

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
August 19, 2010**

**BE IT REMEMBERED**, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 10:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on December 3, 2009, to each and every member of said Board, said date being at least five days prior to this August 19, 2010 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. Ms. Robin J. Robinson was absent. The meeting was called to order by Dr. Bettye Neely, President, and opened with prayer by Dr. Stacy Davidson.

**ANNOUNCEMENT**

- ▶ President Bettye Neely welcomed the Student Government Association presidents: Mr. Corey Cooper – Alcorn State University, Miss Emily Hearn – Delta State University, Mr. Andross Milteer – Jackson State University, Mr. Thomas Sellers – Mississippi State University, Mr. Brandon Newsome – Mississippi University for Women, Miss Virginia Burke – University of Mississippi, and Miss Kasey Mitchell – University of Southern Mississippi.

**APPROVAL OF THE MINUTES**

On motion by Trustee Blakeslee, seconded by Trustee Pickering, with Trustees Robinson and Smith absent and not voting and Trustee Ross present and not voting, it was

**RESOLVED**, That the Minutes of the Board meetings held on June 16, 2010, June 22, 2010, June 25, 2010, and July 12, 2010, stand approved.

**PRESENTATION**

- ▶ The Board received a report on the Energy Management Efficiency measure. On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted to approve the three recommendations as follows: 1) Establish a goal to reduce both System and institution energy use per Square foot of Space by 30% by the end of 2015 using FY 2006 as the baseline year with progress measured at the end of each fiscal year, 2) Adopt a system-wide Sustainability Policy and 3) Adopt a system-wide approach to energy management.
- ▶ Commissioner Bounds thanked Dr. Jim Borsig, Trustee Ed Blakeslee, and the folks on the campuses who spent hours and hours compiling this report. President Neely thanked Trustee Blakeslee for taking charge of the efficiencies measures.

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**CONSENT AGENDA**

On motion by Trustee Patterson, seconded by Trustee Whitten, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted in the affirmative, therefore, it was

**RESOLVED**, That the Board hereby approved the following Consent Agenda.

**BUDGET, FINANCE AND AUDIT**

1. **UMMC** - Approved the request to enter into a professional service agreement with BKD, LLP for tax and advisory services. The length of the contract is for two months - August 20, 2010 - October 19, 2010. Fees will be billed based on hourly rates stipulated in the engagement letter. Payment will be issued on actual hours worked. UMMC is seeking refunds on a total of eight (8) years. It is anticipated that the total fees *per claim year* will not exceed \$50,000. The total for the contract period shall not exceed \$425,000. Of this total, \$25,000 is included for administrative and travel costs. The contract will initially be funded by general funds; however, the refunds received will ultimately fund the engagement. Refunds anticipated are in excess of \$5 million. A copy of the contract which has been reviewed and approved by the Attorney General's Office is included in the *August 19, 2010 Board Working File*.
2. **UMMC** - Approved the request to enter into a lease agreement with Beckman Coulter, Inc. for diagnostic testing equipment. The length of the contract is five years – September 1, 2010 to August 31, 2015. The minimum monthly purchase amount for consumables (test kits and supplies) is \$15,000 for a total cost over the five-year agreement period of \$900,000. Projected revenue, as a result of diagnostic testing using the equipment, is estimated at \$400,000 per year of \$2 million for five years. This projection is based on previous patient volume for these types of tests. The contract will be funded by hospital patient revenue. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *August 19, 2010 Board Working File*.
3. **UMMC** - Approved the request to enter into a purchase agreement with the Mississippi Department of Information Technology Services acting as UMMC's contracting agent and Carousel Industries of North America, Inc. to upgrade the existing telephone system. The length of the contract is three years – October 1, 2010 to September 30, 2013. The total cost for the entire contract period is \$831,154.05 which includes equipment and software costs of \$343,909.05 and support costs of \$487,245. The contract will be funded by General Funds. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *August 19, 2010 Board Working File*.
4. **UMMC** - Approved the 42<sup>nd</sup> amendment to the lease with Jackson Medical Mall Foundation to lease 37,775 square feet of space to be used by the UMMC Division of Information Systems (DIS) for consolidated office space. The contract length is ten years – December 1, 2010 to November 30, 2020. The cost per square foot is \$24.87. The monthly rental cost is \$78,288.69, and the total for the lease period of \$9,395,065. The agreement will be funded by interest income. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *August 19, 2010 Board Working File*.

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5. **UMMC** - Approved the request to enter into a lease agreement with Mobile Medic Ambulance Services, Inc. d/b/a American Medical Response for emergency transportation services. The contract length is three years – September 1, 2010 to August 31, 2013. The total cost of the contract is estimated at \$748,308. A breakdown of the contract costs are included in the *August 19, 2010 Board Working File*. The contract will be funded by patient revenues. A copy of the contract which has been reviewed and approved by the Attorney General’s Office is included in the *August 19, 2010 Board Working File*.
6. **UMMC** - Approved the request to enter into a transplant center participation agreement with National Marrow Donor Programs (NMDP) for bone marrow transplant services. The contract length is five years – October 1, 2010 to September 30, 2015. The total estimated cost for the contract period is \$2,892,131. These costs are based on transplants for 16 patients per year and also include an allowance for a cost increase of 8% per year. In addition, the total includes \$45,000 for research costs associated with finding a suitable donor, even if the patient never has the transplant. The contract will be funded by patient revenues. A copy of the contract which has been reviewed and approved by the Attorney General’s Office is included in the *August 19, 2010 Board Working File*.
7. **USM** - Approved the request to enter into a contract with All Brand Foods Company, inc. (ABF) to provide snack vending services to the student, faculty, staff, alumni and visitors to the USM campus. The length of the contract is five years – October 1, 2010 to September 30, 2015. This agreement has an option to renew for three additional one-year terms by mutual agreement in writing. USM will receive a commission rate of 32% on all vending sales. USM estimates realized revenues of \$255,360 based upon a five-year sales volume of \$798,000. This amount will fluctuate as the revenue is based on the amount of product sold, which will change based upon such factors as enrollment, attendance at games, etc. The current contract ending on September 30<sup>th</sup> pays a commission rate of 30% to USM and was generating a total of \$47,100 per year on average. A copy of the contract which has been reviewed and approved by the Attorney General’s Office is included in the *August 19, 2010 Board Working File*.
8. **USM** - Approved the request to enter into a lease agreement with Lockheed Martin Corporation (LM) to sublet space located at the NASA Stennis Space Center. The length of the lease agreement is three years – September 1, 2010 to August 31, 2013. USM will pay fluctuating monthly base rental rates over the life of the agreement for a total of \$239,912.76 over the three years. In addition, USM will pay LM “Per Person” and “Infrastructure” fees of approximately \$11,030 annually. These fees are passed through to NASA for security and badge costs. Total costs for the three-year contract period are \$273,003. This contract will be funded by externally funded sponsored programs, i.e. contract or grant. A copy of the contract which has been reviewed and approved by the Attorney General’s Office is included in the *August 19, 2010 Board Working File*.

**REAL ESTATE**

9. **ASU** - Approved the initiation of **GS 101-285, Natural Gas Pipeline**, and the appointment of Atherton Consulting Engineers as the design professionals. The pipeline will run approximately 17 miles from Port Gibson, MS along Highway 552 to the ASU campus in Lorman. The project budget is estimated to be \$3,275,000. Funds are available from HB 1701, Laws of 2010 (\$3,275,000).
10. **DSU** - Approved the initiation of **GS 102-237, Caylor/White-Walters Renovation Phase III**, and the appointment of Architecture South as the design professionals. This project will provide for the

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- construction of 12 laboratories with prep rooms and a new chemical storage building along with replacement of existing mechanical and fire alarm systems. The project budget is estimated to be \$6 million. Funds are available from HB 1701, Laws of 2010 (\$6 million).
11. **UMMC** - Approved the initiation of **IHL 209-537, Parking Garage C**, and the request to proceed with the dual phase design-build private financing delivery method for this project pursuant to *Miss Code Ann.*, 37-101-41 and Board Policy 907 Private Financing of Auxiliary Facilities. The Board approved the location of the parking garage, the advertising requirements for this project, and the evaluation criteria for the selection of the short list of development teams to participate in phase two of the selection process. Additionally, the Board approved UMMC's request for the Board to find on its minutes that using the dual phase design-build process for this project satisfies the public need better than the traditional design-bid-build method because, in this instance, this process is projected to save time and costs over traditional methods. This project is privately financed through the dual phase design-build financing method with a revenue stream from parking fees from university staff, faculty, students, contractors, vendors, and adjoining medical facilities to cover the lease payments.
  12. **UM** - Approved the request to change the scope as well as increase the project budget for **GS 107-303, Various Roofing Replacements**, from \$1 million to \$1.5 million for an increase in the amount of \$500,000. Excess funds are being transferred from two other Bureau of Building projects to this project to assist in replacing various roofs on the university campus. Funds are available from HB 1722, Laws of 2009 (\$974,707.47); SB 2010, Laws of 2004 (\$88,000); HB 246, Laws of 2007 (\$100,000); and internal R&R funds (\$337,292.53).
  13. **MSU** - Approved the request to increase the budget for **IHL 205-234, MSU Research and Technology Park Road**, from \$2,460,000 to \$5,160,000 for an increase in the amount of \$2,700,000. The escalation is needed due to the latest design development estimate of cost that will be paid for with additional federal funds. The project will construct a new entrance road from Highway 182 East to the existing Research Park. Funds are available from MDOT (\$2,460,000) and U.S. Department of Commerce, National Institute of Standards and Technology (\$2,700,000).
  14. **UMMC** - Approved the request to change the scope as well as increase the project budget for **IHL 209-532, Cardiovascular Renovations**, from \$15,682,052 to \$17,182,052 for an increase in the amount of \$1.5 million. The change in scope will include the addition of a third floor to the original structure to provide much needed modular areas (6,900 gsf) that can be utilized by clinical activities. Funds are available from hospital patient revenue (\$17,182,052).
  15. **UMMC** - Approved the request to change the scope as well as increase the project budget for **IHL 209-535, Learning Resources Renovations 2010**, from \$2 million to \$2,850,000 for an increase in the amount of \$850,000. The project will reconfigure existing Learning Resources Library spaces to create student interaction areas and Administrative office areas. The escalation in project budget is necessary to address the change in scope in order to allow for the renovation of existing office areas so that these administrative functions can be relocated from across campus and consolidated in a defined location for greater support and efficiency. Funds are available from interest income (\$142,000) and from MCEBC bond funds (\$2,708,000).
  16. **ASU** - Approved the naming/dedication of the new student housing complex to The Medgar Wiley Evers Heritage Village. The new student housing complex includes four housing units plus an amenities building featuring a convenience store, fitness center, computer labs and leasing offices. The new complex is scheduled to open in the fall of 2010 and will replace 1002 beds.

