

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 17, 2013**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 8:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2012, to each and every member of said Board, said date being at least five days prior to this January 17, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Dr. Douglas Rouse, and Mr. C.D. Smith. The meeting was called to order by Mr. Ed Blakeslee, President, and opened with prayer by Trustee C.D. Smith.

INTRODUCTION OF GUESTS

President Blakeslee welcomed the Student Government Association officers: Mr. Marcus Mercy, President at Alcorn State University and Mr. Brian Wilks, President at Jackson State University.

APPROVAL OF THE MINUTES

On motion by Trustee Robinson, seconded by Trustee Pickering, with Trustee Owens absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on November 15, 2012.

PRESENTATIONS

- Trustee Christy Pickering noted that the Board of Trustees has asked the universities to place a high priority on diversity. To that end, the following university presidents and administrator gave a brief report regarding diversity initiatives on their campuses: Dr. Christopher Brown, President of Alcorn State University; Dr. Mark Keenum, President of Mississippi State University; Dr. Jim Borsig, President of Mississippi University for Women; and Dr. James Keeton, Vice Chancellor for Health Affairs and Dean of the School of Medicine of the University of Mississippi Medical Center.

ANNOUNCEMENTS

- President Blakeslee welcomed Dr. Al Rankins, Acting President of Mississippi Valley State University, who has been out with a broken ankle.
- Commissioner Hank Bounds noted that the search for someone to lead the effort with the *Ayers* Private Endowment has not been successful. In the meantime, Mrs. Pearl Pennington has accepted the position of Interim *Ayers* Private Endowment Development Director at IHL until a permanent person can be found. Mrs. Pennington will continue to perform the duties of her current position of Director of Student Affairs.
- Commissioner Bounds also noted that the contract with the company that manages the website WhereToGo411 has been signed. The website contains a database of minority vendors primarily

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African Americans. In the future, when the system requests bids for projects, the information can be sent to the company who will send it to the vendors in the database. This will be a very good tool for the universities to utilize.

- Commissioner Bounds thanked Mr. Marcus Thompson, Chief Administrative Officer and System Diversity Officer, for leading the system-wide efforts to accomplish the Board's diversity initiatives.

CONSENT AGENDA

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

FINANCE

1. **ASU** - Approved the request to enter into a lease agreement with Vicksburg Income Properties, LLC to rent 8,622 square feet of space in the Vicksburg Mall located at 3505 Pemberton Square Boulevard in Vicksburg, MS. This space will be used as the university's Vicksburg Campus. The term of the lease is ten years. The lease will begin on the earlier of (a) sixty days after Vicksburg Income Properties, Inc. delivers the leased premises to ASU with the landlord's work substantially completed in all material respects, or (b) the date on which ASU first uses the leased premises for classes or other education purposes. The contract period is estimated to be July 1, 2013 through June 30, 2023. The total cost over the ten-year term of the lease is \$1,868,001. A schedule of the annual rent is stipulated in the agreement and is included in the bound *January 17, 2013 Board Working File*. In addition to annual rental payments, ASU will also make monthly payments of \$2,000 to the Landlord for utilities (water, electricity, garbage disposal, and pest control). This equates to \$24,000 annually and \$240,000 over the ten-years of the agreement. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
2. **JSU** - Approved the request to enter into a lease agreement with Sorrento II, LLC to rent 8,600 square feet of space on the first floor of the building located at 382 Galleria Parkway in Madison, MS. This space will be known as JSU's Madison Campus. The term of the lease is ten years – February 1, 2013 to January 31, 2023. The agreement grants JSU the right to renew the lease for two successive five-year periods at a rental rate that is equal to 95% of the Fair Market Rent. Such rent will be based on similar class "A" office space on Highland Colony Parkway and Galleria Parkway with like-kind size and office construction type. The total quantifiable cost over the ten-year term of the lease is \$1,518,760. A schedule of contracted annual rent payments is included in the bound *January 17, 2013 Board Working File*. The first year rent per square foot is equal to \$16.50. Every year thereafter, this square footage rate will be increased approximately 1.5%. In addition to the rent payments, JSU will pay the landlord a proportionate share of the landlord's operating costs for the facility. That share is set at 5.9% of the facilities net realizable space and agrees with the percentage of space that JSU is renting under this agreement. Operating costs are defined as all utilities, other than extraordinary quantities, for which JSU will be charged additional rental and maintenance costs for the facility. Any annual increase to JSU's share of the facility operating costs will be capped at 3% of the university's proportionate share for the immediately proceeding expense year. The lease will be funded by E&G Funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

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3. **MSU** - Approved the request to enter into a contract with Air Charter Services, Inc. to serve as an agent for Elite Airways, Inc. in securing air transportation for the men's basketball team. The agreement shall commence upon full execution by both parties - estimated to be mid-January 2013. The contract will terminate on March 17, 2013. The total cost for the contract period is estimated to equal \$253,965. This includes charter air service for six round trip flights. Should it become necessary to cancel a flight, MSU will receive a full refund (100%) if such cancellation takes place fourteen days prior to the scheduled departure; otherwise, MSU will be assessed 100% of the chartered price for the specific flight that was cancelled. Funds are available from Athletic revenues (auxiliary funds). The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
4. **USM** - Approved the request to enter into an agreement with Otis Elevator Company (Otis) for elevator maintenance and repair services to 98 elevators located within 50 buildings on USM's Hattiesburg campus. The maximum total contract term is for a five-year period – February 1, 2013 through January 31, 2018. The primary term of the agreement is for a one-year period – February 1, 2013 through January 31, 2014. The agreement may be renewed annually by USM for up to four years or through January 31, 2018 upon written notice to Otis on or before sixty days prior to the end of the then current agreement term. Estimated costs are based on expectation of a five-year contract period. The total estimated cost of the contract for the five-year period is \$1,360,869.32. Beginning February 1, 2014 and each February 1st thereafter for the length of the agreement there will be an annual rate adjustment to reflect changes in material and labor costs. An annual rate adjustment will be based on two factors which are detailed in the bound *January 17, 2013 Board Working File*. The amount for any additional services is estimated not to exceed \$1,000 per year or \$5,000 over the life of the contract. The bound *Board Working File* also includes a list of the overtime or additional straight time pay rate for a mechanic and a breakdown of the annual costs which include an allowance for an approximate 3% price increase effective year two of the contract and each year thereafter, and an annual contingency of \$1,000 for overtime or additional straight-time pay for each of the five years. The current agreement will be funded by E&G funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
5. **UMMC** - Approved the request to enter into a five-year agreement with Cyberonics, Inc. to purchase Vagus Nerve Stimulation (VNS) Therapy Systems for use in treating refractory epilepsy and treatment-resistant depression. The VNS Systems consists of generators, surgical tools, and accessories. The specific pieces of equipment used per treatment are chosen by the attending physician based upon the particular needs of the patient being treated. The agreement is effective until either party provides written notification of termination; however, the Board approved a five-year period – February 1, 2013 through January 31, 2018. The estimated total cost for the five-year contract term is \$5,735,405. Based on past usage, UMMC estimates the average cost per procedure to be \$26,809 for the first twelve-month period of the agreement. Cyberonics can adjust the price at any time upon providing ninety days written notice to UMMC. Based on historical price increases, UMMC anticipates an annual increase in the cost per procedure of 3% per year for years two through five of the agreement. A breakdown of the costs is included in the bound *January 17, 2013 Board Working File*. Funds are available from patient revenues included in UMMC's 2012-2013 board approved operating budget. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

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6. **UMMC** - Approved the request to amend the contract with National Research Corporation (NRC) for patient experience management services. The scope of work for the original contract included: 1) patient and experience improvement services, which measures patient satisfaction; 2) resulting patient data to CMS; 3) reports through NRC's website, Catalyst; and 4) the creation of improvement plans for patient services. As a result of the amendment, NRC will now provide the capability to initiate the Center for Medicare and Medicaid Services' (CMS) ICHCAHP survey. The agreement provides patient satisfaction results for the hospital and comparisons with other hospitals in the NRC database. Specifically, NRC will provide the necessary resources to conduct surveys for UMMC's In-Center Hemodialysis programs. It also provides a tool for the hospital to gauge the performance of Value-Based Purchasing requirements in order to receive annual reimbursement from CMS. The term of this addendum becomes effective February 1, 2013 and continues through the original contract end date of June 30, 2015. There is no cost associated with this addendum. The cost of the contract will remain \$402,900 as originally approved by the Board at the August 2012 meeting. Funds are available from patient revenues included in UMMC's 2012-2013 Board approved operating budget. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
7. **UMMC** - Contingent upon the receipt of confirmation that contractor has completed the registration process with the Mississippi Secretary of State and the Attorney General's Office approves, the Board approved the request to enter into an agreement with Spacelabs Healthcare, LLC for the purchase of equipment (nine anesthesia machines and corresponding operating room monitors) and software capable of interfacing with the Epic electronic medical record system. The agreement is for the immediate one-time purchase of equipment and software and does not stipulate an official contract period. However, the purchase agreement does provide for a twelve-month warranty period applicable to the anesthesia machines, monitoring equipment, hardware components, and Vital Sign interface software. UMMC has secured additional support services above the basic warranty which provides for a total of one year of support service for the Vital Signs Interface software, four years of support service for the monitors, and two years of support services for the base anesthesia machines. Based on this expanded warranty period, UMMC shall receive support services for the approximate period of February 1, 2013 through January 31, 2017. The total contract cost for the purchase of the machines, monitors, interface hardware and software, and the warranty, maintenance and support services is \$704,981.53. A breakdown of the individual costs is included in the bound *January 17, 2013 Board Working File*. Funds are available from patient revenues included in UMMC's 2012-2013 Board approved operating budget. The agreement which has been reviewed by the Attorney General's Office is on file in the Board Office.
8. **UMMC** - Approved the request to enter into an agreement with Steris Corporation for scheduled preventative maintenance and/or repair services of forty-two pieces of Steris infection prevention equipment currently owned by UMMC and used in operating rooms to clean and sterilize patient care equipment and instruments. The term of the agreement is for three years – February 1, 2013 through January 31, 2016. The total contract cost for the three-year contract term is \$527,822.19. UMMC will pay \$175,940.73 annually for the services. Funds are available from patient revenues included in UMMC's 2012-2013 Board approved operating budget. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

