BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

Final Book Meeting

June 16, 2010

BOARD BOOK OUTLINE

June 16, 2010 – 9:00 a.m.
Delta State University
Jacob Conference Center
J. M. Ewing Hall

CALL TO ORDER
Trustee Bettye Neely

PRAYER
Trustee Scott Ross

MINUTES
Trustee Bettye Neely
May 20, 2010 Regular Board of Trustees Meeting
May 28, 2010 Special Called Board Meeting
June 4, 2010 Special Called Board Meeting

SPECIAL PRESENTATION
Dr. John Hilpert, President
Delta State University

SPECIAL PRESENTATION
Presentation by the Deepwater Horizon Response Team as part of the Mississippi Research Consortium led by Dr. Alice Clark, Vice Chancellor of Research and Sponsored Programs

CONSENT AGENDA

Trustee Bettye Neely

ACADEMIC AFFAIRS

1. SYSTEM – Approval of Academic Program Modifications

Delete

a. ASU – BA in Economics....1
b. ASU – BS in Educational Psychology....1
c. ASU – BS In Health Science....1
d. ASU – BS in Special Education....1

Rename

e. MSU – BS in Wildlife and Fisheries....1

Reorganize

f. USM – BS in Entertainment Industry....1

2. Approval of Academic Unit Modification
   a. MVSU – Combine Colleges of Professional Studies and Education....2

3. Approval of Degrees to be Conferred in August 2010....2

BUDGET, FINANCE & AUDIT

1. DSU – Approval to Escalate the Education and General Budget....1
2. MSU – Approval to Escalate the Mississippi Alcohol Safety Education Program (MASEP) Budget....1
3. MSU – Approval of Contractual Agreements
   a. MSU - Contract with ARAMARK Educational Services, LLC....2
   b. MSU - Contract with Barnes and Nobles College Booksellers, Inc.....5
   c. MSU - Contract with City of Starkville, MS....6
   d. MSU - Contract with Clark Beverage Group, Inc.....7
   e. MSU - Contract with Clark Beverage Group, Inc. and Coca-Cola Company....8
4. UMMC – Approval to Escalate the Consolidated Budget....12
5. UMMC – Approval of Contractual Agreements....13
   a. UMMC - Contract with Beckman Coulter, Inc.....13
   b. UMMC - Contract with Central Mississippi Civic Improvement Association, Inc. d/b/a Jackson-Hinds Comprehensive Health Center....14
   c. UMMC - Contract with Central Mississippi Civic Improvement Association, Inc. d/b/a Jackson-Hinds Comprehensive Health Center....15
   d. UMMC - Contract with Clinical Computer Systems, Incorporated (CCSI)....17
   e. UMMC - Contract with Clinical Computer Systems, Incorporated (CCSI)....18

f. UMMC - Contract with Cymetrix Corporation....19
g. UMMC - Contract with Huron Consulting Services, LLC d/b/a Stockamp....21
h. UMMC - Contract with MedAssist, Incorporated....23
i. UMMC - Contract with Microsoft Corporation....24
j. UMMC - Contract with Mobile Medic Ambulance Service, Inc. d/b/a American Medical Response (AMR)....25
k. UMMC - Contract with Modular Devices, Inc. 26
l. UMMC - Contract with Nuance Communications, Inc. 27
m. UMMC - Contract with Petroleum Helicopters, Inc. (PHI) (lease) 28
n. UMMC - Contract with Petroleum Helicopters, Inc. (PHI) (purchase) 30
o. UMMC - Contract with Philips Healthcare Informatics, Inc. 32
p. UMMC - Contract with University Physicians, PLLC 33
6. USM – Lease Agreement with Gold Eagle, LLC 34

REAL ESTATE

Approval of Initiations Of Projects/Appointments of Professionals

Bureau of Building Projects

1. JSU – GS 103-260 – School of Engineering Phase II, Design Professional-Cooke Douglass Farr Lemons....2
2. MUW – GS 104-171 – 2010 Energy Management Project, Design Professional-Atherton Consulting Engineers 3

Approval of Budget Increases and/or Changes of Scope

Bureau of Building Projects

3. JSU – GS 103-256 – Mechanical Upgrades, Design Professional-The CGM Group.... 4
4. MUW – GS 104-154 – Storm Drainage/Street Repair, Phase II, Design Professional-Neel-Schaffer 5

IHL Projects

5. MSU – IHL 205-251 – Institute of Clean Energy Technology (ICET) Pilot Plant, Design Professional-Shafer and Associates....6
6. UMMC – IHL 209-512 – Elevator #5 and #6 Upgrade, Design Professional-Simmons Associates, AIA, General Contractor - Sunbelt General Contractors 8
7. UMMC – IHL 209-526 – Cafeteria/Kitchen Renovations, Design Professional-The McCarty Company Design Group, P.A....9
8. UMMC – IHL 209-527 – Ophthalmology Renovations-764 Lakeland, Design Professional-Dale and Associates Architects, P.A. 11
9. UMMC – IHL 209-533 – Occupational Therapy Renovation 2010, Design Professional-The McCarty Company Design Group, P.A. 12

10. USM – IHL 208-281 – Chain Tech HVAC Upgrade, Hattiesburg, Design Professional-Atherton Consulting Engineers 13

Approval of Other Real Estate Request

11. MSU – Transfer Parcel of Land to State Veterans Affairs Board (SVAB) 15

LEGAL

1. UM - Approval to Renew Contract with Butler, Snow, O'Mara, Stevens & Cannada as Outside Counsel 1
2. UM - Approval to Renew Contract with Hershkovitz & Associates as Outside Counsel 1
3. UM - Approval to Renew Contract with Stites & Harbison as Outside Counsel 2
4. USM - Approval of Request to Hire Jack W. Cooke Jr., as Outside Counsel 2
5. USM - Approval of Request to Hire The Priester Law Firm, PLLC as Outside Counsel 3

PERSONNEL

Approval of Personnel Action Requests

1. Employment (JSU, MUW, USM) (Rehired – MUW) 1
2. Change of Status (MSU, MVSU, UM, USM).....2
3. Tenure (ASU, MSU, MVSU, UMMC, USM) 3
4. Terminations (JSU, MUW, MVSU) 4
5. Emeritus Status (JSU) 5
6. Professional Leave (JSU).....5

ADMINISTRATION/POLICY

1. SYSTEM –Approval of Individuals to Serve on the Mississippi University Research Authority (MURA) in Accordance with the Mississippi University Research Authority Act 1

REGULAR AGENDAS

BUDGET, FINANCE, AND AUDIT

1. System – Approval of Fiscal Year 2011 Operating Budgets 1
2. System – Approval of FY 2012 Proposed Funding Priorities 1
3. System – Approval for First Reading of Amendments to Board Policy 707.01 Land, Property and Service Contracts 1
4. System – Approval of Board Policy 712 – Internal Audit Policy.....3

LEGAL

1. IHL - Approval to Settle IHL Self-Insured Workers' Compensation Claim 1
2. IHL - Approval to Settle IHL Self-Insured Workers' Compensation Claim 1
3. UMMC - Approval to Settle Tort Claim 1
4. UMMC - Approval to Settle Tort Claim 1
5. MSU - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MSU and the Mississippi State University Alumni Association 1
6. MSU - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MSU and the Bulldog Club 2
7. MSU - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MSU and the Bulldog Foundation 3
8. MSU - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MSU and the Mississippi State University Foundation, Inc. 4
9. MUW - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MUW and the Mississippi University for Women Alumni Association 5
10. MUW - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MUW and the Mississippi University for Women Foundation 6
11. MVSU - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MVSU and the Mississippi Valley State University Foundation 7
12. MVSU - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by MVSU and the Mississippi Valley State University Alumni Association 8
13. UM - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by UM and the University of Mississippi Foundation 9
14. UM - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by UM and the Alumni Association of the University of Mississippi 14
15. UM - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by UM and the UMAA Foundation 19
16. UM - Approval of Alternate Procedure to that Set Out in Section I. of Board Policy 301.0806 University Foundation/Affiliated Entity Activities to be Used by UM and the University of Mississippi Research Foundation 20

ADMINISTRATION/POLICY

1. SYSTEM – Approval of Search Consultant 1

INFORMATION AGENDAS

ACADEMIC AFFAIRS

1. ASU – Academic Program Suspension.....1

REAL ESTATE

SYSTEM - Real Estate Items Approved Subsequent to the May 20, 2010 Board Meeting

1. Delta State University 2
2. Jackson State University 2
3. Mississippi State University 2
4. Mississippi University For Women 6
5. University of Mississippi 7
6. University of Mississippi Medical Center 19
7. University of Southern Mississippi 24

LEGAL

1. System - Report of Payments to Outside Counsel l

ADMINISTRATION-POLICY

1. SYSTEM – Commissioner's Notification Approval.....1

ADDITIONAL AGENDA ITEMS IF NECESSARY

RECONSIDERATION

OTHER BUSINESS/ANNOUNCEMENTS

EXECUTIVE SESSION IF DETERMINED NECESSARY

ADJOURNMENT

MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

May 20, 2010
Regular Board of Trustees Meeting

MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 20, 2010

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at approximately 10:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on December 3, 2009, to each and every member of said Board, said date being at least five days prior to this May 20, 2010 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. The meeting was called to order by Trustee Bettye Neely, President, and opened with prayer by Dr. Mary Ann Kyle, Director of Southern Opera and Music Theater Companies Outreach and Workshop Program and an Associate Professor of Voice at the University of Southern Mississippi.

PRESENTATION

Trustee Robinson explained that the presentation by Mr. David Mallery, Executive Director, Mississippi Commission for Volunteer Services, has been postponed due to Mr. Mallery's involvement in the efforts to assist with the recent disasters in Yazoo County and on the Coast.

ANNOUNCEMENTS

- Trustee Neely welcomed the following Student Government Association presidents:
  - Mr. Cory Cooper from Alcorn State University,
  - Mr. Brandon Newsome from the Mississippi University for Women,
  - Mr. Jamaris Moore from Mississippi Valley State University,
  - Mr. Thomas Sellers from Mississippi State University and president of the council, and
  - Ms. Kasey Mitchell from the University of Southern Mississippi.
- Commissioner Bounds welcomed Dr. Tim Letzring, Chair and Associate Professor of Leadership and Counselor Education at the University of Mississippi, and his students.

APPROVAL OF THE MINUTES

On motion by Trustee Davidson, seconded by Trustee Robinson, and unanimously passed by those present, it was

RESOLVED, That the Minutes of the Board meeting held on April 14-15, 2010, stand approved.

CONSENT AGENDA

On motion by Trustee Blakeslee, seconded by Trustee Davidson, and unanimously passed by those present, it was

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

Budget, Finance and Audit

1. **JSU** - Approved the request to enter into a revenue lease contract for roof space for the placement, operation, and maintenance of communication equipment owned by Louisiana Unwired, LLC. The equipment will be placed on the roof of the Administration Building on the JSU campus. The contract is for sixty (60) months - July 24, 210 through July 24, 2015. The lease may be renewed for one (1) additional term of sixty (60) months upon Board approval. As a revenue contract, JSU will receive $13,000 annually in return for the lease space ($65,000 over the life of the original term). The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*
2. **MSU** - Approved the request to renew a contract for the license of the Vista Enterprise learning management system with Blackboard, Inc. to be used for online instruction. During the 2010 spring semester, the current Vista Enterprise system was used by 724 MSU faculty to deliver instructional content to 15,747 students across 2,250 class sections. The contract is for thirty-six (36) months - July 1, 2010 through June 30, 2013. The contract amount shall not exceed $412,071, with an annual breakdown of $128,175 (FY 2011), $137,148 (FY 2012), and $146,748 (FY 2013). Funds are available from the general funds. The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*
3. **MSU** - Approved the request to contract with MetroCast Communications of Mississippi, LLC to provide cable television services to the MSU Housing Department. The contract term is for one-hundred twenty (120) months - July 1, 2010 through June 30, 2020 with mutual options to renew for a period up to two (2) additional five-year terms. The estimated cost of the contract shall not exceed $3,193,518 over the life of the agreement. The actual cost will fluctuate based on the number of individual locations (bedrooms) requiring service. The contract will be funded from auxiliary funds (Student Housing Department). The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*
4. **UM** - Approved the request to amend the current contract for bookstore services with Barnes & Noble College Booksellers, Inc. (B&N). The amendment would allow for UM's participation in B&N's textbook rental program. The textbook rental program was not a part of the current agreement which began on December 15, 2006. Under terms of the amendment, B&N will institute their textbook rental program at UM beginning with the fall 2010 academic term. The amendment is effective for twelve (12) months - August 1, 2010 through July 31, 2011. Unless negotiated through a future amendment, the terms of the original contract will go back into effect beginning on August 1, 2011 and will remain in effect until completion of the original contract, December 14, 2011. The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*

5. **UMMC** - Approved the request to enter into a professional services agreement with MedAssist, Incorporated to determine eligibility for patients' government assistance. The length of this contract is three years – July 1, 2010 through June 30, 2013. The contract may be renewed for two consecutive one-year periods upon written notice. The annual costs will not exceed $3,900,000, and the total costs will not exceed $11,700,000 for the three-year period. Costs include both fixed and variable fees. The contract will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*
6. **UMMC** - Approved the request to enter into a purchasing agreement with Roche Diagnostics, Corporation for reagent chemicals and software. The contract length is for four years - June 4, 2010 through June 3, 2014. The total cost of the four year contract period is $700,969 which includes $676,006 for the reagent rental agreement and $24,963 for the software upgrade. The contract will be funded by patient revenue. The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*
7. **UMMC** - Approved the request to extend the lease agreement with CAG Holdings, LLC for 8,125 square feet of space used to house the Batson Community Clinic. The one-year extension is for the period July 1, 2010 through June 30, 2011. The annual cost per square foot is $13 for a monthly rental cost of $8,802. The total cost for the one0year extension is $105,625. The contract will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is included in the *May 20, 2010 Board Working File.*

Real Estate

8. **UM** – Approved the initiation of **Phase II of the Thad Cochran Research Center – National Center for Natural Products Research project (IHL 207-341)** in order to construct an additional 104,000 gross square feet of laboratory space and the appointment of Cooke Douglass Farr Lemons as design professionals. Phase II is envisioned as a four-floor laboratory complex building consisting of 104,000 gross square feet of state-of-the-art laboratory space. The expanded facilities are needed in order for the program to remain competitive and for the university to achieve the primary mission of the Center. Phase II is to be located immediately adjacent to the current Phase I. The total project budget is $23,322,620. Funds are available as follows: Federal Grant NIH/NCRR-1 C06RR030081-01 ($13,915,445.00); Federal Grant HRSA-C76HF10917 ($8,465,685.00); Federal Grant HRSA-4C76HF10917-01-03 ($941,490.00)
9. **UM** – Approved the initiation of IHL 207-343, Football Indoor Practice Facility-Auditorium Addition and the appointment of Cooke Douglass Farr Lemons as design professionals. This project will add a 150 seat auditorium to the existing Football Indoor Practice Facility. When the original project for the Football Indoor Practice Facility was conceived, the university leased the land to the University of Mississippi Athletic Association (UMAA) Foundation. The building is owned by the Foundation. The terms of the lease will not change. The lease period runs for ten (10) years commencing on the 1st day of May 2003, and continuing through the 30th day of April 2013. The current lease is for 8.0 acres. Therefore, the UMAA Foundation is the lessee and will be the owner of the project. The total project budget is $1,950,000. Funds are available from the UMAA Foundation ($1,950,000).

10. **DSU** – Approved the request to increase the project budget for GS 102-229, Residence Hall Fire Protection, from $977,141 to $1,088,247 for an increase in the amount of $111,106. The project is currently in the design phase. This is the first budget escalation request made for this project by the university. Upon completion of Schematic Design Documents, the design professional recommended increasing the project budget by $111,106. The project was originally approved by the IHL Board at its September 2009 meeting with a budget of $1,077,141 and will provide fire suppression in Cleveland, Lawler Harkins, and the Court of Governor's residence halls. The budget was reduced by $100,000 in November, 2009 by DSU. This budget increase will restore and reconcile the budget with the professional's current Schematic Design construction estimate. Funds are available from HB 1722, Laws of 2009 ($1,088,247).
11. **ASU** – Approved the request to name the new baseball stadium the "Willie 'Rat' McGowan Stadium" and baseball field the "William 'Bill' Foster Field".
12. **JSU** – Approved the request to grant a utility easement to Entergy Mississippi, Inc. The easement is necessary to install a pole for installation of conduit with underground cable for new metering equipment for the university's New Transportation/Mobility Center (IHL Project #203-150). The Attorney General's Office has reviewed and approved the easement.
13. **JSU** – Approved the request name the building located at 101 Capitol Street the Percy W. Watson Building in recognition of Mississippi State Representative Percy W. Watson's leadership of the House Ways and Means Committee and his support of Jackson State University. The Department of Finance and Administration, State of Mississippi, transferred ownership of this building to the university. The building will be used by the university's executive programs and programs in policy and planning.
14. **MSU** – Approved the request to grant a permanent utility easement for transmission lines on approximately 0.44 acres to Tennessee Valley Authority, in consideration of payment of $8,550. The permanent easement is necessary due to the current existence of a transmission line in the area of the property. The easement allows TVA access to the new piece of property so that TVA can install new poles for a new line that will traverse other property. The permanent easement also gives TVA the needed access the property in order to install, repair, and replace lines as necessary. The property is adjacent to the TVA Clayton Village substation and is on the edge of the MSU golf course. The Attorney General's Office has reviewed and approved the easement.
15. **MSU** – Approved the award of timber sales from the John W. Starr Memorial Forest. The Attorney General's Office has reviewed and approved the timber sales as shown in the bound *May 20, 2010 Board Working File.*
16. **USM** – Approved the request to name the new sign and entrance structure located at the main entrance to the Hattiesburg Campus the Centennial Gateway Honoring the Edward J. "Ed" Langton Family.

Legal

17. **JSU** – Approved the request to hire Watkins, Ludlam, Winter and Stennis, P.A. as outside bond counsel for the Jackson State University Educational Building Corporation (JSU-EBC) to advise on legal issues concerning bond refinancing and compliance with IRS regulations regarding tax-exempt bonds and other related matters involving bond issues and transactions. The contractual agreement is for a period of April 1, 2010 through October 31, 2010, and the fee amount (not including reimbursable expenses) will not exceed $90,000.00, which also includes services relating to

unwinding the portion of the 2008 SWAP transaction allocable to certain bonds. Additionally, Watkins, Ludlam, Winter and Stennis, P.A. will provide legal services to the JSU-EBC for corporate compliance in this transaction for a fee amount (not including reimbursable expenses) not to exceed $20,000. The hourly rate for the attorneys will range from $185 to $220 and the hourly rate for paralegals will be $85. The Attorney General has approved the request.

18. **UMMC** – Approved the request to employ Richard Myers, Mandy Decker, and Steven Meyer of Stites & Harbison, PLLC as outside counsel for intellectual property matters. The total contract amount will not exceed $100,000.00. The attorney hourly rates will range from $237.00 to $310.00 per hour. Term of contract: State Date: July 1, 2010 and an End Date of June 30, 2011. The contract will be funded by indirect cost recoveries. The Attorney General has approved the request.
19. **UMMC** – Approved the request to hire Barry J. Walker of Walker & Ungo Immigration Law Firm in Tupelo as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The terms of this contractual agreement will be for one year, for a maximum amount payable of $50,000 during the contract term. The breakdown of various fees to be charged for particular services is included in the bound *May 20, 2010 Board Working File.* The Attorney General's Office has approved this request.
20. **UMMC** – Approved the request to hire David Ware and Associates as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The terms of this contractual agreement will be for one year, for a maximum amount payable of $50,000 during the contract term. The breakdown of various fees to be charged for particular services is included in the bound *May 20, 2010 Board Working File.* The Attorney General's Office has approved this request.

21. **Personnel Report**

EMPLOYMENT

Mississippi State University - Athletics
Daryl Greenan, Women's Head Tennis Coach, Athletics; salary of $75,000 per annum, pro rata; contract period of July 1, 2010 to June 30, 2014

Mississippi University for Women
Ruby, Roy

University of Southern Mississippi
Wiesenburg, Denis

CHANGE OF STATUS

Mississippi State University – Athletics

- Scott A. Stricklin, *from* Senior Associate Athletic Director, Athletics; salary of $110,000 per annum, pro rata; Auxiliary Funds; *to* Director of Athletics, $300,000 per annum, pro rata; ($175,000 Auxiliary Funds and $125,000 Foundation Funds); multi-year contract effective May 10, 2010 through May 9, 2014
- Richard L. Stansbury, Head Basketball Coach, Athletics, *from* a contract period of April 1, 2009 to June 30, 2013; salary of $235,000 per annum, pro rata; Auxiliary Funds; *to*, effective July 1, 2010, a one- year extension through June 30, 2014, no change in salary

Mississippi State University
Bland, Wayne
Tuck, Amy

Mississippi University for Women
Hatton, Martin

Emerita/Emeritus Status

Mississippi University for Women
Limbert, Claudia
Rhyne, Glenn

Award of Tenure and Promotions (where noted)

For nine (9)-month contracts, effective August 15, 2010 and for twelve (12)-month contracts, effective July 1, 2010

Delta State University

- David Hebert, Assistant Professor promoted to Associate Professor with Tenure, Department of Mathematics
- Benjamin Kyzar Johnson, Assistant Professor promoted to Associate Professor with Tenure, Department of Art
- Charles B. Smithhart, Assistant Professor promoted to Associate Professor with Tenure, Division of Biological and Physical Sciences
- Alline Somlai, Assistant Professor promoted to Associate Professor with Tenure, Division of Biological and Physical Sciences
- Lee Virden, Assistant Professor promoted to Associate Professor with Tenure, Department of Mathematics
- Michelle Matthews, Assistant Professor promoted to Associate Professor with Tenure, Division of Accountancy, Computer Information Systems and Finance
- William Morehead, Assistant Professor promoted to Associate Professor with Tenure, Division of Accountancy, Computer Information Systems and Finance

- Maud Kuykendall, Assistant Professor promoted to Associate Professor with Tenure, Division of Teacher Education
- Dan McFall, Assistant Professor promoted to Associate Professor with Tenure, Division of Teacher Education and Educational Leadership
- Cameron Edith McMillen, Assistant Professor promoted to Associate Professor with Tenure, Division of Family and Consumer Sciences
- Emily Erwin, Assistant Professor promoted to Associate Professor with Tenure, Library Services

Jackson State University

- Preselfannie McDaniels, Assistant Professor, Department of English and Modern Foreign Languages
- Glake Hill, Associate Professor, Department of Chemistry and Biochemistry
- Lecretia Buckley, Assistant Professor, Department of Mathematics
- Heping Liu, Associate Professor, Department of Physics, Atmospheric Science and Geosciences
- Zhenbu Zhang, Associate Professor, Department of Mathematics
- Russell Bennett, Associate Professor, Department of Health Policy and Management
- Mukesh Kumar, Associate Professor, Department of Urban and Regional Planning
- Barney Fish, Assistant Professor promoted to Associate Professor with Tenure, Department of Elementary and Early Childhood Education
- Dawn McLin, Assistant Professor promoted to Associate Professor with Tenure, Department of Psychology
- Li-Jing Arthur Chang, Assistant Professor, Department of Mass Communications
- Debra Pate, Associate Professor, Department of Psychology
- Gerri Cannon-Smith, Assistant Professor promoted to Associate Professor with Tenure, Department of Behavioral and Environmental Health
- Chia-Pin Robin Liu, Assistant Professor promoted to Associate Professor with Tenure, Department of Computer Engineering
- Bassirou Diatta, Assistant Professor promoted to Associate Professor with Tenure, Department of Mathematics

Retroactive approvals requested as JSU inadvertently omitted the following from the original tenure submissions:

- Khalid Abed, Associate Professor, Department of Computer Engineering, effective fall 2009
- Hyunju Kim, Associate Professor, Department of Computer Science, effective fall 2009
- Daniel Watkins, Associate Professor, Department of Educational Leadership, effective fall 2007

Mississippi State University

- Anatolijs Afanasjevs, Associate Professor promoted to Professor with Tenure, Department of Physics and Astronomy
- Douglas J. Bammann, Professor, Department of Mechanical Engineering
- Angi E. Bourgeois, Assistant Professor promoted to Associate Professor with Tenure, Department of Art
- Bradley D. Brazzeal, Assistant Professor promoted to Associate Professor with Tenure, University Libraries