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17. **ASU** - Approved the naming of the Academic Student Support Center to the Dr. Newtie J. Boyd Academic Student Support Center. The Center provides students with comprehensive academic advising and social development that maximizes their chances of success upon entry into a program of study in a selected academic department.
18. **MSU** - Approved the request to swap approximately 1.895 acres of property with the Oktibbeha County Economic Development Authority to enable the university to construct the new Research Park road entirely on university property. Two independent property appraisals were performed for the two individual parcels of land and indicate that the property values are the same. One appraisal stated the value of each parcel of land as \$200,000 while the second appraisal state it as \$220,000. Both parcels of land appraised equally for an average of \$210,000. The Attorney General's Office has reviewed and approved all documentation related to this item.
19. **UM** - Approved the request to sole source the mechanical controls for **IHL 207-329, Triplett Alumni Center Renovation - Sole Source**. The Triplett Alumni Center is being renovated due to a major water line burst. The construction cost of the renovation associated with the water line burst is \$1,036,600. The original building had a mechanical system and controls by Andover. The repairs and renovations to the building included a new mechanical system. However, the Triplett Center abuts the old part of the Inn at Ole Miss. The old part of the Inn at Ole Miss was not damaged by water, but the Triplett Alumni Center was damaged. The new Triplett mechanical unit will be part of the existing system which is controlled by Andover equipment. The mechanical engineer specified Andover controls on the new mechanical unit to operate seamlessly with the existing controls that were not impacted by the water line burst.
20. **USM** - Approved the request to sell the property known as "The Old Albertson's Building" to CCM Capital Assets, LLC. Sale of the property was authorized in SB 3031, Laws of 2008 and The Bureau of Building, Grounds, and Real Property Management delegated authority to advertise for the sale of the property on April 22, 2008. The Bureau of Building, Grounds, and Real Property has reviewed the advertisements, appraisals, and the sale agreement and has concurred with their adequacy. Two independent appraisals were performed (one for \$1,500,000 and one for \$1,550,000) with an average appraisal value of \$1,525,000. The property was publicly advertised and two proposals were received, both of which were less than the average of the two appraisals. Negotiations were entered with the high proposer (CCM Capital Assets, LLC), resulting in a sale price of \$1,555,000 which is \$30,000 above the average of the two appraisals. The Attorney General's Office has reviewed and approved all documentation related to this item.

**LEGAL**

21. **MSU** - Pending approval by the Attorney General's Office, the Board approved the request to hire Cara Baer, Hemant Gupta, Johnny Healy, Barry Cannada, Ben Roberson, Bob Morris, Ryane O'Beirne and Lane Belisimo with the Butler Snow law firm as outside counsel to work on intellectual property and commercial matters. The contract will be for one year. The hourly rate to be charged will be \$225 per hour for intellectual property services, \$215 per hour for commercial services and \$85 per hour for paralegals. The total amount payable under the contract will not exceed \$50,000.
22. **System** - Approved the proposed Inter-Agency Agreement between IHL and the Attorney General's Office for the provision of legal services for FY 2011. The agreement is for one year beginning July 1, 2010, with a total contract amount of \$355,596.19. It provides, among other things, for three full-

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time attorneys to assist IHL with legal matters. Other than the dollar amounts and the number of attorneys decreasing, the other provisions have not changed from the last such agreement for FY 2010. A copy of the agreement is included in the bound *August 19, 2010 Board Working File*.

23. **System** - Approved for final reading the proposed amendments to Board Policy 701.07 Depository Policy. **(See Exhibit 1.)**
24. **System** - Approved for final reading the proposed amendments to Board Policy 1201.01 The Law. **(See Exhibit 1.)**
25. **System** - Approved for final reading the proposed deletion of Board Policy 1201.0101 Board Members. **(See Exhibit 1.)**
26. **System** - Approved for final reading the proposed deletion of Board Policy 1201.0102 Executive Officers and Personnel. **(See Exhibit 1.)**
27. **System** - Approved for final reading the proposed amendments to Board Policy 1201.0103 Bids for Depository Contracts. **(See Exhibit 1.)**
28. **System** - Approved for final reading the deletion of Board Policy 1201.0104 Decorum. **(See Exhibit 1.)**
29. **System** - Approved for final reading the deletion of Board Policy 1201.0105 Individual Responsibilities. **(See Exhibit 1.)**
30. **System** - Approved for final reading the proposed amendments to Board Policy 1201.02 Board Member Responsibility Guidelines. **(See Exhibit 1.)**

31. **PERSONNEL REPORT**

**EMPLOYMENT**

**Alcorn State University**  
Carr, Robert Z.

**IHL Executive Office**  
Gillespie, Van

**Jackson State University**  
Thomas, Michael  
Walker, Robert

**Mississippi Valley State University**  
Khanna, Hareshnarayan

**University of Mississippi**  
Gershon, Ira R.  
Rock, David

***Multi-Year Contracts***

**Mississippi State University - Athletics**  
Ginger Brown Lemm; Women's Head Golf Coach, Athletics; salary of \$75,000 per annum, pro rata; Auxiliary Funds; effective September 1, 2010 to August 31, 2014

**University of Mississippi - Athletics**  
Matthew Mott; Head Women's Soccer Coach; salary of \$100,000 per annum pro rata; Auxiliary Funds; effective May 17, 2010 to May 16, 2014

**University of Southern Mississippi - Athletics**  
Grady Brown; Assistant Football Coach, Intercollegiate Athletics; salary of \$95,000 per annum, pro rata; Auxiliary Funds; effective July 6, 2010 through March 31, 2012

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***Rehired retirees making more than \$20,000 who will not be on employment contracts during Fiscal Year 2010***

**Mississippi State University**

Betty Purvis; *former position:* Business Manager; *re-employment position:* Intermittent Worker/Business Manager; re-employment period April 1, 2010 to June 30, 2010; salary of \$26,137

Mark White; *former position:* Professor; *re-employment position:* Research Professor; re-employment period April 1, 2010 to June 30, 2010; salary of \$87,232

Susan Moore; *former position:* Pet Program Manager; *employment position:* Intermittent Worker/Pet Program Manager; *re-employment period:* April 1, 2010 to June 30, 2010; salary of \$35,075

***Rehired retirees making more than \$20,000 who will not be on employment contracts during Fiscal Year 2011***

**Delta State University**

Ann Harland Webster; *former position:* Assistant Professor of Ed Leadership, Univ. of MS; *re-employment position:* Director of Delta Project/Adjunct Instructor; re-employment period – Fiscal Year 2011; salary of \$45,000 per annum

Gerry Sultan; *former position:* Director, Delta Area Writing Project/World Class Teaching Program; *re-employment position:* Director, Delta Area Writing Project/World Class Teaching Program; re-employment period – Fiscal Year 2011; salary of \$35,494 per annum

Bill Lester; *former position:* Chair, Department of Art and Professor; *re-employment position:* Professor of Art (part-time); re-employment period – September 1, 2010 – May 31, 2011; salary of \$35,768 per annum, pro rata

James Robinson; *former position:* Professor of History; *re-employment position:* Professor of History (part-time); re-employment September 1, 2010 – May 31, 2011; salary of \$33,350 per annum, pro rata

Mark Routman; *former position:* Professor of Sociology; *re-employment position:* Professor of Sociology (part-time); re-employment September 1, 2010 – May 31, 2011; salary of \$28,193 per annum, pro rata

Dr. Kent Wyatt; *former position:* President; *re-employment position:* President Emeritus; re-employment period - Fiscal Year 2011; salary of \$59,000 per annum

A.C. Prewitt; *former position:* Assistant Director of Physical Plant; *re-employment position:* Facilities Engineer; re-employment period - Fiscal Year 2011; salary of \$22,604 per annum

Henry Outlaw; *former position:* Chair and Professor of Biological and Physical Sciences; *re-employment position:* Developmental Officer for Arts and Sciences; re-employment period - Fiscal Year 2011; salary of \$40,000 per annum

Susan P. Berryhill; *former position:* Classroom Teacher, Booker T. Washington Elementary School; *re-employment position:* Literacy Instruction/Clinic Coordinator; Adjunct Instructor; re-employment period – FY2011; salary of \$35,000 per annum

Linda Ross; *former position:* Director of the H.L. Nowell Union; *re-employment position:* Director of the H.L. Nowell Union; re-employment period - Fiscal Year 2011; salary of \$20,000 per annum

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**Jackson State University**

Ruby Richardson; *former position:* Administrative Assistant, Office of the Provost; *new position:* Administrative Assistant (temporary part time), Office of the Provost; re-employment period August 16, 2010 through June 30, 2011; salary of \$25,310 per annum, pro rata

**Mississippi State University**

*(All listed are for the re-employment period July 1, 2010 to June 30, 2011)*

Doris Sagely; *former position:* Administrative Assistant I; *re-employment position:* Administrative Assistant; salary of \$41,600 per annum

Peggy Childers; *former position:* Business Manager; *re-employment position:* Accountant; salary of \$22,360 per annum

Janos Radvanyi; *former position:* Director, Center for International Security and Strategic Studies; *re-employment position:* Director; salary of \$92,063 per annum

Elborn Jones; *former position:* Professor; *re-employment position:* Lecturer; salary of \$57,156 per annum

Olin Norton; *former position:* Associate Professor; *re-employment position:* Intermittent/Associate Professor; salary of \$42,467 per annum

Richard Forbes; *former position:* Professor; *re-employment position:* Research Professor; salary of \$52,500 per annum

Larry Brown; *former position:* Professor; *re-employment position:* Lecturer; salary of \$30,531 per annum

Clayborne Taylor, Sr.; *former position:* Dean; *re-employment position:* Lecturer; salary of \$32,000 per annum

Cathy Grace; *former position:* Director; *re-employment position:* Director; salary of \$54,528 per annum

Linda Graves; *former position:* Business Operation Administrator; *re-employment position:* Business Manager; salary of \$33,704 per annum

Linda Southward; *former position:* Research Professor; *re-employment position:* Research Professor; salary of \$50,715 per annum

Michael Lightsey; *former position:* Operations Coordinator; *re-employment position:* Special Project Coordinator; salary of \$41,578 per annum

David McMillen; *former position:* Professor; *re-employment position:* Research Professor; salary of \$46,210 per annum

Franklin Engels; *former position:* Professor; *re-employment position:* Professor Emeritus; salary of \$104,000 per annum

Wolfgang Frese; *former position:* Professor; *re-employment position:* Research Professor; salary of \$56,574 per annum

Robert Williams; *former position:* State Program Leader; *re-employment position:* Project Coordinator; salary of \$42,000 per annum

Ester Howard; *former position:* Department Head and Professor; *re-employment position:* Associate Director; salary of \$32,100 per annum

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**CHANGE OF STATUS**

**Delta State University**

Hankins, Paul Henry

Moon, Beverly M.