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REAL ESTATE

9. **MVSU** - Approved the initiation of **GS 106-240, Leflore Hall Bath Renovations**, and the appointment of Atherton Consulting Engineers as the design professional. The project was initiated with Board staff as a project under \$1 million with a budget of \$990,000. Based on the design professional's latest design development and updated estimate of costs, the project budget will exceed the \$1 million threshold thus requiring Board approval. The project budget will increase from \$990,000 to \$1,481,645 for an increase in the amount of \$465,205. The project will address complete interior demolition and renovation of the existing shower areas for Leflore Hall. Work will involve removal of the existing showers, toilets, and lavatories. The residence hall has not seen a substantial renovation since construction with the exception of a new metal roof that was installed in 2004. The estimated project budget is \$1,481,645. Funds are available from IHL General Support (\$1,292,079) and S.B. 2957, Laws of 2012 (\$466,000).
10. **MSU** - Approved the initiation of **IHL 205-268, MSU Butler Williams Guest House and Lobby Renovations**, and the appointment of Belinda Stewart the design professional. The project is intended to renovate the Butler Williams Guest House and its associated lobby located in the Butler Williams Building. The project will make the public lobby and restroom area ADA accessible, upgrade finishes and replace windows. The estimated project budget is \$1.1 million. Funds are available from MSU Housing Facilities (\$1,100,000).
11. **USM** - Approved the request to award project commissioning services to Working buildings, LLC for **IHL 208-297, Dorm Replacement Phase II**. Working Buildings, LLC was selected from a pool of six companies that submitted qualifications. Of the six firms, two were invited to campus to conduct a formal interview process. The selection of Working Buildings, LLC was a result of a thorough interview process conducted by the university. The fee payment process will be modeled using the Department of Finance and Administration's Bureau of Building established payment method for commissioning services and is based on a percentage of construction costs. The estimated fee for this commissioning project is \$450,000 to \$500,000. The project includes the projected demolition of Scott Hall, Vann Hall, and the East end of Bond Hall once IHL approval is obtained which will be followed by the construction of a proposed student residential project which includes 956 beds, a student health center and Lucky Day Scholarship offices. The new project is to be located on the site where the demolition occurs. The estimated project budget is \$50 million. Funds are available from EBC Revenue Bonds (\$50,000,000).
12. **MSU** - Approved the request to change the funding source for **IHL 205-266, MSU Lighting Retrofit**. In lieu of using Commercial Paper and/or EBC debt, the university plans to fund the project using existing operating funds. The funds became available as the result of maturing investment instruments. The project will improve efficiency and reduce electrical consumption. Approximately 5.5 million square feet of space used by MSU, MAFES, and FWRC uses inefficient and obsolete lighting technology. The most common type of lamp on campus, a T-12 fluorescent lamp, will no longer be manufactured after 2012. Additionally, new lighting technology allows bulbs to last twice as long and use over 50 percent less energy than the majority of the existing lights on campus. A campus-wide retrofit can be accomplished with minimal impact to the user, will improve the light quality in the university buildings, will enhance the occupant's experience, will reduce energy and maintenance costs, and will improve MSU's environmental performance. Preliminary analysis reveals a \$6.5 million retrofit will produce approximately \$1.1 million per year in reduced operation costs. This is a 5.8 year payback. The estimated project budget is \$6.5 million.

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13. **MSU** - Approved the request to increase the project budget for **IHL 205-267, MSU Fresh Food Company Residential Dining Facility**, from \$10 million to \$12.5 million for an increase of \$2.5 million. The Board also approved the request to change the scope of the project to include seating for 650 customers in lieu of 500 customers that the Board originally approved in September 2012. The Board also approved the exterior design of the facility. A rendering of the building is included in the bound *January 17, 2013 Board Working File*. The dining facility will be located on the south side of campus at the site of the existing recreational tennis courts. The facility will be a turnkey project that will include all equipment and furnishings required to operate the facility. The proposed new facility will seat 650 customers for dining and will consist of approximately 32,000 square feet of enclosed space. The project will be designed around ARAMARK's Fresh Food Company concept. Funds are available from Educational Building Corporation (EBC) / Commercial Paper (\$12,500,000).
14. **ASU** - Approved the request to enter into an oil and gas lease of 124 acres of land to Bodega Capital, LLC for one-fifth (1/5) royalty and one-time bonus money in the amount of \$26,537.24. The proposed lease is a two-year agreement effective from the date of signing. The proposed lease remains in effect for continued drilling unless there is a discontinuance of operations for ninety consecutive days. If within ninety days and no operation occurs on the land, the lease terminates on the anniversary date unless operations resume or the Lessee pays a daily rental amount of \$1.50 per acre as delay rental. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved the proposed oil and gas lease.
15. **DSU** - Approved the request to sell a residential property located at 314 Shumate Circle, Cleveland, MS to Allan Gritman for \$81,500 with a closing date no later than May 1, 2013. DSU currently owns ten parcels near the campus on Fourth, Shumate, and McClain streets. The Mississippi Legislature authorized the sale of eight of these ten parcels during the 2011 session. This property is the first of the eight to be sold. DSU received two independent property appraisals as required by Board Policy. The average of the two appraisals was \$78,500 which is less than the actual sale price of the property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved this item.
16. **MSU** - Approved the request to re-name South Hall, a resident hall, as "Niles R. and Mary Lyn Moseley Hall". In October 2012, Dr. And Mrs. Moseley committed \$3.15 million to programs that assist students from Mississippi families with incomes of less than \$30,000 annually in attending MSU. These programs are the MSU Promise Program, which provides scholarships and other financial support and the Promise Support Program, which provides mentoring and counseling which these students would not otherwise receive. MSU will use \$3 million to endow Promise Scholarships and \$150,000 to hire a counselor to work with the Promise Support Program.
17. **MSU** - Approved the request to delete Building #1410 from inventory and demolish it. The building is in very poor condition and no longer serves the mission of the Experiment Station. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
18. **MSU** - Approved the request to delete Building 2012, Campus Landscape Storage, from inventory and demolish it. This structure is an unoccupied barn that is in very poor condition and cannot be safely used anymore. The approval letter has been received from the Mississippi Department of

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Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

19. **UM** - Approved the request to sell, convey, and quitclaim a permanent easement for ingress/egress to Cellular South Real Estate, Inc. and Carson Hughes. The easement will allow for the creation of a safer access road to reach a cellular tower on Cellular South Real Estate's adjoining property. The requested easement is for ingress/egress and construction. The consideration for the easement is \$305, and is based on the rate of \$1 per linear foot for undeveloped land. The easement is permanent, nonexclusive, and revocable for non-use. Another adjoining property owner, Carson Hughes, currently possess an easement across Cellular South Real Estate's land, and this proposed easement would allow him the right of ingress/egress for the same listed reasons. The Grantor may terminate this easement and all of the rights granted any time after two years of continuous non-use of the easement or the easement area by Grantees. The property description is included in the bound *January 17, 2013 Board Working File*. The Attorney General's Office has reviewed and approved this item.
20. **USM** - Approved the request to grant a temporary construction easement across a small portion of university property so the City of Hattiesburg can construct an extension of the Longleaf Trace - Phase III Rails to Trails project. The consideration for the 902 square foot easement is \$271. The market value is calculated on the basis of 902 square feet, at a \$3 per square foot, for one year at a rate of 10%, for a total of \$271. The property description is included in the bound *January 17, 2013 Board Working File*. The Attorney General's Office has reviewed and approved this item.