- Lara A. Dodds, Assistant Professor promoted to Associate Professor with Tenure, Department of English
- Philip M. Gullett, Assistant Professor promoted to Associate Professor with Tenure, Department of Civil and Environmental Engineering
- Holly Johnson, Assistant Professor promoted to Associate Professor with Tenure, Department of English
- Brenda Kirkland, Assistant Professor promoted to Associate Professor with Tenure, Department of Geosciences
- Hyeona Lim, Assistant Professor promoted to Associate Professor with Tenure, Department of Mathematics and Statistics
- QiQi Lu, Assistant Professor promoted to Associate Professor with Tenure, Department of Mathematics and Statistics
- Shien Lu, Assistant Professor promoted to Associate Professor with Tenure, Department of Entomology and Plant Pathology
- Erdogan Memili, Assistant Professor promoted to Associate Professor with Tenure, Department of Animal and Dairy Sciences
- Greg Munshaw, Assistant Professor promoted to Associate Professor with Tenure, Department of Plant and Soil Sciences
- Margaret Pope, Assistant Professor promoted to Associate Professor with Tenure, Department of Curriculum, Instruction, and Special Education
- Edward Potter, Assistant Professor promoted to Associate Professsor with Tenure, Department of Foreign Languages
- Kari Babski-Reeves, Assistant Professor promoted to Associate Professor with Tenure, Department of Industrial and Systems Engineering
- Sam Riffell, Assistant Professor promoted to Associate Professor with Tenure, Department of Wildlife, Fisheries, and Aquaculture
- Matthew K. Ross, Assistant Professor promoted to Associate Professor with Tenure, Department of Basic Sciences, Veterinary Medicine
- Sead Sabanadzovic, Associate Professor, Department of Entomology and Plant Pathology
- Larry Strout, Associate Professor, Department of Communication
- J. Edward Swan II, Associate Professor, Department of Computer Science and Engineering
- James Warnock, Assistant Professor promoted to Associate Professor with Tenure, Department of Agricultural and Biological Engineering
- Darren Anthony Wozny, Assistant Professor promoted to Associate Professor with Tenure, Department of Counselor Education, Meridian Campus
- Kang Xia, Assistant Professor promoted to Associate Professor with Tenure, Department of Chemistry

Mississippi University for Women

- Linda Mahoney, Associate Professor of Education
- Bill Mayfield, Dean of the School of Professional Studies and Professor of Management
- Nicole Welch, Associate Professor promoted to Professor with Tenure, Biology

University of Mississippi

- Michele Alexandre, Associate Professor, School of Law

- Yixin Chen, Assistant Professor promoted to Associate Professor with Tenure, Computer and Information Science
- Charles Clay Dibrell, Associate Professor, Department of Management
- Oliver J. Dinius, Croft Assistant Professor promoted to Associate Professor with Tenure, Department of History
- Robert John Doerksen, Assistant Professor promoted to Associate Professor with Tenure, Medicinal Chemistry and Research Assistant Professor in RIPS
- Mark Dolan, Assistant Professor promoted to Associate Professor with Tenure, Meek School of Journalism and New Media
- Murrell Godfrey, Assistant Professor and Director of Forensic Chemistry with a promotion to Associate Professor with Tenure and Director of Forensic Chemistry, Department of Chemistry and Biochemistry
- Ross Jay Haenfler, Assistant Professor promoted to Associate Professor with Tenure, Department of Sociology and Anthropology
- Carey Blackerby Hanson, Assistant Professor promoted to Associate Professor with Tenure, Costume Design, Department of Theatre Arts
- Angela M. Hornsby-Gutting, Assistant Professor promoted to Associate Professor with Tenure, Department of History
- Laura Renee Johnson, Assistant Professor promoted to Associate Professor with Tenure, Department of Psychology
- John A. Lobur, Assistant Professor promoted to Associate Professor with Tenure, Department of Classics
- Jerilou J. Moore, Assistant Professor, Department of Curriculum and Instruction, School of Education (also promotion from Assistant to Associate)
- Minjoo Oh, Assistant Professor promoted to Associate Professor with Tenure, Department of Sociology and Anthropology
- Gene Breese Quinn, Assistant Professor promoted to Associate Professor with Tenure, Department of Physics and Astronomy
- Matthew B. Reysen, Assistant Professor promoted to Associate Professor with Tenure, Department of Psychology
- Philip J. Rhodes, Assistant Professor promoted to Associate Professor with Tenure, Department of Computer and Information Science
- Angela Sykes Rutherford, Assistant Professor promoted to Associate Professor with Tenure, Department of Curriculum and Instruction and Director of CELI
- Gregory Snyder, Assistant Professor promoted to Associate Professor, Department of Communications Sciences and Disorders
- Chung Rak Song, Associate Professor, Department of Civil Engineering
- Amy E. Wells, Associate Professor, Department of Leadership and Counselor Education
- Gabriel D. Wrobel, Assistant Professor promoted to Associate Professor with Tenure, Department of Sociology and Anthropology
- Fan Yang, Associate Professor, Department of Electrical Engineering

University of Southern Mississippi

- Linda Pierce Allen, Assistant Professor promoted to Associate Professor with Tenure, English

- Christopher Barry, Assistant Professor promoted to Associate Professor with Tenure, Psychology
- Patrick David Biber, Assistant Professor promoted to Associate Professor with Tenure, Coastal Sciences
- Jennifer Suzanne Brannock, Associate Professor, McCain Library & Archives, University Libraries
- David M. Cochran, Jr., Assistant Professor promoted to Associate Professor with Tenure, Geography & Geology
- Sheila Ann Parham Davis, Professor, School of Nursing
- Elizabeth M. Doolittle, Assistant Professor promoted to Associate Professor with Tenure, Gulf Coast Library, University Libraries
- Damon Franke, Associate Professor, English
- Mirela Alina Gearba, Assistant Professor promoted to Associate Professor with Tenure, Physics & Astronomy
- Van-Lin Guo, Associate Professor, Biological Sciences
- Brent D. Hales, Assistant Professor promoted to Associate Professor with Tenure, Economic and Workforce Development
- John M. Harris, Assistant Professor promoted to Associate Professor with Tenure, Mathematics
- Bridget Anne Hayden, Assistant Professor promoted to Associate Professor with Tenure, Anthropology & Sociology
- Sherry S. Herron, Assistant Professor promoted to Associate Professor with Tenure, Biological Sciences
- J. Taylor Hightower, Assistant Professor promoted to Associate Professor with Tenure, Music
- K. E. “Skip” Hughes, Professor, Accounting
- Eura Jung, Assistant Professor promoted to Associate Professor with Tenure, Speech Communication
- Douglas Scott Masterson, Associate Professor, Chemistry & Biochemistry
- Danilo Mezzadri, Assistant Professor promoted to Associate Professor with Tenure, Music
- Wujian Miao, Assistant Professor promoted to Associate Professor with Tenure, Chemistry & Biochemistry
- Christopher Miles, Assistant Professor promoted to Associate Professor with Tenure, Foreign Languages & Literatures
- Chris Meyers, Assistant Professor promoted to Associate Professor with Tenure, Philosophy & Religion
- Scott G. Piland, Assistant Professor promoted to Associate Professor with Tenure, Human Performance & Recreation
- Robert M. Press, Assistant Professor promoted to Associate Professor with Tenure, Political Science, International Development & International Affairs
- George T. Raber, Assistant Professor promoted to Associate Professor with Tenure, Geography & Geology
- James W. Rawlins, Assistant Professor promoted to Associate Professor with Tenure, Polymers & High Performance Materials
- Morgan H. Rempel, Assistant Professor promoted to Associate Professor with Tenure, Philosophy & Religion
- Jacob Schaefer, Associate Professor, Biological Sciences

- Jennifer M. Sequeira, Associate Professor, Management & International Business
- Christopher Sirola, Assistant Professor promoted to Associate Professor with Tenure, Physics & Astronomy
- David Stellhorn, Assistant Professor promoted to Associate Professor with Tenure, Theatre & Dance
- Andrew Strelzoff, Assistant Professor promoted to Associate Professor with Tenure, Computing
- Haiyan Tian, Assistant Professor promoted to Associate Professor with Tenure, Mathematics
- Bruce Tychinski, Assistant Professor promoted to Associate Professor with Tenure, Music
- Michael Vera, Assistant Professor promoted to Associate Professor with Tenure, Physics & Astronomy
- Shuyan Wang, Assistant Professor promoted to Associate Professor with Tenure, Technology Education
- Julie Hammond White, Assistant Professor promoted to Associate Professor with Tenure, Theatre & Dance
- Denis Wiesenburg *(new hire),* Vice President for Research and Professor, Marine Science, College of Science & Technology
- J. Mark Wrighton, Associate Professor, Political Science, International Development & International Affairs
- Fei Xue, Assistant Professor promoted to Associate Professor with Tenure, Mass Communication & Journalism
- Virgil Zeigler-Hill, Assistant Professor promoted to Associate Professor with Tenure, Psychology
- Kyle F. Zelner, Associate Professor, History

Termination

Mississippi State University
McGrevey, Mike

University of Southern Mississippi
Burge, Cecil

BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Bob Owens, Chair

On motion by Trustee Patterson, seconded by Trustee Perry, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the Budget, Finance & Audit Agenda. Agenda item #2 was approved on a separate motion by Trustee Owens, seconded by Trustee Patterson, and unanimously passed by those present. Agenda item #3 was approved on a separate motion by Trustee Owens, seconded by Trustee Robinson, and unanimously passed by those present. Agenda item #4 was approved on a separate motion by Trustee Owens, seconded by

Trustee Robinson, and unanimously passed by those present. **Agenda item #5 - 7 were approved as shown below.**

1. **JSU** - The Attorney General's Office has reviewed this item. Pending additional review of the Financial Advisor's report, the Board approved the request to restructure existing debt relating to outstanding bond issues for Series 2002 Bonds, Series 2004A Bonds, Series 2004B Bonds, and Series 2006A for total refunding of $27,615,000 and to unwind swap underlying interest rates. The Board also approved a Resolution and bond related documents authorizing JSU EBC to issue up to $33.5 million of bonds at fixed rates. (Dr. Linda McFall noted that the bonds changed from $31,345,000 to $33.5 million as of this morning.) The project includes refunding (refinancing) portions of Series 2002, Series 2004A, Series 2004B, and Series 2006A bonds. The proposed transaction also includes a termination payment to unwind an underlying swap. The average term of the bonds is 17.574 years (last refunded bond payment will be in 2034) with a projected interest rate of 5.709% (fixed interest rate estimated on April 16, 2010).
2. **UMMC** - Pending review of documents and financial advisor's report, the Board approved a Resolution and related bond documents authorizing the Medical Center Educational Building Corporation to issue up to a maximum aggregate principal amount of $50,000,000 of bonds at fixed rates, a portion of which may be Build America Bonds (Direct Payment) and the remainder of which will be tax-exempt bonds. The bonds will be for thirty years. The bonds will be issued for the purpose of financing capital expenditures related to the expansion, renovation, furnishing and equipping of existing facilities located on the main campus.
3. **System** - Approved the allocation of FY 2011 state appropriations for Education and General Fund funding to the institutions. **(See Exhibit 1.)**
4. **System** - The Board approved that request for general salary increases *not* to be given for FY 2011. Any FY 2011 salary increases should be based on one or more of the following: meritorious performance, market or equity adjustments, and faculty promotions. These decisions may be made at the discretion of the Commissioner (for the Executive Office) or the Institutional Executive Officer (for the campuses). These salary increase guidelines will apply to all university employees regardless of funding source or types of increases awarded.
5. **Agenda Item Request:** The System requests approval of a two-year contract to provide audit services for fiscal years ending June 30, 2010 and June 30, 2011 with **Cherry, Bekaert & Holland, L.L.P**. (firm). **Term of contract:** The contract is effective for the two fiscal audit years ending June 30, 2010 and June 30, 2011. The work will begin upon approval by the Board and the contract will end upon completion of the FY 2011 audit. The final audit work for fiscal year ending June 30, 2010 must be completed by March 15, 2011. The final audit work for fiscal year ending June 30, 2011 must be completed by March 15, 2012. **Contract Amount:** The audit fees for the two years are all inclusive. Audit services for FY 2010 - $584,000; Audit services for FY 2011-$694,000
Staff Recommendation: Upon approval of the contract by the Attorney General's staff, Board staff recommends approval of this item.

During her presentation, Dr. Linda McFall, IHL Deputy Assistant Commissioner for Finance and Administration, announced that the Attorney General's Office has approved the contract and the staff recommends Cherry, Bekaert & Holland, LLP for the two year contract. Dr. McFall also noted that the FY 2010 contract amount should have been $684,000 instead of $584,000. This was a typo.
Actions taken:

Trustee Patterson made a motion to approve agenda item #5 as recommended by Board staff shown above. Trustee Pickering seconded the motion.

Trustee Ross made a substitute motion to adopt the proposal of Horne CPAs & Watkins Ward and Stafford contingent upon them matching the price of the staff recommended firm -- Cherry, Bekaert & Holland LLP. Trustee Robinson seconded the motion.

The trustees voted on whether or not the motion should be substituted. The vote was 7 to 5. The following trustees voted in favor of substituting the motion: Trustees Davidson, Neely, Owens, Robinson, Ross, Rouse and Whitten. Those voting against substituting the motion were: Trustees Blakeslee, Patterson, Perry, Pickering and Smith.

The trustees then voted on whether or not the substitute motion should be approved. The vote was 8 to 4. The following trustees voted in favor of the substitute motion: Trustees Davidson, Neely, Owens, Perry, Robinson, Ross, Rouse and Whitten. Those voting against the substitute motion were: Trustees Blakeslee, Patterson, Pickering and Smith.

SPECIAL RECOGNITION

President Neely and Commissioner Bounds presented resolutions from the Board to Dr. Claudia Limbert, President of the Mississippi University for Women, and Dr. Ronald Mason, Jr., President of the Jackson State University, for their hard work for the IHL system.

BUDGET, FINANCE & AUDIT AGENDA (continued)

Agenda item #6 was approved on a separate motion by Trustee Owens, seconded by Trustee Pickering, and unanimously passed by those present. Agenda item #7 as amended was approved on a separate motion by Trustee Pickering, seconded by Trustee Owens, and unanimously passed by those present.

6. **System** - Approved the request to renew the property insurance coverage for the IHL System with Affiliated FM Insurance The expiring total insured values are $4.5B and the initial renewed total insured value will be $5.8B. The renewal rate will include a reduction per $100 value of 8% to 10%. The insurance policy is effective for the period May 31, 2010 to May 31, 2011. The cost of the renewal premium is $3,921,178; however, the premium may increase or decrease through the term of the policy as universities add or delete coverage.
7. **System** - Approved for first reading Board Policy 712 Internal Audit Policy. **(See Exhibit 2.)** Upon approval of Policy 712, a revised System Internal Audit Charter will be submitted for approval at the next monthly meeting.
8. **Other Business** - Trustee Owens appointed Trustees Perry and Pickering to an informal audit committee as a subcommittee of the Budget, Finance & Audit Committee.

PERSONNEL AGENDA

Presented by Commissioner Hank Bounds

On motion by Trustee Pickering, seconded by Trustee Rouse, and unanimously passed by those present, the Board approved moving items #1 and #2 to the Executive Session agenda.

1. **System** - Discussion of a personnel matter at Jackson State University. **(This item was taken up during Executive Session.)**
2. **System** - Discussion of a personnel matter at the Mississippi University for Women. **(This item was taken up during Executive Session.)**

INFORMATION AGENDA

Presented by Commissioner Hank Bounds

Real Estate

1. **System**- The Board received the Real Estate items that were approved by the Board staff subsequent to the April 14-15, 2010 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 3.)**

Legal

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

Administration/Policy Agenda

3. **System** - In compliance with Board policy, the following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.
   a. **MUW** - Approved an amendment and renewal of service agreement with Sodexo Operations, LLC for the continued outsourcing management services of their campus facilities operation. In return for a one-year contract extension, the vendor will immediately reduce operating costs by an estimated annual cost of $239,938. This represents an 8.3% reduction over current annual costs. The revised contract will cost MUW $2,663,690 for the period September 1, 2010 through August 31, 2011. At that time, the contract will end.
   b. **System** - Quarterly Employment Reports for the period of January 1, 2010 through March 31, 201, as required by Board Policy 401.0102 Delegation of Authority and 801.09 Outside Employment.

OTHER BUSINESS

- Trustee Blakeslee briefly spoke about the reports on efficiencies and effectiveness. The consolidated report is included in the *May 20, 2010 Board Working File.*
- Trustee Neely invited the Institutional Executive Officers to speak about events occurring on each of their campuses.

- Trustee Neely announced that Commissioner Bounds and Dr. Jim Borsig, IHL Assistant Commissioner for Governmental Relations, would be traveling to Washington, DC to attend a congressional briefing regarding the oil spill in the Gulf.

EXECUTIVE SESSION

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

Discussion of a personnel matter at Jackson State University,
Discussion of a personnel matter at the Mississippi University for Women, and
Discussion of a litigation matter at the University of Southern Mississippi.

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

On motion by Trustee Whitten, seconded by Trustee Ross, and unanimously passed by those present, the Board approved the settlement of the case styled as *Professor Dr. Chauncey Mark DePree vs. USM, et al.*, as presented by counsel.
The Board discussed a personnel matter at Jackson State University.
The Board discussed a personnel matter at the Mississippi University for Women.

On motion by Trustee Rouse, seconded by Trustee Robinson, with Trustee Pickering absent and not voting, the Board voted to return to Open Session.

OTHER BUSINESS

- On motion by Trustee Robinson, seconded by Trustee Owens, with Trustees Pickering, Rouse and Whitten absent and not voting, the Board approved the Commissioner's recommendation to appoint Dr. Leslie McLemore as interim president of Jackson State University.
- Commissioner Bounds announced that the Board will begin the search process for all three universities – Alcorn State University, Jackson State University, and Mississippi University for Women. The request for proposal will be completed within the next few days for a search consultant. Each firm will be allowed to bid on one search, a combination of two searches or all three searches. The firm(s) will be asked to provide documentation of their experience to conduct searches.
- Trustee Neely appointed the following Board Search Committees:

Alcorn State University
1. C.D. Smith, Chair
2. Ed Blakeslee
3. Stacy Davidson
4. Bettye Neely
5. Doug Rouse

Jackson State University
1. Bob Owens, Chair
2. Bettye Neely
3. Alan Perry
4. Amy Whitten
5. C.D. Smith

Mississippi University for Women
1. Christy Pickering, Chair
2. Bettye Neely
3. Aubrey Patterson
4. Robin Robinson
5. Scott Ross

ACADEMIC AFFAIRS COMMITTEE REPORT

Presented by Trustee Robin Robinson, Chair
Thursday, May 20, 2010, 10 a.m.

On motion by Trustee Whitten, seconded by Trustee Davidson, and unanimously passed by those present, the Committee approved items #1 - #6 listed below.

1. **DSU** - Approved the request to plan to offer the B.S. in Music Industry Studies.
2. **DSU** - Approved the request to plan to offer the Ed. S. in Counseling.
3. **MSU** - Approved the request to plan to offer the Ph.D. in Industrial and Systems Engineering.
4. **MUW** - Approved the request to plan to offer the M.S. in Global Commerce.
5. **UM** - Approved the request to plan to offer the Bachelor of General Studies degree.
6. **UM** - Approved the request to plan to offer the B.S. in Integrated Marketing Communications.
7. **Other Business** - Dr. Reggie Sykes, IHL Assistant Commissioner for Community and Junior Colleges, spoke about the articulation agreement with the State Board for Community and Junior Colleges.

Committee members attending the meeting were: Trustees Robin Robinson (Chair), Stacy Davidson, Alan Perry, Christy Pickering, Doug Rouse and Amy Whitten. Other Board members attending the meeting were: Trustees Ed Blakeslee, Neely, Owens, Patterson, Ross, and Smith.

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustees Pickering, Rouse and Whitten absent and not voting the Board members voted to adjourn the meeting.

_____

President, Board of Trustees of State Institutions of Higher Learning

_____

Commissioner, Board of Trustees of State Institutions of Higher Learning

EXHIBITS

Exhibit 1	Allocation of FY 2011 state appropriations for Education and General Fund funding to the institutions.
Exhibit 2	Board Policy 712 Internal Audit Policy for first reading.
Exhibit 3	Real Estate items that were approved by the IHL Board staff subsequent to the April 14-15, 2010 Board meeting.
Exhibit 4	Report of the payment of legal fees to outside counsel.

EXHIBIT 1

Mississippi Institutions of Higher Learning
Comparison of FY 2009 Original, FY 2010 Original, FY 2010 Reduced through March 17, 2010, and Conference Committee Appropriation Bills for FY 2011

Bugdet	FY 2009	FY 2010				FY 2011 Conference Committee				FY 2011 Conference Committee with HB 1059 Contingency				
	Original	Original	Reduced through March 17, 2010	Reduction during FY 2010	% Reduced	Conference Committee (1) (3)	Comparison to FY 2010 Original (1)		Comparison to FY 2010 Reduced Through March 17, 2010 (1)		HB 1059 Contingency (2) (3)	Comparison to FY 2010 Original (2)		Comparison to FY 2010 Reduced Through March 17, 2010 (2)	
ASU	$ 20,321,604	$ 20,467,773	$ 18,518,219	$ (1,949,554)	-9.5%	$ 17,751,083	(2,716,690)	-13.3%	(767,135)	-4.3%	$ 18,452,345	(2,015,428)	-9.8%	(65,873)	-0.4%
DSU	23,909,713	24,300,286	21,975,905	(2,324,381)	-9.6%	21,258,274	(3,042,012)	-12.5%	(717,630)	-3.4%	22,056,418	(2,243,868)	-9.2%	80,514	0.4%
JSU	41,918,145	41,954,514	37,949,014	(4,005,500)	-9.5%	36,514,438	(5,440,076)	-13.0%	(1,434,575)	-3.9%	37,918,691	(4,035,823)	-9.6%	(30,323)	-0.1%
MSU	100,823,547	101,254,751	91,597,436	(9,657,315)	-9.5%	87,991,548	(13,263,203)	-13.1%	(3,605,887)	-4.1%	91,415,193	(9,839,558)	-9.7%	(182,243)	-0.2%
MUW	15,887,614	16,002,965	14,477,108	(1,525,857)	-9.5%	13,899,934	(2,103,031)	-13.1%	(577,173)	-4.2%	14,442,792	(1,560,173)	-9.7%	(34,316)	-0.2%
MVSU	15,799,681	15,914,734	14,398,939	(1,515,795)	-9.5%	13,801,254	(2,113,480)	-13.3%	(597,685)	-4.3%	14,346,808	(1,567,926)	-9.9%	(52,130)	-0.4%
UM	84,126,174	83,466,742	75,509,125	(7,957,617)	-9.5%	72,486,296	(10,980,446)	-13.2%	(3,022,830)	-4.2%	75,320,690	(8,146,052)	-9.8%	(188,436)	-0.2%
USM	90,733,379	91,116,845	82,433,751	(8,683,094)	-9.5%	79,079,009	(12,037,836)	-13.2%	(3,354,742)	-4.2%	82,186,348	(8,930,497)	-9.8%	(247,403)	-0.3%
System Projects (All Universities)	2,000,000	-	-	-	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total On & Off Campus	395,519,857	$ 394,478,610	$ 356,859,496	$ (37,619,114)	-9.5%	$ 342,781,837	$ (51,696,773)	-13.1%	$ (14,077,659)	-3.9%	$ 356,139,285	$ (38,339,325)	-9.7%	$ (720,211)	-0.2%
Ayers	25,700,000	25,950,000	25,950,000	-	0.0%	25,950,000	-	0.0%	-	0.0%	25,950,000	-	0.0%	-	0.0%
Total E&G Support	$ 421,219,857	$ 420,428,610	$ 382,809,496	$ (37,619,114)	-8.9%	$ 368,731,837	$ (51,696,773)	-12.3%	$ (14,077,659)	-3.8%	382,089,285	(38,339,325)	-9.1%	(720,211)	-0.2%
Subsidiary Programs															
Executive Office	7,299,523	8,082,703	7,316,818	(765,885)	-9.5%	7,264,198	(818,505)	-10.1%	(52,620)	-0.7%	7,403,692	(679,011)	-8.4%	86,874	1.2%
Center for Advanced Vehicular Systems	3,805,428	3,809,266	3,448,315	(360,951)	-9.5%	3,926,291	117,025	3.1%	477,976	12.2%	3,926,291	117,025	3.1%	477,976	13.9%
State Chem. Lab	1,920,988	1,923,271	1,741,030	(182,241)	-9.5%	1,709,315	(213,956)	-11.1%	(31,715)	-1.9%	1,709,315	(213,956)	-11.1%	(31,715)	-1.8%
Water Resource Institute	128,331	128,331	116,171	(12,160)	-9.5%	120,531	(7,800)	-6.1%	4,360	3.6%	120,531	(7,800)	-6.1%	4,360	3.8%
Law Research Institute	883,119	884,346	800,549	(83,797)	-9.5%	829,232	(55,114)	-6.2%	28,683	3.5%	829,871	(54,475)	-6.2%	29,322	3.7%
Mineral Resource Institute	497,537	498,033	450,841	(47,192)	-9.5%	423,586	(74,447)	-14.9%	(27,255)	-6.4%	423,586	(74,447)	-14.9%	(27,255)	-6.0%
Research Institute of Pharmaceutical Sciences	3,681,852	3,686,942	3,337,582	(349,360)	-9.5%	3,208,655	(478,287)	-13.0%	(128,927)	-4.0%	3,218,655	(468,287)	-12.7%	(118,927)	-3.6%
Urban Research Center	535,659	536,212	485,403	(50,809)	-9.5%	502,407	(33,805)	-6.3%	17,004	3.4%	502,407	(33,805)	-6.3%	17,004	3.5%
Gulf Coast Research Lab	3,282,558	3,508,316	3,175,882	(332,434)	-9.5%	3,255,104	(253,212)	-7.2%	79,222	2.4%	3,270,424	(237,892)	-6.8%	94,542	3.0%
Supercomputer	845,947	846,676	766,448	(80,228)	-9.5%	727,661	(119,015)	-14.1%	(38,787)	-5.3%	737,661	(109,015)	-12.9%	(28,787)	-3.8%
Polymer Institute	669,486	670,115	606,618	(63,497)	-9.5%	692,525	22,410	3.3%	85,907	12.4%	692,525	22,410	3.3%	85,907	14.2%
Small Business Development Center	277,531	277,853	251,525	(26,328)	-9.5%	250,984	(26,869)	-9.7%	(541)	-0.2%	260,984	(16,869)	-6.1%	9,459	3.8%
Stennis Center for Higher Learning	546,601	547,025	495,191	(51,834)	-9.5%	444,485	(102,540)	-18.7%	(50,706)	-11.4%	459,804	(87,221)	-15.9%	(35,387)	-7.1%
Stennis Institute of Government	1,086,612	1,087,670	984,607	(103,063)	-9.5%	965,739	(121,931)	-11.2%	(18,868)	-2.0%	996,378	(91,292)	-8.4%	11,771	1.2%
Volunteer Commission	515,673	516,213	467,299	(48,914)	-9.5%	363,913	(152,300)	-29.5%	(103,386)	-28.4%	363,913	(152,300)	-29.5%	(103,386)	-22.1%
Center for Manufacturing Excellence	-	1,000,000	905,243	(94,757)	-9.5%	826,132	(173,868)	-17.4%	(79,111)	-9.6%	826,132	(173,868)	-17.4%	(79,111)	-8.7%
Total Subsidiary Programs	25,976,845	28,002,972	25,349,522	(2,653,450)	-9.5%	25,510,758	(2,492,214)	-8.9%	161,236	0.6%	25,742,169	(2,260,803)	-8.1%	392,647	1.5%
UMMC	229,936,572	236,739,537	216,695,594	(20,043,943)	-8.5%	215,332,977	(21,406,560)	-9.0%	(1,362,617)	-0.6%	216,892,542	(19,846,995)	-8.4%	196,948	0.1%
Agricultural Programs															
ASU Agricultural Programs	4,779,607	5,607,118	5,215,194	(391,924)	-7.0%	5,213,674	(393,444)	-7.0%	(1,520)	0.0%	5,213,674	(393,444)	-7.0%	(1,520)	0.0%
MAFES	23,716,974	23,740,111	21,758,370	(1,981,741)	-8.3%	21,365,833	(2,374,278)	-10.0%	(392,537)	-1.8%	21,365,833	(2,374,278)	-10.0%	(392,537)	-1.8%
Cooperative Extention	29,410,885	29,454,127	26,930,948	(2,523,179)	-8.6%	27,269,914	(2,184,213)	-7.4%	338,966	1.2%	27,269,914	(2,184,213)	-7.4%	338,966	1.3%
Veterinary Medicine	17,173,262	17,199,548	16,069,993	(1,129,555)	-6.6%	16,203,711	(995,837)	-5.8%	133,718	0.8%	16,203,711	(995,837)	-5.8%	133,718	0.8%
Forest and Wildlife Research Center	6,128,754	6,135,116	5,553,777	(581,339)	-9.5%	5,392,854	(742,262)	-12.1%	(160,923)	-3.0%	5,508,449	(626,667)	-10.2%	(45,328)	-0.8%
Total Agricultural Programs	81,209,482	82,136,020	75,528,282	(6,607,738)	-8.0%	75,445,986	(6,690,034)	-8.1%	(82,296)	-0.1%	75,561,581	(6,574,439)	-8.0%	33,299	0.0%
Student Financial Aid	30,377,373	31,871,113	29,009,439	(2,861,674)	-9.0%	31,100,215	(770,898)	-2.4%	2,090,776	6.7%	31,100,215	(770,898)	-2.4%	2,090,776	7.2%
Grand Total	$ 788,720,129	$ 799,178,252	$ 729,392,333	(69,785,919)	-8.7%	$ 716,121,773	$ (83,056,479)	-10.4%	$ (13,270,560)	-1.9%	$ 731,385,792	$ (67,792,460)	-8.5%	$ 1,993,459	0.3%