**Jackson State University**

Brown, Willie

Buchanan, Debra

Maddirala, James

Okojie, Felix

Williams, Quinton L.

**Mississippi State University**

Hopper, George

**University of Mississippi**

Morgan, Joseph

Willis, Russell

***Extension of Multi-Year Contracts***

**Mississippi State University - Athletics**

Louis Clay Homan; Men's Head Golf Coach, Athletics; *from* contract period of July 1, 2007 to June 30, 2012; salary of \$74,403 per annum, pro rata; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through June 30, 2012; no change in salary

**University of Mississippi - Athletics**

Mark Beyers; Head Women's Tennis Coach; Athletics; *from* contract period of July 01, 2009 to June 30, 2011; salary of \$97,000 per annum, pro rata; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through June 30, 2014; no change in salary

Michael F. Bianco; Head Men's Baseball Coach; Athletics; *from* contract period of July 01, 2009 to June 30, 2013; salary of \$160,000 per annum, pro rata; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through June 30, 2014; no change in salary

James T. Boone; Director of Intercollegiate Athletics; Athletics; *from* contract period of July 1, 2008 to June 30, 2012; salary of \$429,287 per annum, pro rata; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through June 30, 2014; no change in salary

William L. Chadwick; Director of Tennis Facilities and Head Men's Tennis Coach; *from* contract period of July 01, 2009 to June 30, 2013; salary of \$157,500; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through June 30, 2014; no change in salary

Sharon M. Drinkard; Head Women's Golf Coach; *from* contract period of July 01, 2009 to June 30, 2014; salary of \$102,000 per annum, pro rata; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through June 30, 2014; no change in salary

**University of Southern Mississippi - Athletics**

Herbert Larry Fedora; Head Football Coach, Intercollegiate Athletics; *from* contract period of December 11, 2007 to December 10, 2012; salary of \$650,000 per annum pro rata; Auxiliary Funds; *to*, effective July 1, 2010, contract extension through December 10, 2013; salary of \$685,000 per annum, pro rata; Auxiliary Funds

Richard Giannini; Director of Athletics, Intercollegiate Athletics; *from* contract period July 1, 2008 through June 30, 2012; \$298,000 per annum, pro rata; (\$246,148-Auxiliary Funds and \$51,852-Foundation); *to*, effective July 1, 2010, one-year contract extension to June 30, 2013; no change in salary

**EMERITA/EMERITUS STATUS**

**Mississippi State University**

Mixon, Melissa P.

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**TENURE AND PROMOTION**

*(Revisions applicable to 2010-2011, effective August 15, 2010)*

**Jackson State University**

Robert Blaine, Associate Professor promoted to Professor, Department of Music

**Mississippi Valley State University**

*(This item was inadvertently left off the June 2010 Personnel Agenda)*

Peter Nwanko, Assistant Professor promoted to Associate Professor, Department of Criminal Justice

**University of Mississippi**

*(UM submitted a revised listing for Tenure on May 26, 2010 to be included in the June 2010 Personnel Agenda. The following item was inadvertently left off the Personnel Agenda and should have been included.)*

Marco Cavaglia, Assistant Professor promoted to Associate Professor, Department of Physics and Astronomy

**BUDGET, FINANCE & AUDIT AGENDA**

Presented by Mr. Bob Owens, Chair

On motion by Trustee Owens, seconded by Trustee Blakeslee, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted in the affirmative, therefore, it was

**RESOLVED**, That the Board hereby approved agenda item #1 as submitted on the Budget, Finance & Audit Agenda. Agenda item #2 was approved on a separate motion by Trustee Owens, seconded by Trustee Davidson, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted in the affirmative.

1. **UMMC** - Approved the request to enter into a license and support agreement with Epic Systems Corporation to replace the current hospital information system and several department systems. The current array of systems does not allow for creation of integrated medical records. The length of the agreement is five years – August 23, 2010 to August 22, 2015. The total cost for the contract period is \$36,852,370. A more detailed cost breakdown is included in the bound *August 19, 2010 Board Working File*. The contract will be funded by patient revenues. Approximately \$20 million of these costs will be offset by the university's application and receipt of American Recovery and Reinvestment Act (ARRA) funding earmarked for electronic medical records if required milestones are achieved by July 2013. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is included in the *August 19, 2010 Board Working File*.
2. **System** - Approved the proposed changes shown below to FY 2012 funding priorities. The original funding priorities were approved at the June 2010 meeting and were based on two percent inflation on all budgets.
  - a. **UM Center for Manufacturing Excellence (CME)** - to change the funding amount to reflect the recent restarting of construction of the Toyota plant in north Mississippi. UM CME

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reports that twenty-two (22) students have been accepted in the program with an additional five (5) qualified applicants pending accommodations. The Board approved the request of FY 2012 funding priorities of \$2 million.

- b. **UMMC** - increase the FY 2012 funding priorities to reflect flow-through funds of the Medicaid Transfer program. The Medicaid Transfer Program is tied to patient volume. As a result, UMMC anticipates an additional \$15,474,566 in Medicaid Transfer for FY 2012. The Board approved the request for FY 2012 funding priorities be increased by \$15,474,566 in addition to the two percent inflation approved in June.

**REAL ESTATE AGENDA**

Presented by Dr. Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Blakeslee, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted in the affirmative, therefore, it was

**RESOLVED**, That the Board hereby approved agenda item #1 as submitted on the following Real Estate Agenda. **Agenda item #2 was pulled from the agenda for further review.**

1. **MSU** - Approved the initiation of **IHL 205-247, MSU Parking Garage**, and the appointment of Belinda Stewart Architects as the design professionals. The project will build a parking garage with approximately 1,250 spaces on a site bordered the west by George Perry Blvd. And on the north by Barr Avenue. The total project budget is \$25,300,000. Funds are available from MSU EBC bonds (\$25,300,000).
2. **System** - Request approval of the Facility Needs for the 2011 Legislative Session. A copy of the prioritized funding needs is included in the bound *August 19, 2010 Board Working File*. **(This item was pulled from the agenda for further review.)**

**LEGAL AGENDA**

Presented by Mr. Alan Perry, Chair

On motion by Trustee Whitten, seconded by Trustee Owens, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted in the affirmative, therefore, it was

**RESOLVED**, That the Board hereby approved agenda item #1 as submitted on the following Legal Agenda. On motion by Trustee Whitten, seconded by Trustee Pickering, with Trustees Robinson absent and not voting, Trustee Ross present and not voting, and Trustee Smith participating by telephone, all Trustees legally present and participating voted to add and approve agenda item #2.

1. **System** - Approved the proposed amendments to Board Policy 301.0804 Records and waived the requirement that this policy change be approved for first reading, and for final reading at a subsequent meeting of the Board. **(See Exhibit 2.)**

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2. **UMMC** - Approved the request to hire Christy Jones, Mark Garriga, Donna Jacobs, Paul Davis, Rod Richmond, and any other attorneys with the firm of Butler, Snow, O’Mara, Stevens and Cannada that may become necessary in the defense of the case styled as *Jackson HMA, LLC, et al. v. Mississippi State Department of Health and the University of Mississippi Medical Center*; Cause #G2010-1337-0/3 in the Hinds County Chancery Court, as outside counsel to represent UMMC’s and the Board’s interests in such action. The hourly rate to be charged will be a blended hourly rate for attorneys in the amount of \$215, and an hourly rate of \$85 for legal assistants. The Attorney General has approved this request.

**INFORMATION AGENDA**

Presented by Dr. Hank M. Bounds, Commissioner

**ACADEMIC AFFAIRS**

1. **System** - Annual Report on Faculty Tenure. In 2003-2004, IHL institutions hired 161 tenure track faculty members. During the 2009-2010 academic year, 89 (55%) were awarded tenure from the 2003-2004 cohort. A detailed breakdown by institution is included in the bound *August 19, 2010 Board Working File*.
2. **System** - Annual Report on Post-Tenure Review. In 2009–2010, 99% of full-time faculty received an annual evaluation. Thirty-three faculty members were triggered for a post tenure review. One faculty member is participating in a faculty development plan and one faculty member successfully completed a faculty development plan. A detailed breakdown by institution is included in the bound *August 19, 2010 Board Working File*.
3. **System** - Commissioner’s Notification of Approval. In accordance with Board Policy 510 Awarding of Degrees, the Commissioner granted Mississippi State University and Mississippi University for Women approval in July to award degrees in August 2010 at the levels below, provided each candidate has met all degree requirements.

Institution	Degree to be Conferred	Number	Subtotal	Total	
<b>Mississippi State University</b>					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Science	27			
	Master of Landscape Architecture	2			
	Master of Science	25			
	Doctor of Philosophy	7			
			61		
	<i>College of Architecture, Art, and Design</i>				
	Bachelor of Fine Arts	3			
	Bachelor of Science	5			
			8		
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	49			
	Bachelor of Science	71			

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<b>Institution</b>	<b>Degree to be Conferred</b>	<b>Number</b>	<b>Subtotal</b>	<b>Total</b>	
	Master of Arts	7			
	Master of Public Policy and Administration	3			
	Master of Science	126			
	Doctor of Philosophy	2			
			258		
<b><i>College of Business</i></b>					
	Bachelor of Business Administration	84			
	Master of Business Administration	38			
	Master of Science Information Systems	3			
	Doctor of Philosophy	2			
			127		
<b><i>College of Education</i></b>					
	Bachelor of Science	42			
	Master of Arts in Teaching	2			
	Master of Arts in Teaching Secondary	8			
	Master of Science	51			
	Master of Science Instructional Technology	2			
	Educational Specialist	14			
	Doctor of Education	1			
	Doctor of Philosophy	10			
			130		
<b><i>College of Engineering</i></b>					
	Bachelor of Science	25			
	Master of Science	31			
	Master of Engineering	1			
	Doctor of Philosophy	12			
			69		
<b><i>College of Forest Resources</i></b>					
	Bachelor of Science	1			
	Master of Science	11			
	Doctor of Philosophy	2			
			14		
<b><i>College of Veterinary Medicine</i></b>					
	Master of Science	5			
	Doctor of Philosophy	2			
			7		
<b><i>School of Accountancy</i></b>					
	Bachelor of Accountancy	15			
	Master of Professional Accountancy	5			
			20		
				<b>694</b>	

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Institution	Degree to be Conferred	Number	Subtotal	Total	
<b>Mississippi University for Women</b>					
<i>Undergraduate</i>					
	Associate of Science in Nursing	1			
	Bachelor of Arts	11			
	Bachelor of Fine Arts	1			
	Bachelor of Science	54			
	Bachelor of Science in Nursing	48			
			115		
<i>Graduate</i>					
	Master of Art in Teaching	3			
	Master of Education	6			
	Master of Science	4			
	Master of Science in Nursing	39			
			52		
				167	
<b>System Total</b>					
					<b>861</b>

**REAL ESTATE**

4. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the June 16, 2010 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 3.)