LEGAL

21. **JSU** - Approved the request to hire the Butler Snow law firm as outside counsel for intellectual property and commercial matters. The term of this agreement shall commence on the date executed by the parties (to be the date of execution after IHL Board approval) and shall expire no later than June 30, 2013, subject to renewal, if necessary. This agreement may be renewed for two additional one-year terms to run from July 1st through June 30th, if such renewal is mutually agreed to by the parties. The hourly rates to be charged for attorneys under the contract would be \$225.00 per hour for intellectual property matters and \$215.00 for all other matters. Services for paralegals and legal assistants will be charged at \$85.00 per hour. The maximum amount payable under the one year contract would be \$50,000. During any renewal period, the total amount payable shall not exceed an additional \$50,000 in any subsequent fiscal year. The contract may be terminated by either party with thirty days prior written notice. The Attorney General's Office has approved this request.
22. **UMMC** - Approved the request to hire James C. Mingee d/b/a The Mark It Place as outside counsel to provide intellectual property and related legal services, including litigation support in connection with UMMC and University of Mississippi Healthcare. The contract period would be from February 1, 2013 through January 31, 2014. The proposed hourly and fee rates are as follows: James C. Mingee, principal, \$145 per hour; C. Paige Herring, principal, \$145 per hour; and Austin Bonderer, principal, \$200 per hour. Payment (flat fee) for preparing a trademark application, filing it with the USPTO and routine prosecution (excludes objections by a third party) - \$1,200. Any party may terminate this contract at any time by giving written notice to the other party of such termination and specifying the effective date thereof, at least thirty working days before the effective date of such termination. The total amount payable, pursuant to this agreement, shall not exceed \$30,000 plus expenses through the period from the date of the contract through January 31, 2014. The Attorney General's Office has approved this request.

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23. PERSONNEL REPORT

CHANGE OF STATUS

Alcorn State University

Betty Roberts, *from* Senior Vice President for Administration and Finance/Chief Financial Officer, salary of \$175,000 per annum, pro rata; E&G Funds; *to* Senior Vice President for University Operations/Chief Operating Officer, salary of \$182,500 per annum, pro rata; E&G Funds; effective February 1, 2013

Jackson State University

- Jean-Claude Assad, *from* Associate Professor of Economics, College of Business; salary \$102,413 per annum, pro rata; E&G Funds; *to* Associate Professor of Economics and Interim Dean, College of Business; salary of \$150,000 per annum, pro rata; E&G Funds; effective January 1, 2013
- Loria Brown Gordon, *from* Assistant to the Associate Vice President of Student Life; salary \$64,611 per annum, pro rata; E&G Funds; *to* Interim Dean of the W. E. B. DuBois Honors College, salary of \$70,000 per annum, pro rata; E&G funds; effective October 15, 2012
- Patricia Jernigan, *from* Assistant Dean, Division of International Studies; salary \$70,583 per annum, pro rata; E&G Funds; *to* Interim Dean, Division of International Studies; salary of \$85,000 per annum, pro rata; E&G Funds; effective January 1, 2013

Mississippi Valley State University

- John Jones, *from* Associate Provost for Institutional Effectiveness; salary of \$118,000 per annum, pro rata; E&G Funds; *to* Interim Provost and Vice President for Academic Affairs; salary of \$140,000 per annum, pro rata; E&G Funds; effective January 1, 2013
- Zachary Faison, *from* Chief of Staff and Executive Assistant to the President; salary of \$110,000 per annum, pro rata; E&G Funds; *to* Chief of Staff and Interim Vice President for University Advancement/Executive Director of MVSU Foundation; salary of \$120,000 per annum, pro rata; E&G Funds; effective January 1, 2013

TERMINATION

Jackson State University

- Glenda B. Glover, Professor of Accounting and Dean, College of Business, effective December 31, 2012
- Janice Neal Vincent, Associate Professor of the Department of Speech and Communication, College of Liberal Arts and tenured faculty member; effective January 18, 2013

Mississippi Valley State University

- Angela Getter, Vice President for University Advancement; effective November 23, 2012
- Anna Hammond, Provost and Executive Vice President; effective December 31, 2012

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SABBATICALS

Jackson State University

Ken S. Lee, Professor of Chemistry Department, College of Science, Engineering and Technology, *from* salary of 61,664 per nine-month contract; E&G Funds; *to* salary of \$30,832 per annum, pro rata for sabbatical period; E&G funds; effective December 15, 2012 through December 14, 2013; professional development

Mississippi University for Women

Michael Smith, Associate Professor of English, College of Arts and Sciences, *from* salary of \$46,024 per nine-month contract paid over annual period; E&G Funds; *to* salary of \$23,012 for the sabbatical period; E&G Funds; effective August 12, 2013 to December 31, 2013; professional development

EMERITUS STATUS

University of Mississippi

Gregory A. Schirmer, Professor Emeritus of English; effective January 22, 2013 (rehired retiree)

University of Southern Mississippi

- Donald Lamar Davis; Professor Emeritus of Management Information Systems; effective November 1, 2012
- Edward Coleman Mann; Associate Professor Emeritus of Technology Education; effective November 1, 2012
- Lon Jay Mathias; Professor Emeritus of Polymer Science; effective November 1, 2012

University of Mississippi Medical Center

- Kay Allen, M.D., Professor Emeritus of Pathology, School of Medicine; effective February 1, 2013
- Donald B. Sittman, Ph.D., Professor Emeritus of Biochemistry, School of Medicine; effective February 1, 2013

ADMINISTRATION/POLICY

24. **MUW** - Approved the request to bestow one honorary degree at the May 2013 commencement. Supporting documents are on file at the Board Office.

FINANCE AGENDA

Presented by Trustee Aubrey Patterson, Chair

On motion by Trustee Patterson, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Finance Agenda. On motion by Trustee Patterson, seconded by Trustee Cummins, all Trustees legally present and participating voted unanimously to approve agenda item #2. On motion by Trustee Patterson, seconded by Trustee Pickering, all Trustees legally present and participating voted unanimously to approve agenda item #3.

1. **MSU** - Approved the request to authorize and define the criteria for granting waivers of out-of-state tuition to MSU students. More specifically, this policy is implemented to include out-of-state tuition

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waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. §37-103-25 (3). The following out-of-state waivers are authorized, on a case-by-case basis, in addition to those in existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission to MSU of timely and adequate proof of having met the applicable criteria. To be eligible for out-of-state tuition waivers applicants must meet admissions requirements for the initial award and maintain satisfactory academic progress for continued eligibility. A) Military Personnel, Spouses, Dependents, and Survivors - MSU may waive out-of-state tuition for all present and former members of the U.S. Armed Forces who are engaged in or were honorably discharged from service including members of the National Guard and Reserve. A partial waiver may be extended to current spouses and dependent children of active military personnel without regard to the active duty location. A partial waiver may also extend to survivors of members of the U.S. Armed Forces who died while on active duty. B) MSU-Meridian geographic area - For the purpose of offering enhanced access to MSU-Meridian's upper division and graduate programs to students who live within close geographic proximity of the campus, MSU-Meridian may waive out-of-state tuition for non-resident students who reside within Sumter, Choctaw, Greene, Hale, Clarke and Marengo Counties of the State of Alabama. These newly created waivers will become effective for the 2013-2014 academic year and may be applied to all academic terms therein. MSU estimates that the impact of waiving non-resident tuition for these identified categories would be the reduction of revenue by approximately \$3.3 million over a five-year period. Conversely, the university could collect up to \$6.5 million of new tuition revenue from these newly enrolled non-resident students for a net gain of \$3.2 million. Students receiving a waiver their first year must remain enrolled full-time, must maintain a specified GPA, and must continue to meet the additional criteria originally making them eligible in order to automatically renew the waiver. The Attorney General's Office has reviewed this item.

2. **MVSU** - Approved the request to authorize and define the criteria for granting waivers of out-of-state tuition to MVSU students. More specifically, this policy is implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. §37-103-25 (3). MVSU will offer a single flat tuition rate for all resident and non-resident students. Non-resident students have historically represented less than 15% of the student population and are generally student athletes, children of alumni, and students from bordering states. Most of these students are currently awarded non-resident tuition waivers. The population in the Mississippi Delta has declined by approximately 25% since 1970 reducing the number of eligible high school graduates in the region. As such, MVSU will adapt its recruiting strategies to the changing environment by recruiting more non-resident students. MVSU will begin waiving the non-resident surcharge effective with the summer 2013 academic terms and will be charging a single, flat-rate tuition for all students regardless of residency and classification. The policy will be applicable to all current and future graduate and undergraduate non-resident students. MVSU estimates they will collect an additional \$4.5 million of tuition revenue over a five-year period under this new waiver structure. The new structure could conservatively bring an additional 215 non-resident students to the university by FY 2017-2018. The Attorney General's Office has reviewed this item.
3. **USM** - Approved the request to authorize and define the criteria for granting waivers of out-of-state tuition to USM students. More specifically, this policy is implemented to include out-of-state tuition waivers as recently authorized, effective July 1, 2012, through the amendment to Miss. Code Ann. §37-103-25 (3). The following out-of-state waiver categories are authorized in addition to those in