(1) Appropriation Committee bills do not allocate to On & Off Campus.
(2) HB 1059 appropriates Budget Contingency Funds contingent upon passage of Federal legislation.
(3) In the allocation, funding for line items were funded first. The remaining funds for GF, EEF, and BCF (when available) were funded based on the FY 2010 percent of allocation. ARRA funds were allocated on the FY 2010 unrestricted allocation percent.

EXHIBIT 2

May 20, 2010

SYSTEM – APPROVAL OF FIRST READING OF BOARD POLICY 712 - INTERNAL AUDIT POLICY

712 INTERNAL AUDIT POLICY

A. The Board shall appoint its own system internal audit director with the appropriate support staff. The Board's system internal audit director shall report to the Audit Committee (which is a Subcommittee of the Budget, Finance & Audit Committee and not a formal committee of the Board) and ultimately to the Board, but will report administratively to the Commissioner and be independent of any other IHL division, section, branch or officer. The Board's system internal audit director and his/her staff shall perform duties as directed by the Board's Audit Committee and as set out in the Board's System Internal Audit Charter. The Board approved System Internal Audit Charter shall be in supplementation to this Internal Audit Policy and shall apply to all Board and university internal auditors, whether located at the Board's executive office or on one of the university campuses. The Commissioner may at any time direct the Board's system internal audit director to perform an audit or inquiry of any special program, activity, function or organizational unit of the system.

B. The Board directs each Institutional Executive Officer (IEO) to appoint a university internal audit director. Employment of each university internal audit director shall be contingent upon the approval of both the IEO and the Board's system internal audit director. In addition, each IEO shall employ a sufficient number of professional and support staff to assist the university internal audit director in implementing an effective program of internal auditing. The university internal audit staff shall have organizational status outside of the university's staff, management, functions or units subject to audit, and shall be free of operational and management responsibilities that would impair the ability to make independent audits of any aspects of the university's operations. The university audit directors shall be functionally responsible to the Audit Committee and ultimately the Board of Trustees through the Board's system internal audit director, but will administratively report to the IEO. University internal audit employees may only be terminated following university compliance with any applicable state laws, and following notification of the Audit Committee upon recommendation of the IEO and the Board's system internal audit director. If there is disagreement between the IEO and the Board's system internal audit director regarding a recommendation of termination of a university internal audit employee, the dispute shall be brought to the Board, which shall make the decision regarding termination.

C. The Board's System and University internal audit directors shall have the following duties:

1. To conduct financial, compliance, electronic data processing and operational and efficiency audits of system and university programs, activities and functions and prepare audit reports of findings;

2. To review and evaluate internal controls over system and university programs, accounting systems, administrative systems, electronic data processing systems and all other major systems necessary to ensure accountability of the system and universities;

3. To develop annual and three year strategic audit plans to be based on the findings of periodic documented risk assessments. The plan shall show the individual audits to be conducted during each year and the related resources to be devoted to each of the respective audits. The audit plan shall ensure that internal controls are reviewed on a periodic basis. The plan shall address concerns of the Board of Trustees, Commissioner and IEOs. The Board 's system internal audit director shall submit the plan to the Board Audit Committee for approval after consultation with the Commissioner and IEOs; and,

4. To determine the scope and assignment of the audits. However, the IEO may at any time direct the university internal audit director to perform an audit or inquiry of any special program, activity, function or organizational unit of their institution.

D. Audits shall be conducted in accordance with the Standards for the Professional Practice of Internal Auditors, Inc. and, when required by law, regulation, agreement, contract or policy, in accordance with Government Auditing Standards issued by the Comptroller General of the United States. All audit reports issued by internal audit staff shall include a statement that the audit was conducted pursuant to the appropriate standards.

University audit reports shall be confidential, but shall be provided to the Board upon completion. The Board hereby delegates to the Board's system internal audit director the responsibility of collecting and reviewing the confidential university audit reports on behalf of the Board. The Board's system internal audit director shall then brief the Board's Audit Committee regarding the confidential university audit reports. The Audit Committee will forward such reports to the full Board with appropriate recommendations for action when warranted.

E. The IEO and the Board's system internal audit director shall review and approve the annual university internal audit plan and budget, internal and external audit reports, and follow-up reports and quality assurance reviews. The IEO shall periodically meet with the Board's system and university's internal audit directors to discuss pertinent matters, including whether there are any restrictions on the scope of audits. Any perceived limitation must be reported to the Audit Committee through the Board's system internal audit director.

F. The Commissioner and IEOs shall require that the Board's system internal audit staff and the university's internal audit staff liaise with all auditors from the State

Auditor's Office, with all auditors from the Legislative PEER Committee, with all externally funded contracts and grants auditors, and with all external investigators/auditors regarding audits, investigations or inquiries in order to:

- Coordinate all review, evaluation and/or investigation activities;
- Ensure that the audit programs are complementary;
- Foster a cooperative working relationship;
- Reduce the incidence of duplication of efforts; and
- Promote appropriate sharing of information.

The Commissioner, IEOs and university internal audit directors shall make known to the Board's system internal audit director any determined fraud, waste or abuse or reasonably substantiated fraud, waste or abuse as a result of audits, inquiries, investigations or complaints, so such cases can be communicated to the Commissioner and Audit Committee and in order that efforts can be made to ensure internal controls are sufficient to deter such actions in the future.

G. The Board, the Board's Audit Committee and/or the Commissioner may direct the Board's Internal Audit Director or the university's internal audit staff to investigate any system issues, allegations, or audit matters, in order to carry out the fiduciary duties of the Board. The IEOs and all system employees must cooperate fully with the Board's system and/or the university's internal audit staff on any system issues, allegations, or audit matters directed to be performed on behalf of the Board, the Board's Audit Committee, the Commissioner and/or the Board's system internal audit director.

EXHIBIT 3

May 20, 2010

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE APRIL 14-15, 2010 BOARD MEETING SUBMISSION DEADLINE

1. **MSU – GS 113-099 (Contract #4) – MS Vet Research & Diagnostic Lab**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $29,047.00 and thirty-seven (37) additional days to the contract of Wilkinson Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.
   Staff Approval Date: March 30, 2010
   Change Order Justification: The change order is necessary in order to add a canopy to keep water out of an existing stairwell, replace a defective control network communication device, repair existing duct insulation prior to installation of a new ceiling, modify existing walls & ceilings to accommodate recently purchased lab furniture, relocate a plumbing vent to a new mechanical chase, and to modify the IT Server Room HVAC system to seal the room for fire suppression purposes.
   Total Project Change Orders and Amount: Two (2) change orders for a total amount of $43,279.00
   Project Initiation Date: June 21, 2002
   Design Professional: Foil-Wyatt Architects
   General Contractor: Wilkinson Construction, Inc.
   Contract Award Date: June 29, 2009
   Project Budget: $1,820,910
   Funding Source(s): SB 2988, Laws of 2003

2. **MSU-DAFVM – GS 113-126 – Bost/Forest Products-Mechanical**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by MJR/Senter, P.C., design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.
   Staff Approval Date: April 9, 2010
   Project Initiation Date: September 17, 2009
   Design Professional: MJR/Senter, P.C.
   General Contractor: N/A
   Contract Award Date: N/A
   Project Budget: $900,000
   Funding Source(s): HB 1722, Laws of 2009

3. **MSU – IHL 205-235 B – New Residence Hall**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $46,826.02 and zero (0) additional days to the contract of Harrell Contracting Group, LLC.

Staff Approval Date: April 9, 2010
Change Order Justification: The change order is necessary in order to provide a security gate along Blackjack Road, to re-route a storm drainage line to avoid existing utilities, to change plumbing fixtures for ease of maintenance, and to provide protective crane mats as a precautionary measure over the new water loop service lines.
Total Project Change Orders and Amount: One (1) change orders for a total amount of $46,826.02
Project Initiation Date: April 16, 2008
Design Professional: LPK Architects, P.A.
General Contractor: Harrell Contracting Group, LLC.
Contract Award Date: June 22, 2009
Project Budget: The total project budget for 205-235 phases A-G is $29,960,000. The project budget for Phase B of the project is $16,093,826.02
Funding Source(s): MSU Educational Building Corporation Bonds (EBC)

4. **MSU – IHL 205-235 F – Demolition of Suttle Hall**
Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by LPK Architects, P.A., design professional.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by LPK Architects, P.A., design professional.
Staff Approval Date: (#1) March 16, 2010; (#2) April 9, 2010
Project Initiation Date: April 16, 2008
Design Professional: LPK Architects, P.A.
General Contractor: N/A
Contract Award Date: N/A
Project Budget: The total project budget for 205-235 phases A-G is $29,960,000. The project budget for Phase F of the project is $1,000,060.
Funding Source(s): MSU Educational Building Corporation Bonds (EBC)

5. **MSU – IHL 205-235 G – Fire Suppression for Hull, Evans, and Herbert Hall**
Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by LPK Architects, P.A., design professional.
Staff Approval Date: March 30, 2010
Project Initiation Date: January 21, 2010
Design Professional: LPK Architects, P.A.
General Contractor: N/A
Contract Award Date: N/A
Project Budget: The total project budget for 205-235 phases A-G is $29,960,000. The project budget for Phase G of the project is $1,000,000.
Funding Source(s): MSU Educational Building Corporation Bonds (EBC)

EXHIBIT 3

May 20, 2010

6. **MSU – IHL 205-244 – Fraternity Row-New Parking Lot**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Gregory Construction Services, Inc., the lower of nine (9) bidders for a total contract amount of $251,999.
   Staff Approval Date: March 30, 2010
   Project Initiation Date: May 14, 2009
   Design Professional: Michael T. Muzzi, AIA, AUA (MSU Campus Architect)
   General Contractor: Gregory Construction Services, Inc.
   Contract Award Date: March 30, 2010
   Project Budget: $315,000
   Funding Source(s): MSU Auxiliary funds

7. **MSU – IHL 213-139 – Stoneville Office Building**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Pryor & Morrow, design professionals.
   Staff Approval Date: April 9, 2010
   Project Initiation Date: November 19, 2009
   Design Professional: Pryor and Morrow
   General Contractor: N/A
   Contract Award Date: N/A
   Project Budget: $3,000,000
   Funding Source(s): MSU-ES state funds in the amount of $1,795,000 and MAFES sales funds in the amount of $1,205,000

8. **MVSU – GS 106-201 – J.H. White Library Enhancements Phase I & Phase II**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Duvall Decker & Associates, design professional. Approval is requested from the Bureau of Building, Grounds and Real Property Management.
   Staff Approval Date: March 24, 2010
   Project Initiation Date: February 22, 2008
   Design Professional: Duvall Decker & Associates
   General Contractor: N/A
   Contract Award Date: N/A
   Project Budget: $11,500,000
   Funding Source(s): Ayers and HB 1722, Laws of 2009

EXHIBIT 3

May 20, 2010

9. **MVSU – GS 106-214 – Phase II Land Drain Infrastructure**
   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by W.L. Burle Engineers, P.A., design professional.
   Staff Approval Date: April 5, 2010
   Project Initiation Date: March 19, 2009
   Design Professional: W. L. Burle Engineers, P. A.
   General Contractor: N/A
   Contract Award Date: N/A
   Project Budget: $1,400,000
   Funding Source(s): Ayers Funds

10. **UM – IHL 207-258 – New Law School**
    Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of $86,914.76 and twenty-six (26) additional days to the contract of W.G. Yates and Sons Construction Co.
    Staff Approval Date: March 15, 2010
    Change Order Justification: This change order is necessary to relocate the standpipe and controls for the sprinkler system, and to add venetian blinds to sidelights at faculty offices.
    Total Project Change Orders and Amount: Four (4) change orders for a total amount of $305,558.81
    Project Initiation Date: April 21, 2005
    Design Professional: Eley and Associates
    General Contractor: W.G. Yates and Sons Construction Co.
    Contract Award Date: May 13, 2008
    Project Budget: $50,000,000
    Funding Source(s): HB 246, Laws of 2007; University self-generated funds

11. **UM – GS 107-291 – Guyton Hall Annex**
    Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $21,091.00 and seventy-seven (77) additional days to the contract of Murphy & Sons, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.
    Staff Approval Date: March 22, 2010
    Change Order Justification: The change order is necessary to provide sidewalks, curb cuts, and connector sidewalks to the building.
    Total Project Change Orders and Amount: Two (2) change orders for a total amount of $33,762.00
    Project Initiation Date: June 20, 2007
    Design Professional: Shafer & Associates
    General Contractor: Murphy & Sons, Inc.
    Contract Award Date: October 20, 2008

Project Budget: $3,000,000
Funding Source(s): HB 246, Laws of 2007

12. UM – IHL 207-303 B – Research Park Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cooke Douglass Farr Lemons, LTD, and Howorth Associates, design professionals.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Cooke Douglass Farr Lemons, LTD, and Howorth Associates, design professionals.
Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Cooke Douglass Farr Lemons, Ltd., and Howorth Associates, design professionals.
Staff Approval Date: (#1) March 9, 2010; (#2) March 9, 2010; (#3) March 16, 2010
Project Initiation Date: August 16, 2007
Design Professional: Cooke Douglass Farr Lemons, Ltd. and Howorth Associates, A Joint Venture
General Contractor: N/A
Contract Award Date: N/A
Project Budget: $17,100,000
Funding Source(s): NIST Award #60NANB6D6134

13. UM – IHL 207-306 – Center for Manufacturing Excellence

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of $279,235.66 and one hundred forty-nine (149) additional days to the contract of Panola Construction Company.
Staff Approval Date: March 22, 2010
Change Order Justification: The change order is necessary for general conditions due to utility delays, waterproofing at design/build wall, and to install seismic sensors beneath the building slab.
Total Project Change Orders and Amount: Three (3) change orders for a total amount of $466,495.23
Project Initiation Date: November 15, 2007
Design Professional: Cooke Douglas Farr Lemons, Ltd.
General Contractor: Panola Construction Company
Contract Award Date: February 18, 2009
Project Budget: $17,700,000
Funding Source(s): Mississippi Development Authority

EXHIBIT 3

May 20, 2010

14. **UM – IHL 207-306 A – Center for Manufacturing Excellence-Carrier Hall-Phase II**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $7,079.88 and zero (0) additional days to the contract of Panola Construction Company.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $18,194.09 and zero (0) additional days to the contract of Panola Construction Company.
Staff Approval Date: (#1-2) March 15, 2010
Change Order Justification: Change Order #1 is necessary to move the existing HVAC for construction phasing, to install mirrors in the restrooms, and to provide termite treatment. Change Order #2 is necessary to reroute the sanitary sewer service, to provide for concrete testing services, and to provide for fiber optic line excavation and survey.
Total Project Change Orders and Amount: Two (2) change orders for a total amount of $25,273.97
Project Initiation Date: August 20, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd.
General Contractor: Panola Construction Company
Contract Award Date: December 16, 2009
Project Budget: $4,500,000
Funding Source(s): Mississippi Development Authority

15. **UM – IHL 207-321 – North Residential College, Bid Package A**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $4,500.00 and zero (0) additional days to the contract of M&N Excavators, Inc.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $1,500.00 and zero (0) additional days to the contract of M&N Excavators, Inc.
Staff Approval Date: (#1-2) March 15, 2010
Change Order Justification: Change Order #1 is necessary to provide a water tap and 6" water line to the building. Change Order #2 is necessary to furnish and install a retaining wall at the communication manhole as requested by the Communication Department.
Total Project Change Orders and Amount: Two (2) change orders for a total amount of $6,000.00
Project Initiation Date: March 19, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd. And Eley Guild Hardy, A Joint Venture
General Contractor: M&N Excavators, Inc.
Contract Award Date: September 4, 2009
Project Budget: $25,000,000
Funding Source(s): University of Mississippi Educational Building Corporation (EBC) and private donations

EXHIBIT 3

May 20, 2010

16. **UM – IHL 207-321 – North Residential College, Bid Package B**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $4,325.00 and zero (0) additional days to the contract of United Forming.
Staff Approval Date: March 22, 2010
Change Order Justification: This change order is necessary to furnish and install 981 LF of ¼" of plywood edge form at the perimeter of the attic floor.
Total Project Change Orders and Amount: One (1) change order for a total amount of $4,325.00
Project Initiation Date: March 19, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd. And Eley Guild Hardy, A Joint Venture
General Contractor: United Forming
Contract Award Date: July 1, 2009
Project Budget: $25,000,000
Funding Source(s): University of Mississippi Educational Building Corporation (EBC) and private donations

17. **UM – IHL 207-321 – North Residential College, Bid Package D**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $10,605 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.
Staff Approval Date: March 15, 2010
Change Order Justification: This change order is necessary to provide 500 linear feet of bent plate at the perimeter of the courtyard on the second and third floors.
Total Project Change Orders and Amount: One (1) change order for a total amount of $10,605
Project Initiation Date: March 19, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd. And Eley Guild Hardy, A Joint Venture
General Contractor: Drywall Systems Plus, Inc.
Contract Award Date: September 4, 2009
Project Budget: $25,000,000
Funding Source(s): University of Mississippi Educational Building Corporation (EBC) and private donations

18. **UM – IHL 207-321 – North Residential College, Bid Package G**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of ($64,000) and zero (0) additional days to the contract of Clinton Interiors.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $1,327.93 and zero (0) additional days to the contract of Clinton Interiors.
Staff Approval Date: (#1-2) March 22, 2010
Change Order Justification: Change Order #1 is necessary due to the omission of specified handrails and painted pipe rails. Change Order #2 is necessary due to granite being substituted for solid surface in the reception area and for renovations in the shower area.
Total Project Change Orders and Amount: Two (2) change orders for a total amount of ($62,672.07)
Project Initiation Date: March 19, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd. and Eley Guild Hardy, A Joint Venture
General Contractor: Clinton Interiors
Contract Award Date: September 4, 2009
Project Budget: $25,000,000
Funding Source(s): University of Mississippi Educational Building Corporation (EBC) and private donations

19. <u>UM – IHL 207-321 – North Residential College, Bid Package M</u>
Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $5,220.00 and zero (0) additional days to the contract of South Central Heating and Plumbing Co., Inc.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of ($60,000) and zero (0) additional days to the contract of South Central Heating and Plumbing Co., Inc.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of $4,472.00 and zero (0) additional days to the contract of South Central Heating and Plumbing Co., Inc.
Staff Approval Date: (#1) March 15, 2010; (#2-3) March 22, 2010
Change Order Justification: Change Order #1 is necessary to add reheat coils to the Energy Recovery Ventilators (ERV's). Change Order #2 is necessary in order to reconcile the controls allowance and to provide fan coils. Change Order #3 is necessary to provide HVAC/Plumbing revisions for Library 123 and Lounge 163.
Total Project Change Orders and Amount: Three (3) change orders for a total amount of ($50,308.00)
Project Initiation Date: March 19, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd. and Eley Guild Hardy, A Joint Venture
General Contractor: South Central Heating and Plumbing Co., Inc.
Contract Award Date: July 1, 2009
Project Budget: $25,000,000
Funding Source(s): University of Mississippi Educational Building Corporation (EBC) and private donations

EXHIBIT 3

May 20, 2010

20. UM – IHL 207-321 – North Residential College, Bid Package N

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of $3,599.75 and zero (0) additional days to the contract of Advance Electric Co., Inc.
Staff Approval Date: March 22, 2010
Change Order Justification: This change order is necessary to provide vanity lights in the single dormitory rooms.
Total Project Change Orders and Amount: Five (5) change orders for a total amount of $46,835.74
Project Initiation Date: March 19, 2009
Design Professional: Cooke Douglas Farr Lemons, Ltd. And Eley Guild Hardy, A Joint Venture
General Contractor: Advance Electric Co., Inc.
Contract Award Date: July 1, 2009
Project Budget: $25,000,000
Funding Source(s): University of Mississippi Educational Building Corporation (EBC) and private donations

21. UM – IHL 207-326 – Elevator Replacement at Martin Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Barnes & Brower, the lower of three (3) bidders for a total contract amount of $614,564.
Staff Approval Date: March 31, 2010
Project Initiation Date: September 17, 2009
Design Professional: SSR Ellers
General Contractor: Barnes & Brower
Contract Award Date: March 31, 2010
Project Budget: $805,000
Funding Source(s): Auxiliary R&R funds