**LEGAL**

5. **System** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 4.)

**ADMINISTRATION/POLICY**

6. **System** - In compliance with Board policy, the following items have been approved by the Commissioner on behalf of the Board:
- a. **ASU** – On August 9, 2010, approval was granted to amend the agreement with Claiborne National Gas, Inc to extend the term of the original agreement for an additional one-year period from August 31, 2010 and to reduce the transportation rate from \$4.67 to \$4.57 per MMBtu.
  - b. **ASU** – On August 9, 2010, approval was granted to amend the agreement with Mississippi River Gas, LLC to extend the term of the original agreement with Mississippi River Gas, from August 21, 2011 and reduce the transportation rate from \$4.95 to \$4.45 per MMBtu.
  - c. **MSU** - On August 2, 2010, approval was granted to enter into a one-year lease with the United States of America to allow USA to use 4,164 square feet of Greenhouse space located on the MSU Delta Branch Experiment Station located in Stoneville, Mississippi.
  - d. **MSU** - On August 2, 2010, approval was granted to enter into a one-year lease with B. Bryan Farms, Incorporated (BBF) for the purpose of securing agricultural production rights on 371 acres of BBF property in West Point, Mississippi.

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- e. **UM** - On July 21, 2010 approval was granted from the 2010-2011 Traffic and Parking Regulation in accordance with Body Policy 1107 Enactment of Traffic Rule and Regulations.
- f. **USM** - On July 21, 2010, approval was granted for the 2010-2011 Traffic Rules and Regulations in accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations.
- g. **SYSTEM** – Approval was granted for the Quarterly Employment Reports according to Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.

**ANNOUNCEMENTS**

- ▶ Commissioner Bounds announced the following IHL staff changes: Dr. Darrin Web is the new State Economist, Ms. Caron Blanton is the new Director of Communications, and Dr. Susan Lee is the new Director of Academic Affairs.
- ▶ The annual Board Retreat is scheduled for September 15-17, 2010 at Bonne Terre in Nesbit, MS.
- ▶ The listening session for the Alcorn State University presidential search will take place on university campus on August 31, 2010. The listening session for the Jackson State University presidential search will take place on the university campus on September 2.
- ▶ The Legislative Budget Office Hearing is set for September 21 at 3:35 p.m.
- ▶ The Summit on the oil spill will be held on September 23, 2010 at the Gulf Coast Convention Center.

**EFFICIENCIES TASK FORCE REPORT**

Monday, August 9, 2010

The Task Force was brought to order at approximately 10:00 a.m. by Chairman Ed Blakeslee. The following items were discussed/voted upon:

1. The Task Force received a draft report on the Energy Management Efficiency. On motion by Trustee Patterson, seconded by Trustee Perry, with Trustee Whitten absent and not voting, the Task Force approved the following recommendations as stated in the report: 1) Establish a goal to reduce both System and institution energy use per Square foot of Space by 30% by the end of 2015 using FY 2006 as the baseline year with progress measured at the end of each fiscal year, 2) Adopt a system-wide Sustainability Policy and 3) Adopt a system-wide approach to energy management.
2. The Task Force received updates on the following efficiencies: Back Office Operations, Space Inventory, and Reverse Auction.
3. On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustee Whitten absent and not voting, the Task Force members voted to adjourn the meeting.

Task Force members participating in the meeting were: Mr. Ed Blakeslee (Chair), Mr. Aubrey Patterson, Mr. Alan Perry, Ms. Christy Pickering and Ms. Amy Whitten (by telephone).

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**EXECUTIVE SESSION**

On motion by Trustee Perry, with Trustees Robinson, Ross and Smith absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Whitten, seconded by Patterson, with Trustees Robinson, Ross and Smith absent and not voting, the Board **voted to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of a potential litigation matter at the University of Mississippi Medical Center,  
Discussion of a litigation matter at the University of Mississippi Medical Center,  
Discussion of a potential litigation matter at the University of Southern Mississippi,  
Discussion of a personnel matter at Jackson State University and  
Discussion of a personnel matter at Alcorn State University.

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

The Board discussed a potential litigation matter at the University of Mississippi Medical Center. **Not action was taken.**

The Board discussed a litigation matter at the University of Mississippi Medical Center. **No action was taken.**

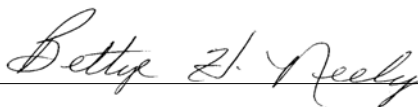
The Board discussed a personnel matter at Jackson State University. **No action was taken.**

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

**On motion by Trustee Perry, seconded by Trustee Pickering, with Trustees Robinson, Ross and Smith absent and not voting, the Board voted to return to Open Session.**

**ADJOURNMENT**

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Pickering, with Trustees Robinson, Ross and Smith absent and not voting, the Board members voted to adjourn the meeting.



\_\_\_\_\_  
President, Board of Trustees of State Institutions of Higher Learning



\_\_\_\_\_  
Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF  
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**EXHIBITS**

- Exhibit 1                      Proposed amendments or deletions of the following policies for final reading:
- ▶ Amend - Board Policy 701.07 Depository Policy,
  - ▶ Amend - Board Policy 1201.01 The Law,
  - ▶ Delete - Board Policy 1201.0101 Board Members,
  - ▶ Delete - Board Policy 1201.0102 Executive Officers and Personnel,
  - ▶ Amend - Board Policy 1201.0103 Bids for Depository Contracts,
  - ▶ Delete - Board Policy 1201.0104 Decorum,
  - ▶ Delete - Board Policy 1201.0105 Individual Responsibilities, and
  - ▶ Amend - Board Policy 1201.02 Board Member Responsibility Guidelines.
- Exhibit 2                      Proposed amendments to Board Policy 301.0804 Records for final reading.
- Exhibit 3                      Real Estate items that were approved by the IHL Board staff subsequent to the June 16, 2010 Board meeting.
- Exhibit 4                      Report of the payment of legal fees to outside counsel.

# EXHIBIT 1

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Approved the proposed amendments and deletions of the following Board Policies.

## 701.07 DEPOSITORY POLICY

The state institutions of higher learning and the State Department of Public Welfare, after receiving the written approval of the State Fiscal Officer as provided in §7-9-41, shall select and make a contract with some bank to serve as depository for institutional funds. The contract shall be for two and one-half years.

Miss. Code Ann., §7-9-43, as amended.

~~Funds may only be deposited in depositories approved by the Board.~~ If the depository is not a participant in the state collateral pool, the institution shall monitor the collateralization of deposits by the depository to ensure compliance with state statutes.

## 1201.01 THE LAW

The Board of Trustees of State Institutions of Higher Learning, as well as all officers and employees of the Board, shall abide by the state ethics statutes, as set out in Miss. Code Ann. §25-4-101, et. seq. (1972), as amended.

~~The Board of Trustees of Institutions of Higher Learning recognizes that the integrity of Board members, staff, Institutional Executive Officers and employees in the conduct of the public's business should be unquestioned and of the highest order. The Board further recognizes that the Mississippi Legislature has declared its intent that public officers comport themselves in a manner which is above question through the adoption of Miss. Code Ann., §25-4-101, et seq., which states:~~

~~The legislature declares that elective and public office and employment is a public trust and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of this trust and which will not reflect unfavorably upon the state and local government.~~

~~And pursuant to Miss. Code Ann., §25-4-105(1), which states:~~

~~No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated.~~

# EXHIBIT 1

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~~Therefore, the Board adopts as its policy that Board members, Board staff, Institutional Executive Officers and all employees of the various institutions of higher learning shall observe the ethics law.~~

## 1201.0101 BOARD MEMBERS

~~The formal policy of this Board applicable to all Board members is as follows:~~

- ~~A. In this regard, Board members shall advise the executive office of the Board of any interest in any banking institution or other enterprise likely to do business with the executive office so that the appearance of impropriety can be avoided. Should such interest in a banking institution or other enterprise be created or acquired by any Board member in the future, then notice will immediately be given to the executive office.~~
- ~~B. In addition, the Board further adopts as its policy that no Board member or Board member's spouse, dependent child or parent shall serve on any board of directors of any banking institution or other enterprise with which the executive office does business or own any interest in said business or receive any income from said business.~~
- ~~C. In addition, Board members shall be prohibited from having an interest in a contract with IHL or the universities during their term of office or within one year after termination of their office.~~

## 1201.0102 EXECUTIVE OFFICERS AND PERSONNEL

~~The Board further adopts as a policy and directs that each institution of higher learning which has been entrusted to this Board shall adopt and publish a policy that:~~

- ~~A. All officers and all employees making or having the responsibility for financial decisions involving the expenditure, safekeeping or investments of funds of all institutions shall advise the Institutional Executive Officer of any interest in any banking institution or other enterprise likely to do business with the institution so that the appearance of impropriety can be avoided. Should such interest in a banking institution or other enterprise be created or acquired by any officer or any employee in the future, then notice will immediately be given to the Institutional Executive Officer.~~
- ~~B. No officer or employee making or having the responsibility for financial decisions involving the expenditure, safekeeping or investments of funds, or spouse, dependent child or a parent of such officer or employee shall serve on any board~~

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~~of directors of any banking institution or other enterprise with which the institution does business or have a material financial interest\* in said business.~~

- ~~C. All officers or employees shall be prohibited from being a contractor, subcontractor or vendor with the governmental entity of which he is a member other than his contract of employment or have a material financial interest\* in any business which subcontractor or vendor with the governmental entity of which he is a member.~~

1201.0103

1201.02

## BIDS FOR DEPOSITORY CONTRACTS

Public bidding shall be utilized to obtain all depository contracts for the Board executive office and for all institutions which have been entrusted to this Board. At least three written bids for such services shall be obtained.