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existence by virtue of prior statutory law and IHL Board Policy. All waivers are contingent upon the student's submission to USM of timely and adequate proof of having met the applicable criteria. A) Military – Eligible applicants who are engaged in or honorably discharged from active duty in the United States Armed Services would receive a waiver of the non-resident surcharge. B) Academic Achievement in Strategic Markets – Students who meet strategic enrollment criteria in targeted markets would have non-resident surcharges waived. Students must have earned a minimum high school grade point average and a minimum ACT/SAT score and reside in strategic geographic markets such as west Florida, Birmingham and south Alabama, Baton Rouge and south Louisiana, and Houston, Texas suburbs. C) Special Talent in the Fine and Performing Arts – Students, who by their auditions or body of work show special talent, may be granted a waiver of non-resident charges. D) Legacies – Children and grandchildren of USM graduates, who meet admissions requirements and parent(s) (or grandparents) have been paid members of the Alumni Association for ten or more years or are Lifetime Members, will be granted a waiver of non-resident charges. E) Graduate Assistants – Graduate students who are employed by USM as graduate assistants will be granted a waiver of non-resident charges. These newly created waivers will become effective for the 2013-14 academic year and will only be available to new students. Existing students will not be eligible for these new waivers. Students receiving a waiver during their first year must remain enrolled full-time, must maintain a specified GPA, and must continue to meet the additional criteria making them eligible to automatically renew the waiver. USM estimates that they will collect between an additional \$8 and \$10 million over current collections of tuition revenue over a five year period under these new categories. The waiver will be applicable only to new non-resident students. Current non-resident students will not qualify for the non-resident tuition waiver. The Attorney General's Office has reviewed this item.

REAL ESTATE AGENDA

Presented by Trustee C. D. Smith, Chair

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

1. **SYSTEM** - Approved the proposed amendments to Board Policy 919 Prerequisites for Building Modifications or Demolition for final reading, as follows:

919 Prerequisites for Building Modifications or Demolition

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

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Board approval of a modification or demolition project is subject to any required approvals of the Mississippi Department of Environmental Quality and the Mississippi Department of Archives and History.

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

LEGAL AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to move agenda items #1 and #2 to the Executive Session Agenda. Agenda item #3 was approved as shown below. A motion was made by Mr. Patterson, seconded by Trustee Robinson to approve agenda item #3a. Trustee Smith made a motion to approve item #3a and amend it as necessary. Trustee Patterson withdrew his motion, with Trustee Robinson concurring. On motion by Trustee Perry, seconded by Trustee Rouse, all Trustees legally present and participating voted unanimously to approve agenda item #3b as amended in the third paragraph to read “as defined by each institution and approved by the IHL Board”.

1. **UMMC** - Request approval of the settlement of Tort Claim No. 1695. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
2. **UMMC** - Request approval of the settlement of Tort Claim No. 1813. **(THIS ITEM WAS MOVED TO EXECUTIVE SESSION AGENDA.)**
3. **SYSTEM** - Proposed amendments to Board Policy 102.06 Diversity Statement **(See Exhibit 1.)**
A motion was made by Mr. Patterson, seconded by Trustee Robinson to approve agenda item #3a. Trustee Patterson withdrew his motion, with Trustee Robinson concurring. Trustee Smith made a motion to approve item #3a and amend it as necessary. Trustee Smith withdrew his motion. On motion by Trustee Perry, seconded by Trustee Rouse, all Trustees legally present and participating voted unanimously to approve agenda item #3b as amended in the third paragraph to read “as defined by each institution and approved by the IHL Board”. This policy will be effective immediately.
At the end of March, each institution will submit their campus diversity plan to the System Diversity Officer. The campus diversity plans will be presented to the Board for information while the definition of “underrepresented” for each institution will be presented for approval by the Board.

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

1. Election of Vice President of the Board of Trustees for the term beginning March 1, 2013 and ending January 31, 2014.

Trustee Blakeslee opened the floor for nominations for the office of Vice President of the Board. Trustee Robinson nominated Trustee Aubrey Patterson, the motion

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was seconded by Trustee Smith. There being no further nominations, the nominations were closed. All Trustees legally present and participating voted in the affirmative, therefore, it was

RESOLVED, that Trustee Aubrey Patterson was elected as Vice President of the Board for a term, beginning March 1, 2013.

INFORMATION AGENDA
Presented by Commissioner Hank M. Bounds

REAL ESTATE

1. **SYSTEM** - The Board received the Real Estate items that were approved by the Board staff subsequent to the October 18, 2012 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 2.)

LEGAL

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

ADMINISTRATION/POLICY

3. **SYSTEM** - The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.
 - a. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On November 5, 2012, the Commissioner approved the request to enter into a multi-year lease with Stephen J. Rosenthal d/b/a M & K Development. This agreement is for the lease of approximately 1,350 square feet of space in Indianola, MS to house the Mississippi Child Care Resource & Referral Network resources library and offices of the Early Learning Guidelines project. The most recent lease of this space expired in May 2012. Since then, MSU has been leasing on a month-by-month basis. Other properties were considered; however, the Lessor agreed to provide the space to MSU at a 40% discount. The new lease term will be for a five year period – December 1, 2012 through November 30, 2017. MSU will pay \$550 per month for the lease of the space. The total cost for the lease term is \$33,000. In addition to rent costs, MSU will be responsible for utilities and internet services. The Lessor will provide routine maintenance for the property. This agreement is funded externally by a grant through the Mississippi Department of Human Services. The Executive Office legal staff have reviewed and approved the contract documents.
 - b. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On November 9, 2012, the Commissioner approved the request to enter into a revenue generating lease agreement with the United States of America acting by and through the USDA's Animal and Plant Health Inspection Service. This agreement is for the lease of 1,704 square feet of office space in the J.S. Scales

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Building on the MSU campus to be used by researchers, technicians and project leader(s) for the National Wildlife Research Center. The lease term will run for a five-year period. In return for the lease of the designated space, MSU will receive an annual rent payment of \$17,880. The total rent to be received for the five-year lease term is \$89,400. The university, as Lessor, will provide utilities, parking, janitorial services, and maintenance and landscaping services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.

- c. **UM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On December 10, 2012, the Commissioner approved the request for budget revisions to the Off Campus budget. The Executive Office financial staff have reviewed and approved these revisions. The budget revision contains no increases in total budgets but rather reallocations amongst individual expense categories. A copy of the documents are included in the *January 17, 2013 Board Working File*.
- d. **UMMC** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On November 13, 2012, the Commissioner approved a Fixed Periodic Payment Schedule with Olympus America, Inc. for equipment used in performing digestive disorder endoscopy procedures. The proposed Schedule will be governed by the same Master Lease Agreement that was approved by the IHL Board in October 2012. The proposed FPP Schedule is for the provision of two (2) pieces of equipment for use in performing endoscopy procedures and treating digestive disorders in UMMC's Adult GI Lab. In addition, the equipment is compatible with multiple types of scopes and may be used for additional types of screenings. If approved, the lease term will run for a two (2) year period. UMMC will pay \$4,012.51 per month for the lease of the equipment. The total cost for the lease term is \$96,300.24. Because it is anticipated that the equipment will be used frequently, UMMC is opting for a fixed payment schedule rather than a cost per procedure (CPP) schedule. At the end of the lease term UMMC has the option of purchasing the equipment at a purchase price of fair market value. During staff's review of the current request, the master services agreement and the associated two-year CPP Schedule approved at the Board's October 2012 meeting, was checked again. We have validated that this is a *different* set of equipment and supplies that is used in performing digestive disorder and broncho-pulmonary endoscopy procedures in UMMC's Adult GI Lab. As a reminder, the costs associated with the CPP Schedule are based on a charge of \$24.55 per procedure. UMMC estimated it will perform approximately 7,200 procedures during the two (2) year agreement term for an estimated total cost of \$176,760. The Executive Office legal staff have reviewed and approved the contract documents.
- e. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On November 20, 2012, the Commissioner approved the request to enter into a revenue generating lease agreement with New Polymer Systems, Inc. This agreement is for the lease of approximately 577 square feet of office and laboratory space in USM's Accelerator Building. The proposed lease space includes 372

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square feet of office space and 205 square feet of laboratory space for use by Lessee's scientists and support personnel. The lease term will run for an initial twelve (12) month period and may be extended for an additional twelve (12) month period upon notice by the Lessee prior to the end of the then current lease term and subsequent Commissioner approval. In return for the lease of the designated space, USM will receive an annual rent payment of \$11,440. The university, as Lessor, will provide utilities, janitorial services and routine maintenance services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.