22. UM – IHL 207-329 – Triplett Alumni Center Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $3,220.80 and zero (0) additional days to the contract of Hooker Construction, Inc.
Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of $10,478.00 and zero (0) additional days to the contract of Hooker Construction.
Staff Approval Date: (#1-2) March 15, 2010
Change Order Justification: Change Order #2 is necessary for the demolition of an old domestic hot water storage tank and to provide two new tanks. Change Order #3 is necessary to replace two existing hot water boilers with two commercial water heaters.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of $18,438.80
Project Initiation Date: September 17, 2009
Design Professional: Foil Wyatt Architects
General Contractor: Hooker Construction, Inc.
Contract Award Date: December 17, 2009
Project Budget: $1,998,104
Funding Source(s): Alumni Association; Internal R&R funds; and private donations

23. UM – IHL 207-333 – Multi-Modal Airport Project

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Barge Waggoner Sumner & Cannon, Inc., design professionals.
Staff Approval Date: March 30, 2010
Project Initiation Date: January 21, 2010
Design Professional: Barge Waggoner Sumner & Cannon, Inc.
General Contractor: N/A
Contract Award Date: N/A
Project Budget: $437,255
Funding Source(s): University/Oxford Airport Capital R&R funds; MDOT Multi-Modal Airport Grant-MM-0057-0219

24. UMMC – IHL 209-516 – Emergency Room Fast Track Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of $3,772.00 and zero (0) additional days to the contract of McMillan Pitts Construction Company.
Staff Approval Date: March 9, 2010
Change Order Justification: This change order is necessary to provide a "lockable access panel" in the electrical room, to rework a countertop around a column, and to add starters to pumps and fans that are necessary to complete the project.
Total Project Change Orders and Amount: Six (6) change orders for a total amount of $110,269.00
Project Initiation Date: November 21, 2008
Design Professional: The McCarty Group
General Contractor: McMillan Pitts Construction Company
Contract Award Date: June 10, 2009
Project Budget: $2,000,000
Funding Source(s): Hospital patient revenues

EXHIBIT 3

May 20, 2010

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Fountain Construction Co. Inc., the lower of ten (10) bidders for a total contract amount of $1,725,800.
Staff Approval Date: March 16, 2010
Project Initiation Date: January 15, 2009
Design Professional: Dale/Morris Associates
General Contractor: Fountain Construction Co., Inc.
Contract Award Date: March 16, 2010
Project Budget: $3,395,515
Funding Source(s): Tuition and Indirect Cost Recoveries

26. UMMC – IHL 209-520 – SHRP Radiology Lab Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Sunbelt General Contractors, Inc., the lower of seven (7) bidders for a total contract amount of $143,600.
Staff Approval Date: March 22, 2010
Project Initiation Date: March 20, 2009
Design Professional: Cooke Douglass Farr Lemons, Ltd.
General Contractor: Sunbelt General Contractors, Inc.
Contract Award Date: March 22, 2010
Project Budget: $255,134
Funding Source(s): Tuition and fees

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Dale and Associates, design professional.
Staff Approval Date: April 7, 2010
Project Initiation Date: October 21, 2004
Design Professional: Dale and Associates
General Contractor: N/A
Contract Award Date: N/A
Project Budget: $6,252,302.68
Funding Source(s): SB 3197, Laws of 2002; SB 2988, Laws of 2003

28. USM – GS 108-238 – 2005 Pre-Planning Business Facility

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Eley & Associates/Studio South, design professionals.
Staff Approval Date: March 24, 2010

EXHIBIT 3

May 20, 2010

Project Initiation Date: N/A
Design Professional: Eley & Associates/Studio South
General Contractor: N/A
Contract Award Date: N/A
Project Budget: $547,413
Funding Source(s): SB 2010, Laws of 2004

EXHIBIT 4

May 20, 2010

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

Payment of legal fees for professional services rendered by Phelps Dunbar (statement dated 3/26/10) from the funds of Mississippi State University. (This statement, in the amount of $1,006.25, represents services and expenses in connection with *Wade vs. MS Cooperative Extension Service*.)

TOTAL DUE…….…….……$ 1,006.25

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 3/8/10) from the funds of the University of Mississippi. (This statement, in the amount of $3,890.50, represents services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities.)

TOTAL DUE…….…….……$ 3,890.50

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/12/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with General Advice - UMMC-North Clinic - $3,080.00 and General Representation of the Medical School and Facility Practice Plans - UMMC-North Clinic - $86.00.)

TOTAL DUE…….…….……$ 3,166.00

Payment of legal fees for professional services rendered by Ogletree, Deakins, Nash, Smoak & Stewart (statement dated 3/11/10) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of $1,804.05, represents services and expenses in connection with the *Bernard v. UMMC* case.)

TOTAL DUE…….…….……$ 1,804.05

Payment of legal fees for professional services rendered by Page, Mannino, Peresich & McDermott (statements dated 2/26/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with cases styled *Kermode* - $653.08, *Seid* - $12,874.81 and *Thornton* - $8,376.00.)

TOTAL DUE…….…….……$ 21,903.89

EXHIBIT 4

May 20, 2010

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statement dated 3/18/10) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of $652.50, represents services and expenses in connection with financial concerns.)

TOTAL DUE…….…….……$ 652.50

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/17/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Compact Time-of-Flight Mass Spectrometer-UK" - $42.50; "Compact Time-of-Flight Mass Spectrometer-Japan" - $42.50; "Organic Wood Preservatives" - $354.50; "Methods of Preparation of Live Attenuated Bacterial Vaccines" - $42.50; "Srinivasan-Elusieve Processing CIP Application" - $4,759.50; "Laser-Induced Breakdown Spectroscopy for Specimen Analysis" - $558.00 and "Bast Medium Biological Reactor Treatment" - $25.50.)

TOTAL DUE…….…….……$ 5,850.50

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 3/19/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Trademark Renewals and New Registrations" - $892.50 and "MSU- Registration of New Classification for MSU Seal" - $460.00.)

TOTAL DUE…….…….……$ 1,352.50

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 12/15/09, 1/20/10, 2/16/10 and 2/16/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Chick Separation-Anxiety-Depression (SAD) Model" - $922.50; "Chick Separation-Anxiety-Depression (SAD) Model" - $2,475.00; "Chick Separation-Anxiety-Depression (SAD) Model" - $1,795.50 and "Chick Separation-Anxiety-Depression (SAD) Model" - $405.00, respectively.)

TOTAL DUE…….…….……$ 5,598.00

Payment of legal fees for professional services rendered by Hunton & Williams (statements dated 2/18/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Design and Synthesis of Optimized Ligands for PPAR" - $1,142.50 and

EXHIBIT 4

May 20, 2010

"Dihydroartemisinin and Dihydroartemisitene Dimers as Anticancer and Anti-Infective Agents" - $580.00.)

TOTAL DUE……..…….……$ 1,722.50

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 2/23/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Development of Isoflavones for Targeting Cryptosporidium Parvum Infection" - $0.00; "Underwater Biomass Assessment Device and Method" - $1,178.46; "US: Highly Purified Amphotericin-B" - $203.00; "Canada: Highly Purified Amphotericin-B" - $736.58; "Japan: Highly Purified Amphotericin-B" - $2,292.53; "Miscellaneous IP Matters" - $0.00; "Canada: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques"- $250.00; "Paris-High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $1,159.36; "South Africa: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $250.00; "Paris: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $40.50; "Delivery of Medicaments to the Nail and Perionychium via 'Etching'" - $186.00 and "A Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise" - $1,688.27.)

TOTAL DUE……..…….……$ 7,984.70

MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

May 28, 1020 Special Called Board Meeting

MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
May 28, 2010

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi held a teleconference meeting on May 28, 2010 at 11:00 a.m. with public attendance available at the Board Office in Jackson, Mississippi. The following Board members participated in the teleconference: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey Patterson, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. Trustees Alan Perry and Doug Rouse were absent. The meeting was called to order by President Dr. Bettye Henderson Neely.

In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss the institutional transition at the Mississippi University for Women.

On motion by Trustee Whitten, seconded by Trustee Davidson, with Trustees Perry, Robinson and Rouse absent and not voting, the Board voted to add an item to the Executive Session agenda concerning a potential litigation matter at the Board Office.

EXECUTIVE SESSION

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

Discussion of a potential litigation matter at the Board Office and
Discussion of a personnel matter at the Mississippi University for Women.

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

The Board discussed a personnel matter at the Mississippi University for Women.
The Board discussed a potential litigation matter at the Board Office.

On motion by Trustee Smith, seconded by Trustee Blakeslee, with Trustee Rouse absent and not voting, the Board voted to return to Open Session.

Commissioner Bounds recommended that the Board consider adding an item to the agenda - discussion of the system audits and the proposals for performing the audit. On Motion by Trustee Patterson, seconded by Trustee Whitten, with Trustees Perry and Rouse absent and not voting, the Board approved the addition of this item.

On motion by Trustee Smith, seconded by Trustee Blakeslee, with Trustees Perry and Rouse absent and not voting, the Board agreed to rescind its prior action that approved the Horne proposal for the performance of the system audit, to throw out all prior proposals that were received regarding the audit, and to allow all proposers to submit their best proposals, including any information on their use of Mississippi auditors

which will be a Board consideration in selecting a proposal. The proposals will be due by a date to be determined by the Commissioner. Those proposals will then be considered by the Board.

On motion by Trustee Ross, seconded by Trustee Whitten, with Trustees Perry and Rouse absent and not voting, the Board appointed Mrs. Allegra Brigham as the interim president of the Mississippi University for Women as recommended by the Commissioner.

ADJOURNMENT

There being no further business to come before the Board, on a motion by Trustee Whitten, seconded by Trustee Davidson, with Trustees Perry and Rouse absent and not voting, the Board members voted to adjourn the meeting.

_____

President, Board of Trustees of State Institutions of Higher Learning

_____

Commissioner, Board of Trustees of State Institutions of Higher Learning

MINUTES OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

June 4, 2010
Special Called Board of Trustees Meeting

MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 4, 2010

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi held a teleconference meeting on June 4, 2010 at 2:30 p.m. with public attendance available at the Board Office in Jackson, Mississippi. The following Board members participated in the teleconference: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey Patterson, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. Mr. Alan Perry was absent. The meeting was called to order by President Dr. Bettye Henderson Neely.

In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss the selection of a system audit firm for Fiscal Year 2010 and Fiscal Year 2011.

Commissioner of Higher Education Dr. Hank Bounds gave a summary as follows: The Request for Proposals was reissued on Friday, May 28, 2010. Bids were due Thursday, June 3, 2010. Five firms submitted proposals including KPMG, CRI, Fortenberry and Ballard, Horne and BKD. The Task Force to score bids included Chris Halliwell (IHL), Cheryl Mowdy (IHL), Mitchell Adcock (IHL), Kevin Appleton (ASU), Nora Miller (MUW) and Larry Sparks (UM).

The new RFPs were scored using the following seven criteria:
1. Cost;
2. Experience;
3. Adequate staffing to complete the audit;
4. Independence/possible risk issues which could affect completion of the audit;
5. Minority presence;
6. Mississippi presence; and
7. Peer reviews.

Commissioner Bounds said all firms met minimum qualification, are capable, have a Mississippi presence and have minority representation. The point spread between the top four candidates was only 10 points. KPMG submitted the lowest bid and scored the highest number of points.

Commissioner Bounds recommended KPMG based on the bid proposals that were received and scored. **(See Exhibits 1.)**

Trustee Pickering made a motion to accept Commissioner Bounds' and the IHL Board Staff proposal. Trustee Patterson seconded the motion.

Trustee Ross made a substitute motion, seconded by Trustee Robinson to award the contract to Horne, because there was little difference in price and Horne, as a Mississippi firm, had proved to have a larger Mississippi presence. **The vote was 7-4 against Trustee Ross's motion.** Trustees Blakeslee, Neely, Owens, Patterson, Pickering, Rouse and Smith voted against the motion. Trustees Davidson, Robinson, Ross and Whitten voted in favor of the motion. Trustee Perry was absent and not voting.

By a vote of 11-0, the Board voted to award the contract to KPMG via Trustee Pickering's motion, seconded by Trustee Patterson. Trustees Blakeslee, Davidson, Neely, Owens, Patterson, Pickering, Robinson, Ross, Rouse, Whitten and Smith voted in favor of the motion. Trustee Perry was absent and not voting.

ADJOURNMENT

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

_____

President, Board of Trustees of State Institutions of Higher Learning

_____

Commissioner, Board of Trustees of State Institutions of Higher Learning

EXHIBIT 1

Mississippi Institutions of Higher Learning
3825 Ridgewood Road
Jackson, MS 39211

Date: June 4, 2010

To: Board of Trustees

From: Hank M. Bounds, Commissioner

Re: Commissioner Recommendation for Audit Firm for FY 2010 and FY 2011

Please find attached a spreadsheet detailing the task force's most recent scoring of the second response to the RFP for audit services for FY 2010 and FY 2011. The following is a brief example of scoring used by the team.

> The new RFPs were scored using seven criteria. The criteria along with the relative weight (shown in parenthesis) follow:
>
> (1) Cost (5),
> (2) Experience (4),
> (3) Adequate staffing to complete the audit (4),
> (4) Independence/possible risk issues which could affect completion of audit (3),
> (5) Minority presence (2),
> (6) Mississippi presence (2), and
> (7) Peer reviews (1).
>
> The team then scored each element with a score range of 1 to 7. For example, the firm with the lowest cost received 7 out of 7. Since cost had a weight of 5, 7 would be multiplied by the importance of weight – 5 – which created a maximum point value of 35. The next lowest cost proposal might receive a 6 out of 7. Using the same process, this would generate a score of 30.

As you can see from the numbers, the firm with the highest points is KPMG. Following, in order from highest to lowest points, are: CRI, Fortenberry and Ballard, Horne, and BKD.

The point spread on the top four candidates is only 10 points which indicates any of the firms could perform the audit. All meet minimum qualifications, are capable, have a Mississippi presence and have minority representation. That leaves the factor of price.

KPMG is a Mississippi firm with the lowest price. Therefore, my recommendation is for the Board to select KPMG as the auditor for FY 2010 and FY 2011.

EXHIBIT 1

Mississippi Institutions of Higher Learning
System Audit Services RFP # 2 (5-28-2010) Final Evaluation
FY 2010 and FY 2011

	CPA FIRMS	Weight (1 - 5)	Scoring (low to high)	Qst	KPMG	Grant Thornton	Fortenberry & Ballard	Horne	Grantham Poole	BKD	CRI
							Consolidated Average				
1	Two-Year Cost Proposed	5	1 to 7	1	35.0	0.0	30.0	30.0	0.0	20.0	25.0
2	Experience level with Higher Education A-133 audits (MS institution, and complex institution experience preferred)	4	1 to 7	2	24.7	0.0	22.7	17.3	0.0	17.3	27.3
3	Staffing level of CPA firm	4	1 to 7	3	26.0	0.0	25.0	24.0	0.0	23.3	27.3
4	Independence/potential risks that could affect the completion of audit	3	1 to 7	4	21.0	0.0	21.0	18.0	0.0	21.0	18.0
5	Peer Review	1	1 to 7	5	7.0	0.0	6.5	7.0	0.0	7.0	7.0
6	Minority CPA Firm presence	2	1 to 7	6	6.7	0.0	13.7	13.7	0.0	13.7	14.0
7	State of Mississippi presence	2	1 to 7	7	14.0	0.0	12.0	14.0	0.0	14.0	14.0
	Total Points			**Total**	**134.3**	**0.0**	**130.8**	**124.0**	**0.0**	**116.3**	**132.7**
				Rank							
				Year 1 (FY 2010)	**$ 633,000**		**$ 647,000**	**$ 637,500**		**$ 875,000**	**$ 750,000**
				Year 2 (FY 2011)	**$ 633,000**		**$ 647,000**	**$ 637,500**		**$ 875,000**	**$ 765,000**
				Total	**$ 1,266,000**	**$ -**	**$ 1,294,000**	**$ 1,275,000**	**$ -**	**$ 1,750,000**	**$ 1,515,000**
					1		3	4		5	2

CONSENT AGENDAS

1. SYSTEM – APPROVAL OF ACADEMIC PROGRAM MODIFICATIONS

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

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

DELETE

a. ***Alcorn State University*** requests permission to delete the ***BA in Economics*** (CIP 45.0601) degree.

b. ***Alcorn State University*** requests permission to delete the ***BS in Educational Psychology*** (CIP 42.1801) degree.

c. ***Alcorn State University*** requests permission to delete the ***BS in Health Science*** (CIP 51.9999) degree.

d. ***Alcorn State University*** requests permission to delete the ***BS in Special Education*** (CIP 13.1001) degree.

RENAME

e. ***Mississippi State University*** requests permission to rename the ***BS in Wildlife and Fisheries*** (CIP 03.0601) degree to the ***BS in Wildlife, Fisheries and Aquaculture*** degree (no CIP change) to better align the degree name with curriculum of the program and the current name of the academic unit where the degree resides. The proposed name change will require minimal resources (e.g., change of campus signs, stationery, recruiting materials, etc.), which will be covered by existing funds within the Department of Wildlife, Fisheries and Aquaculture.

REORGANIZE

f. The ***University of Southern Mississippi*** requests permission to reorganize the ***BS in Entertainment Industry*** (CIP 50.0909) degree by removing this degree program from the School of Music and relocating the program to the School of Mass Communication and Journalism. The reorganization is an academic efficiency that will save money by facilitating resources sharing between the Entertainment Industry program and existing academic programs within the School of Mass Communication and Journalism.

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

2. MVSU - ACADEMIC UNIT MODIFICATION

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

In accordance with Board policy, Mississippi Valley State University requests approval of the following academic unit modification.

REORGANIZE AND RENAME

a. ***Mississippi Valley State University*** requests permission to reorganize the ***Division of Academic Affairs*** by combining the College of Professional Studies and the College of Education. This reorganization will reduce administrative costs by merging two academic units into one, thus eliminating one dean-level position. Additionally, the university will rename the combined academic unit the ***College of Professional Studies/Education***. The reorganization and renaming will require minimal resources, which will be covered by existing funds within the Division of Academic Affairs.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN AUGUST 2010

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

In accordance with Board policy, permission is requested by the institutions below to award degrees at the following levels in August 2010, provided each candidate has met all requirements for the degree.

Institution	Degree to be Conferred	Number	Subtotal	Total	
Jackson State University					
Undergraduate					
	Bachelor of Arts	12			
	Bachelor of Business Administration	62			
	Bachelor of Music	1			
	Bachelor of Science	105			
	Bachelor of Science Education	4			
	Bachelor of Social Work	10			
			194		

Institution	Degree to be Conferred	Number	Subtotal	Total	
Graduate					
	Doctor of Education	1			
	Doctor of Philosophy	30			
	Specialist in Education	12			
	Master of Arts	8			
	Master of Arts in Teaching	3			
	Master of Professional Accountancy	1			
	Master of Public Health	3			
	Master of Science	13			
	Master of Science in Education	28			
			99		
				293	
University of Mississippi					
College of Liberal Arts					
	Bachelor of Arts	210			
	Bachelor of Science	15			
	Bachelor of Fine Arts	1			
	Bachelor of Music	1			
			227		
School of Engineering					
	Bachelor of Science in Chemical Engineering	2			
	Bachelor of Science in Civil Engineering	2			
	Bachelor of Science in Mechanical Engineering	4			
	Bachelor of Science in Geological Engineering	2			
	Bachelor of Engineering	1			
			11		
School of Education					
	Bachelor of Arts in Education	26			
			26		
School of Pharmacy					
	Bachelor of Science in Pharmaceutical Sciences	197			
	Doctor of Pharmacy	19			
			216		
School of Business					
	Bachelor of Business Administration	181			
			181		
School of Accountancy					
	Bachelor of Accountancy	56			
			56		
School of Applied Sciences					
	Bachelor of Science in Criminal Justice	34			
	Bachelor of Science in Exercise Science	19			
	Bachelor of Science	31			
	Bachelor of Social Work	53			
	Bachelor of Science in Family and Consumer Sciences	6			
	Bachelor of Arts in Parks and Recreation	9			

Institution		Degree to be Conferred	Number	Subtotal	Total	
		Management				
		Bachelor of Paralegal Studies	9			
				161		
	School of Journalism and New Media					
		Bachelor of Arts	46			
				46		
	Graduate School					
		Master of Arts	34			
		Master of Criminal Justice	3			
		Master of Science	19			
		Master of Accountancy	35			
		Master of Business Administration	9			
		Master of Taxation	9			
		Master of Education	11			
		Master of Music	2			
		Specialist in Education	7			
		Doctor of Education	1			
		Doctor of Philosophy	22			
				152		
					1076	
University of Mississippi Medical Center						
	Undergraduate					
		Bachelor of Science in Nursing	22			
		Bachelor of Science in Clinical Laboratory Sciences	13			
		Bachelor of Science in Health Informatics and Information Management	2			
				37		
	Graduate/Professional					
		Master of Occupational Therapy	1			
		Master of Science	12			
		Doctor of Physical Therapy	15			
		Doctor of Philosophy	10			
				38		
					75	
System Total						**1444**

<u>STAFF RECOMMENDATION</u>: Board staff recommends approval of this item.

1. DSU – APPROVAL TO ESCALATE THE EDUCATION AND GENERAL BUDGET

Delta State University requests approval to revise the Education and General budget. The budget escalation is necessary due to greater than budgeted scholarship/waiver categories including regional scholarships, children of alumni scholarships, and athletic scholarship waivers.

Consolidated	Original FY 2009-10 Budget	Revision/ Escalation	Revised FY 2009-10 Budget
Salaries, Wages, & Fringe Benefits	$ 29,800,903	$ -	$ 29,800,903
Travel	763,704	-	763,704
Contractual Services	9,512,287	650,000	10,162,287
Commodities	1,137,311	-	1,137,311
Capital Outlay:			
Other than equipment	423,687	-	423,687
Equipment	144,018	-	144,018
Total Capital Outlay	**567,705**	**-**	**567,705**
Transfers:			
Debt service	154,831	-	154,831
Other	159,000	-	159,000
Building Projects	932,347	-	932,347
Total Transfers	**1,246,178**	**-**	**1,246,178**
Total	**$ 43,028,088**	**$ 650,000**	**$ 43,678,088**

Funding Source for Budget Escalation: The escalation is funded from tuition revenue.

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

2. MSU – APPROVAL TO ESCALATE THE MISSISSIPPI ALCOHOL SAFETY EDUCATION PROGRAM (MASEP) BUDGET

Mississippi State University requests approval to escalate the Mississippi Alcohol Safety Education Program budget. The budget escalation is necessary due to an increased

number of school locations in the state from 40 to 46, increase in the number of class participants, and increase in operational expenditures such as postage, utilities, and computer and network maintenance.

Consolidated	Original FY 2009-10 Budget	Revision/ Escalation	Revised FY 2009-10 Budget
Salaries, Wages, & Fringe Benefits	$ 1,087,964	$ 180,223	$ 1,268,187
Travel	90,000	-	90,000
Contractual Services	80,508	90,500	171,008
Commodities	66,500	-	66,500
Capital Outlay:			
Other than equipment	7,000	-	7,000
Equipment	11,450	-	11,450
Total Capital Outlay	**18,450**	**-**	**18,450**
Subsidies, Loans, & Grants	111,339	165,000	276,339
Total	**$ 1,454,761**	**$ 435,723**	**$ 1,890,484**

Funding Source for Budget Escalation: The escalation is funded from increased participant fees.

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

3. MSU – CONTRACTUAL SERVICES AGREEMENTS

a. Agenda Item Request: Mississippi State University (MSU) requests approval to enter into a contract with **ARAMARK Educational Services, LLC.** to provide game day concession services for MSU.

Contractor's Legal Name: ARAMARK Educational Services, LLC.

History of Contract: MSU has a 10-year contract for beverage, snack and game day concessions which will expire on June 30, 2010.

Specific type of contract: Professional service contract

Purpose: The purpose of this contract is to provide game day concession services to the student, faculty, staff, alumni and visitors to the MSU campus.

Scope of Work: ARAMARK Educational Services will provide game day concession services to all areas on the Mississippi State University main campus.

Term of contract: The length of the contract term is ten years – July 1, 2010 - June 30, 2020.

Termination Options: MSU can terminate the contract for cause upon 30 days written notice.

Contract Amount: This is a revenue-generating contract that will provide a commission ranging from 15% to 45% (depending on the category of operations - football, baseball, soccer, etc.) of net receipts less all applicable sales taxes.

A minimum commission amount is guaranteed during each operating year (July 1 to June 30) based on the assumption there are seven (7) home football games and at least 49,000 attendees on a per game basis. The minimum commission amount follows:

Operating Year	Minimum Commission Amount
2010-2011	$ 595,756
2011-2012	625,544
2012-2013	656,821
2013-2014	891,562
2014-2015	945,703
2015-2016	1,002,551
2016-2017	1,062,241
2017-2018	1,124,915
2018-2019	1,190,725
2019-2020	1,259,822
Total	**$ 9,355,640**

Should the average attendance be less than 49,000 on a per game basis, MSU has the option to choose as a minimum commission amount of either $500,000 per operating year for any period *prior* to October 1, 2013, or $600,000 per operating period during the period *subsequent* to October 1, 2013.