~~\*"Material financial interest" means a personal and pecuniary interest, direct or indirect, accruing to a public servant or spouse, either individually or in combination with each other. Notwithstanding the foregoing, the following shall not be deemed to be a material financial interest with respect to a business with which a public servant may be associated:~~

~~(i) Ownership of any interest of less than ten percent (10%) in a business where the aggregate annual net income to the public servant therefrom is less than One Thousand Dollars (\$1,000.00);~~

~~(ii) Ownership of any interest of less than two percent (2%) in a business where the aggregate annual net income to the public servant therefrom is less than Five Thousand Dollars (\$5,000.00);~~

~~(iii) The income as an employee of a relative if neither the public servant or relative is an officer, director or partner in the business and any ownership interest would not be deemed material pursuant to subparagraph (i) or (ii) herein; or~~

~~(iv) The income of the spouse of a public servant when such spouse is a contractor, subcontractor or vendor with the governmental entity that employs the public servant and the public servant exercises no control, direct or indirect, over the contract between the spouse and such governmental entity.~~

~~\*\*Interpretation - Pursuant to Mississippi Ethics Commission official opinion No. 88-17-E rendered February 15, 1988, an interpretation based on certain facts was made for a faculty member having a consulting contract with a company contracting with the university under the following circumstances:~~

- ~~1. The faculty member does not have a material financial interest or~~
- ~~2. The faculty member is not an employee, stockholder or continuing contractor with the company, and~~
- ~~3. The existence of either contract is not contingent upon the other. **Interpretations for similar situations must be made on a case by case basis.**~~

1201.0104

## DECORUM

~~Board members, Board staff, Institutional Executive Officers, Chief Financial Officers and employees of all institutions which have been entrusted to this Board shall use every effort to avoid even the appearance of impropriety or conflict of interest regardless of whether or not the activity involved might be permitted under the Ethics in Government Act or the provisions of Mississippi Constitution Section 109.~~

1201.0105

## INDIVIDUAL RESPONSIBILITIES

~~In addition to the provisions of the foregoing policies by which the Board and the institutions undertake to minimize the incidence of conflicts of interest, be advised that the ultimate responsibility, civil or criminal, remains with the~~

# EXHIBIT 1

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~~individual member, officer or employee to see that such violations do not occur and that Miss. Code Ann., §25-4-105 contains additional provisions to be followed. These policies are merely a supplement to the conflict of interest laws.~~

~~1201.02~~

1201.03

## BOARD MEMBER RESPONSIBILITY GUIDELINES

The purpose of the Board of Trustees of State Institutions of Higher Learning (IHL) is to govern Mississippi's eight public universities. Such governance requires a strong, well-informed board wherein each member functions constructively and with integrity. These guidelines describe the responsibilities ~~and code of ethical conduct~~ of IHL board members.

A. Members of the IHL Board should make every effort to become well informed about the Mississippi university system and each of its institutions.

This includes:

1. understanding system, board, and institutional missions, policies, budgets, programs, support organizations, and activities;
2. understanding academia and its similarities and differences when compared to business and other governmental entities;
3. understanding state financing and decision-making regarding all of public education; and
4. understanding regional and national issues and trends in higher education.

B. Members of the IHL Board should understand the limits of their authority as individual board members and the resultant necessity for the board to function as a cohesive, effective team. In this regard, board members should:

1. Regularly attend board meetings; thoughtfully prepare for and participate in discussions; seek consensus; and vote independently;
2. Actively engage in policy formation and decision-making, speaking up at board and committee meetings, but understanding the need to support policies and decisions once established;
3. Focus their efforts on policy making and dealing with the major issues facing our university system and avoid involvement in administrative and management activities;
4. Allow the President and the Commissioner to serve as the official speakers for the Board of Trustees and university presidents to serve as the official speakers for their institutions – nothing in this guideline seeks to hinder board members from expressing individual opinions about higher education matters;
5. Publicly support and sustain system and university executive officer while privately assessing and exercising critical judgment on performance, all

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the while maintaining decent respect for differing opinions and offering criticism in a constructive manner; and

6. In appropriate circumstances, communicate promptly to the Commissioner any significant concern or complaint and allow him or her the opportunity to deal with it.
- C. Members of the IHL Board should serve as champions and advocates for both the citizens of Mississippi and the system of higher education. In this regard, board members should:
1. Cultivate a commitment to the success of the entire system rather than to any single institution, group of institutions, or institutional constituency;
  2. ~~1.~~ Seek to act in the best interests all the Mississippi citizens and not cater to any particular area, community, or constituent interests;
  3. ~~2.~~ Seek to enhance the public image of the universities, the system, and the board;
  4. ~~3.~~ Show respect for all individuals and conduct business in a professional and ethical manner that fosters trust throughout the system, with public officials, and with the public at-large; and
  5. ~~4.~~ Promote initiatives to improve the performance of the system of higher education on behalf of Mississippi's citizens.

D. Members of the IHL Board are constitutionally challenged to serve with "the highest order of intelligence, character, learning, and fitness." In this regard, each board member should abide by the following code of ~~ethical~~ conduct:

1. In conducting business, board members should endeavor at all times
  - a. to place the interests of the state and the universities above their own – this accountability supersedes any conflicting loyalty such as that to other associations or interest groups and/or membership on other boards;
  - b. to avoid both the actuality and appearance of self-interest or self-dealing;
  - c. to avoid both the actuality and appearance of acting on behalf of others' private interests; and
  - d. never to make any request or demand for action that violates system or university policies, rules, and regulations or state or federal law.
- ~~2. Board members must avoid conflict of interest with respect to their fiduciary responsibility:~~
  - ~~a. There must be no conduct of private business or personal services between any board member and the universities, except as~~

# EXHIBIT 1

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- ~~procedurally controlled, to assure openness and competitive opportunity.~~
- ~~b. Board members may speak on their area of expertise at workshops and conferences for honoraria; but if an individual is participating in his or her capacity as a board member, it is inappropriate to accept an honorarium. It is important to avoid even the appearance of a conflict of interest.~~
  - ~~c. When the Board is to decide upon an issue about which a member has an unavoidable conflict of interest, that member shall recuse herself or himself, without comment, from both the deliberation and the vote.~~
  - ~~d. No board member may hire, cause to be hired, or supervise any relative or other close relation. Hiring decisions (employees and consultants) will be based on need, knowledge, experience, and ability, not familial relationships.~~
  - ~~e. Board members will annually disclose their involvement with other organizations, with vendors, or any other associations that might produce a conflict.~~
3. 2. Board members will exercise professional judgment and respect confidentiality in personnel matters, legal matters, executive session matters, and other items of a clearly sensitive nature.
4. 3. Board members, on a regular basis, will undertake activities to improve Board governance and to evaluate Board performance.

# EXHIBIT 2

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Approved the proposed amendments to the following Board Policy.

301.0804 RECORDS

Pursuant to the Mississippi Public Records Acts of 1983 (the "Act"), effective from and after July 1, 1983, the Board hereby adopts the following regulations and procedures with respect to such records as may be in its possession, or in the possession of any university or other institution under its jurisdiction or control. Such rules and procedures are applicable to and shall govern the right to inspect, copy, or ~~mechanically~~ reproduce or obtain a reproduction of any public records in the possession of the Board, or any institution under its jurisdiction or control.

- A. Any person wishing to inspect or copy public records must make the request in writing to the agency and must clearly identify the specific information sought. All requests should be dated and include the name of requester, address of the requestor, and current contact information for the requestor. Recipient(s) should submit a written request indicating the specific information wanted. Any response by the Board for a request for access to records will be forwarded to the requesting party within ~~seven (7)~~ fourteen working days of the receipt of such request. If the Board is unable to produce the requested record within seven working days after the request is made, the Board shall provide a written explanation to requestor(s) stating that the record will be produced and specifying with particularity why the record(s) cannot be produced within the seven-day period. Absent a mutual agreement between the parties, in no event shall the date for the Board's production of requested records be any later than fourteen (14) working days from receipt by the Board of the original request.
- B. Denial by the Board of a request for access to or copies of public records shall be in writing and shall contain a statement of the specific exemption relied upon by the Board for the denial. A file of all denials of requests for public records will be maintained by the Board for a period of no less than three (3) years from the date such denials are made.
- B. ~~C. Recipient(s) will be assisted by a staff member at a charge not to exceed actual costs and will be charged \$1.00 per page for making copies.~~ Recipient(s) will be assisted by a staff member at a charge not to exceed actual costs. Actual costs for search, review and/or possible redaction of information by a staff member will be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task and multiplied by the actual time utilized to complete the task. Recipient(s) will be charged fifteen cents per page for standard black and white photocopies. For all nonstandard photocopies, actual costs of reproduction will be assessed to recipient(s). Records will be available for

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inspection and copying by appointment during regular working hours (8:00 a.m. – 5:00 p.m.), Monday through Friday, holidays excluded.

- ~~€.~~ D. Recipient(s) will deposit cash, check or money order ~~a certified check, money order, or cash~~ in escrow with the staff accountant prior to receiving material. This estimated amount must be sufficient to cover the estimated cost of the staff member's assistance, copying fees, mailing fees, and/or ~~mechanical~~ any associated reproduction fees. Recipient(s) desiring information by mail will be charged actual mailing costs in addition to those costs set forth in subsection C.
  
- ~~Đ.~~ E. Adequate space to inspect requested documents will be provided at no cost, if available. Recipient(s) will be provided adequate space to work at no cost, if available. ~~F.~~ Recipient(s) will be provided requested documents by a staff member but no more than two recipients per organization will be assisted at a time. In the case of academic programs documents, recipient(s) will be allowed to look at documents from no more than two programs at a time. In the case of all other Board documents, recipient(s) will be allowed to examine documents in a systematic manner to be determined by Board staff.
  
- ~~E.~~ No more than two recipient(s) per organization will be assisted at a time.
  
- ~~F.~~ Recipient(s) desiring information by mail will be charged for copying costs and staff time at the rates given in subsection B C. An additional charge will be added for mailing costs.
  
- ~~G.~~ Specific policies will be on file with the Commissioner in the Board Office and will be made available upon request.

# EXHIBIT 3

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## SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE JUNE 16, 2010 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:**

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

**1. ASU – GS 101-249 – New Water Treatment Plant**

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

**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 7, 2010

**Project Initiation Date:** July 14, 2004

**Design Professional:** Neil Schaffer

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$2,600,000.00

**Funding Source(s):** HB 246, Laws of 2007

**2. DSU – GS 102-199 – Central Mechanical Plant**

**Staff Approval #1:** In accordance with Board Policy §904 Board Approval, Dr. Doug Rouse, Chair of the Real Estate and Facilities Committee, **approved an increase in budget** on the Central Mechanical Plant project from \$5,100,000 to \$5,130,000 for an increase in the amount of \$30,000.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$97,679.00 and zero (0) additional days to the contract of Acy's Mechanical LLC.

**Staff Approval Date:** June 7, 2010

**Change Order Justification:** The change order is necessary for street repairs, re-routing of an existing sewer line, installation of new electrical circuits and to provide and install chemical treatment for existing chill water systems.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$221,462.00

**Project Initiation Date:** September 18, 2003

**Design Professional:** Eldridge and Associates, P.A.

# EXHIBIT 3

August 19, 2010

**General Contractor:** Acy's Mechanical, LLC

**Contract Award Date:** November 24, 2008

**Project Budget:** \$5,130,000

**Funding Source(s):** SB 2010, Laws of 2004; SB 2988, Laws of 2003, HB 246, Laws of 2007; HB 1641, Laws of 2008

### 3. **DSU – GS 102-224 – Fire Station Phase I**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to D. Carroll Construction, LLC., the lower of nine (9) bidders for a total contract amount of \$715,800.

