16, 2011

**Design Professional:** CDFL + ELEY, A Joint Venture

**General Contractor:** TBD

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**Project Budget:** \$14,500,000.00

**24. UMMC– IHL 209-532 – Cardiovascular Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$33,927.84 and seven (7) additional days to the contract of Fountain Construction Company.

**Staff Approval Date:** August 7, 2013

**Change Order Justification:** **Change Order #9** is necessary to credit for 21 recessed trash cans not needed, due to a change in the plumbing supplemental drawing the supports for the main storm drain piping will be changed to allow for more useable shelled basement space, and to remove the dated ceiling grid & tile in the main hospital corridor and install a ceiling system & lighting.

**Total Project Change Orders and Amount:** Nine (9) change orders for a total amount of \$259,568.84.

**Project Initiation Date:** February 18, 2010

**Design Professional:** Cooke Douglas Farr Lemons Architects & Engineers, PA

**General Contractor:** Fountain Construction Company

**Project Budget:** \$20,182,526.00

**25. USM – GS 108-235 – College Hall Renovation**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$13,572.00 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 #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$24,781.00 and forty-three (43) additional days to the contract of W. G. Yates & Sons Construction Company. Approval is requested from the Bureau of Building, Grounds, and Real Property.

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**Staff Approval Date:** July 18, 2013

**Change Order Justification:** **Change Order #4** is necessary to replace type x basement drywall with gold bond xp drywall, to use steel in lieu of aluminum for connector rails, to add pro cyc base in the photo studio and change the finishes to flat white paint and delete the wall base. **Change Order #5** is necessary to add a fire transfer switch to the fire pump controller panel and to add electrical service for security.

**Total Project Change Orders and Amount:** Five (5) change orders for a total amount of \$126,495.00.

**Project Initiation Date:** October 21, 2004

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

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

**Project Budget:** \$6,252,302.68

**26. USM– GS 108-267 – College of Business Building**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$21,770.00 and twenty (20) additional days to the contract of Hanco Corporation.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$61,518.02 and zero (0) additional days to the contract of Hanco Corporation.

**Staff Approval Date:** July 18, 2013

**Change Order Justification:** **Change Order #3** is necessary for work related to structural concrete modifications as required and to add 20 additional days to complete this work. **Change Order #4** is necessary for work related to modifying the roofing system and work related to changing all door closers from Sargent to LCN.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$68,423.98.

**Project Initiation Date:** March 2, 2005

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**Design Professional:** Eley Guild Hardy Architects-Jackson, P.A./Studio South Architects, PLLC – A Joint Venture.

**General Contractor:** Hanco Corporation

**Project Budget:** \$34,000,000.00

**27. USM – IHL 208-313 – Fine Arts Complex Tornado Repairs and Renovations**

**Interim Approval:** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on June 4, 2013 **approving initiation** of the Fine Arts Complex Tornado Repairs and Renovations project.

**Interim Approval Date:** June 4, 2013

**Project Initiation Date:** April 18, 2013?

**Design Professional:** Allred Architectural Group

**General Contractor:** TBD

**Project Budget:** \$4,664,516.57

**28. USM– Gulf Park - IHL 214-016 – Elizabeth Hall Storm Damage Repair**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$29,633.00 and seventy-two (72) additional days to the contract of Starks Contracting Company, Inc.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$0.00 and ten (10) additional days to the contract of Starks Contracting Company, Inc.

**Staff Approval Date:** (#1) June 3, 2013; (#2) July 25, 2013

**Change Order Justification:** **Change Order #2** is necessary to furnish all labor & materials to provide clear anodized class II in lieu of the originally specified painted finish for all aluminum storefront windows & door framing due to the existing window



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openings being approximately 1'-0" wider than indicated on plans, to provide new aluminum sill flashing at windows there was no existing flashing, and to add ten days to complete this work. **Change Order #3** is necessary to furnish all labor & materials to furr out and sheetrock the West wall of the production room to accommodate the installation of the Green Screen Cove Base system to include installing 3-5/8" metal stud framing with new 5/8" gypsum wallboard along the West wall over the existing masonry surface, installing 5/8" plywood nailer strips as required to attach the Green Screen Cove Base system to the new wall & installing a 6' wide section of Pro Matte III Virtual Green flooring in front of the Green Screen Cove Base.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$99,535.00.