In the event there are less than seven home football games during an operating year and average attendance for those games is less than 49,000 attendees, MSU has the option to choose as a minimum commission amount of either $500,000 minus $71,428 for each home football game under the minimum of seven such games during the period *prior* to October 1, 2013, or $600,000 minus $85,714 for each home football game under the minimum of seven games during the period *subsequent* to October 1, 2013.

Other provided funds and services included:

- Pressroom meal fund – $5,000 annually;
- Bulldog Club membership – at the scholarship level in the amount of $12,000 during 2010-2011 operating year and increasing 5% per year thereafter;
- Bulldog Club tickets – four (4) season tickets for football games and four (4) each for season tickets to men's and women's basketball games (each at the scholarship level Bulldog Club membership level with a total value of $5,000, or the then current prices for such operating tickets per operating year;
- Fanfare Celebration Funding – $10,000 during the 2010-2011operating year and increasing 3% per year thereafter;
- Brand Refresh Funding – $15,000 per operating year beginning with the 2012-2013 operating a year through the operating year 2014-2015, $25,000 for operating year 2015-2016, and $35,000 per operating year for operating years 2016-2020; and
- 2010 Financial commitment of $700,000 for MSU agreeing to enter into a 10-year contract term with Aramark. $50,000 of the total is contingent upon Aramark's receipt of right to provide concessions at basketball games.

Also, commencing with the operating year in which MSU approves Aramark to provide concessions during basketball games, and in the event that combined total net receipts from fall and spring football games exceed $1,500,000, Aramark shall pay to MSU an additional commission incentive payment of 15% of football net receipts (for a total commission of 60% of football net receipts) exceeding the incentive threshold.

The estimated amount of revenue over the ten (10) year period will be around $11.5 million. This number will fluctuate however because the revenue is based on the amount of products sold which will change based upon such factors as enrollment, attendance at games, etc.

Funding Source for Contract: Revenue contract

Contractor Selection Process: MSU issued a Request for Proposals (RFP) on January 21, 2010 with an opening date of February 23, 2010. A later amendment changed the opening date to March 16, 2010. MSU received two proposals for game day concessions. The RFP requested that the cost proposals be sealed in a separate envelope from the technical proposals. This allowed the committee to evaluate the technical aspects without regard to revenue issues.

The committee reviewed the technical responses to the game day concession portion of the RFP and scored the companies accordingly. ARAMARK received the highest score with a 65 compared to Clark's 53.32. This was based on ARAMARK having a more complete proposal, offering enhanced concession facilities and more creative offerings.

The revenue proposals were (worth 35 possible points) reviewed with Aramark offering a projected higher revenue. ARAMARK received 35 points for the revenue portion, while Clark Beverage Group received 18.31 points.

After totaling the technical proposals and revenue proposals, ARAMARK received 100 points, while Clark received 71.63 points. Based upon this analysis it was determined that ARAMARK was offering the best overall package to be MSU's provider of game day concessions.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for any bookstore, food service, or athletic concession contract projected to generate aggregate total revenues for a university of more than $250,000 or if the term of such contract exceeds four years. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

b. Agenda Item Request: Mississippi State University (MSU) requests approval to issue the third addendum to its agreement with the **Barnes and Noble College Booksellers, Inc.** to extend the end date of the current agreement and offer a textbook rental program effective fall semester 2010.

Contractor's Legal Name: Barnes and Noble College Booksellers, Inc.

History of Contract: The original contract was entered into October 16, 2005 for a five-year period, with an option to renew on a year-to-year basis. MSU has been satisfied with the performance under this contract and wishes to continue with the agreement for an additional five years.

Specific type of contract: Bookstore operations contract.

Purpose: The purpose of the agreement is to provide bookstore operational services to the MSU campus. The purpose of the addendum is to extend the end date by an additional five-year period and institute a textbook rental program in order to assist in keeping textbook costs down for MSU students.

Scope of Work: The addendum revises the scope of work to include instituting a textbook rental program at MSU beginning with the fall term 2010. Commencing in the contract year when the textbook rental program is implemented, MSU agrees that the guaranteed minimum rent outlined in the current bookstore contract is waived. During the term of this amendment, Barnes & Noble shall pay existing commissions on all sales.

Term of contract: The current term is October 16, 2005 to October 15, 2010. The addendum extends the contract for an additional five-year period – October 16, 2010-October 15, 2015.

Termination Options: Either party may terminate this agreement upon providing ninety (90) days prior written notice.

Contract Amount: This is a revenue-generating agreement. The current revenue contract is generating between $700,000 and $800,000 annually.

Funding Source for Contract: Revenue-generating contract.

Contractor Selection Process: Barnes and Noble College Booksellers was selected to provide bookstore operational services as a result of a Request for Proposals process conducted in May 2005.

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

c. Agenda Item Request: Mississippi State University (MSU) requests approval for amendment number five of its agreement with the **City of Starkville, Mississippi** to provide fire protection services.

Contractor's Legal Name: City of Starkville, Mississippi

History of Contract: MSU entered into a Fire Protection Services agreement in 1972 with the City of Starkville. The fourth amendment to the agreement is scheduled to expire June 30, 2010.

Specific type of contract: Fire Protection Services agreement

Purpose: The purpose of the agreement is to provide fire protection services to protect MSU's assets.

Scope of Work: In addition to fire protection services for the entire campus, services include: responding to medical emergencies and chemical spills, rescue/recovery operations, inspections of facilities, reporting and training.

Term of contract: This amendment extends the contract for a five-year period – July 1, 2010 - June 30, 2015.

Termination Options: Either party may terminate upon a one (1) year notice.

Contract Amount: The first year's cost will be $207,684 and the amount will increase 4% each year for an overall total cost of $1,124,885.

Funding Source for Contract: The contract will be funded by state appropriated funds.

Contractor Selection Process: Negotiation with local fire protection service.

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

d. Agenda Item Request: Mississippi State University (MSU) requests approval to enter into a contact with **Clark Beverage Group, Inc.** to provide snack vending services for MSU.

Contractor's Legal Name: Clark Beverage Group, Inc.

History of Contract: This is a new contract to provide snack vending service to the MSU campus. MSU is completing a multi-year contract for snack vending services which will expire on June 30, 2010.

S**pecific type of contract:** Revenue contract

Purpose: The purpose of this contract is to provide snack vending services to the student, faculty, staff, alumni and visitors to the MSU campus.

Scope of Work: Clark Beverage Group, Inc. will provide snack vending services to all areas on the Mississippi State University main campus.

Term of contract: The length of the contract is ten years – July 1, 2010 - June 30, 2020.

Termination Options: MSU can terminate the contract for cause and or convenience upon thirty (30) days written notice.

Contract Amount: MSU will receive a royalty rate of 10% of all vending sales. MSU estimates revenues to be approximately $150,000 over the ten (10) year period. The amount will fluctuate since revenue is based on the amount of products sold, which changes based upon such factors as enrollment, attendance at games, etc.

Funding Source for Contract: Revenue contract.

Contractor Selection Process: MSU issued a Request for Proposals (RFP) on January 21, 2010 with an opening date of February 23, 2010. A later amendment changed the opening date to March 16, 2010. MSU received one proposal for snack vending services – Clark Beverage Group, Inc.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for any bookstore, food service, or athletic concession contract projected to generate aggregate total revenues for a university of more than $250,000 or if the term of such contract exceeds four years. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

e. Agenda Item Request: Mississippi State University (MSU) requests approval to enter into a contract with **Clark Beverage Group, Inc. and Coca-Cola Company** to provide exclusive beverage sponsorship services for MSU.

Contractor's Legal Name: Clark Beverage Group, Inc. and Coca-Cola Company

History of Contract: This is a new contract for exclusive beverage sponsorship services with the existing vendor. MSU's current 10-year contract for beverage, snack and game day concessions will expire on June 30, 2010. As such, MSU is now naming its exclusive beverage provider.

Specific type of contract: Revenue producing professional service contract to provide MSU exclusive beverage sponsorship services.

Purpose: The purpose of this contract is to provide beverage services to the student, faculty, staff, alumni and visitors to the MSU campus.

Scope of Work: Clark Beverage Group, Inc. will provide beverage vending, beverage retail, and beverage pouring rights services to all areas on the Mississippi State University main campus.

T**erm of contract:** The length of the contract is ten years – July 1, 2010 - June 30, 2020.

Termination Options: MSU can terminate the contract for cause upon 45 days written notice.

Contract Amount: MSU estimates realized direct revenues of $3.7 million over the ten year period. This amount will fluctuate since revenue is based on the amount of products sold which will change based upon such factors as enrollment, attendance at games, etc.

In addition to the realized revenues, MSU estimates that the institution will receive an additional $5.5 million in non-monetary, in-kind support over the ten year period. This non-monetary support will include national marketing and retail activation services and annual contributions to MSU's Campus Ambassador Program, athletic concession contributions and various campus equipment.

The Clark Beverage Group will also be given the right to purchase one or more Skybox Suites and twenty-two (22) Skybox Suite tickets and parking passes associated with each such Skybox Suite. In addition to the purchases, Clark will have the option to purchase additional athletic event tickets and parking passes that are associated with Clark's priority level of funding paid to the MSU Bulldog Club and MSU Bulldog Foundation.

Funding Source for Contract: Revenue contract.

Contractor Selection Process: MSU issued a Request for Proposals (RFP) on January 21, 2010 with an opening date of February 23, 2010. A later amendment

changed the opening date to March 16, 2010. MSU received two proposals. The committee reviewed the technical responses to the RFP and scored the companies accordingly. Clark Beverage Group (Clark) received the highest score with a 34.166 compared to Pepsi's 22.5. This was based on Clark having a more complete proposal, offering unique signage, continuing fountain drinks in the stadium and generally more detail.

MSU Social Science Research Center conducted a product preference survey during the fall term. After the technical scores were decided the results of the survey were revealed. It was determined that 78.8% preferred Coke products (Clark) while 14.8% preferred Pepsi products. The remainder had no preference. Of the 25 points available for product preference, Clark received 19.7 and Pepsi received 3.7. MSU had decided during the drafting of the RFP that product preference would have a significant impact on the sales and the satisfaction level of students, faculty, staff and alumni.

Potential revenue was also evaluated. MSU took into consideration revenues and other benefits. Clark (Coca-Cola) will provide value equal to $12.2 million and Pepsi will provide value equal to $7.4 million over the life of the contract. See below for detail:

Contract Comparison

Pepsi		Coca-Cola	
Terms	**Amount**	**Terms**	**Amount**
Payments to MSU:		**Payments to MSU:**	
Direct Sponsorship	$ 912,072	Direct Sponsorship	$ 1,087,072
Estimated Rebates & Royalties	1,066,784	Estimated Rebates & Royalties	192,730
Estimated Vending Commissions (37% rate)	1,543,376	Estimated Vending Commissions (42% rate)	1,751,940
Student Scholarship Fund	200,000	Contribution to Foundation specified funds	650,000
Total Direct Payments to MSU:	**$ 3,722,232**	**Total Direct Payments to MSU:**	**$ 3,681,742**
Other Benefits:		**Other Benefits:**	
Retail Marketing/Recycling	300,000	National retail marketing programs/Recycling/Campus events	4,250,000
Work Study Intern/Joint Student Ambassador/Pep Groups	200,000	Campus Ambassadors	750,000
Retail/Game Day Equipment Funding	150,000	Athletic Concessions and Campus equipment	500,000
Total Other Benefits to MSU:	**$ 650,000**	**Total Other Benefits to MSU:**	**$ 5,500,000**
Guaranteed Support to External Affiliated Groups:		**Guaranteed Support to External Affiliated Groups:**	
Media Efforts (Advertising)-Learfield Sports	3,037,928	Media Efforts (Advertising)-Learfield Sports	3,037,928
Total Guaranteed Support to External Affiliated Groups:	**$ 3,037,928**	**Total Guaranteed Support to External Affiliated Groups:**	**$ 3,037,928**
Total - Proposed Revenues	**$7,410,160**	**Total - Proposed Revenues**	**$12,219,670**

After totaling the technical proposals, product preference, and revenue proposals, Clark received more points at 93.426 while Pepsi received a total of 66.2. Based upon this analysis, it was determined that Clark was offering the best overall package and was the clear choice as MSU's provider of beverages.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for any bookstore, food service, or athletic concession contract projected to generate aggregate total revenues for a university of more than $250,000 or if the term of such contract exceeds four years. Pending review and approval by the Attorney General's Office, Board staff recommends approval of this item.

4. UMMC – APPROVAL TO ESCALATE THE CONSOLIDATED BUDGET

The University of Mississippi Medical Center requests approval to revise the Consolidated budget. The budget escalation is necessary due to an increase in patient volume for FY 2009 - 2010.

Consolidated	Original FY 2009-10 Budget	Revision/ Escalation	Revised FY 2009-10 Budget
Salaries, Wages, & Fringe Benefits	$ 506,419,471	$ 21,604,368	$ 528,023,839
Travel	1,200,602	(185,919)	1,014,683
Contractual Services	216,308,788	(13,386,485)	202,922,303
Commodities	146,794,694	21,869,162	168,663,856
Capital Outlay:			
Other than equipment	25,735,745	6,542,623	32,278,368
Equipment	44,474,835	28,804,972	73,279,807
Total Capital Outlay	**70,210,580**	**35,347,595**	**105,558,175**
Subsidies, Loans, & Grants			
Interest	6,130,558	406,782	6,537,340
PSOA	149,050,000	-	149,050,000
Total	**$ 1,096,114,693**	**$ 65,655,503**	**$ 1,161,770,196**

Funding Source for Budget Escalation: The escalation is funded from increased patient revenue.

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

5. UMMC – CONTRACTUAL SERVICES AGREEMENTS

a. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a lease agreement with **Beckman Coulter, Inc.** for diagnostic testing equipment.

Contractor's Legal Name: Beckman Coulter, Inc.

History of Contract: This new contract for diagnostic testing equipment with the existing vendor replaces a previous 60-month contract that expired in early 2009. Since then, UMMC has had a temporary contract for service and reagents with no equipment lease charges.

Specific type of contract: This is an equipment lease agreement that includes a purchase agreement for consumables (test kits and supplies).

Purpose: The purpose of the equipment is to provide diagnostic testing for patients. Equipment will be used in the Clinical Laboratory to perform diagnostic testing that will provide physicians and health care professionals with test results including White Blood Counts, Hematocrits, Hemoglobins, Calculated Indices and a five-part Differential.

Scope of Work: The lease component includes use of seven (7) pieces of lab equipment, including: four (4) UniCel DHX 800, one (1) floor stand, and two (2) slidemaker/strainers. In addition, UMMC agrees to a minimum purchase of consumables including lab test kits and supplies.

Term of contract: The length of the contract is five years – July 1, 2010 - June 30, 2015.

Termination Options: UMMC can terminate with 90 days written notice.

Contract Amount: The overall total contract cost is $1,909,770, consisting of $768,000 for the equipment lease, $645,865 for consumables, and 495,905 for service.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: The Clinical Laboratories completed a three day on-campus comparison of hematology analyzers from Beckman Coulter, Siemens, and Sysmex. Laboratory directors, doctors, and numerous medical technologists were involved in this process. Several formal and informal discussions were held with these vendors. A written report of the findings is on file at UMMC. The Siemens instrument was considered unacceptable. Because Beckman Coulter ($1,909,769.68) and Sysmex ($1,975,011.00) are part of the group purchasing organizations' (GPOs) Novation and MedAssets, formal bids were not necessary.

Mississippi Code Ann. §37-115-31 authorizes teaching hospitals to enter into group purchasing arrangements. UMMC participates with two primary group purchasing organizations (GPO), Novation and MedAssets. In this case, the GPO was Novation. GPOs operate as an extension of participating healthcare centers' purchasing offices and act as representatives of their member hospitals and hospital corporations. They act on behalf of the members to negotiate group contracts for goods and services from selected vendors. In doing so, GPOs save hospitals money by taking over many contracting functions that would have to be duplicated in the many member organizations, and by aggregating demand so that significant price discounts may be secured from vendors. GPOs also reduce vendors' costs, making it possible for vendors to negotiate a single contract rather than contracts with each member hospital. GPOs also help vendors communicate information about products and services currently under contract, and provide useful information on experience with products in use.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

The following two agenda items (b. and c.) relate to a *sublease* and a *community benefit agreement* respectively with the same contractor.

b. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a ***sublease*** agreement with **Central Mississippi Civic Improvement Association, Inc. d/b/a Jackson-Hinds Comprehensive Health Center** in order for the contractor to operate the primary care clinics at the Jackson Medical Mall.

Contractor's Legal Name: Central Mississippi Civic Improvement Association, Inc. d/b/a: Jackson-Hinds Comprehensive Health Center (JHCHC)

History of Contract: New contract

Specific type of contract: Sublease agreement

Purpose: To allow Jackson-Hinds Comprehensive Health Center to sublet space in the Jackson Medical Mall to assume management of the primary care clinics (Internal Medicine, Obstetrics-gynecology, and Pediatrics) currently managed by UMMC.

Scope of Work: The agreement provides for JHCHC to sublease a total of 19,843 square feet (room numbers 1370 through 1520) in order to assume management for the primary care clinics located at the Jackson Medical Mall. In addition to use of the space, the rental cost provides for electricity, housekeeping, routine and preventative maintenance and security services.

Term of contract: The length of the contract is one year – July 1, 2010 - June 30, 2011. The sublease may be extended on a month-to-month basis upon mutual agreement of both parties.

Termination Options: Either party may terminate the sublease by providing 30 days' prior written notice.

Contract Amount: The monthly rental fee is $30,591.33 for a total cost of $367,096.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: This contractor has been selected to manage the primary clinics located at the Jackson Medical Mall Foundation (see next agenda item).

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

c. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a ***community benefit agreement*** with **Central**

Mississippi Civic Improvement Association, Inc. d/b/a Jackson-Hinds Comprehensive Health Center for operation of the primary care clinics at the Jackson Medical Mall.

Contractor's Legal Name: Central Mississippi Civic Improvement Association, Inc. d/b/a: Jackson-Hinds Comprehensive Health Center (JHCHC)

History of Contract: New contract

Specific type of contract: Community Benefit Agreement

Purpose: To allow Jackson-Hinds Comprehensive Health Center to assume operational responsibility of the primary care clinics (Internal Medicine, Obstetrics-gynecology, and Pediatrics) at the Jackson Medical Mall currently operated by UMMC.

Scope of Work: Jackson-Hinds Comprehensive Health Center will assume management of the primary care clinics located at the Jackson Medical Mall. These clinics are currently operated by UMMC. In addition to managing the clinics, JHCHC will expand the scope of services by assisting in the training of UMMC residents in the Internal Medicine, Obstetrics-gynecology, and Pediatrics programs. JHCHC will also serve as a referral source for patients without a medical home. Likewise, UMMC will serve as a referral source for individuals in need of specialty care. UMMC will allow JHCHC to use the existing equipment. JHCHC will be responsible for any property loss or damage to the equipment other than caused by normal wear and tear.

Term of contract: The length of the contract is five years - July 1, 2010 - June 30, 2015. It is automatically renewable for an additional five-year period.

Termination Options: Contract may be terminated any time by mutual written consent of the parties or breach by either party not corrected in sixty (60) days, or automatically if JHCHC ceases to provide comprehensive preventative and primary care at the clinic, or if the contractor ceases to qualify as a tax-exempt organization under Section 501 (c)(3).

Contract Amount: The first year's payment is $1,850,000. At this time, UMMC is requesting approval to spend up to $9,250,000. UMMC will allow JHCHC to use the existing equipment in the sublet space.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: The Jackson-Medical Mall is located in one of the poorest neighborhoods of Jackson, Mississippi. It is also located in the service delivery area of JHCHC, which is the largest Federally Qualified Health Centers in the state in terms of the number of patients served. JHCHC has a reputation for providing cost effective, quality primary care to patients who are uninsured and underserved. Both parties (UMMC and JHCHC) have been working with a consulting firm, RSM McGladrey, to study the financial feasibility of this project over the past two (2) years.

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

The following two agenda items (d. and e.) relate to a *lease* and a *purchasing agreement* respectively with the same contractor.

d. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a ***lease*** agreement with **Clinical Computer Systems, Incorporated** for use of its labor and delivery charting software system.

Contractor's Legal Name: Clinical Computer Systems, Incorporated (CCSI)

History of Contract: New contract.

Specific type of contract: Lease agreement for software and maintenance support.

Purpose: The purpose of this contract is to provide a labor and delivery charting system that will replace the existing LifeCare obstetrical information system. LifeCare is going out of business on or before December 31, 2010.

Scope of Work: The scope is to install, configure, maintain and support the labor and delivery charting module.

Term of contract: The contract length is three years – July 1, 2010 to June 30, 2013.

Termination Options: The contract may be terminated by UMMC without cause with ninety (90) days written notice. Contract may be terminated for cause upon 30 days written notice.

Contract Amount: The total costs for the three-year period is $260,795. This amount includes both the software and maintenance costs.

Funding Source for Contract: The contract will be funded by patient revenues.

Contractor Selection Process: UMMC did not initiate an RFP because Mississippi Code Ann. §37-115-31 authorizes teaching hospitals to enter into group purchasing arrangements. UMMC participates with two primary group purchasing organizations (GPO), Novation and MedAssets. In this case, the GPO was Novation. GPOs operate as an extension of participating healthcare centers' purchasing offices and act as representatives of their member hospitals and hospital corporations. They act on behalf of the members to negotiate group contracts for goods and services from selected vendors. In doing so, GPOs save hospitals money by taking over many contracting functions that would have to be duplicated in the many member organizations, and by aggregating demand so that significant price discounts may be secured from vendors. GPOs also reduce vendors' costs, making it possible for vendors to negotiate a single contract rather than contracts with each member hospital. GPOs also help vendors communicate information about products and services currently under contract, and provide useful information on experience with products in use.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

e. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a ***purchasing agreement*** with **Clinical Computer Systems, Incorporated** for a maternal/fetal monitoring and archiving system.

Contractor's Legal Name: Clinical Computer Systems, Incorporated (CCSI)
History of Contract: New

Specific type of contract: Purchase agreement for OBIX Archiving and Surveillance system and related software maintenance and support services.

Purpose: The purpose of this agreement is to provide a maternal/fetal monitoring and archiving system that will replace the existing LifeCare obstetrical information system. LifeCare is going out of business on or before December 31, 2010.

Scope of Work: Install and configure maternal/fetal monitoring and archiving system and activate the maintenance and support agreement.

Term of contract: The contract length is five years – July 1, 2010 to June 30, 2015.

Termination Options: The contract may be terminated by UMMC without cause with ninety (90) days written notice. Contract may be terminated for cause upon 30 days written notice.

Contract Amount: The total cost for the five-year contract period is $419,250.

Funding Source for Contract: The contract will be funded by patient revenues.

Contractor Selection Process: UMMC did not initiate an RFP because Mississippi Code Ann. §37-115-31 authorizes teaching hospitals to enter into group purchasing arrangements. UMMC participates with two primary group purchasing organizations (GPO), Novation and MedAssets. In this case, the GPO was Novation. GPOs operate as an extension of participating healthcare centers' purchasing offices and act as representatives of their member hospitals and hospital corporations. They act on behalf of the members to negotiate group contracts for goods and services from selected vendors. In doing so, GPOs save hospitals money by taking over many contracting functions that would have to be duplicated in the many member organizations, and by aggregating demand so that significant price discounts may be secured from vendors. GPOs also reduce vendors' costs, making it possible for vendors to negotiate a single contract rather than contracts with each member hospital. In addition, rebates are issued to the participating hospitals. GPOs also help vendors communicate information about products and services currently under contract, and provide useful information on experience with products in use.

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

f. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a professional services agreement with **Cymetrix Corporation** for billing, collection and coding services.

Contractor's Legal Name: Cymetrix Corporation

History of Contract: New contract

Specific type of contract: Professional services contract for billing, collection and coding.

Purpose: The purpose of this contract is to provide procedure coding and accounts receivable management services.

Scope of Work: The agreement provides for collection and patient accounting services, billing and collection services related to professional services rendered, and clinical coding services.

Term of contract: The contract length is five years – June 1, 2010 through May 31, 2015, which includes the first three-year period and two (2) successive one-year (1) automatic renewal options. The cost, which is subject to change, is shown for the five-year period.

Termination Options: The contract may be terminated upon breach after allowed ninety (90) day cure period or by either party without cause with one hundred twenty (120) days written notice after the completion of the initial eight (8) month period.

Contract Amount: The total cost for the five-year period is $21,502,195. This includes $18.5 million for coding and collection services and a maximum of $3 million for transitional services related to the system conversion.