- f. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On December 19, 2012, the Commissioner authorized retroactive approval of a lease agreement with Albert Moore Homebuilders, Inc (Moore). Cheryl Mowdy, Assistant Commissioner for Finance and Administration, contacted Steve Ballew, Director of Procurement and Contractual Services, to determine the circumstances surrounding the request for retroactive approval. According to Mr. Ballew, USM management discovered that the Principal Investigator on an externally funded grant entered into this agreement upon receipt of a Requisition to issue a Purchase Order to accompany the lease payments. The request for retroactive approval dates back to the start date of this "current" lease, October 1, 2012; however, no lease payments have been issued for this period. Effective August 2012, USM management communicated to campus departments that any document with terms and conditions must be reviewed by either Legal Counsel or Procurement, and signed by only those to whom the President delegated such signature authority. Mr. Ballew indicated that he addressed this particular case directly with the offending Principal Investigator and the Sponsored Programs Department. Additionally, USM did want to disclose that a previous lease with this entity was processed in the 2011 without the proper approvals. Mr. Ballew indicated USM will continue to conduct trainings with Sponsored Programs, New Department Chair Orientations and other smaller units emphasizing the appropriate approval process for such agreements. Specifics related to current request for Commissioner Approval: The agreement is for the lease of approximately 3,000 square feet of office space for project staff of the Mississippi Law Enforcement Liaison Office in Pearl, Mississippi, which is affiliated with the Police Traffic Services Law Enforcement program at USM. The purpose of placing staff in this location is to provide technical assistance and on-site training to all Mississippi law enforcement agencies. The lease term is for a twelve (12) month period, October 1, through September 30, 2013. USM will have the option to renew the lease for an additional twelve (12) month period upon ninety (90) days-notice to Lessor, and by obtaining the Commissioner's approval should the grant funding continue to be made available. USM is paying \$1,650 monthly for the lease of the space. The total cost for the twelve (12) month lease term is \$19,800. In addition, USM is responsible for payment of utilities at the leased premises. This agreement is funded by the Mississippi Office of Highway Safety via a grant from the

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- U.S. Department of Transportation. The Executive Office legal staff have reviewed and approved the contract documents.
- g. **USM** - In accordance with Board Policy 301.0702 Duties of the Commissioner “The Commissioner is authorized to conduct the day to day administrative affairs of the Board. . .” On December 19, 2012, the Commissioner approved the execution of a Consent Letter related to an existing 1997 lease agreement between The City of Hattiesburg (City), the Board of Trustees of State Institutions of Higher Learning (Board) and Alltel Communications, LLC d/b/a Verizon Wireless (Successor in interest to Cellular XL Associates, LP d/b/a Cellular One) (Alltel). The 1997 Lease agreement, which was executed by Dr. Thomas D. Layzell, allowed Verizon/Alltel to locate communications equipment on property owned by the City and by USM. In addition, the agreement provided for the installation of an emergency generator at the equipment site at such time as Verizon/Alltel as Lessee opted to install one. At this time, Verizon wishes to exercise its option to install an emergency generator on the site. The Executive Office legal staff have reviewed and approved the contract documents.
- h. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On January 7, 2013, the Commissioner approved the request to enter into a revenue generating lease agreement with Southpointe Distributors, LLC (Southpointe), a pharmaceutical and medical device producer and distributor. This agreement is for the lease of approximately 1,425 square feet of office space in USM’s Accelerator Building. The lease term will run for an initial two (2) year period, from January 1, 2013 through December 31, 2014, and may be extended for an additional twelve (12) month period upon approval by the Commissioner. In return for the lease of the designated space, USM will receive a rent payment of \$26,125 for Year 1 of the agreement and \$28,500 for Year 2 of the agreement. Should the parties opt to extend the lease agreement for a third year, USM will again receive an annual amount of \$28,500. The total amount paid to USM for the three (3) year period will be \$83,125. The university, as Lessor, will provide utilities, janitorial services and routine maintenance services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.

EXECUTIVE SESSION

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

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Discussion of two litigation matters at one of the public universities,
Discussion of two personnel matters at two of the public universities, and
Discussion regarding the prospective leasing of land by one of the public universities.

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

On motion by Trustee Patterson, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to authorize Commissioner Bounds to enter into the appropriate contract with The Registry to utilize Dr. Portia Coleman-Shields as the Interim President of Mississippi Valley State University. Dr. Coleman-Shields will report directly to Dr. Al Rankins, Associate Commissioner of Academic and Student Affairs, who reports directly to the Commissioner.

The Board discussed and deliberated over Dr. Arthur Chu's request for a Board review of his denial of tenure and promotion by Delta State University. On motion by Trustee Perry, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously as recommended by legal counsel to deny Dr. Arthur J. Chu's request to review Delta State University's decision to deny tenure and promotion.

On motion by Trustee Dye, seconded by Trustee Pickering, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1813, styled as *Davie Miller vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Dye, seconded by Trustee Owens, with Trustee Pickering participating by phone, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1695, styled as *LeMarion Walker vs. UMMC, et al.*, as recommended by counsel.

The Board discussed a prospective leasing of land by one of the public universities, but no action was taken.

On motion by Trustee Perry, seconded by Trustee Smith, all Trustees legally present and participating voted unanimously to return to Open Session.

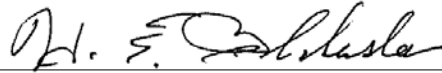
On motion by Trustee Robinson, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to waive Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process subsection (j) Second Interviews which requires a 48 hour waiting period before the Board Search Committee can make a final decision on which candidate to invite back for the second round of interviews.

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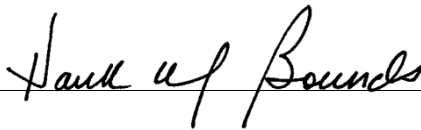
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ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to adjourn the meeting.



President, Board of Trustees of State Institutions of Higher Learning



Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | Approved amendments to Board Policy 102.06 Diversity Statement effective immediately. |
| Exhibit 2 | Real Estate items that were approved by the IHL Board staff subsequent to the October 18, 2012 Board meeting. |
| Exhibit 3 | Report of the payment of legal fees to outside counsel. |

EXHIBIT 1

January 17, 2013

Approved amendments to Board Policy 102.06 Diversity Statement. The language in red indicates an amendment that was suggested and approved during the meeting.

102.06 DIVERSITY STATEMENT

One of the strengths of Mississippi is the diversity of its people. This diversity enriches higher education and contributes to the capacity that our students develop for living in a multicultural and interdependent world. Our system of government, rooted in respect for all people and respect for each individual, is based on understanding. ~~Dealing with this diversity continues to be a challenge.~~ Embracing diversity of thought, cultural background, experience, and identity helps to foster inclusive and intellectually enriched campus communities that maximize opportunities for success among all students and employees.

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

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

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

The Board recognizes the ~~desirability~~ importance for campus environments to promote ~~multicultural~~ diversity and ~~to increase the~~ ensure that all aspects of institutional practice affirm our commitment to access and success, with particular attention to heightening participation and achievement of minority students underrepresented individuals, as defined by each institution and its mission and approved by the IHL Board. To that end, the Board adopts the following goals for higher education in Mississippi:

1. To increase the enrollment and graduation rate of ~~minorities~~ underrepresented students at our institutions;

EXHIBIT 1

January 17, 2013

2. To increase the employment of ~~minorities~~ underrepresented individuals in administrative, faculty and staff positions;
3. To enhance the overall ~~curriculum by infusion of content~~ educational experience through infusion of curricular content and co-curricular programming that enhances multicultural awareness and understanding; and
4. To increase the use of underrepresented ~~minority~~ professionals, contractors, and other vendors.

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

EXHIBIT 2

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SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE NOVEMBER 15, 2012 BOARD MEETING SUBMISSION DEADLINE

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

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

1. ASU – GS 101-291 – Rowan Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Barnard and Sons Construction, LLC, the lower of three (3) bidders, for a total contract amount of \$2,117,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 20, 2012

Project Initiation Date: August 18, 2011

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Barnard & Sons

Contract Award Date: April 20, 2012

Project Budget: \$2,250,000.00

Funding Source(s): HB 1722, L'09 (\$850,000); HB 1701, L'10 (\$1,150,000); SB 3100, L'11 (\$250,000)- IHL/DFA Discretionary Funds

2. ASU– GS 101-291 – Rowan Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$133,534.00 and ninety (90) additional days to the contract of Barnard and Sons Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #1** is necessary to repair existing masonry conditions and asbestos abatement discovered in the utility tunnel.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$133,534.00.

Project Initiation Date: August 18, 2011

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Barnard and sons Construction, LLC.

Contract Award Date: April 20, 2012

Project Budget: \$2,250,000.00

Funding Source(s): HB 1722, L'09 (\$850,000); HB 1701, L'10 (\$1,150,000); SB 3100, L'11 (\$250,000)- IHL/DFA Discretionary Funds

EXHIBIT 2

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3. ASU – GS 101-292 – Bowles Hall Renovations

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

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

Staff Approval Date: October 19, 2012

Project Initiation Date: June 16, 2011

Design Professional: Burris/Wagnon Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$8,200,000.00

Funding Source(s): SB 3100, L'11 (\$7,200,000); HB 1701, L'10 (\$1,000,000)

4. DSU– GS 102-229 – Residence Hall Fire Protection

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$18,164.27 and zero (0) additional days to the contract of Dynamic Fire Protection, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 14, 2012

Change Order Justification: **Change Order #1** is necessary to provide a new 6" valve and fire hydrant to replace the existing one at the south side of Lawler-Harkins, to provide labor & equipment to remove & replace pavement for the exploratory locating of the undefined fire main at the south side of Lawler-Harkins, to provide wet tap for the new fire main located across the street on the east side of Lawler-Harkins and to provide piping for the future water valves relocated in the exterior mechanical room at Lawler-Harkins.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$1,088,247.00.