**Project Initiation Date:** August 21, 2008

**Design Professional:** Klee Odom + Klee

**General Contractor:** Starks Contracting Company, Inc.

**Project Budget:** \$2,000,000.00

**29. USM– Gulf Coast - IHL 214-018 – Central Mechanical Plant Expansion**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$5,260.35 and zero (0) additional days to the contract of J. F. Pate and Associates Contractors, Inc.

**Staff Approval Date:** July 25, 2013

**Change Order Justification:** **Change Order #2** is necessary to furnish all labor, materials, equipment & services to add treated blocking covered with a prefinished metal cap to match other elevations in lieu of the top masonry wall being open, to lower the main chill water header in order to clear the existing coiling doors opening header/lintel construction and services needed to change the fan coil power to 120 volts.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$8,860.35.

**Project Initiation Date:** October 18, 2012

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**Design Professional:** Studio South Architects, PLLC

**General Contractor:** J. F. Pate and Associates Contractors, Inc.

**Project Budget:** \$1,500,000.00

**30. ERC– GS 111-049 – Road Improvements**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$5,867.33 and twenty (20) additional days to the contract of Southern Rock, LLC. 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 #5** in the **credit amount** of \$787.74 and zero (0) additional days to the contract of Southern Rock, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** (#1) June 10, 2013; (2) June 18, 2013

**Change Order Justification:** **Change Order #4** is necessary to deduct for deletion of concrete stairs at the maintenance building, deletion of the sidewalk at stations 21+00 to 22+80, and to add for over-excavation of one additional foot of depth, full width of road, and to replace with sand-clay gravel, underlain by Tensar TriAx TX-160 from stations 32+80 to 34+85, installation of four light fixtures and additional 15 days due to adverse weather conditions. **Change Order #5** is necessary to deduct for deletion of 50% of the budget for crepe myrtle trees, deletion of the concrete cap over the fiber optic line at station 34+75, to add for over-excavation of one additional foot of depth, full width of road, and replace with sand-clay gravel, underlain by Tensar TriAx TX-160 from stations 31+50 to 32+80, adjustments made to RCI-13 and RCI-14, installation of 6% lime stabilization mixed 6" deep from stations 27+50 to 31+50 full width of road, excavation of existing soil & installation of select fill above new 24" RCP between RCI-13 and RCI-14.

**Total Project Change Orders and Amount:** Five (5) change orders for a total amount of \$183,655.88.

**Project Initiation Date:** October 20, 2011

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

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**General Contractor:** Southern Rock, LLC

**Project Budget:** \$2,551,057.07

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**SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL**

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

Payment of legal fees for professional services rendered by Ware/Gasparian (statements dated 9/1/13) from the funds of Mississippi State University. (These statements, in the amounts of \$2,000.00 and \$1,500.00, represent services and expenses in connection with labor certifications.)

**TOTAL DUE.....\$ 3,500.00**

Payment of legal fees for professional services rendered by Evans Petree (statement dated 9/4/13) from the funds of the University of Mississippi. (This statement, in the amount of \$2,507.50, represents services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 2,507.50**

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell and Berkowitz (statement dated 9/6/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$399.00, represents services and expenses in connection with litigation matters.)

**TOTAL DUE.....\$ 399.00**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/26/13, 8/26/13 and 8/28/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,140.00, \$5,180.00 and \$1,280.00, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 10,600.00**

Payment of legal fees for professional services rendered by Jones Walker (statements dated 5/31/13, 6/27/13, 7/25/13 and 8/27/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,427.80, \$227.44, \$205.00 and \$389.50, respectively, represent services and expenses in connection with general legal advice.)

**TOTAL DUE.....\$ 7,249.44**

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Payment of legal fees for professional services rendered by Kitchens, Hardwick & Ray (statements dated 9/5/13, 9/5/13, 9/5/13 and 9/6/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$9,594.50, \$2,754.50, \$685.50 and \$3,184.50, respectively, represent services and expenses in connection with general legal advice and litigation matters.)

**TOTAL DUE.....\$ 16,219.00**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/7/13 and 8/15/13) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$4,907.00 and \$924.50, respectively, represent services and expenses in connection with general legal advice - J.L. Scott Marine Education Center.)