UMMC has traditionally contracted out these services to over a dozen vendors. The size, scope, and complexity of the accounts receivable using numerous vendors matched with the payor mix created a challenging environment to manage. By using so many vendors with multiple arrangements it created complexity for tracking, reconciling, and monitoring the accounts and performance. With recent efforts to reconcile and manage the current activity it became apparent that a sophisticated national vendor who could manage the entire process was needed to drive a more effective approach. With approval, the current contracts will be transitioned out and UMMC will have a primary vendor, as well as a few secondary placement vendors to continue this service. Cymetrix specializes in health information management and coding and will have dedicated resources that will allow consolidation and more efficiency. As a result of this consolidation from over a dozen vendors to one, it is estimated that approximately $16.8 million will be saved over the five-year contract period.

Funding Source for Contract: The contract will be funded by patient revenues.

Contractor Selection Process: A Request for Proposals (RFP) was initiated. Four entities submitted bids:

1) Cymetrix: $21,502,195
2) CSC (withdrew bid before decision was made)
3) Perot System: 36,435,868.59
4) Relay Health: $23,558,280

Based on the responses, Cymetrix was chosen as the primary candidate for contracting. Cymetrix was the low bid as well as the best suited vendor with the resources to support the desired scope of services. A site visit has been performed to ensure the Cymetrix processing center meets the criteria for size, technology, and capacity of services.

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

g. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a consulting services agreement with **Huron Consulting Services, LLC. d/b/a Stockamp** related to patient care improvement.

Contractor's Legal Name: Huron Consulting Services LLC d/b/a Stockamp ('Stockamp')

History of Contract: New contract

Specific type of contract: Consulting services and software to improve patient flow

Purpose: The overall objective is to implement improvements to patient flow for creating more capacity, which could negate the need for facility expansion.

Scope of Work: Stockamp intends to improve patient-related activities using its licensed software to:

1. Improve patient flow through a Patient Progression® solution and will include planning, assessment, design, and implementation activities related to the Patient Progression solution for UMMC (University Hospital), at the Adult Hospital, the Conerly Critical Care Hospital, and the 5 Wiser unit of the Wiser Hospital for Women.
2. Enhance multiple emergency department functional areas including registration, triage, lab, imaging, care delivery and check-out/disposition.

3. Expand core surgical service processes in the Main Operating Room and Day Surgery Unit.
4. Improve the documentation of services and subsequent charge capture services at both University Hospital and the Children's Hospital.
5. Provide daily, weekly and monthly performance management reports of patient flow operations.

   The purpose of the project is to realize effective capacity to serve more patients within the existing University Hospital infrastructure and improve billable services capabilities in both the University Hospital and the Children's Hospital. The project is estimated to drive $41 million in contribution margin improvements over a three-year period.

Term of contract: The contract length is one year – July 1, 2010 - June 30, 2011.

Termination Options: Either party may terminate the agreement for convenience at any time on 30 days written notice. The agreement can also be terminated for breach.

Contract Amount: The total cost of the contract will not exceed $10,500,000.

Funding Source for Contract: The contract will be funded by patient revenues.

C**ontractor Selection Process**: UMMC did not initiate an RFP because Mississippi Code Ann. §37-115-31 authorizes teaching hospitals to enter into group purchasing arrangements. UMMC participates with two primary group purchasing organizations (GPO), Novation and MedAssets. Stockamp is a vendor under the GPO portfolio with Novation. GPOs operate as an extension of participating healthcare centers' purchasing offices and act as representatives of their member hospitals and hospital corporations. They act on behalf of the members to negotiate group contracts for goods and services from selected vendors. In doing so, GPOs save hospitals money by taking over many contracting functions that would have to be duplicated in the many member organizations, and by aggregating demand so that significant price discounts may be secured from vendors. GPOs also reduce vendors' costs, making it possible for vendors to negotiate a single contract rather than contracts with each member hospital. GPOs also help vendors communicate information about products and services currently under contract, and provide useful information on experience with products in use.

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

reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

h. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to amend its professional services agreement with **MedAssist, Incorporated** to determine eligibility for patients' government assistance.

Contractor's Legal Name: MedAssist, Incorporated.

History of Contract: The original contract approved by the Board in June 2005 was for a total cost of $8,700,000. In June 2008, the Board approved an extension through June 30, 2010 and allocation of an additional $5,800,000 to the agreement bringing the overall total to $14,500,000. The purpose of this request is to allocate additional funding in order for UMMC to complete the current contract set to expire June 30, 2010.

UMMC recently completed an RFP process and selected MedAssist, Inc. to continue performing these services. At the May 2010 Board meeting, the new contract was approved with an effective date of July 1, 2010.

S**pecific type of contract:** This is a professional services agreement.

Purpose: The purpose of this contract is to provide screening services for self-pay patients to determine eligibility for government assistance such as Medicaid and Disability and to assist those patients who are determined to be eligible for government assistance through the application process.

Scope of Work: The contractor will screen patients, assist patients with completing applications for public assistance, track the application process, and document related activities. In addition, the contractor will bill and collect accounts on which they have successfully assisted patients with obtaining governmental assistance.

Term of contract: The amendment does not change the current contract dates, which are July 1, 2001 – June 30, 2010.

Termination Options: The contract may be terminated by either party after the first full year of the agreement without cause or penalty with a 90 day prior written notice. Contract may be terminated for cause upon 30 days written notice.

Contract Amount: UMMC is requesting an additional $1,450,000 be allocated to the current contract amount bringing the overall total cost to $15,950,000.

Funding Source for Contract: The contract will be funded by patient revenues.

Contractor Selection Process: Amendment to existing contract.

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

i. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to renew its agreement with **Microsoft Corporation** for software maintenance and support.

Contractor's Legal Name: Microsoft Corporation

History of Contract: In November 2008, the Board approved an amendment to the current contract with Microsoft Corporation to extend it through June 30, 2010. The total for the expiring three-year contract is $871,100. This is a new three-year agreement.

S**pecific type of contract:** This is a software maintenance and support contract.

Purpose: To maintain and continue Microsoft Premier Support Service for UMMC's Microsoft network and desktop/laptop applications.

Scope of Work: The service agreement provides support for 12,000 users as well as the following annual support account management services including but not limited to:

- problem resolution support,
- on-site visits, and
- unlimited user access to premier online website.

Term of contract: The length of the contract is three years – 7/1/2010 - 6/30/2013.

Termination Options: This service agreement will remain in effect until terminated. Either party may terminate it for convenience by giving the other party 60 calendar days' prior written notice. Either party may terminate the agreement if the other party is in material breach or default of any obligation that is not cure within 30 calendar day's notice of such breach.

Contract Amount: Year 1- $218,158, Year 2 - $229,066, and Year 3 - $240,519 for a total contract cost of $687,743.

Funding Source for Contract: The contract will be funded by state appropriated funds.

C**ontractor Selection Process:** This service is provided by a sole source vendor.

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

j. Agenda Item Request: The University of Mississippi Medical Center (UMMC) request approval to enter into an agreement with **Mobile Medic Ambulance Service, Inc. d/b/a American Medical Response (AMR)** medical transportation services.

Contractor's Legal Name: Mobile Medic Ambulance Service, Inc. d/b/a American Medical Response (AMR)

History of Contract: The most recent contract with AMR (under the name Mobile Medic Ambulance Service) was approved by the Board at the May 2009 meeting for $500,000. This contract expires at the end of this month.

Specific type of contract: The contract is a medical transportation provider agreement.

Purpose: The purpose of the contract is to provide non-emergent transport services when no other pay source is available.

Scope of Work: AMR agrees to provide UMMC with non-emergency, non-ambulance medical transportation (Medi-Van), Mobile Intensive Care Transport (M.I.C.T.), and ambulance services twenty-four (24) hours per day, seven (7) days per week. AMR will be UMMC's preferred provider of services with first right of refusal for all "stretcher patients" and agree to contractual charges and services. AMR will bill insurance carriers and patients as appropriate.

Term of contract: The length of the contract is one year – July 1, 2010 - June 30, 2011.

Termination Options: Either party may terminate by written notice of at least thirty (30) days with or without cause. Contract may be terminated: for material breach with a letter from either party giving a 30 day notice; in the event of insurance or licensure loss, for any reason-contract would be terminated effective immediately; in the event of nonpayment by hospital to AMR with a 10 day written notice; in the event either party files bankruptcy, insolvency, reorganization or moratorium statue, or is the subject of involuntary petition not dismissed with prejudice within 60 days of its filing-the other party may terminate contract immediately.

Contract Amount: The total cost of the contract will not exceed $500,000. Amount is variable based upon AMR fee schedule for different types of transportation.

Funding Source for Contract: The contract will be funded by hospital patient revenues.

Contractor Selection Process: There was no bid or proposals submitted as the Hinds County Board of Supervisors has received bids and selected AMR as the county's sole proprietor for emergent and non-emergent ambulance transport which is allowable by state law. UMMC is bound by this county contract to use AMR as a preferred provider.

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

k. Agenda Item Request: The University of Mississippi Medical Center (UMMC) is requesting approval to enter into a lease agreement with **Modular Devices, Inc.** for lab equipment.

Contractor's Legal Name: Modular Devices, Incorporated

History of Contract: New contract

Specific type of contract: This is an equipment lease agreement.

Purpose: The purpose of the contract is to lease a mobile cardiac catheterization lab for twelve months. This lab will be utilized daily for interventional and diagnostic procedures. In addition to this utilization, the productivity of this mobile lab will increase due to the relocation of the pediatric catheterization lab and the

electrophysiology modular lab. This lab will prevent down time of procedures ordinarily performed in these two labs that are being relocated. The cardiac catheterization lab is needed to accommodate lab time for five new cardiologists and the relocation of our pediatric and electrophysiology labs.

Scope of Work: The scope of work entails lease of the mobile cardiac catheterization lab for interventional and diagnostic procedures. UMMC is responsible for costs related to repairs, maintenance and replacement parts.

Term of contract: The length of the contract is one year – July 14, 2010 – July 13, 2011.

Termination Options: The agreement will remain in full force for the term of the lease unless UMMC gives the contractor at least sixty (60) days advance written notice of its intent to terminate the agreement. Modular Devices, Inc. agrees that if the Mississippi State Department of Health does not renew the letter of understanding granting permission to UMMC to use the lab, UMMC can terminate this agreement effective as of the date stated on the letter of understanding.

Contract Amount: The total contract cost is $396,000.

Funding Source for Contract: The contract is funded by hospital patient revenue.

Contractor Selection Process: Modular Devices, Inc. is designated as a sole source vendor in that it is the only laboratory catheterization system compatible with UMMC's existing technology and supplies.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

l. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Nuance Communications, Inc.** to provide a voice recognition radiology report dictation system.

Contractor's Legal Name: **Nuance Communications, Inc.**

History of Contract: This is a new five-year contract with an existing vendor. UMMC had a previous two-year contract to determine the feasibility of the vendor's product and its compatibility with UMMC's operations.

Specific type of contract: This is a hardware, software, and services agreement.

Purpose: The purpose of the contract is to provide UMMC with a digital voice recognition system for radiologist dictation of imaging exam reports.

Scope of Work: This agreement provides UMMC with all hardware, software, and maintenance for the radiologist's reporting voice recognition system. Nuance RadWhere™ for Radiology is a front-end speech recognition solution for academic centers and hospitals with unique workflow, data-driven reporting, and communication needs. RadWhere™ for Radiology offers industry-leading diagnostic imaging reporting workflow management.

Term of contract: The length of the contract is five years – July 1, 2010 - June 30, 2015.

Termination Options: UMMC may terminate the contract with cause after providing written notice and 30 days have elapsed in which unsuccessful attempts were made to cure the material breach.

Contract Amount: The annual license fee is $123,900 for a total contract cost of $619,500.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: Nuance Communications, Inc. is a sole source provider, as it is the only vendor who offers this product. UMMC also has an existing relationship with this vendor and the service to be purchased.

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

The following two agenda items (m. and n.) relate to a *lease* and a *purchase* of two helicopters respectively, and use of four pilots and two mechanics' services.

m. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a contract with **Petroleum Helicopters, Inc. (PHI)** to ***lease*** air ambulance transport services.

Contractor's Legal Name: **Petroleum Helicopters, Inc. (PHI)**

History of Contract: The Board approved the original contract with PHI in May 2006 for the provision of flight transportation services in connection with the UMMC air ambulance service. This agreement provided for the operation of (1) UMMC owned helicopter, which included the provision of four (4) pilots and (2) helicopter mechanics. In January of 2009, the Board approved an addendum to the 2006 contract that allowed the UMMC to lease, from PHI, one (1) additional helicopter for a period of one year ending in January 2010. In January 2010, the Commissioner approved a no-cost extension to the contract until June 30, 2011, in order for UMMC to develop a request for proposals and complete the selection process for the replacement of the existing helicopters. The RFP process has been completed and the current request for contract approval is a result of the RFP process.

Specific type of contract: This is a lease agreement.

Purpose: The purpose of the contract is to enable UMMC to provide high quality air ambulance transport for critically ill and injured adult, pediatric and neonatal patients from across Mississippi to definitive care. This particular helicopter will be based in Meridian, Mississippi which will allow UMMC resources to be more readily available to meet patient needs.

Scope of Work: UMMC agrees to lease from PHI and PHI agrees to provide the following:

- One (1) EC135 air ambulance helicopter, maintenance and support
- One (1) EC 135 air ambulance helicopter for backup services during extended maintenance,
- Four (4) helicopter pilots; and
- Two (2) helicopter mechanics

Term of contract: The length of the contract is five years – July 1, 2010 - June 30, 2015.

Termination Options: Termination options include the following:

- Breach of obligations by either party – Breach not remedied within sixty (60) days, contract may be terminated upon written notice by either party;
- Upon mutual agreement between parties; or
- Upon ninety (90) days written notice by either party.

Contract Amount: Approval is requested to spend up to $13,024,432, which includes operational contingencies from 4% to 10%.

Funding Source for Contract: Patient Revenue

Contractor Selection Process: The selected vendor was chosen after an RFP was performed. Companies responding to the RFP were as follows:

Company: Petroleum Helicopters, Inc. (PHI) bid $13,024,432 as follows

- Five-year operating cost of $13,024,432 included operational contingencies from 4% to 10%.
- No additional charge for public relations flight time up to 24 hours.
- No additional charge for UMMC staff education related to flight care.

Company: Metro Aviation bid $14,800,213 as follows:

- Five-year operating cost of $14,366,910 included operational contingencies from 4% to 5%.
- Additional charges of $308,303 for engine run time during start-up, stop and on-scene landings.
- $78,000 for public relations flight time.
- $47,000 for UMMC staff education.

One additional company, AirMethods, submitted a bid proposal but proposal was disqualified for being past the deadline for submissions.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

n. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a contract with **Petroleum Helicopters, Inc. (PHI)** to ***purchase*** one air ambulance helicopter and provide related pilot and mechanical services.

Contractor's Legal Name: Petroleum Helicopters, Inc. (PHI)

History of Contract: New contract.

Specific type of contract: This is a purchase agreement for air ambulance helicopter and service agreement for pilots and mechanical services.

Purpose: The purpose of the contract is to enable UMMC to provide high quality air ambulance transport for critically ill and injured adult, pediatric and neonatal patients from across Mississippi to definitive care.

Scope of Work: UMMC agrees to purchase from PHI and PHI agrees to provide the following:

- One (1) EC145 air ambulance helicopter, maintenance and support (trade-in credit for the current 16-year old UMMC owned helicopter is $400,000);
- One (1) EC135 air ambulance helicopter for use by UMMC while awaiting delivery of the newly purchased EC145 or for use during extended maintenance periods;
- Four (4) helicopter pilots; and
- Two (2) helicopter mechanics.

Term of contract: The length of the contract is five years – July 1, 2010 - June 30, 2015.

Termination Options: Termination options include the following:

- Breach of obligations by either party – Breach not remedied within sixty (60) days, contract may be terminated upon written notice by either party;
- Upon mutual agreement between parties; or
- Upon ninety (90) days written notice by either party.

Contract Amount: Approval is requested to spend up to $19,953,995 as follows:

,

- Purchase price of helicopter is $6,571,047.
- Five year operating cost of $12,755, 198, which includes operational contingencies from 4% to 10%.
- Lost revenue during downtimes of $627,750.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: The selected vendor was chosen after an RFP was performed. Companies responding to the RFP were as follows:

Company: Petroleum Helicopters, Inc. (PHI) bid $19,953,995 as follows:

- Purchase price of helicopter is $6,571,047.

- Five-year operating cost of $12,755,198 including operational contingencies from 4% to 10%.
- Lost revenue during downtimes of $627,750.

Company: Metro Aviation bid $25,740,516 as follows:

- Purchase price of helicopter is $6,972,515.
- Five year operational cost of $15,427,831 including operational contingencies from 4% to 5%.
- Additional charges of $403,420 for engine run time during start-up, stop and on-scene landings.
- $102,000 for public relations flight time.
- $47,000 for UMMC staff education.
- Lost revenue during downtimes of $2,787,750.

AirMethods submitted a bid proposal but was disqualified as it was submitted past the deadline for submission. Bell Helicopter submitted a bid proposal but was disqualified as pilots and mechanics were not included in the submission.

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

o. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a contract with **Philips Healthcare Informatics, Inc.** to provide an imaging services picture archiving system.

Contractor's Legal Name: Philips Healthcare Informatics, Inc.

History of Contract: The original master agreement with Stentor, Inc. (now Philips Healthcare Informatics) was approved by the Board in May 2005 for a total cost of $7,725,000 for a five-year period. The new agreement cancels and supersedes the previous agreement as of the effective date.

Specific type of contract: This is a professional services agreement.

Purpose: The purpose of the contract is to provide UMMC with a picture archiving system to maintain and manage all radiographic images produced within the organization.

Scope of Work: This agreement provides all hardware, software, and maintenance for the picture archiving system including storage and off-site disaster recovery for all images produced within UMMC for the next five years. Additionally, this agreement will also provide three-dimensional post-processing tools for the manipulation of digital images.

Term of contract: The length of the contract is five years – July 1, 2010 - June 30, 2015.

Termination Options: Either party may terminate this agreement if the other party materially breaches the agreement and does not cure such breach within 90 days of written notice. Each party may terminate this agreement without cause upon 30 days written notice.

Contract Amount: The annual cost is estimated at $1,900,000 based on projected quantity of various types of imaging studies multiplied by the negotiated pricing schedule. Approval is requested to spend up to $9,500,000 for the entire contract period.

Funding Source for Contract: The contract will be funded from hospital patient revenue.

Contractor Selection Process: This system is currently installed and utilized as UMMC's institutional image archival system. This is a new contract that includes an overall reduction in the per study charge for in-house images from $4.90 to $4.50 and an overall reduction in the per study charge for outreach accounts from $4.90 to $3.50. This contract also allows UMMC to add 3D imaging capabilities to UMMC's picture and archiving communication system.

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

p. Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a sub-lease agreement with **University Physicians, PLLC** for ancillary clinical services.

Contractor's Legal Name: University Physicians, PLLC

History of Contract: This is a new sub-lease agreement between UMMC and University Physicians, PLLC. A master lease agreement exists between University Physicians, PLLC and Brandon MOB Investors, LLC. University Physicians, PLLC is sub-leasing 12,282 square feet of its total 50,575 usable square footage of space included in the master lease agreement to UMMC.

Specific type of contract: This is a sub-lease agreement.

Purpose: The purpose of the contract is to lease space at the new clinic located at Grants Ferry Road in Flowood, MS to provide ancillary clinical services at that location to include radiology, lab services, therapy services, and cardiac diagnostic services.

Scope of Work: The sub-lease provides for the use of 12,282 square feet of space, in its present condition, including a pro-rata share of the total number of parking spaces located in the parking area, from time to time. No additional services are stipulated in the agreement.

Term of contract: The length of the contract is three years – 7/1/2010-6/30/2013.

Termination Options: No termination clause is included in the sub-lease.

Contract Amount: The monthly rental fee is $25,352.11. The total cost for the entire contract period is $912,676.

Funding Source for Contract: This contract will be funded by hospital patient revenue.

Contractor Selection Process: Clinic location operated by contractor.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

6. USM- LEASE AGREEMENT

Agenda Item Request: The University of Mississippi (USM) requests approval to enter into a lease agreement with **Gold Eagle, LLC**. to lease multiple off-campus apartment units for student athletes to reside in during the school year.

Contractor's Legal Name: Gold Eagle, LLC

History of Contract: This is a renewal contract with an existing vendor. On January 15, 2009, the IHL Board approved USM's entering into a contract with the Gold Eagle, LLC. to provide housing units for a 17-month period (January 2009 through May 2010).

Specific type of contract: This is a renewal lease contract for off-campus student housing.

Purpose: To continue to provide off-campus housing for USM student athletes.

Scope of Work: Gold Eagle, LLC. will provide use of four apartment complexes with two-person units to USM student athletes. The total number of units will fluctuate during the length of the contract between 30 and 39 units. The rental fee covers power, water and sewer services.

Term of contract: The length of the contract is one year – June 1, 2010 - May 31, 2011.

Termination Options: The lease may be terminated with cause.

Contract Amount: USM will pay fluctuating monthly rental rates ranging from $22,999.80 to $29,899.74. Over the course of the full contract, total costs will not exceed $344,230.34. The rates include power, water and sewer service.

Funding Source for Contract: This contract will be funded by athletic auxiliary funds. Payment is transferred via the scholarship funds allocated for the athlete directly to Gold Eagle, LLC.

Contractor Selection Process: The complex is convenient, close to campus, had available units, and the price negotiated with the contractor was considered both reasonable and in the best interest of the institution.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of all leases, easements, oil and mineral leases and timber sales is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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

Board Policy §902, Initiation of Construction Projects

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

Board Policy §904(A), Board Approval

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

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

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

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

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

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. JSU – GS 103-260 – School of Engineering Phase II

Project Request: Jackson State University requests permission to initiate a project School of Engineering Phase II and to appoint Cooke Douglass Farr Lemons, LTD as design professional.

Design Professional: Cooke Douglass Farr Lemons, Ltd.

Purpose: $500,000 of the project budget will be allocated for pre-planning of the project while the remaining $7,500,000 will be allocated for the completion of the project. This project will be funded through U.S. Department of Education Grant funds. The School of Engineering is critical to the long range plan for Jackson State University and is part of the Campus Master Plan in order to provide additional space to accommodate faculty, staff and students. Jackson State University is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects**.**

Project Initiation Date: June 16, 2010

Date of Original Construction: N/A

Date of Last Renovation: N/A

Project Budget:

	Estimated
Construction Cost:	$6,650,000.00
Architectural and Engineering Fees:	412,000.00
Miscellaneous Project Costs:	75,200.00
Furniture and Equipment:	535,000.00
Contingency:	327,800.00
Total Project Budget	**$8,000,000.00**

Funding Source(s): HBCU-CCRAA Grant-U.S. Dept. of Education ($8,000,000)

Staff Recommendation: Board staff recommends approval of this item.

2. MUW – GS 104-171 – 2010 Energy Management Project

Project Request: Mississippi University for Women requests permission to initiate a project 2010 Energy Management Project and to appoint Atherton Consulting Engineers as design professional.

Design Professional: Atherton Consulting Engineers

Purpose: Mississippi University for Women is requesting this project in order to monitor and evaluate all energy usage and implement a more efficient, effective use of utilities to provide greater accountability and enable the university to measure results of sustainability efforts. The project includes implementing a Building Automation System (BAS) along with package boiler retrofit, upgrading energy management systems and replacing fixtures and inefficient heating and cooling systems. Mississippi University for Women is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects**.**

Project Initiation Date: June 16, 2010

Date of Original Construction: N/A

Date of Last Renovation: N/A

Project Budget:

	Estimated
Construction Cost:	$ 950,000.00
Architectural and Engineering Fees:	50,000.00
Miscellaneous Project Costs:	50,000.00
Contingency:	50,000.00
Total Project Budget	**$1,100,000.00**

Funding Source(s): HB 1701, Laws of 2010 ($1,100,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE

BUREAU OF BUILDING PROJECTS

3. JSU – GS 103-256 – Mechanical Upgrades

Project Request: Jackson State University requests approval to increase the project budget for the Mechanical Upgrades project from $1,200,000 to $2,200,000 for an increase in the amount of $1,000,000.

Project Phase: Design Phase

Design Professional: The CGM Group

General Contractor: N/A

Purpose: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project will replace/upgrade the old deteriorated mechanical systems in selected buildings on campus such as pumps, coils, air handlers, starters, compression valves, cooling towers, storage tanks, exhaust fans and exterior doors. The current budget increase is necessary based on the professional's latest updated Design Development estimate of costs. The current budget was an estimate of the project costs and has since been updated to reflect more accurate market costs. Jackson State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: August 20, 2009

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	$ 1,059,890.00	$ 2,059,890.00	$ 1,000,000.00
Architectural and Engineering Fees	$ 84,963.44	$ 84,963.44	$ 0.00
Miscellaneous Project Costs	$ 2,200.00	$ 2,200.00	$ 0.00
Contingency	$ 52,946.56	$ 52946.56	$ 0.00
Total Project Budget	**$ 1,200,000.00**	**$ 2,200,000.00**	**$ 1,000,000.00**

Funding Source(s): HB 246, Laws of 2007 ($2,200,000)

Staff Recommendation: Board staff recommends approval of this item.