Project Initiation Date: August 16, 2009

Design Professional: LPK Architects, P.A.

General Contractor: Dynamic Fire Protection, LLC

Contract Award Date: July 13, 2011

Project Budget: \$1,088,247.00

Funding Source(s): HB 1722, L'09 (\$1,082,965.87); HB 1641, L'08 (\$5,281.13)

5. DSU – GS 102-237 – Caylor White/Walters – Phase III

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Panola Construction Company, Inc., the lower of four (4) bidders, for a total contract amount of \$14,384,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 16, 2012

EXHIBIT 2

January 17, 2013

Project Initiation Date: August 19, 2010

Design Professional: Architecture South, P.A.

General Contractor: Panola Construction Company, Inc.

Contract Award Date: November 16, 2012

Project Budget: \$15,715,249.00

Funding Source(s): HB 1722, L'09 (\$643,485); HB 1701, L'10 (\$6,279,071); SB 3100, L'11 (\$8,042,693)

6. JSU – GS 103-266– Mechanical Upgrades Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$17,296.88 and forty (40) additional days to the contract of Buford Plumbing Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #2** is necessary to provide labor, materials & equipment to install four (4) new duct- mounted smoke detectors at F.D. Hall.

Scaffolding is to be built to the RTU from below for installation & testing as well as in the adjoining stairwell to allow conduit installation above the existing ceilings back to the fire alarm panel. The penthouse unit will be piped in EMT as well as new power signal cabling piped above the existing ceilings to the fire alarm panel.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$50,772.88.

Project Initiation Date: August 20, 2009

Design Professional: The CGM Group, Inc.

General Contractor: Buford Plumbing Company, Inc.

Contract Award Date: November 29, 2010

Project Budget: \$2,217,296.88

Funding Source(s): HB 1722, L'09 (\$1,200,000.00); HB 246, L'07 (\$1,000,000.00); HB 1701, L'10 (\$17,296.88)

7. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$52,457.04 and four (4) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 16, 2012

Change Order Justification: **Change Order #5** is necessary to provide & install a 6' chain link gate, to provide & install safety eyes to the gate at the temporary road, as well as the permanent gate, to demolish the existing screen wall, to furnish & install additional rock to extend the walkway at the round pen, to provide & install 3 can light fixtures and 2 access panels, to furnish & install a new 100 ampere panel board, to relocate the 10" water main outside of the footprint of the building and to credit for not providing the new round pen, instead installing the existing round pen.

Total Project Change Orders and Amount: Five (5) change order for a total amount of \$558,807.73.

EXHIBIT 2

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Project Initiation Date: October 21, 2010

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

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

Contract Award Date: December 2, 2011

Project Budget: \$12,697,791.22

Funding Source(s): HB 1701, L'10 (\$13,000,000.00); State Bond Funds credit (\$302,208.78)

8. MUW – GS 104-178 – Fant Library Renovation, Phase 1

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$28,466.40 and five (5) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 17, 2012

Change Order Justification: **Change Order #1** is necessary to provide all material, labor, supervision, general conditions, overhead, and profit to abate asbestos pipe insulation discovered in the existing steam tunnel section scheduled for demolition and to also provide all material, labor, supervision, general conditions, overhead and profit to reconnect an existing sump pump located in the steam tunnel as the demolition will disrupt the power to this sump pump.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$28,466.40.

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers Construction

Contract Award Date: July 13, 2010

Project Budget: \$6,800,000.00

Funding Source(s): SB 3100, L'11 (\$5,952,000) – (\$952,000 BOB IHL Discretionary Funds); HB 1701, L'10 (\$848,000)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$20,936.64 and thirty (30) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$555,949.34 and forty-nine (49) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 13, 2012

Change Order Justification: **Change Order #3** is necessary to modify gypsum board furr-downs & to add gypsum board and finishes above the windows at the existing exterior walls, to modify ductwork, to patch the bottom edge & exposed back face of the precast panels at the soffit and to deduct for duplicate time for concurrent work. **Change Order #4** is necessary to add back items removed in CO #1 which include seating and

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information 106A & 204A and Comp 106B, 106C, 204B and 204C including millwork, drywall, finishes, mechanical & electrical, ductwork changes at AHU-7 to rectify conflicts and to repair existing decking & penetrations and install new TPO roof on existing boiler building .

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$1,622,123.52.

Project Initiation Date: February 22, 2008

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Harrell Contracting Group, P.A.

Contract Award Date: October 10, 2011

Project Budget: \$11,500,000.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$541,293.47 and forty-five (45) additional days to the contract of Evan Johnson & Sons Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #3** is necessary to add alternate #3 to the contract due to large areas of floor patch spalling off existing floor finishes, re-tensioning & custom fabricated wire end plates at multiple points, to install moisture-resistant gypsum board to resist any moisture migrations until the building envelope repairs could be completed, the need to add a French drain at the southwest side of the building and tie it into the existing storm sewer system due to subsurface water infiltration and to replace numerous breaker panels at the cost of the panels only.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$398,325.00.

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$7,300,000.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$59,832.00 and thirty-one (31) additional days to the contract of Carothers Construction, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$519,297.00 and zero (0) additional days to the contract of Carothers Construction, Inc.

Staff Approval Date: November 2, 2012

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Change Order Justification: **Change Order #1** is necessary to perform additional work to abate the existing steam tunnel serving the NCNP auditorium & the unforeseen terra cotta pipe discovered adjacent to the steam tunnel. **Change Order #2** is necessary to deduct for building controls management allowance, to perform revised modifications at lay down area at Coulter/Library Annex Parking area, use of 5700 square feet of grassed areas to be used as contractor lay down & storage area to restore with sod at completion of project, to remove existing chain link fence, omit the original fence line and provide a construction fence, to protect all existing utilities, to remove construction fence at the completion of project, to provide temporary steam line to ensure the building operation security in the heating season and for the convenience of the university and also provides a dependable heating source for the animal center & the research center, additional cost to transport employees from “kudzu” lot to the reduced lay down areas.
Total Project Change Orders and Amount: Two (2) change orders for a total **credit amount** of \$459,465.00.

Project Initiation Date: May 20, 2010

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: Carothers Construction, Inc.

Contract Award Date: August 22, 2012

Project Budget: \$40,000,000.00

Funding Source(s): Self-Generated Funds (\$7,198,380.00); C76HF10917 (\$17,866,175); NIH/NCRR (ARRA) (\$13,915,445); USDA (\$1,000,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$8,593.55 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #10** is necessary to provide & install new asphalt paving at the existing parking lots on the west & north sides of the site.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$125,618.61.

Project Initiation Date: November 18, 2010

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

General Contractor: D. Carroll Construction

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the **credit amount** of \$360.00 and zero (0) additional days to the contract of Panola Construction Company, Inc.

Staff Approval Date: November 6, 2012

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Change Order Justification: **Change Order #8** is necessary to deduct for patch & painting of drywall damaged by other trades.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$154,809.01.

Project Initiation Date: November 18, 2010

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

General Contractor: Panola Construction Company, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$763.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #13** in the **credit amount** of \$15,993.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval Date: #1 (November 6, 2012); #2 (November 8, 2012)

Change Order Justification: **Change Order #12** is necessary to relocate interior signs closer to the door frames at the center stairwells where single leaf doors replaced the original double leaf door opening, to refinish & repaint the walls where the signs were relocated and to install additional signage at other locations. **Change Order #13** is necessary to deduct for the cost to re-clean the closet shelving & millwork following installation issues.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total **credit amount** of \$76,732.38.

Project Initiation Date: November 18, 2010

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

General Contractor: EMJ Corporation

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$469.22 and zero (0) additional days to the contract of Clinton Interiors, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$15,238.40 and zero (0) additional days to the contract of Clinton Interiors, Inc.

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Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #11** is necessary to repair damage to ceiling tile in the north building caused by a sprinkler line leak. **Change Order #12** is necessary to replace compromised items in the north and south buildings to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Twelve (12) change orders for a total amount of \$217,481.48.

Project Initiation Date: November 18, 2010

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

General Contractor: Clinton Interiors, Inc.

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$4,247.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$11,880.39 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #5** is necessary to patch & paint drywall damaged by other trades. **Change Order #6** is necessary to replace compromised items in the north & south building to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$31,483.39.

Project Initiation Date: November 18, 2010

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

General Contractor: Specialty Finishes, Inc.

Contract Award Date: August 9, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$640.00 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

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Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$996.00 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$8,018.40 and zero (0) additional days to the contract of F.L. Crane & Sons, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #3** is necessary to deduct for repair to elevator tolerances due to heavy loads from pallets of flooring. **Change Order #4** is necessary to deduct for credit for the carpet that was to be installed in the office of all three buildings in the north building 325, south building 325 and the west building 320. The vinyl tile that has been installed will stay in place. **Change Order #5** is necessary to replace compromised items in the north & south buildings to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$7,250.25.