**Staff Approval Date:** June 10, 2010

**Project Initiation Date:** August 21, 2008

**Design Professional:** Shafer and Associates

**General Contractor:** D. Carroll Construction, LLC

**Contract Award Date:** June 10, 2010

**Project Budget:** \$900,000

**Funding Source(s):** HB 1641, Laws of 2008 (\$250,000); City of Cleveland (\$650,000)

### 4. **JSU – GS 103-234 – ADA Compliance Phase II-B**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to FP Contracting, LLC, the lower of four (4) bidders for a total contract amount of \$1,269,000.

**Staff Approval Date:** June 22, 2010

**Project Initiation Date:** August 17, 2006

**Design Professional:** WFT Architects

**General Contractor:** FP Contracting, LLC

**Contract Award Date:** June 22, 2010

**Project Budget:** \$4,532,985.50

**Funding Source(s):** SB 3197, Laws of 2002; HB 246, Laws of 2007

### 5. **MSU – IHL 205-235-A – Chilled/Heating Loop Expansion**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$16,644.00 and eighty-six (86) additional days to the contract of Brislin, Inc.

**Staff Approval Date:** May 28, 2010

**Change Order Justification:** The change order is necessary due to (1) the 8" water line installed earlier in the project interfered with the construction of the transformer and dumpster pad for the New Residence Hall and had to be relocated. (2) Additional mobilization of asphalt crew included in Change Order #2 was not possible due to weather constraints, and is therefore being deleted. (3) French drain was added to help eliminate ground water infiltrating the water loop trench behind Creswell Hall.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$237,628.00

**Project Initiation Date:** April 16, 2008

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

# EXHIBIT 3

August 19, 2010

**General Contractor:** Brislin, Inc.

**Contract Award Date:** March 18, 2009

**Project Budget:** \$29,960,000 is total project budget for Phases A-G

**Funding Source(s):** MSU EBC Bonds

6. **MSU – IHL 205-235-E – Expansion of Gravel Lot at IED**

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

**Staff Approval Date:** July 7, 2010

**Project Initiation Date:** April 16, 2008

**Design Professional:** Michael T. Muzzi, AIA, AUA (Campus Architect)

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$29,960,000 is total project budget for Phases A-G

**Funding Source(s):** MSU EBC Bonds

7. **MSU – IHL 205-235-F – Demolition of Suttle Hall**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Gulf Services Contracting, Inc., the lower of seven (7) bidders for a total contract amount of \$561,313.

**Staff Approval Date:** June 29, 2010

**Project Initiation Date:** April 16, 2008

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

**General Contractor:** Gulf Services Contracting, Inc.

**Contract Award Date:** June 29, 2010

**Project Budget:** \$29,960,000 is total project budget for Phases A-G

**Funding Source(s):** MSU EBC Bonds

8. **MSU – IHL 213-139 – Stoneville Office Building**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Pryor & Morrow, design professional.

**Staff Approval Date:** July 7, 2010

**Project Initiation Date:** November 19, 2009

**Design Professional:** Pryor & Morrow

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$3,000,000

**Funding Source(s):** MAFES Sales Funds (\$1,795,000); MSU-ES State Funds (\$1,205,000)

# EXHIBIT 3

August 19, 2010

## 9. MUW – GS 104-149 – Poindexter Hall Renovation

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

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to West Brothers Construction Inc., the lower of seven (7) bidders for a total contract amount of \$6,838,700.

**Staff Approval Date:** (#1) May 12, 2010; (#2) July 13, 2010

**Project Initiation Date:** August 19, 2003

**Design Professional:** Pryor & Morrow

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$9,579,000

**Funding Source(s):** SB 2010, Laws of 2004 (\$6,930,000); HB 246 Laws of 2007 (\$714,000); HB 1641, Laws of 2008 (\$435,000); HB 1722, Laws of 2009 (\$1,500,000)

## 10. MUW – GS 104-154 – Drainage and Street Repair, Phase II

**Staff Approval:** 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 13, 2010

**Project Initiation Date:** October 20, 2005

**Design Professional:** Neel-Schaffer, Inc.

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$1,600,000

**Funding Source(s):** SB 2988, Laws of 2003 (\$406,507); HB 1634, Laws of 2006 (\$255,034); SB 3197, Laws of 2002 (\$37,039); HB 1701, Laws of 2010 (\$901,420)

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

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by W.L. Burle Engineers, P.A., design professional.

**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:** May 24, 2010

**Project Initiation Date:** March 19, 2009

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

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$1,400,000

**Funding Source(s):** Ayers Funds

# EXHIBIT 3

August 19, 2010

## **12. UM – GS 107-298 – Coulter Hall 1B**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$5,165.00 and zero (0) additional days to the contract of Tri Star Mechanical Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$26,419.00 and zero (0) additional days to the contract of Tri Star Mechanical Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 27, 2010

**Change Order Justification:** **Change Order #7** is necessary in order to replace the preheat coil in the existing built up air handler due to the coil being badly damaged through freezing and non-functional. Also, the exhaust gases were getting into the air intake of the building system therefore making it necessary to extend the exhaust system in order to eliminate the problem. **Change Order #8** is necessary in order to provide materials, labor, and equipment for additional electrical needs and chiller supports for user supplied equipment in ICP Rooms 8 and 10. Revisions to ICP Rooms 8 and 10, provided for under Change Order #6, to accommodate equipment funded from using agency grant requires additional electrical work to make the facility fully functional.

**Total Project Change Orders and Amount:** Eight (8) change orders for a total amount of \$205,313.18

**Project Initiation Date:** June 18, 2008

**Design Professional:** Barlow Eddy Jenkins

**General Contractor:** Tri Star Mechanical Contractors, Inc.

**Contract Award Date:** May 22, 2009

**Project Budget:** \$5,208,000

**Funding Source(s):** HB 1641, Laws of 2008 (\$3,500,000); Internal R&R (\$1,708,000)

## **13. UM – GS 107-299 – Peabody Hall Renovation**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Shafer and Associates, design professional.

**Staff Approval Date:** July 13, 2010

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

**Design Professional:** Shafer and Associates

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$350,000

**Funding Source(s):** HB 1641, Laws of 2008

## **14. UM – IHL 207-258 – New Law School**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$36,533.23m and sixteen (16) additional days to the contract of W.G. Yates & Sons Construction Co., Inc.

# EXHIBIT 3

August 19, 2010

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$27,709.59 and five (5) additional days to the contract of W.G. Yates & Sons Construction Co., Inc.

**Staff Approval #3:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$309,370.16 and sixteen (16) additional days to the contract of W.G. Yates & Sons Construction Co., Inc.

**Staff Approval Date:** June 30, 2010

**Change Order Justification:** **Change Order #5** is necessary in order to add additional access-control devices that provide greater security to the IT areas, add light fixture changes in the moot court room and computer lab in order to provide better lighting, add an additional toilet to restroom, addition of door pockets to allow the pairs of doors to be held open with the substitution hardware provided, addition of attic lights that were not included in the construction documents and need to be included for adequate lighting of the classroom wings' attic space. **Change Order #6** is necessary to add handrails to glass rail system in order to provide a greater visual sense of security than plain glass guardrails. It also provides for additional access control devices that will provide greater security to the faculty office floor and attics in the building. **Change Order #7** is necessary in order to provide for the restroom build-out which includes additional toilets required by code to support the build-out of the Bonus Room space. The change order is also necessary in order to add 2 dock bumpers and remove soap dispensers specified in the contract.

**Total Project Change Orders and Amount:** Seven (7) change orders for a total amount of \$679,171.79

**Project Initiation Date:** April 21, 2005

**Design Professional:** Eley Guild Hardy Architects

**General Contractor:** W.G. Yates & Sons Construction Co., Inc.

**Contract Award Date:** May 13, 2008

**Project Budget:** \$50,000,000

**Funding Source(s):** HB 1634, Laws of 2006 (\$10,000,000); EBC Bonds (\$19,977,699.06); Private and Federal Gifts (\$20,022,300.94)

## **15. UM- IHL 207-303-B – Research Park & Innovation Center-Phase II**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Montgomery Martin Contractors, LLC, the lower of nine (9) bidders for a total contract amount of \$12,050,450.00.

**Staff Approval Date:** June 22, 2010

**Project Initiation Date:** August 16, 2007

**Design Professional:** Cooke Douglass Farr Lemons; Howorth & Associates-A Joint Venture

**General Contractor:** Montgomery Martin Contractors, LLC

**Contract Award Date:** June 22, 2010

**Project Budget:** \$17,100,000

**Funding Source(s):** NIST Award #60NANB6D6134 (\$17,100,000)

# EXHIBIT 3

August 19, 2010

## **16. UM – IHL 207-306 – Center for Manufacturing Excellence**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4 for a credit** in the amount of \$108,159.00 and zero (0) additional days to the contract of Panola Construction Company, Inc.

**Staff Approval Date:** July 6, 2010

**Change Order Justification:** The change order is necessary due to building control management system allowance of \$300,000 being reduced by awarded bid proposal of \$191,841.00. The allowance balance of \$108,159.00 is credited into the contract sum.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$358,336.23

**Project Initiation Date:** November 15, 2007

**Design Professional:** Cooke Douglass Farr Lemons

**General Contractor:** Panola Construction Company, Inc.

**Contract Award Date:** February 18, 2009

**Project Budget:** \$17,700,000

**Funding Source(s):** Mississippi Development Authority (\$17,700,000)

## **17. UM – IHL 207-306A – Carrier Hall Addition and Renovation**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$17,570.40 and zero (0) additional days to the contract of Panola Construction Company, Inc.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$16,376.23 and zero (0) additional days to the contract of Panola Construction Company, Inc.

**Staff Approval Date:** July 6, 2010

**Change Order Justification:** **Change Order #4** is necessary in order to add a curtain wall CW6 vertical mullion. The architect requested this be added per change on shop drawings to facilitate complete vestibule 125 enclosed and document coordination. Also, the architect requested chill water service to the building addition be made to condition the space until the SME is complete and can provide permanent chill water service per Contract Documents. **Change Order #5** is necessary in order to change the plans as drawn in the Bid Documents to the First Floor of the existing Carrier Hall.