4. <u>MUW – GS 104-154 – Storm Drainage/Street Repair, Phase II</u>

Project Request: Mississippi University for Women requests approval to increase the project budget and scope for the Storm Drainage/Street Repair, Phase II project from $698,580 to $1,600,000 for an increase in the amount of $901,420.

Project Phase: Design Phase

Design Professional: Neel-Schaffer

General Contractor: N/A

Purpose: The project is currently in the design phase. This is the second budget escalation request made for this project by the university. The initial project budget was increased in April 2007 for Phase I of the project from $500,000 to $698,580 for an increase in the amount of $198,580. The current budget increase will allow the approval of contract documents and advertisement for receipt of bids on Phase II of the project. The escalation in the project budget is necessary based on the

professional's latest Design Development Documents, evaluation of project scope, and updated estimate of costs. The project involves pavement overlay, pipe trenching, curb and drop inlets and grating. The current budget was an estimate of the project costs and has since been updated to reflect more accurate market costs. Mississippi University for Women is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: October 20, 2005

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	$ 608,338.00	$ 1,402,201.47	$ 793,863.47
Architectural and Engineering Fees	$ 52,266.46	$ 130,829.17	$ 78,562.71
Miscellaneous Project Costs	$ 16,500.00	$ 800.00	$ (15,700.00)
Contingency	$ 21,475.54	$ 66,169.36	$ 44,693.82
Total Project Budget	**$ 698,580.00**	**$ 1,600,000.00**	**$ 901,420.00**

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

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

5. MSU – IHL 205-251 – Institute of Clean Energy Technology (ICET) Pilot Plant

Project Request: Mississippi State University requests approval to increase the project budget for the ICET Pilot Plant project from $500,000 to $1,200,000 for an increase in the amount of $700,000.

Project Phase: Design Phase

Design Professional: Shafer and Associates

General Contractor: N/A

Purpose: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project shall consist of a metal building approximately 100' X 100' (10,000 S.F.) located on the southeast corner of the site. The facility shall be open on the interior to allow for movement and relocation of equipment. The exterior shall consist of brick veneer on areas that are exposed to public view. The project is required for the development and demonstration of SERC energy research projects which requires a location for pilot plant equipment, with utility and control systems availability. The size of the individual pilot equipment, as well as the need to integrate and combine complimentary projects necessitates an area not available within the current facility. In addition, the research nature of these projects dictates an environment which is protected from the elements. The schematic design documents have more clearly defined the scope and costs of the project and indicate that a total budget of $1,200,000 is required to proceed with this project. Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: January 21, 2010

Project Budget:

	Current Budget	**Proposed Budget**	**Amount (+/-)**
Construction Costs	$ 415,000.00	$ 1,012,500.00	$ 597,500.00
Architectural and Engineering Fees	$ 31,025.00	$ 70,811.00	$ 39,786.00
Miscellaneous Project Costs	$ 12,475.00	$ 15,439.00	$ 2,964.00
Contingency	$ 41,500.00	$ 101,250.00	$ 59,750.00
Total Project Budget	**$ 500,000.00**	**$ 1,200,000.00**	**$ 700,000.00**

Funding Source(s): U.S. Department of Energy ($1,200,000)

Staff Recommendation: Board staff recommends approval of this item.

6. <u>UMMC – IHL 209-512 – Elevator #5 and #6 Upgrade</u>

Project Request: The University of Mississippi Medical Center requests approval of change in scope as well as an increase in the project budget for the Elevator #5 and #6 Upgrade project from $590,710 to $643,710 for an increase in the amount of $53,000.

Project Phase: Construction Phase

Design Professional: Simmons Associates, AIA

General Contractor: Sunbelt General Contractors

Purpose: The project is currently in the construction phase. This is the first budget escalation request made for this project by the university. The University of Mississippi Medical Center requests to revise the scope of the project to include emergency electrical service, originally proposed by Bid Alternate #2. Funding was not available to award the alternate at the bid day in September 2009. Sunbelt General Contractors was the low bidder with or without award of Bid Alternate #2 on bid day. However, the contractor is offering Bid Alternate #2 at the original price and additional funds from interest income are now available to include Bid Alternate #2. As a result, a budget increase is necessary to allow for Change Order #1 that would add the work of Bid Alternate #2 to the scope of the project. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: October 16, 2008

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	$ 532,800.00	$ 568,400.00	$ 35,600.00
Architectural and Engineering Fees	$ 46,138.00	$ 48,907.00	$ 2,769.00
Miscellaneous Project Costs	$ 0.00	$ 0.00	$ 0.00
Contingency	$ 11,772.00	$ 26,403.00	$ 14,631.00
Total Project Budget	**$ 590,710.00**	**$ 643,710.00**	**$ 53,000.00**

Funding Source(s): Interest Income ($643,710)

Staff Recommendation: Board staff recommends approval of this item.

7. <u>UMMC – IHL 209-526 – Cafeteria/Kitchen Renovations</u>

Project Request: The University of Mississippi Medical Center requests approval of change in scope as well as an increase in the project budget for the Cafeteria/Kitchen Renovation project from $6,212,000 to $7,750,000 for an increase in the amount of $1,538,000.

Project Phase: Design Phase

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

General Contractor: N/A

Purpose: The project is currently in the design phase. This is the second budget escalation request made for this project by the university. The initial project budget was increased in March 2010 from $4,360,000 to $6,212,000 for an increase in the amount of $1,852,000 due to a change in scope of the project. The project will renovate the existing basement kitchen/food preparation areas with installation of new cooking and food service equipment and relocation/re-arrangement of existing

equipment. With the progression of project design it was determined that UMMC will make arrangements to provide for food preparation during construction by utilizing leased portable kitchen trailer units. The temporary utilities required of these units needs to be incorporated into the project as part of the first Construction Phase. Also, it has been determined that the project will require a new main electrical service feeder for normal power as well as a generator to provide backup power for coolers and essential equipment. The University of Mississippi Medical Center requests to revise the scope of the project to include the temporary power and utilities for portable cooking trailers, installation of new electrical feeder system, addition of an emergency generator and approval of the escalation of the project budget. The escalation of the project budget is necessary to address the estimated additional expense. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: August 20, 2009

Project Budget:

	Current Budget	**Proposed Budget**	**Amount (+/-)**
Construction Costs	$ 4,546,925.00	$ 5,586,924.00	$ 1,039,999.00
Architectural and Engineering Fees	$ 476,121.00	$ 546,197.00	$ 70,076.00
Miscellaneous Project Costs	$ 888,000.00	$ 888,000.00	$ 0.00
Contingency	$ 300,954.00	$ 728,879.00	$ 427,925.00
Total Project Budget	**$ 6,212,000.00**	**$ 7,750,000.00**	**$ 1,538,000.00**

Funding Source(s): Hospital Patient Revenue ($7,750,000)

Staff Recommendation: Board staff recommends approval of this item.

8. <u>UMMC – IHL 209-527 – Ophthalmology Renovations-764 Lakeland</u>

Project Request: The University of Mississippi Medical Center requests approval of change in scope as well as an increase in the project budget for the Ophthalmology Renovations project from $2,956,293 to $5,279,000 for an increase in the amount of $2,322,707.

Project Phase: Design Phase

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

General Contractor: N/A

Purpose: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project will renovate the first and third floor areas (previous tenant lease spaces) to convert to new Ophthalmology Clinic Area. Renovations are to include upgraded finishes, electrical, and mechanical services. At the projects original initiation and schematic design, the area available for renovation on the first floor level due to active tenant leases was approximately 2,780 sq. ft. The intent was to renovate the remaining area (an additional 5,147 sq. ft.) as a future project. The entire first floor level has now been vacated and is available for inclusion as part of this project. Also, it is now recommended that the existing HVAC system be upgraded by adding economizer and ducted return systems as well as a single boiler to serve the building rather than multiple units on each floor. UMMC feels it is in the best interest of the university to include the added area into the project due to economy of scale at bid day and to upgrade the building's HVAC systems with energy saving measures to reduce utility costs. The University of Mississippi Medical Center request to revise the scope of the project to include additional renovation areas on the first floor, upgrades to the existing HVAC, provide a boiler room, and increase the project budget. The escalation of the project budget is necessary to address the estimated additional expense accordingly. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: August 20, 2009

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	$ 2,337,440.00	$ 4,086,574.00	$ 1,749,134.00
Architectural and Engineering Fees	$ 243,661.00	$ 375,694.00	$ 132,033.00
Miscellaneous Project Costs	$ 0.00	$ 0.00	$ 0.00
Contingency	$ 375,192.00	$ 816,732.00	$ 441,540.00
Total Project Budget	**$ 2,956,293.00**	**$ 5,279,000.00**	**$ 2,322,707.00**

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

Staff Recommendation: Board staff recommends approval of this item.

9. UMMC – IHL 209-533 – Occupational Therapy Renovation 2010

Project Request: The University of Mississippi Medical Center requests approval of change in scope as well as an increase in the project budget for the Occupational Therapy Renovation 2010 project from $318,000 to $400,000 for an increase in the amount of $82,000.

Project Phase: Design Phase

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

General Contractor: N/A

Purpose: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project will renovate and upgrade approximately 1,849 sq. ft. of existing space on the first floor North Wing, original hydrotherapy treatment area(s). Renovations are to include new sheetrock partitions, upgraded finishes, HVAC and electrical utilities, and relocation of existing equipment. The escalation of the project budget is necessary to address the change in scope and associated general, mechanical, and electrical costs increases

based on the design professional's latest Design Development Documents incorporating an increase of approximately 344 sq. ft. to the project. During Design Development, it was learned that a portion of the existing corridor adjacent to this area was not a required exit way and could be incorporated as additional storage space to support this unit. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: February 18, 2010

Project Budget:

	Current Budget	**Proposed Budget**	**Amount (+/-)**
Construction Costs	$ 265,906.00	$ 332,094.00	$ 66,188.00
Architectural and Engineering Fees	$ 36,100.00	$ 43,635.00	$ 7,535.00
Miscellaneous Project Costs	$ 0.00	$ 0.00	$ 0.00
Contingency	$ 15,994.00	$ 24,271.00	$ 8,277.00
Total Project Budget	**$ 318,000.00**	**$ 400,000.00**	**$ 82,000.00**

Funding Source(s): Hospital Patient Revenue ($400,000)

Staff Recommendation: Board staff recommends approval of this item.

10. <u>USM – IHL 208-281 – Chain Tech HVAC Upgrade, Hattiesburg</u>

Project Request: The University of Southern Mississippi requests approval to increase the project budget for the Chain Tech HVAC Upgrade project from $700,000 to $1,123,700 for an increase in the amount of $423,700.

Project Phase: Project Bid Phase

Design Professional: Atherton Consulting Engineers

General Contractor: N/A

Purpose: The project is currently in the project bid phase. This is the first budget escalation request made for this project by the university. The project will upgrade the HVAC in the Chain Technology Building on the Hattiesburg campus to improve environmental control and reduce energy consumption. During the design of the project, additional features were incorporated to increase efficiency and make the HVAC system use less energy. Part of the increased scope is to replace existing steam boilers with high efficiency condensing hot water boilers and installation of Direct Digital Controls for the building. The project was advertised with a base bid and several alternates for the increased scope. The university desires to award the base bid and all four alternates. Since the current project budget is sufficient to cover only the base bid and two alternates, the increase in budget is necessary to allow the award of all four alternates. The University of Southern Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: August 15, 2007

Project Budget:

	Current Budget	**Proposed Budget**	**Amount (+/-)**
Construction Costs	$ 570,000.00	$ 946,700.00	$ 376,700.00
Architectural and Engineering Fees	$ 61,000.00	$ 82,000.00	$ 21,000.00
Miscellaneous Project Costs	$ 0.00	$ 0.00	$ 0.00
Contingency	$ 69,000.00	$ 95,000.00	$ 26,000.00
Total Project Budget	**$ 700,000.00**	**$ 1,123,700.00**	**$ 423,700.00**

Funding Source(s): University year end funds ($1,123,700)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUEST

11. MSU – Transfer Parcel of Land to State Veterans Affairs Board

Project Request: Mississippi State University requests permission to transfer 12.172 acres in Newton County to the State Veterans Affairs Board with the exception of approximately 2.5 acres in the northeast corner of the property and approval of the proposed Memorandum of Understanding with the SVAB to transfer the remaining 2.5 acres when funding is obtained to relocated the existing MSU buildings on that portion of the property. The parcel of land is located at the Coastal Plains Experiment Station in Newton County and will constitute a transfer between two state agencies with no monetary exchange.

Purpose: Mississippi State University requests the transfer of the parcel of land in order to expand the site of the planned Mississippi Veterans Memorial Cemetery, as authorized by the Mississippi Legislature in its 2010 regular session, with the exception of approximately 2.5 acres of the property on which MSU buildings are currently located. It is the intent of MSU to transfer the remaining 2.5 acres to the State Veterans Affairs Board (SVAB) when new funding from any source has been obtained to relocate the existing buildings, and this intent is reflected in the Memorandum of Understanding. A copy of the property description, the Memorandum of Understanding, and all legal documentation are on file with the Office of Real Estate and Facilities.

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

1. UM - APPROVAL TO RENEW CONTRACT WITH BUTLER, SNOW, O'MARA, STEVENS & CANNADA AS OUTSIDE COUNSEL

The University of Mississippi requests approval to renew its contract for professional services with the law firm of Butler, Snow, O'Mara, Stevens & Cannada ("Butler, Snow") so that it may continue to assist the university with pharmaceutical patent applications, intellectual property issues, commercialization of intellectual property, and other commercial transactions.

Butler, Snow, with offices located in Jackson, Mississippi, Gulfport, Mississippi, and Memphis, Tennessee, has a practice group that specializes in intellectual property and patent prosecutions, as well as intellectual property management through licensing and commercialization. This Board approved this relationship with Butler, Snow in November, 2007, and the university would like to extend its contract for another fiscal year so that the firm may continue its representation on matters it is currently handling.

The firm's blended hourly rates under the contract for all attorneys within designated practice areas are as follows: intellectual property/patent work: $240.00 per hour; commercial: $230.00 per hour; and $100.00 for all legal assistants. These rates are competitive with or less than those charged by similarly qualified attorneys. The term of the proposed contract is from July 1, 2010 to June 30, 2011, and total expenditures will not exceed $100,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. UM - APPROVAL TO RENEW CONTRACT WITH HERSHKOVITZ & ASSOCIATES AS OUTSIDE COUNSEL

The University of Mississippi requests approval to renew its contract for professional services with the New York law firm of Hershkovitz & Associates, LLC ("Hershkovitz") so that Eugene Rzucidlo may continue to assist the university with pharmaceutical and natural products patent applications and related intellectual property and commercialization issues.

Mr. Rzucidlo is one of a few patent lawyers in the world who is also a natural products chemist, and we have worked with Mr. Rzucidlo on our most challenging natural products patents for many years. Mr. Rzucidlo's hourly rate is $595 per hour, which is the same as we paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is from July 1, 2010 to June 30, 2011, and total expenditures will not exceed $250,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. UM - APPROVAL TO RENEW CONTRACT WITH STITES & HARBISON AS OUTSIDE COUNSEL

The University of Mississippi requests approval to renew its contract with Stites & Harbison so that it may continue to assist the university with pharmaceutical patent applications and intellectual property issues.

Stites & Harbison, with offices located in Nashville, Tennessee, has an Intellectual Property and Technology Group ("IPT") which specializes in all major scientific subject areas in the intellectual property field. Richard Myers, an alumnus of the university and a member of the IPT group, will be the primary attorney performing work for the university. The university has worked with Stites & Harbison since this Board first approved the university's relationship with Stites & Harbison in September, 2002.

Mr. Myers' hourly rate is $310, with other professionals who may work on university matters billing between $135 (paralegal) and $400 per hour. These rates are less than the rates of similarly qualified patent attorneys. The term of the proposed contract is from July 1, 2010 to June 30, 2011, and total expenditures will not exceed $250,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. USM - APPROVAL OF REQUEST TO HIRE JACK W. COOKE, JR. AS OUTSIDE COUNSEL

The University of Southern Mississippi requests approval to hire Jack W. Cooke, Jr., located in Jackson, MS, as outside counsel to assist with real estate transactions associated with the purchase and sale of homes in Jackson, MS under the Neighborhood Stabilization Program grant with the Mississippi Development Authority. This project has been taken on by the university's Disabilities Studies Department and will result in neighborhood and community development in Jackson. The outside counsel contract would be for one year. The fee to be charged would be $550 per closing, with a maximum contract amount of up to $33,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

5. USM - APPROVAL OF REQUEST TO HIRE THE PRIESTER LAW FIRM, PLLC AS OUTSIDE COUNSEL

The University of Southern Mississippi requests approval to hire the Priester Law Firm, PLLC located in Jackson, MS, as outside counsel to assist with real estate transactions associated with the purchase and sale of homes in Jackson, MS under the Neighborhood Stabilization Program grant with the Mississippi Development Authority. This project has been taken on by the university's Disabilities Studies Department and will result in neighborhood and community development in Jackson. The outside counsel contract would be for one year. The fee to be charged would be $550 per closing, with a maximum contract amount of up to $33,000. The Attorney General has approved this request.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

JSU

Leslie McLemore, Transitional Assistant to the President and Special Projects Officer; salary of $270,500 per annum, pro rata ($220,500 E&G Funds and $50,000 Foundation); effective June 1, 2010 through June 30, 2010

Leslie McLemore, Interim President; salary of $270,500 per annum, pro rata ($220,500 E&G Funds and $50,000 Foundation); effective July 1, 2010

MUW

Allegra Brigham, Interim President, salary of $217,937.50 per annum, pro rata ($192,937.50 E&G Funds and $25,000 Foundation); effective July 1, 2010

USM

Frances Lucas; Vice President and Campus Executive Officer - Gulf Coast; salary of $185,000 per annum, pro rata; E&G Funds; effective July 5, 2010

Rehired Retirees

MUW

Rehired retirees making more than $20,000 who will be on employment contracts during Fiscal Year 2011

William L. Bateman; *former position:* MSU Professor; *re-employment position*: Visiting Professor of Economics; re-employment period – Fiscal Year 2011; annual salary of $22,615

Linda Cox; *former position*: Director of BSN; *re-employment position:* Emerita Professor of Nursing; re-employment period – Fiscal Year 2011; annual salary of $34,999

Bob Fuller; *former position:* Principal in Starkville Public Schools; *re-employment position*: Assistant Professor of Educational Leadership; re-employment period – Fiscal Year 2011; annual salary of $25,000

2. Change of Status

MSU

Rayford B. Vaughn, Jr., *from* Endowed Professor and Head, Computer Science and Engineering, salary of $180,000 per annum, pro rata; E&G Funds; *to*, effective June 18, 2010, Associate Vice President for Research and Professor, Computer Science and Engineering, salary of $198,000 per annum pro rata; E&G Funds

MVSU

Curressia Brown, *from* Interim Chair of the Department of Business, salary of $59,540 per annum, pro rata; E&G Funds; *to*, effective July 1, 2010, Interim Dean of the College of Professional Studies/Education; salary of $75,000 per annum, pro rata; E&G Funds

Lula Collier, *from* Interim Dean of the College of Education; salary of $98,000 per annum, pro rata; twelve-month contract; E&G Funds; *to*, effective July 1, 2010, Professor of Education; salary of $85,666; per annum, pro rata; nine-month contract; E&G Funds

Anna M. Hammond, *from* Chief of Staff; salary of $110,000 per annum, pro rata; E & G funds; *to*, effective June 1, 2010, Executive Vice President/Provost; salary of $140,000 per annum, pro rata; E & G funds

Vincent Venturini, *from* Interim Dean of the College of Professional Studies/Interim Chair of the Department of Social Work; salary of $87,000 per annum, pro rata; E&G Funds; *to*, effective July 1, 2010 Chair of the Department of Social Work; salary of $77,205 per annum, pro rata; E&G Funds

UM (Approval of Multi-Year Contracts)

Andrew J. Kennedy; Head Men's Basketball Coach; Athletics; *from* contract period of April 01, 2008 to March 31, 2012, salary of $150,000 per annum, pro rata; Auxiliary Funds; *to* new contract period of April 01, 2010 to March 31, 2014, no change in salary

Susan R. Rutland; Head Women's Basketball Coach; Athletics; *from* contract period of June 01, 2009 to May 31, 2012, salary of $220,000 per annum, pro rata; Auxiliary Funds; *to* new contract period of April 01, 2010 to March 31, 2014, no change in salary

Michael E. White; Assistant Men's Basketball Coach; Athletics; *from* contract period of July 01, 2009 to June 30, 2010, salary of $110,000 per annum, pro rata; Auxiliary Funds; *to* new contract period of April 01, 2010 to March 31, 2012, salary of $145,000 per annum, pro rata; Auxiliary Funds

USM

Robert Pierce; *from* Acting Vice President of Advancement and Executive Director of the USM Foundation and Executive Director of the Southern Miss Alumni Association; salary of $104,200 per annum, pro rata; E&G Funds; *to*, effective July 1, 2010, Vice President for Advancement and Executive Director of the USM Foundation; salary of $185,000 per annum, pro rata; E&G Funds

3. Tenure (effective August 16, 2010)

ASU

Diane Blanchard, Associate Professor, Department of Graduate Degree Nursing

Cindy Scurria, Assistant Professor, Department of English and Foreign Languages

Edward Vaughn, Assistant Professor, Department of Education

Sarah Ware, Assistant Professor, Department of Baccalaureate Degree Nursing

MVSU

Jo A. Baldwin, Assistant Professor promoted to Associate Professor with Tenure, Department of English and Foreign Languages

Rachel Beecham, Assistant Professor promoted to Associate Professor with Tenure, Department of Natural Science and Environmental Health

Louis Hall, Assistant Professor, Department of Natural Science and Environmental Health

Mack Felton, Associate Professor, Department of Natural Science and Environmental Health

Chandrouti Persuad, Assistant Professor promoted to Associate Professor with Tenure, Department of Social Science

Aurora Varn, Assistant Professor promoted to Associate Professor with Tenure, Department of English and Foreign Languages

James Varn, Assistant Professor promoted to Associate Professor with Tenure, Department of English and Foreign Languages

UMMC

Mark Charles Austin, Associate Professor promoted to Professor with Tenure, Department of Psychiatry, School of Medicine

Scott Franklin Coffey, Associate Professor promoted to Professor with Tenure, Department of Psychiatry, School of Medicine

Craig K. Hallstrom, Assistant Professor with Tenure, Department of Pediatrics, School of Medicine

Robert M. Herndon, Professor with Tenure, Department of Neurology, School of Medicine

Jack Lewin, Assistant Professor promoted to Associate Professor with Tenure, Department of Pathology, School of Medicine

Gailen Marshall, Professor with Tenure, Department of Medicine, School of Medicine

Jack Payne, Associate Professor with Tenure, Department of Medicine, School of Medicine

Eddie Perkins, Assistant Professor with Tenure, Department of Neurosurgery, School of Medicine

Hartmut Uschmann, Assistant Professor promoted to Associate Professor with Tenure, Department of Neurology, School of Medicine

Renee Williams, Assistant Professor promoted to Associate Professor with Tenure, School of Nursing

Lubna Fawad, Assistant Professor promoted to Associate Professor with Tenure, Department of Pediatric Dentistry and Community Oral Health, School of Dentistry

Neeta Mehta, Assistant Professor promoted to Associate Professor with Tenure, Department of Advanced General Dentistry, School of Dentistry

Christy Morgan, Assistant Professor promoted to Associate Professor with Tenure, Department of Occupational Therapy, School of Health Related Professions

USM

Daniel C. Monchuk, *from* Assistant Professor *to* Associate Professor, Business Economics and Decision Sciences, College of Business

4. Terminations

JSU

Ronald Mason, Jr., President; resignation; effective June 30, 2010

MUW

Claudia Limbert, President, retirement; effective June 30, 2010

MVSU

Joseph M. Stevenson, Provost/Senior Vice President for Academic Affairs, resignation, effective May 28, 2010

5. Emeritus Status

JSU

Leslie McLemore, Professor Emeritus

6. Professional Leave

JSU

Dal Didia, Associate Professor, Department of Economics, Finance and General Business; salary of $78,875 per nine months; requesting professional leave without pay for the period August 1, 2010 through August 1, 2011; to conduct research and teach at a university in Nigeria. Dr. Didia was previously approved for sabbatical leave for the period August 1, 2009 through August 1, 2010. He is now requesting professional leave without pay.