Project Initiation Date: November 18, 2010

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

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

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$640.00 and zero (0) additional days to the contract of Thyssenkrupp Elevator Corporation.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #2** is necessary to repair elevator tolerances due to heavy load from pallet of flooring.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$5,920.00

Project Initiation Date: November 18, 2010

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

General Contractor: Thyssenkrupp Elevator Corporation

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$2,640.00 and zero (0) additional days to the contract of Fireline, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$4,249.78 and zero (0) additional days to the contract of Fireline, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #3** is necessary to relocate the existing fire hydrant out of the handicap sidewalk at the entrance from the north parking lot.

Change Order #4 is necessary to patch & paint drywall damage by other trades, repair of damaged ceiling tile in the north building and the cost to lower the existing water main on the east side of the south building in order to achieve proper coverage.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$8,116.98

Project Initiation Date: November 18, 2010

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

General Contractor: Fireline, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$3,331.00 and zero (0) additional days to the contract of Ivey Mechanical, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the amount of \$7,998.00 and zero (0) additional days to the contract of Ivey Mechanical, Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #13** in the amount of \$4,341.00 and zero (0) additional days to the contract of Ivey Mechanical, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #11** is necessary to provide laundry water meters with pulse readout for connection to the energy management system. **Change**

Order #12 is necessary to provide & install collapsible shower dams at all ADA showers to eliminate water overflow from showers. **Change Order #13** is necessary to replace compromised items in the north and south buildings to ensure student living environments were free of any moisture damage.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total credit amount of \$180,026.71

Project Initiation Date: November 18, 2010

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

General Contractor: Ivey Mechanical, Inc.

Contract Award Date: June 2, 2011

Project Budget: \$39,314,500.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$2,332.27 and zero (0) additional days to the contract of Whitfield Electric Company, Inc.

Staff Approval Date: November 8, 2012

Change Order Justification: **Change Order #11** is necessary to provide & install additional scope items – the circuit for the irrigation system at the south building and re-feeding the existing pole lights at the west building, adding the receptacle & raceway for the key boxes of all three buildings and relocating the exit signs in the stairwells in the west building.

Total Project Change Orders and Amount: Eleven (11) change orders for a total credit amount of \$9,995.95

Project Initiation Date: November 8, 2010

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

General Contractor: Whitfield Electric Company, Inc.

Contract Award Date: May 24, 2011

Project Budget: \$39,314,500.00

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

22. UM – IHL 207-348 – Johnson Commons West Renovation

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Tipton Associates, A Professional Architectural Corporation.

Staff Approval Date: October 17, 2012

Project Initiation Date: June 16, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: TBA

Contract Award Date: TBD

Project Budget: \$14,500,000.00

Funding Source(s): Auxiliary R&R (\$14,500,000)

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23. UM – IHL 207-349 – Howry Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$11,500.00 and zero (0) additional days to the contract of Hooker Construction Company.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #5** is necessary to add new concrete sidewalks & two area drain grates and inlet boxes at the south courtyard abutting Falkner Hall & Howry Hall, install new guardrail/handrail sections at the northeast exterior handicap ramp of Howry Hall.

Total Project Change Orders and Amount: Five (5) change orders for a total **credit amount** of \$9,995.95

Project Initiation Date: May 19, 2011

Design Professional: Dale Partners Architects, P.A.

General Contractor: Hooker Construction Company

Contract Award Date: September 30, 2011

Project Budget: \$1,995,658.56

Funding Source(s): Internal R&R (\$1,995,658.56)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$16,389.00 and zero (0) additional days to the contract of Murphy & Sons.

Staff Approval Date: November 6, 2012

Change Order Justification: **Change Order #3** is necessary to repair elevator tolerances due to heavy loads from pallets of flooring.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$491,449.00

Project Initiation Date: November 18, 2010

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

General Contractor: Murphy & Sons, Inc.

Contract Award Date: June 22, 2011

Project Budget: \$3,230,000.00

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

25. UM– IHL 207-357 – Interior Heating Modifications – Natural Product Center

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cooke Douglass Faarr Lemons Architects.

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

Staff Approval Date: October 17, 2012

Project Initiation Date: March 15, 2012

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: TBA

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Contract Award Date: TBA
Project Budget: \$2,500,000.00
Funding Source(s): Internal R&R (\$2,500,000)

26. UM– IHL 207-357 – Interior Heating Modifications – Natural Product Center

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Cooke Douglass Farr Lemons Architects, design professional.

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

Staff Approval Date: November 6, 2012

Project Initiation Date: March 15, 2012

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$2,500,000.00

Funding Source(s): Internal R&R (\$2,500,000)

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

Observatory

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

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

Staff Approval Date: November 2, 2012

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group, Inc.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,300,000.00

Funding Source(s): Internal R&R (\$1,300,000)

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

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

Staff Approval Date: October 31, 2012

Project Initiation Date: August 16, 2012

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$7,500,000.00

Funding Source(s): Internal R&R (\$7,500,000)

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29. UMMC- GS 109-210 – School of Medicine (Paving) GC-004

Staff Approval : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$18,220.00 and ninety (90) additional days to the contract of Fountain Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 17, 2012

Change Order Justification: **Change Order #1** is necessary to remove & reinstall irrigation system, piping & wiring for (5) zones, to deduct for removal of approximately 400 sq. ft. of asphalt paving (and associated curb work) from project, to change removable pipe bollards to lockable bollards, allowance & credit for gate operators, electrical equipment relocation & CCTV allowance, additional time added due to other construction activity on campus.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$18,220.00.

Project Initiation Date: June 16, 2011

Design Professional: CDFL + Eley and Associates – A Joint Venture

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: June 29, 2012

Project Budget: \$4,500,000.00

Funding Source(s): SB 3100, L'11 (\$4,500,000)

30. UMMC- IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$12,127.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #3** is necessary to install a new pipe at an elevation that misses the duct bank to re replace the existing pipe that was to remain and to infill the existing inlet about 6" and to perform this work a portion of the existing sidewalk will need to be removed and reinstalled, and 20 existing core drilled holes that were in question regarding how they were sealed, were filled tight with mineral wool & covered with plates which were anchored to the slab for safety reasons.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$75,655.00.

Project Initiation Date: February 18, 2010

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

General Contractor: Fountain Construction Company, Inc.

Contract Award Date: January 19, 2012

Project Budget: \$20,182,526.00

Funding Source(s): EBC Bonds (\$20,182,526)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$88,921.15 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$192,320.00 and zero (0) additional days to the contract of Hemphill Construction, Inc.

Staff Approval Date: (#1) November 2, 2012; (#2) November 13, 2012

Change Order Justification: **Change Order #6** is necessary to install new ductbank & storm water piping to a deeper depth due to clearance issues with an existing sanitary sewer & storm sewer line and the need for an underdrain to alleviate perched water beneath the discovered medical & construction waste. **Change Order #7** is necessary for adjustments to miscellaneous/various pay items for unforeseen latent conditions during installations of new roadwork & utility installations, for modifications to existing & new electrical service switches which will diminish the impact of future services tin in and will provide a higher level of safety for workers involved in the future outage.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$680,652.75.

Project Initiation Date: April 15, 2010

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

General Contractor: Hemphill Construction, Inc.

Contract Award Date: April 30, 2012

Project Budget: \$11,150,000.00

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$14,410.00 and zero (0) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: November 2, 2012

Change Order Justification: **Change Order #3** is necessary to add four “p” light fixtures in the staff parking area, to relocate existing elevator feeder & mini-split circuit to allow a pathway for the new duct, to relocate existing control wire, conduit & tubing to accommodate new duct installation at the 1st floor mechanical room wall, to modify partition walls in the front of windows in order to leave windows exposed, to remove lower cabinetry in room storage 226 and store for owner’s future use, to seal penetrations caused by existing plumbing in the new walls, and to relocate/remove existing sewer lines in IT room 252.

Total Project Change Orders and Amount: Three (3) change orders for a total **credit amount** of \$33,655.00.

Project Initiation Date: October 21, 2010

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

General Contractor: Harris Constructors, Inc.

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Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

Funding Source(s): Restricted Funds (\$5,915,536)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$6,385.67 and fifteen (15) additional days to the contract of Benson Builders and Properties, Inc.

Staff Approval Date: November 14, 2012

Change Order Justification: **Change Order #4** is necessary for the purchase of a Donor Recognition Plaque/area (credit), for the actual mounting & revisions in two different areas not included in the contract documents, an addition of accent lights, adjustments for an additional electrical outlet for owner –furnished furnaces & additional support to boil out units and a gas pressure regulator required but not included in the contract documents.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$89,137.98.

Project Initiation Date: February 17, 2011

Design Professional: Mark S. Vaughan, Architect

General Contractor: Benson Builders and Properties, Inc.