**Total Project Change Orders and Amount:** Five (5) change orders for a total amount of \$64,830.46

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

**Design Professional:** Cooke Douglass Farr Lemons

**General Contractor:** Panola Construction Company, Inc.

**Contract Award Date:** December 16, 2009

**Project Budget:** \$4,500,000

**Funding Source(s):** Mississippi Development Authority (\$4,500,000)

## **18. UM – IHL 207-321 – North Residential College – Bid Package D**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$4,200.00 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

# EXHIBIT 3

August 19, 2010

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** The change order is necessary to furnish and install a 4" X 5/8" plate at the landing edges. This is required as a result of taking the bid alternate #3 to omit the decorative handrail. The new handrail detail did not call for the toe kick plate that is now being requested.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$17,365.00

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

**General Contractor:** Drywall Systems Plus, Inc.

**Contract Award Date:** September 4, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000); Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

## **19. UM – IHL 207-321 – North Residential College – Bid Package E**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$3,151.00 and zero (0) additional days to the contract of Pitman Glass Company.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$16,050.00 and zero (0) additional days to the contract of Pitman Glass Company.

**Staff Approval #3:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$4,447.00 and zero (0) additional days to the contract of Pitman Glass Company.

**Staff Approval #4:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$897.00 and zero (0) additional days to the contract of Pitman Glass Company.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** **Change Order #1** is necessary to furnish and install additional caulking at curtain wall and storefront windows, furnish and install stainless steel flashing at storefront windows Type V and U and to change single door to pair of doors and change door type to D-9 type doors per donor request. **Change Order #2** is necessary to install hardware for doors, finish and install thresholds for aluminum storefront doors and costs to replace thresholds. **Change Order #3** is necessary in order to change select doors from medium style to wide style in order to allow for hardware to be installed and improve durability and function of the doors. **Change Order #4** is necessary in order to change doors to wide style doors to allow wireless lockset hardware to be installed.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$24,545.00

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

# EXHIBIT 3

August 19, 2010

**General Contractor:** Pitman Glass Company

**Contract Award Date:** July 1, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000);  
Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

## **20. UM – IHL 207-321 – North Residential College – Bid Package F**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$3,465.59 and zero (0) additional days to the contract of Copper Top Sheet Metal, Inc.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** The change order is necessary to remove GFRC and install roof flashing at Pavilion roof as a result of GFRC being lower than previous building.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$3,465.59

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

**General Contractor:** Copper Top Sheet Metal, Inc.

**Contract Award Date:** July 1, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000);  
Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

## **21. UM – IHL 207-321 – North Residential College – Bid Package G**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$1,820.00 and zero (0) additional days to the contract of Clinton Interiors.

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$6,267.57 and zero (0) additional days to the contract of Clinton Interiors.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** **Change Order #3** is necessary to furnish and install custom shower pans for rooms 232 and 238 where concrete beams are in conflict with shower floor drain. **Change Order #4** is necessary to provide changes in courtyard stucco framing for through-wall flashing detail required to provide better water tight detailing as well as to remove and replace corridor ceiling in South College for installation of CW and HW main for North College.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of (\$54,584.50)

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

**General Contractor:** Clinton Interiors

# EXHIBIT 3

August 19, 2010

**Contract Award Date:** September 4, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000); Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

## **22. UM – IHL 207-321 – North Residential College – Bid Package I**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$5,115.00 and zero (0) additional days to the contract of Craft Croswell, Inc.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** The change order is necessary to furnish and install floor tile in existing food prep room 007 in the South College after walk-in freezer is removed.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$8,148.

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

**General Contractor:** Craft Croswell, Inc.

**Contract Award Date:** July 1, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000); Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

## **23. UM – IHL 207-321 – North Residential College – Bid Package M**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$916.00 and zero (0) additional days to the contract of South Central Heating & Plumbing Co., Inc.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$14,994.00 and zero (0) additional days to the contract of South Central Heating & Plumbing Co., Inc.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** **Change Order #4** is necessary to revise the diffuser to Therma-fuser for better temperature control in conference room #121. **Change Order #5** is necessary to add 6” bypass line at the backflow preventer to provide water service to the building during maintenance of backflow preventer and strainer.

**Total Project Change Orders and Amount:** Five (5) change orders for a total amount of (\$34,398).

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

**General Contractor:** South Central Heating & Plumbing Co. Inc.

**Contract Award Date:** July 1, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000); Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

# EXHIBIT 3

August 19, 2010

## **24. UM – IHL 207-321 – North Residential College – Bid Package N**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$3,836.58 and zero (0) additional days to the contract of Advance Electric Co., Inc.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$5,291.39 and zero (0) additional days to the contract of Advance Electric Co., Inc.

**Staff Approval #3:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$9,774.94 and zero (0) additional days to the contract of Advance Electric Co., Inc.

**Staff Approval #4:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$4,868.85 and zero (0) additional days to the contract of Advance Electric Co., Inc.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** **Change Order #9** is necessary to add four type “J” light fixtures in common space on theatrical poles. **Change Order #10** is necessary to furnish and install conduit, breakers, and feeders required for dimmer cabinet in Commons 008.

**Change Order #11** is necessary to adjust audio visual budget per quote received from Mississippi Audio and to furnish/install 18/2 cable from South College to North College to integrate the North College fire alarm panel with the South College panel. **Change**

**Order #12** is necessary to provide power for coiling door 017B from spare in South College panel and interlock control fire alarm and controls with South College coiling doors. Also the change order is necessary to remove existing circuit breakers from panel and relocate to existing space in panel LED in order to place DWBP-1 located in South College on emergency power.

**Total Project Change Orders and Amount:** Twelve (12) change orders for a total amount of \$89,146.75

**Project Initiation Date:** March 19, 2009

**Design Professional:** Cooke Douglass Farr Lemons, Ltd and Eley & Associates, a Joint Venture

**General Contractor:** Advance Electric Co., Inc.

**Contract Award Date:** July 1, 2009

**Project Budget:** \$25,000,000

**Funding Source(s):** Educational Building Corporation (EBC) Bonds (\$14,700,000); Internal R&R (\$5,700,000); Private Gifts (\$4,600,000)

## **25. UM – IHL 207-315 – Central Mechanical Plant**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$2,209.20 and zero (0) additional days to the contract of Hooker Construction, Inc.

**Staff Approval Date:** June 29, 2010

**Change Order Justification:** The change order is necessary to install a differential pressure transducer to be used in the control of speed of the loop chilled water pumps and improve efficiency.

# EXHIBIT 3

August 19, 2010

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of (\$23,303.60)

**Project Initiation Date:** August 21, 2008

**Design Professional:** Eley Guild Hardy

**General Contractor:** Hooker Construction, Inc.

**Contract Award Date:** October 16, 2008

**Project Budget:** \$4,600,000

**Funding Source(s):** Internal R&R funds

## **26. UM – IHL 207-334 – Deaton Hall-HVAC and Generator Upgrade**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Corbett Legge and Associates, design professional.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Corbett Legge and Associates, design professional.

**Staff Approval Date:** May 27, 2010

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

**Design Professional:** Corbett Legge and Associates

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$760,000

**Funding Source(s):** Auxiliary R&R funds

## **27. UM – IHL 207-338 – Tad Smith Coliseum Boiler Replacement**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Corbett Legge and Associates, design professional.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Corbett Legge and Associates, design professional.

**Staff Approval Date:** May 27, 2010

**Project Initiation Date:** February 18, 2010

**Design Professional:** Corbett Legge and Associates

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$300,000

**Funding Source(s):** Internal R&R funds

## **28. UMMC – GS 109-195 – Adult Emergency Renovations**

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

**Staff Approval Date:** June 14, 2010

# EXHIBIT 3

August 19, 2010

**Project Initiation Date:** November 14, 2007  
**Design Professional:** Dale/Morris Associates  
**General Contractor:** N/A  
**Contract Award Date:** N/A  
**Project Budget:** \$9,630,000  
**Funding Source(s):** HB 246, Laws of 2007 (\$5,130,000); HB 1641, Laws of 2008 (\$2,000,000); HB 1722, Laws of 2009 (\$2,500,000)

## **29. UMMC – IHL 209-516 – E.R. Fast Track Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7 for a credit** in the amount of \$13,133.88 and zero (0) additional days to the contract of McMillan Pitts Construction Company, LLC

**Staff Approval Date:** May 7, 2010

**Change Order Justification:** The change order is necessary in order to allow for miscellaneous contract allowance adjustments.

**Total Project Change Orders and Amount:** Seven (7) change orders for a total amount of \$97,135.12

**Project Initiation Date:** November 21, 2008

**Design Professional:** The McCarty Company

**General Contractor:** McMillan Pitts Construction

**Contract Award Date:** June 10, 2009

**Project Budget:** \$2,000,000

**Funding Source(s):** Hospital Patient Revenue

## **30. UMMC – IHL 209-523 – S013 Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$18,141.60 and zero (0) additional days to the contract of Mid State Construction

**Staff Approval Date:** May 7, 2010

**Change Order Justification:** The change order is necessary in order to address adjustments in the contractor's staging area and access to the project. Access to the basement area is being adjusted from Adult Tower service court on the west side of the facility entering at the south wing basement area. Temporary fencing is required from the east access route to define the construction staging area.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$18,141.60

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

**Design Professional:** Simmons Associates, AIA

**General Contractor:** Mid State Construction

**Contract Award Date:** January 11, 2010

**Project Budget:** \$1,500,000

**Funding Source(s):** Hospital Patient Revenue

## **31. UMMC – IHL 209-527 – Ophthalmology Renovations-764 Lakeland**

# EXHIBIT 3

August 19, 2010

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Dale and Associates, design professionals.

**Staff Approval Date:** July 7, 2010

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

**Design Professional:** Dale and Associates

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$5,272,000

**Funding Source(s):** Interest Income (\$25,000); Restricted Funds (\$5,254,000)

## **32. USM– GS 108-252 – Fraternity House Fire Protection**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$17,380.00 and zero (0) additional days to the contract of B.W. Sullivan Building Contractor, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** June 7, 2010

**Change Order Justification:** The change order is necessary in order to repair damaged cable, power for exterior lights and cut telephone lines.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$17,380.00

**Project Initiation Date:** May 22, 2008

**Design Professional:** Eldridge and Associates, P.A.

**General Contractor:** B.W. Sullivan Building Contractor, Inc.

**Contract Award Date:** May 4, 2009

**Project Budget:** \$1,350,000

**Funding Source(s):** HB 1641, Laws of 2008 (\$1,350,000)

## **33. USM– GS 108-266 – Electrical System Upgrade**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$750,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** July 6, 2010

**Project Initiation Date:** July 6, 2010

**Design Professional:** Watkins-O’Gwynn

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$750,000

**Funding Source(s):** HB 1701, Laws of 2010

# EXHIBIT 3

August 19, 2010

## **34. USM– IHL 208-267 – Dormitory Replacement, Hattiesburg**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6 for a credit** in the amount of \$12,443.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Co., Inc.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$32,069.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Co., Inc.