**TOTAL DUE.....\$ 5,831.50**

**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 8/22/13, 8/22/13, 8/22/13, 8/22/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13 and 9/12/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Esterification and Bio Oil Upgrading" - \$585.00; "Live Attenuated Catfish Vaccine" - \$1,905.50; "Srinivasan - Elusieve Processing CIP Application" - \$830.00; "Klink - Glycine Max Resistance" - \$42.50; "Fully Scalable Computer Architecture for Parallel Discrete Event" - \$1,070.00; "Live Attenuated Catfish Vaccine" - \$610.00; "Srinivasan - Elusieve Processing CIP Application" - \$42.50; "PCT Appl. for Thermal Transfer Mech. for Auger Pyrolysis" - \$42.50; "Klink - Glycine Max Resistance" - \$42.50; "Steele - Provisional-Upgrading of Bio-Oil Using Synthesis Gas" - \$87.50; "Esterification and Bio-Oil Upgrading" - \$200.00 and "Live Attenuated Catfish Vaccine" - \$229.50, respectively.)

**TOTAL DUE.....\$ 5,687.50**

Payment of legal fees for professional services rendered by Stites & Harbison (statement dated 8/19/13) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Enhancers of Paraoxanase 1 (PON1) Activity Toward Degrading Organophosphates" - \$630.00.)

**TOTAL DUE.....\$ 630.00**

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Payment of legal fees for professional services rendered by Hershkovitz & Associates (statement dated 9/5/13) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: "Highly Selective Sigma Receptor Ligands" - \$1,615.00.)

**TOTAL DUE.....\$ 1,615.00**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 8/19/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Gas Separating Membranes" - \$180.00; "Methods for Detecting Humans" - \$2,726.03 and "Methods for Detecting Humans" - \$261.66.)

**TOTAL DUE.....\$ 3,167.69**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/16/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13 and 7/15/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,360.90, \$528.00, \$3,251.30, \$346.10, \$91.50, \$132.90, \$434.00, \$443.50, \$71.00, \$78.00, \$350.00, \$2,091.00, \$4,167.58, \$713.00, \$913.00, \$839.10, \$431.50, \$3,999.50 and \$1,286.10, respectively, represent services and expenses in connection with intellectual property/patents.)

**TOTAL DUE.....\$ 23,527.98**

Payment of legal fees for professional services rendered by Watkins & Eager (statement dated 8/27/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$15,103.20, represents services and expenses in connection with intellectual property/patents.)

**TOTAL DUE.....\$ 15,103.20**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 7/12/13, 7/15/13, 7/23/13 and 7/26/13) 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" - \$1,827.50; "Lockhead - Oil Dispersant Patent" - \$1,277.50; "Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks" - \$4,837.50 and "Photocurable Thiol-Ene Gas Permeability Membranes" - \$1,050.00, respectively.)

**TOTAL DUE.....\$ 8,992.50**

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**1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL**

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

- a. **UM** - 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 September 25, 2013, the Commissioner approved the request for budget revisions to the Center for Manufacturing Excellence for the University of Mississippi. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the *October 17, 2013 Board Working File*.
- b. **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 September 25, 2013, the Commissioner approved the request for final revisions to the On Campus Budget, Gulf Coast Campus Budget, and Gulf Coast Research Lab Budget for Fiscal Year 2013 for the University of Southern Mississippi. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the *October 17, 2013 Board Working File*.
- c. **UM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On September 30, 2013, the Commissioner approved the request by the University of Mississippi to amend a lease agreement between The Board of Trustees of State Institutions of Higher Learning and The Tau House Corporation of Chi Omega Sorority (Lessee). This is a no-cost amendment that will allow Lessee to extend the northern property line of Lot 256 on the Oxford campus of UM by twenty (20) feet beyond the current lot line. Extending the property line will enable Lessee to construct an addition to the northeast corner of the present sorority house in order to house additional students. The current lease was executed in August 2009 and

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runs for a thirty (30) year term, expiring on or about July 31, 2039. The Executive Office legal staff have reviewed and approved the contract documents.

- d. **UMMC** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On September 30, 2013, the Commissioner approved the request for the University of Mississippi Medical Center to enter into a lease agreement with the Mississippi Fair Commission (Commission). The agreement is for the lease of booth space at the Mississippi State Fairgrounds during the 2013 Mississippi State Fair. The space will be used by UMMC to offer community health education and screenings to patrons of this year’s fair. The total cost of the agreement is \$1,300. The agreement will be funded by general funds. The Executive Office legal staff have reviewed and approved the contract documents.