Contract Award Date: July 5, 2011

Project Budget: \$1,510,000.00

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

34. USM – Gulf Park - GS 108-217 and GS 114-015 – Science Building & Recreation

Bldg. Repair & Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the **credit amount** of \$16,685.18 and zero (0) additional days to the contract of J.F. Pate and Associates Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 19, 2012

Change Order Justification: **Change Order #7** is necessary to raise the fire sprinkler piping to coordinate with the ceiling & window heights, substituting stucco system on the back of the entrance parapets in lieu of roof flashing, adding a transom above door 100-A, ship ladder modifications, work related to providing & installing ornamental steel gates in lieu of a chain link fence, a deduct for work related to cabling modification, and a deduct for work related to mixing valve modifications serving the emergency showers.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$1,577,757.65.

Project Initiation Date: January 21, 2010

Design Professional: Studio South/Allred Architectural Group

General Contractor: J.F. Pate and Associates Contractors, Inc.

Contract Award Date: July 25, 2011

Project Budget: \$12,292,109.24

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

35. USM – IHL 208-297, Dorm Replacement Phase II (Demolition)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to M & M Services, Inc., the lower of six (6) bidders, for a total contract amount of \$1,164,480.00.

Staff Approval Date: November 8, 2012

Project Initiation Date: April 15, 2010

Design Professional: The McCarty Company, P.A.

General Contractor: M & M Services, Inc.

Contract Award Date: November 8, 2012

Project Budget: \$55,000,000.00

Funding Source(s): EBC Bonds (\$55,000,000) IHL approved bond sale - not to exceed this amount.

36. USM– Gulf Park - IHL 214-018 – Central Mechanical Plant Expansion

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to J.F. Pate & Associates Contractors, Inc., the lower of eight (8) bidders, for a total contract amount of \$1,320,500.00.

Staff Approval Date: October 31, 2012

Project Initiation Date: October 18, 2012

Design Professional: Studio South Architects, PLLC

General Contractor: J.F. Pate Architects & Associates Contractors, Inc.

Contract Award Date: October 31, 2012

Project Budget: \$1,500,000.00

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

37. ERC – 111-051 – ADA & Code Compliance

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

Staff Approval Date: November 14, 2012

Project Initiation Date: November 17, 2011

Design Professional: Dale Partners Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,500,000.00

Funding Source(s): HB 1701, L'11 R&R (\$1,500,000)

EXHIBIT 3

January 17, 2013

SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 11/6/12) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of \$184.50, represents services and expenses in connection with *Jackson HMA, LLC et al. vs. Mississippi Department of Health, et al.*)

TOTAL DUE.....\$ 184.50

Payment of legal fees for professional services rendered by Baker Donelson (statements dated 10/3/12 and 11/5/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$958.00 and \$420.00, respectively, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 1,378.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/3/12, 8/3/12, 8/30/12, 9/25/12, 9/28/12, 10/10/12, 10/22/12 and 11/12/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$40.00, \$5,102.52, \$5,649.50, \$7,211.30, \$4,604.24, \$1,633.50, \$820.06 and \$256.50, respectively, represent services and expenses in connection with general legal, litigation and tort claims advice.)

TOTAL DUE.....\$ 25,317.62

Payment of legal fees for professional services rendered by Currie, Johnson, Griffin, Gaines & Myers (statement dated 10/16/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$5,379.93, represents services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 5,379.93

Payment of legal fees for professional services rendered by Kitchens Hardwick (statements dated 9/6/12, 9/10/12, 9/10/12, 10/2/12, 10/2/12, 10/2/12, 10/2/12, 10/2/12 and 10/2/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,544.22, \$4,884.47, \$2,953.50, \$495.00, \$1,666.50, \$4,966.50, \$775.50, \$1,567.50 and \$9,372.00, respectively, represent services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 28,225.19

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Payment of legal fees for professional services rendered by Page, Kruger & Holland (statements dated 10/5/12, 10/5/12, 10/17/12, 11/9/12, 11/9/12 and 11/9/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$13,864.71, \$165.00, \$874.62, \$2,638.50, \$2,016.60 and \$14,280.96, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 33,840.39

Payment of legal fees for professional services rendered by Scott, Sullivan, Streetman & Fox (statements dated 10/10/12 and 11/9/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$219.50 and \$553.50, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 773.00

Payment of legal fees for professional services rendered by Steen Dalehite & Pace (statements dated 9/30/12, 9/30/12, 10/15/12, 11/6/12 and 11/6/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,019.62, \$7,205.43, \$264.30, \$3,953.80 and \$1,433.15, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 18,876.30

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 10/17/12 and 10/19/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,162.50 and \$4,180.58, respectively, represent services and expenses in connection with tort claims advice.)

TOTAL DUE.....\$ 5,343.08

Payment of legal fees for professional services rendered by Wilkins & Tipton (statements dated 10/18/12, 10/18/12, 10/18/12, 10/18/12, 10/18/12, 10/25/12, 10/26/12, 11/7/12, 11/7/12 and 11/7/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$363.00, \$132.00, \$193.50, \$102.70, \$4,247.50, \$5,076.90, \$678.90, \$445.50, \$561.00 and \$2,999.42, respectively, represent services and expenses in connection with workers' compensation matters.)

TOTAL DUE.....\$ 14,800.42

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

Payment of legal fees for professional services rendered by Valauskas Corder (statement dated 11/19/12) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Cathcart Fire Ant Control" - \$500.00.)

TOTAL DUE.....\$ 500.00

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/11/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Patent Function Enhancement of Antimicrobials" - \$783.75; "Giant Myscanthis Provisional Plant Patent Application" - \$4,227.50; "System and Method for Charging Rechargeable Batteries" - \$1,306.25; "Burmudagrass Plant" - \$973.75; "Occidinofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans" - \$164.17; "Occidinofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans" - \$1,405.00; "Occidinofungin, a Unique Antifungal Glycopeptide - PCT Application" - \$522.50; "Crape myrtle Plant Named 'Neshoba' " - \$855.00; "Crape myrtle Plant Named 'Pascagoula' " - \$878.75; "Crape myrtle Plant Named 'Sequoyah' " - \$855.00; "Crape myrtle Plant Named 'Shumaka' " - \$736.25; "Crape myrtle Plant Named 'Tishomingo' " - \$855.00; "Change Analyst" - \$1,783.75; "Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins" - \$2,148.75; "Elusieve Service Mark" - \$475.00; " 'BERBENT' Word Mark" - \$325.00; "Micanthus Plant Named 'MSU-MFL1' " - \$1,005.00; "Method for Realizing High Efficiency Clean Combustion with Combinations of High Cetane and Low Cetane Fuels with Smart Injection Strategies" - \$125.00; "Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans" - \$2,625.25 and "Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans" - \$3,661.42.)

TOTAL DUE.....\$ 25,712.09

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 9/24/12, 9/24/12 and 10/20/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Cache Mapping Technology Matter" - \$500.50; "Complexes and Compounds for Light Emitting Applications" - \$42.50 and "Cache Mapping Technology Matter" - \$430.00, respectively.)

TOTAL DUE.....\$ 973.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/19/12, 3/19/12, 3/19/12, 3/19/12, 3/19/12, 3/19/12, 10/19/12, 10/19/12, 10/19/12 and 10/19/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "A Stable Plasmonic Cluster of Molecular Definition" - \$744.00; "Particle Feeder for Coal Combustion Studies" - \$665.50; "Highly Purified Amphotericin-B" - \$124.00; "High

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Speed Data Compression based on Set-Associative Cache Mapping Techniques” - \$64.00; “Gas Separating Membranes” - \$868.00; “Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$450.00; “Gas Separating Membranes” - \$273.00 and “Stabilized Formulations of Triamcinolone Acetonide” - \$100.00 , respectively.)

TOTAL DUE.....\$ 3,288.50

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 7/25/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$3,483.00, represents services and expenses in connection with intellectual property advice.)

TOTAL DUE.....\$ 3,483.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 8/20/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 9/18/12, 10/19/12, 10/19/12, 10/19/12, 10/19/12 and 10/19/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,170.00, \$265.00, \$354.50, \$85.40, \$712.20, \$251.10, \$2,347.00, \$186.00, \$118.60, \$624.00 and \$1,325.00, respectively, represent services and expenses in connection with intellectual property advice.)

TOTAL DUE.....\$ 7,438.80

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 10/5/12, 10/10/12, 10/10/12 and 10/20/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Trademark Application for the Centennial Anniversary” - \$2,755.00; “Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks” - \$922.50; “Photocurable Thiol-Ene Gas Permeability Membranes” - \$517.50 and “Lockhead - Oil Dispersant Patent” - \$4,828.60, respectively.)

TOTAL DUE.....\$ 9,023.60

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 10/15/12) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Method for Front Matching Stereo Vision” - \$1,502.50; “Soy Protein Adhesives and Uses Thereof” - \$2,018.75; “Application for Registration of D.E.E.P. Comprehension Service Mark” - \$47.50; “Glycerol Ester-Free Functionalized Vegetable Oil Derivatives and their Latex Compounds” - \$118.75; “Nanoencapsulation of Isocyanates via Aqueous Media” - \$1,323.75; “RNA Containing Coenzymes Biotin or Fluorophores and Methods for their Preparation and Use” - \$190.00 and “SportEvac Trademark” - \$760.00.)

TOTAL DUE.....\$ 5,961.25