**Staff Approval Date:** July 13, 2010

**Change Order Justification:** **Change Order #6** is necessary in order to improve the functionality and convenience of the end-user. **Change Order #7** is necessary in order to improve the functionality, convenience, and safety of the end-user.

**Total Project Change Orders and Amount:** Seven (7) change orders for a total amount of \$1,497,091.00

**Project Initiation Date:** March 14, 2007

**Design Professional:** Landry & Lewis Architects, P.A.

**General Contractor:** W.G. Yates & Sons Construction Co., Inc.

**Contract Award Date:** November 12, 2008

**Project Budget:** \$45,000,000

**Funding Source(s):** USM EBC Bonds (\$45,000,000)

## **35. USM– IHL 208-267-A – Dormitory Replacement Phase I, Hattiesburg and The Learning Center**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$5,269.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Co., Inc.

**Staff Approval Date:** June 14, 2010

**Change Order Justification:** The change order is necessary in order to provide additional power and data outlets in security closet 105, relocate walls and additional power for vending machines outside the Cyber Café and extend lighting protection from the cupola to the ground grid and a separate ground on the opposite. This change order is intended to improve the functionality, convenience, and lighting protection of the Learning Center.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$9,015.00

**Project Initiation Date:** March 14, 2007

**Design Professional:** Landry & Lewis Architects, P.A.

**General Contractor:** W.G. Yates & Sons Construction Co., Inc.

**Contract Award Date:** November 12, 2008

**Project Budget:** \$45,000,000

**Funding Source(s):** USM EBC Bonds (\$45,000,000)

## **36. USM– IHL 208-281 – Chain Technology HVAC Upgrade**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$425,821.00 and zero (0) additional days to the contract of Pat L. McKenzie, Inc.

# EXHIBIT 3

August 19, 2010

**Staff Approval Date:** July 6, 2010

**Change Order Justification:** The change order is necessary in order to exercise bid option #3 and bid option #4. Bid option #3 replaces the existing pneumatic control system with direct digital control (DCC) system for remaining VAV units. Bid option #4 replaces the existing steam boilers with condensing heating water boilers and adds a control panel for the condensing heating water boilers for energy efficiency.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$425,821.00

**Project Initiation Date:** August 17, 2007

**Design Professional:** Atherton Consulting Engineers, Inc.

**General Contractor:** Pat L. McKenzie, Inc.

**Contract Award Date:** May 10, 2010

**Project Budget:** \$1,123,700

**Funding Source(s):** University Year End Funds (\$1,123,700)

## **37. USM– IHL 208-288 – Post Office Build-Out-Cochran Center**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1 for a credit** in the amount of \$3,667.52 and zero (0) additional days to the contract of Hanco Corporation

**Staff Approval Date:** May 24, 2010

**Change Order Justification:** The change order credit is necessary in order to reconcile the hardware and signage allowances.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of (\$3,667.52)

**Project Initiation Date:** February 19, 2009

**Design Professional:** Albert & Associates

**General Contractor:** Hanco Corporation

**Contract Award Date:** September 2, 2009

**Project Budget:** \$1,500,000

**Funding Source(s):** Post Office Reserve Fund and Vending Service Revenue (\$1,500,000)

## **38. USM– IHL 210-240 – Infrastructure Project II**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$4,230.55 and zero (0) additional days to the contract of Gulf Equipment Corporation.

**Staff Approval Date:** June 14, 2010

**Change Order Justification:** The change order is necessary due to additional funding being available for plumbing and piping in order to enhance the use of the overall facility. Piping covers were added and the hydrant was changed due to project coordination and final placement. Backflow preventer was requested by the City of Ocean Springs though stated by engineer was not required due to state statutes. Drainage culverts were added to prevent interruption of the natural flow of water when the raised roadbed was placed.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$4,230.55

# EXHIBIT 3

August 19, 2010

**Project Initiation Date:** August 21, 2008

**Design Professional:** Allred and McNabb Architectural Group, P.A.

**General Contractor:** Gulf Equipment Corporation

**Contract Award Date:** May 28, 2009

**Project Budget:** \$3,500,000

**Funding Source(s):** NOAA Grant Funds #3321 (\$3,500,000)

## **39. Education and Research Center – GS 111-044 – Mechanical Modifications Program**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Atherton Consulting Engineers, design professional.

**Staff Approval Date:** June 11, 2010

**Project Initiation Date:** July 3, 2007

**Design Professional:** Atherton Consulting Engineers

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$3,500,000

**Funding Source(s):** HB 246, Laws of 2007; HB 1641, Laws of 2008, HB 1722, Laws of 2009, HB 1701, Laws of 2010.

## **40. Education and Research Center – GS 111-047 – Mechanical Modifications Program**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Atherton Consulting Engineers, design professional.

**Staff Approval Date:** June 11, 2010

**Project Initiation Date:** March 5, 2010

**Design Professional:** Atherton Consulting Engineers

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$750,000

**Funding Source(s):** ARRA Funds (\$750,000)

# EXHIBIT 4

August 19, 2010

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

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 5/27/10, 6/1/10, 6/21/10 and 6/29/10) from the funds of Mississippi State University. (These statements, in the amounts of \$368.40, \$35.17, \$2,500.00 and \$87.50, respectively, represent services and expenses in connection with labor certifications.)

**TOTAL DUE.....\$ 2,991.07**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/12/10 and 6/8/10) from the funds of the University of Mississippi. (These statements, in the amounts of \$16,586.00 and \$1,623.93, respectively, represent services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities.)

**TOTAL DUE.....\$ 18,209.93**

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statement dated 4/16/10) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with *MS Commission on Environmental Quality vs. UMMC* - \$1,423.05.)

**TOTAL DUE.....\$ 1,423.05**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/20/10 and 5/25/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with General Rep. of the Medical School and Facility Family Practice Plans-UMMC North Clinic - \$215.00, General Advice-UMMC North Clinic - \$8,032.43, General Rep. of the Medical School and Facility Practice Plans-UMMC North Clinic - \$2,171.50 and General Advice-UMMC North Clinic - \$11,280.75, respectively.)

**TOTAL DUE.....\$ 21,699.68**

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statement dated 5/27/10) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the case styled *Kermode* - \$12,184.40.)

**TOTAL DUE.....\$ 12,184.40**

Payment of legal fees for professional services rendered by Ogletree, Deakins, Nash, Smoak & Stewart (statement dated 5/17/10) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$181.51, represents services and expenses in connection with the *Bernard v. UMMC* case.)

# EXHIBIT 4

August 19, 2010

**TOTAL DUE.....\$ 181.51**

## 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 5/21/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Compact Time-of-Flight Spectrometer-Canada" - \$379.25; "Compact Time-of-Flight Spectrometer-Germany" - \$541.05; "Compact Time-of-Flight Spectrometer-United Kingdom" - \$504.50; "Compact Time-of-Flight Spectrometer-Japan" - \$200.00; "Light Scattering, etc./Serial No. 11/735.206" - \$42.50; "Methods of Preparation of Live Attenuated Bacterial Vaccines" - \$1,917.20; "Live Attenuated Catfish Vaccine" - \$42.50; "Method of Transformation of Cotton and Organogenic Regeneration" - \$515.00.)

**TOTAL DUE.....\$ 4,142.00**

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 5/26/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Trademark Renewals and New Registrations" - \$510.00; "Renewal and Declaration of Use - 'Mississippi State'" - \$1,510.00; "Plant Patent-St. Augustine Grass Cultivers" - \$1,278.75; "MSU-Self-Aligned Methods Low Temp Selective" - \$1,850.00; "MSU-Temporal Mapping and Analysis" - \$1,425.00; "MSU-Remote Sensing Imagery Accuracy and Analysis" - \$1,480.00; "MSU-Change Analyst" - \$1,627.50; "MSU-St. Augustine Grass Plant Named 'Eclipse'" - \$1,742.50; "MSU-Patent Functional Enhancement of Antimicrobials" - \$1,273.75; "Oral Delivery of Attenuated Edwardsiella-ictaluri" - \$148.75; "MSU-Fireball Location System for Boiler/Furnace Optimization" - \$110.00; "Termite Control Methods and Apparatus" - \$148.75; Termite Control System, Methods and Apparatus" - \$106.25; "Novel Oxime Therapeutics for Organophosphate" - \$127.50; "Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins" - \$658.75; "System and Method for Charging Rechargeable Batteries" - \$1,805.00; "System and Method for Charging Rechargeable Batteries" - \$4,308.50; "Provisional Plant Patent" - \$1,041.25; "Triglyceride-secreting Strain of Rhodococcus" - \$747.50; "Triglyceride-secreting Strain of Rhodococcus" - \$982.50; "MSU-Bermuda-grass Plant" - \$1,045.00; "MSU-Buckscore Software Patent" - \$917.50 and "Oral Catfish Vaccine Method of Delivery" - \$2,455.00.)

**TOTAL DUE.....\$ 27,299.75**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 5/18/10 and 5/21/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "High-Speed Data Compression" - \$107.50 and "Emerging Models for Wireless Communication" - \$1,901.40, respectively.)

**TOTAL DUE.....\$ 2,008.90**

# EXHIBIT 4

August 19, 2010

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 4/29/10, 4/30/10 and 5/27/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Method of Preparing Delta-9-Tetrahydrocannabinol Esters" - \$821.83; "8-Aminoquinoline" - \$1,308.00 and "Novel Sigma Receptor Antagonists" - \$6,682.00, respectively.)

**TOTAL DUE.....\$ 8,811.83**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/26/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Data Compression based on Set-Associative Cache Mapping Techniques" - \$64.00; "Delivery of Medicaments to the Nail and Perionychium" - \$1,419.93; "Highly Purified Amphotericin-B" - \$868.00; "Mexico-Agents with Selective K-Opioid Receptor Activity" - \$62.00; "In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative" - \$248.00; "Underwater Biomass Assessment Device and Method" - \$62.00; "Canada-Acoustic Detection of Personnel Using the Interaction of High Frequency Sound" - \$282.69; "Europe: Acoustic Detection of Personnel Using the Interaction of High Frequency Sound" - \$945.30; "Australia-Stabilized Formulation of Triamcinolone Acetonide" - \$932.00; "Canada-Stabilized Formulation of Triamcinolone Acetonide" - \$516.25; "Europe-Stabilized Formulation of Triamcinolone Acetonide" - \$350.00; "India-Stabilized Formulation of Triamcinolone Acetonide" - \$94.50 and "Mexico-Stabilized Formulation of Triamcinolone Acetonide" - \$27.00.)

**TOTAL DUE.....\$ 5,871.67**