1. **SYSTEM - INDIVIDUALS TO SERVE ON THE MISSISSIPPI UNIVERSITY RESEARCH AUTHORITY (MURA) IN ACCORDANCE WITH THE MISSISSIPPI UNIVERSITY RESEARCH AUTHORITY ACT**

By virtue of the Act, the following are MURA Members:

Vice President of the Board of Trustees – Ms. Robin Robinson

Executive Director of the Mississippi Development Authority – Mr. Gray Swoop or his Designee

President of the Mississippi Resource Development Corporation – To be determined

Ex Officio Commissioner of Higher Education – Dr. Hank M. Bounds

By virtue of the Act, the following are to be appointed by the Board from among the Chief Research Officers of the eight institutions as MURA members:

Dr. David R. Shaw
Vice President for Research & Economic Development
Mississippi State University

Dr. Felix Okojie
Vice President for Research and Federal Relations
Jackson State University

Dr. Alice M. Clark
Vice Chancellor for Research and Sponsored Programs
The University of Mississippi

Dr. Denis Wiesenburg
Vice President for Research
The University of Southern Mississippi

Dr. Alton Johnson
Interim Research Director
Alcorn State University

Appointments are effective July 1, 2010 through June 30, 2011

REGULAR AGENDAS

1. SYSTEM – APPROVAL OF FISCAL YEAR 2011 OPERATING BUDGETS

Approval is requested for the fiscal year ending 2011 Operating Budgets for the institutions and separately budgeted units. Included as supplemental information are the following:

Fiscal Year 2010-2011 *Ayers* Budgets
Fiscal Year 2010-2011 Athletic Budgets
Fiscal Year 2010-2011 E&G Scholarships, Fellowships & Tuition Waivers

STAFF RECOMMENDATION: Board staff recommends approval of the Fiscal Year 2010-2011 Operating Budgets for the institutions, separately budgeted units, *Ayers* Budgets, Intercollegiate Athletics and institutions' Financial Aid Budgets

2. SYSTEM – APPROVAL OF FY 2012 PROPOSED FUNDING PRIORITIES

Proposed funding priorities are required for the FY 2012 Legislative Budget Request (LBR). The proposed funding priorities for FY 2012 will be submitted under separate cover.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 707.01 LAND, PROPERTY AND SERVICE CONTRACTS

Due to changes in Policy Section 900 under consideration by the Board, Board Policy 707.01 Land, Property and Service contracts is proposed for Board consideration to provide consistency among the policies:

707.01 ~~LAND,~~ PERSONAL PROPERTY~~,~~ AND SERVICE CONTRACTS

~~Board approval prior to execution of the purchase contract is required for all land acquisitions that exceed $100,000An institution acquiring real property shall receive two appraisals prior to purchase, and the purchase price of the property shall not exceed the average of the two appraisals. Board approval prior to the execution of a contract for the sale of real property is required for all land sales regardless of sale price. An institution disposing of real property shall receive two independent appraisals. The sale price shall be no less than the average of the two appraisals. Requests for Board approval of land contracts shall include property descriptions, terms of purchase, lease or sale and intended use of the property, if applicable. See Board Policy 905 (B) for environmental report requirements prior to the purchase or acceptance of real property from any source.~~

~~Board approval prior to execution of all leases, easements, oil, gas and mineral leases and timber sales is required. Board approval prior to execution of the contract is required for all other land, personal property, and service contracts that require an aggregate total expenditure of more than $250,000.~~ Board approval prior to the execution of leases in an amount greater than $100,000 is required. However, Board approval is required prior to the execution of all oil, gas and mineral leases, regardless of amount. The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than $100,000.

Board approval prior to execution of the contract is required for all personal property and service contracts that require an aggregate total expenditure exceeding $1,000,000, while those personal property and service contracts that require an aggregate total expenditure of from $500,000 to $1,000,000 must be approved by the Commissioner.

The Commissioner is authorized and empowered to approve renewals of service expenditure contracts if the original contract was previously approved by the Board of Trustees, and if the contract amount does not exceed 110% of the current contract. An information item will be presented to the Board of Trustees monthly of any and all contracts approved by the Commissioner on behalf of an institution.

Board approval prior to execution of the contract is required for any bookstore, food service, or athletic concession contract projected to generate aggregate total revenues for a university ~~of more than~~ exceeding $1,000,000 ~~$250,000~~ or if the term of such contract exceeds four years. Any bookstore, food service, or athletic concession contracts projected to generate aggregate total revenues for a university of from $500,000 to $1,000,000 and which are not over four years in length must be approved by the Commissioner. The Commissioner is also authorized and empowered to approve renewal revenue contracts for bookstores, food service, or athletic concession contracts where the contract results in additional revenues to the institution. An information item will be presented to the Board of Trustees monthly of any and all contracts and leases approved by the Commissioner on behalf of an institution.

Approval by the Board is not required for the following purchases: natural gas, utility services, entertainment services paid for with student fees and/or ticket sales receipts.

Institutional Executive Officers and the Commissioner are authorized and empowered to approve and execute on behalf of their respective institutions all other real property ~~land,~~ personal property and service contracts. All such contracts shall be executed in accordance with state law and board policy.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. SYSTEM – APPROVAL OF BOARD POLICY 712 - INTERNAL AUDIT POLICY

In order to establish Board Policy 712 - Internal Audit Policy, the following policy was presented to the Board for first reading at the May 2010 meeting. The policy is being brought forward for final consideration. A revised System Internal Audit Charter reflecting the proposed new policy is incorporated and follows Board policy 712 below:

712 INTERNAL AUDIT POLICY

A. The Board shall appoint its own system internal audit director with the appropriate support staff. The Board's system internal audit director shall report to the Audit Committee (which is a Subcommittee of the Budget, Finance & Audit Committee and not a formal committee of the Board) and ultimately to the Board, but will report administratively to the Commissioner and be independent of any other IHL division, section, branch or officer. The Board's system internal audit director and his/her staff shall perform duties as directed by the Board's Audit Committee and as set out in the Board's System Internal Audit Charter. The Board approved System Internal Audit Charter shall be in supplementation to this Internal Audit Policy and shall apply to all Board and university internal auditors, whether located at the Board's executive office or on one of the university campuses. The Commissioner may at any time direct the Board's system internal audit director to perform an audit or inquiry of any special program, activity, function or organizational unit of the system.

B. The Board directs each Institutional Executive Officer (IEO) to appoint a university internal audit director. Employment of each university internal audit director shall be contingent upon the approval of both the IEO and the Board's system internal audit director. In addition, each IEO shall employ a sufficient number of professional and support staff to assist the university internal audit director in implementing an effective program of internal auditing. The university internal audit staff shall have organizational status outside of the university's staff, management, functions or units subject to audit, and shall be free of operational and management responsibilities that would impair the ability to make independent audits of any aspects of the university's operations. The university audit directors shall be functionally responsible to the Audit Committee and ultimately the Board of Trustees through the Board's system internal audit director, but will administratively report to the IEO. University internal audit employees may only be terminated following university compliance with any applicable state laws, and following

notification of the Audit Committee upon recommendation of the IEO and the Board's system internal audit director. If there is disagreement between the IEO and the Board's system internal audit director regarding a recommendation of termination of a university internal audit employee, the dispute shall be brought to the Board, which shall make the decision regarding termination.

C. The Board's System and University internal audit directors shall have the following duties:

1. To conduct financial, compliance, electronic data processing and operational and efficiency audits of system and university programs, activities and functions and prepare audit reports of findings;

2. To review and evaluate internal controls over system and university programs, accounting systems, administrative systems, electronic data processing systems and all other major systems necessary to ensure accountability of the system and universities;

3. To develop annual and three year strategic audit plans to be based on the findings of periodic documented risk assessments. The plan shall show the individual audits to be conducted during each year and the related resources to be devoted to each of the respective audits. The audit plan shall ensure that internal controls are reviewed on a periodic basis. The plan shall address concerns of the Board of Trustees, Commissioner and IEOs. The Board 's system internal audit director shall submit the plan to the Board Audit Committee for approval after consultation with the Commissioner and IEOs; and,

4. To determine the scope and assignment of the audits. However, the IEO may at any time direct the university internal audit director to perform an audit or inquiry of any special program, activity, function or organizational unit of their institution.

D. Audits shall be conducted in accordance with the Standards for the Professional Practice of Internal Auditors, Inc. and, when required by law, regulation, agreement, contract or policy, in accordance with Government Auditing Standards issued by the Comptroller General of the United States. All audit reports issued by internal audit staff shall include a statement that the audit was conducted pursuant to the appropriate standards.

University audit reports shall be confidential, but shall be provided to the Board upon completion. The Board hereby delegates to the Board's system internal audit director the responsibility of collecting and reviewing the confidential university audit reports on behalf of the Board. The Board's system internal audit director shall then brief the Board's Audit Committee regarding the confidential university audit reports. The Audit Committee will forward such reports to the full Board with appropriate recommendations for action when warranted.

E. The IEO and the Board's system internal audit director shall review and approve the annual university internal audit plan and budget, internal and external audit reports, and follow-up reports and quality assurance reviews. The IEO shall periodically meet with the Board's system and university's internal audit directors to discuss pertinent matters, including whether there are any restrictions on the scope of audits. Any perceived limitation must be reported to the Audit Committee through the Board's system internal audit director.

F. The Commissioner and IEOs shall require that the Board's system internal audit staff and the university's internal audit staff liaise with all auditors from the State Auditor's Office, with all auditors from the Legislative PEER Committee, with all externally funded contracts and grants auditors, and with all external investigators/auditors regarding audits, investigations or inquiries in order to:

- Coordinate all review, evaluation and/or investigation activities;
- Ensure that the audit programs are complementary;
- Foster a cooperative working relationship;
- Reduce the incidence of duplication of efforts; and
- Promote appropriate sharing of information.

The Commissioner, IEOs and university internal audit directors shall make known to the Board's system internal audit director any determined fraud, waste or abuse or reasonably substantiated fraud, waste or abuse as a result of audits, inquiries, investigations or complaints, so such cases can be communicated to the Commissioner and Audit Committee and in order that efforts can be made to ensure internal controls are sufficient to deter such actions in the future.

G. The Board, the Board's Audit Committee and/or the Commissioner, may direct the Board's or university's internal audit staff to investigate any system issues, allegations, or audit matters, in order to carry out the fiduciary duties of the Board. The IEOs and all system employees must cooperate fully with the Board's system and/or the university's internal audit staff on any system issues, allegations, or audit matters directed to be performed on behalf of the Board, the Board's Audit Committee and/or the Commissioner.

Revised System Internal Audit Charter

I. ***The Charter***

The Board of Trustees of Mississippi's State Institutions of Higher Learning (Board) hereby establishes a System Internal Audit Office and appoints a director to assist the Board in meeting its fiduciary responsibilities. This charter establishes the authority and responsibility conferred by the Board of Trustees within which the Office of Internal Audit will operate to make a positive contribution to the system of higher education by examining and evaluating the business and administrative activities of the system's universities and executive office.

The Board directs each Institutional Executive Officer (IEO) to appoint an internal audit director. Employment of each university internal audit director shall be contingent on the approval of both the IEO and the Board's System Internal Audit Director. In addition, each IEO shall employ a sufficient number of professional and support staff to assist the university internal audit director in implementing an effective program of internal auditing.

II. ***Nature of Internal Audit***

Internal auditing is an independent appraisal of the operations and systems of control within the Institutions of Higher Learning. The audit examines and evaluates the institutions' activities and their systems of controls to determine whether acceptable policies and procedures are followed, whether legislative requirements and established standards are met; whether resources are used efficiently and economically, whether planned missions are accomplished effectively, and whether the objectives of higher education are being achieved.

III. ***Role and Objective of the Office of Internal Audit***

The Board's Office of Internal Audit will assist the Board of Trustees, the Commissioner and IEOs to achieve sound managerial control over all aspects of the operations of higher education, including accounting, asset management, information management and control systems, and other such activities for which the Board is responsible. The Board's System Internal Audit Office will also coordinate the internal audit activities throughout the system and its institutions and assist the IEOs, Commissioner and the Board of Trustees.

The attainment of the overall objective of the Board's System Office of Internal Audit may involve:

- reviewing and assessing the adequacy and effectiveness of the system of internal controls;
- appraising the relevance, reliability and integrity of management, financial and operating data and reports;
- reviewing the systems established to ensure compliance with those policies, plans, procedures, statutory requirements and regulations which could have a significant impact on operations (all funds, including external funds, excluding foundations);
- reviewing the means of safeguarding assets and, as appropriate, verifying the existence of such assets;

- evaluating the economy, efficiency and effectiveness with which resources are employed, including reviews of business practices;
- reviewing operations or programs to ascertain whether results are consistent with IHL's established objectives and goals, and whether the operations or programs are being carried out as planned;
- assessing the adequacy of established systems and procedures; and
- conducting special assignments and investigations on behalf of the Board of Trustees, the Commissioner and IEOs into any matter or activity affecting the probity, interests and operating efficiency of the IHL.

Internal auditing is an advisory function to management having independent status within the system. The Board's System Internal Audit Office Director:

- shall be functionally responsible to the Audit Committee and ultimately to the Board of Trustees, but administratively will report to the Commissioner and be independent of any other IHL division, section, branch or officer;
- shall have oversight of the internal auditing functions of the various campuses, whose directors shall be functionally responsible to the Audit Committee and ultimately the Board of Trustees through the Board's System Internal Audit Director, but will administratively report to the IEO;
- shall, in agreement with the IEO, have approval authority over the appointment of all university internal audit directors; and
- shall, in agreement with the IEO, make recommendation of the termination of any university internal audit staff after notification to the Audit Committee and the university's compliance with applicable state law and system policy; If there is disagreement between the IEO and the Board's system internal audit director over a recommendation of termination of a university internal audit employee, the Board shall be informed of same and shall make the decision regarding the termination.

Both the Board's System Internal Audit Director and the University Internal Audit Directors:

- shall have no executive or management powers, functions or duties except those relating to the management of the Internal Audit office;
- shall not be involved in the day-to-day operations of the system;
- shall not be responsible for the detailed development and/or implementation of new systems, but should be consulted during the system development process on the control measures to be incorporated in new or amended systems, and be advised of approved variations or new developments.

IV. Authority

Subject to the approval of the Audit Committee, the Board's System Internal Audit Director and University Internal Audit Directors are authorized to establish an effective internal audit function. No officer, administrator, or staff member shall prohibit the Board's System Internal Auditors from examining any university record or interviewing any faculty/staff member or student that the auditors deem to be pertinent to their audits and

reviews. Additionally, the Board's System Internal Auditors have the authority to audit or cause to be audited the accounts of all organizations required to submit financial statements to the system or of any of its universities.

Both the Board's System and University Internal Auditors shall:

- develop an internal audit plan, in consultation with the Audit Committee of the Board of Trustees on the nature, scope and timing of audits;
    - develop an annual and three year audit plan to be based on the findings of periodic documented risk assessment;
    - ensure that internal controls are reviewed periodically;
    - address concerns of the Board of Trustees, Commissioner and IEOs;
    - submit proposed individual university internal audit plans to the respective IEOs, and submit all proposed internal audit plans to the Commissioner and to the Board's System Internal Audit Director for review and approval by each before submission for approval to the Audit Committee by the Board's System Internal Audit Director.
- have access at all reasonable times to all books, documents, accounts, property, vouchers, records, correspondence and other data of the system, which are necessary for the proper performance of the internal audit function; and
- have the right at reasonable times to enter any premises of the system and to request any employee or officer to furnish all information and such explanations deemed necessary for them to form an opinion on the probity of action, adequacy of systems and/or of controls. The employee or officer concerned shall respond promptly to such inquiries.

All system employees must cooperate fully with the Board's System Internal Audit Staff on any system issues, allegations, or audit matters directed to be performed on behalf of the Board, the Board's Audit Committee and/or the Commissioner.

V. Responsibilities

Subject to the overall guidelines and policies of the Board of Trustees and the Audit Committee, the Board's System and University Internal Audit Offices shall be solely responsible for the planning, implementation, and reporting of the audits. For this purpose, the Director of the Board's System Internal Audit Office is entrusted with the responsibility to appraise the policies, procedures, and management controls of the system to ensure that the activities are properly managed and to promote effective controls at reasonable cost. In discharging the responsibility, the Board's Director of the System Internal Audit Office shall be responsible to the Board of Trustees Audit Committee for the functional control of system and university audit activities in relation to:

- preparing a strategic plan to set the long-range direction and approach of audits;
- presenting a detailed annual audit plan and an annual budget in consultation with the Commissioner and IEOs for submission to the Audit Committee for approval and to the Board of Trustees;
- assessing and recruiting the necessary personnel for appropriate levels of staff;
- carrying out all activities in an effective, proficient and timely manner;

- reporting to the auditee as soon as practical on completion of each audit;
- reporting, at least quarterly, to the Audit Committee;
- conducting oversight of campus Internal Audit's methods and procedures;
- preparing the scope and boundaries of audits;
- fulfilling the objectives of Internal Audit;
- utilizing the Internal Audit resources to maximize the efficiency and effectiveness of the Internal Audit function;
- reviewing systems and operations to assess achievement of institutional objectives, efficient use of resources, and adequacy of controls over activities;
- evaluating the reliability, integrity, and pertinence of management and financial information;
- assessing the method of safeguarding assets and verifying their existence;
- determining the extent of compliance with established policies, procedures and instructions;
- advising improvements in procedures and systems to prevent waste, abuse, overspending, and fraud;
- directing attention on any failure to take remedial action;
- executing any *ad hoc* evaluations, assessments, investigations, examinations or reviews requested by the Audit Committee or by senior management of the Executive Office or university; and
- appraising the overall systemic risk assessment and management.

VI. Scope of Internal Audit

The scope of Internal Audit shall be sufficiently comprehensive to enable the effective and regular review of all operational, financial and related activities.

The scope of Internal Audit coverage extends to all areas under the management and control of the Board of Trustees and include financial, accounting, administrative, data quality, computing and other operational activities.

VII. Audit Programs

An annual Internal Audit plan consistent with the long-term strategic plan shall be prepared by the Board's System and University Internal Auditors, in consultation with the Commissioner and IEOs, for approval by the Audit Committee and shall be provided to the full Board of Trustees, if practicable, prior to commencement of each fiscal year.

The system-wide audit plan will identify areas of audit concern on a campus-by-campus basis, as well as a system-wide approach. Proposed individual audit plans by the university internal auditors on campuses will identify audits to be conducted at each campus during the year and will be incorporated into the proposed system-wide audit plan. A final system-wide plan will be reviewed and, if necessary, revised and approved by the Audit Committee and then provided to the Board of Trustees at an open meeting.

However, the Commissioner may direct at any time the Board's System Internal Audit Director and the IEO may direct at any time the University Internal Audit Director to perform an audit, inquiry or investigation of any special program, activity, function or organizational unit related to their respective institution.

VIII. Audit Committee

The Board of Trustees' Audit Committee (which is a Subcommittee of the Budget, Finance & Audit Committee and not a formal committee of the Board) is established to serve as a channel of communication with the internal auditors. The Audit Committee shall meet at least four times annually and shall consist of the following members:

- members of the Board of Trustees appointed to the Audit Committee;
- the Commissioner (non-voting);
- the Board's System Internal Audit Director (non-voting); and
- the Deputy and/or Assistant Commissioner for Finance and Administration (non-voting).

The objectives of the Board of Trustees' Audit Committee are:

- to review the proposed scope of the internal and the external audit functions;
- to review audit performance and to ensure that no limitation on audit has been interposed by management;
- to appraise the effectiveness of the audit;
- to review the management letter provided by the State Auditor's Office (or Internal Auditors on campuses) regarding any weaknesses in internal controls; organization and operating controls; and to consider the recommendations made by the auditor and the actions taken by management in response to the auditor's suggestions; and
- to review and/or initiate any other act necessary to promote:
    - compliance with policies, plans, procedures, laws and regulations;
    - safeguarding of System's assets;
    - efficient and proper use of resources;
    - accomplishment of established objectives and goals for operations or programs; and
    - attention to failure to take prompt remedial action relating to previously identified shortcomings.

IX. Audit Methodology

For all audit projects, the person responsible for the activity under review shall be advised and given the opportunity to discuss:

- the objectives and scope of the audit to be conducted, prior to the commencement of such audit; and
- findings and proposed recommendations on the completion of an audit, and where appropriate make comment.

X. Audit Reports

A written report will be prepared and issued by Internal Audit at the conclusion of each audit. Internal audit reports shall be confidential, but shall be provided to the Board upon completion. The Board hereby delegates to the Board's System Internal Audit Director the responsibility of collecting and reviewing the confidential audit reports on behalf of the Board. The Board's System Internal Audit Director shall then brief the Board's Audit Committee regarding the confidential audit reports. The Audit Committee will forward such reports to the full Board with appropriate recommendations for action when warranted.

A copy of the complete report will be distributed to the applicable Commissioner and/or IEOs to which the audit applies. A summary of each report, including all audits performed on externally funded contracts, audits or investigations, is to be made available to the Audit Committee and the Commissioner within thirty days of completion of the audit. Audit reports related to issues that are of system-wide importance or audits that disclose issues that are material or recurring in nature will be presented to the Audit Committee at the next scheduled committee meeting following completion of the report. The Audit Committee will forward such reports along with appropriate recommendations to the Board of Trustees for action. Audit reports will normally explain the scope and objectives of the audit, present findings and conclusions in an objective manner relevant to the specific user's needs, and make recommendations where appropriate. Each institution audited will be given an opportunity to submit its responses to the audit findings to be included in the final audit report.

XI. Liaison with other Auditors

The Commissioner and IEOs shall ensure the Board's System Internal Audit staff and University internal audit staff liaise with all auditors from the State Auditor's Office, with the Legislative PEER Committee, with externally funded contracts and grants auditors and/or external investigators/auditors regarding audits, investigations or inquiries to:

- Coordinate all review, evaluation and/or investigation activities;
- Ensure that the audit programs are complementary;
- Foster a cooperative working relationship;
- Reduce the incidence of duplication of effort; and
- Promote appropriate sharing of information.

The Commissioner, IEOs and University Internal Audit Directors shall make known to the Board's System Internal Audit Director any determined fraud, waste or abuse or reasonably substantiated fraud, waste or abuse as a result of the audits, inquiries, investigations or complaints so such cases can be communicated to the Commissioner and Audit Committee and so that efforts can be made to ensure internal controls are sufficient to deter such actions in the future.

The Board's System Internal Audit Director shall make available to the State Auditor's Office all Internal Audit working papers, programs, flow charts, and reports upon request.

XII. Audit Standards

The Board's System Internal Audit Director is responsible for requiring that university internal auditors conduct audits and reviews according to generally accepted auditing standards using such audit programs, techniques, and procedures considered necessary under the circumstances. The operation of the internal audit function is to be carried out consistent with The Code of Ethics, Professional Practices Framework, and Practice Advisories as defined by the Institute of Internal Auditors. The standards for the performance of the audit function are to be developed from the following:

- Standards for the Professional Practice of Internal Auditing (Institute of Internal Auditors);
- Standards for Information Systems Auditing (Information Systems Audit and Control Associations); and
- Statements of Auditing Standards (American Institute of Certified Public Accountants).

XIII. Quality Assurance

To ensure that the quality of the Internal Audit is consistently at a high standard, the Board's System Internal Audit Director, in conjunction with members of the Board of Trustees Audit Committee, shall:

- develop and maintain comprehensive work reporting systems;
- maintain a regular review of audit plans, reports and working papers, and
- provide for staff training, as appropriate.

STAFF RECOMMENDATION: Board staff recommends approval of the policy and the revised System Audit Charter.

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

The IHL Self-Insured Workers' Compensation Program is seeking Board approval for settlement of Claim No. 870599.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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

The IHL Self-Insured Workers' Compensation Program is seeking Board approval for settlement of Claim No. 925113.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1593.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1439.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

5. MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE MISSISSIPPI STATE UNIVERSITY ALUMNI ASSOCIATION

MSU requests Board approval of the following alternative language to that set out in Section I. of Board Policy 301.0806 to be used in the affiliation agreement between MSU and the MSU Alumni Association:

In the event that the President notifies IHL that the relationship between the President and the Alumni Association is detrimental to the well being of the university, IHL shall attempt to reconcile the parties, including through mediation if advisable. However, if the IHL determines and notifies the President that it is in the best interest of the university

to substitute new members of the Board of Directors of the Alumni Association, the President may direct that at the expiration of a ninety-day period, the terms of office of up to 100% of the total number of Directors shall be deemed to have expired. Upon such event a five person Commission shall be selected as follows: (A) one member appointed by the Institutional Executive Officer, (B) one member appointed by the IHL Commissioner, (C) one member appointed by the Board of Directors of the Mississippi State University Foundation, Inc., and (D) the two most recent living National Alumnus of the Year award winners. The Commission shall then appoint within the ninety-day period, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired which may include former National Alumni Association Board Members. The reconstituted Board of Directors shall then elect new officers of the Alumni Association.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

6. MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE BULLDOG CLUB

The Parties expect there to exist a cooperative relationship between them. There have been situations in other states where foundations were alleged to have attempted to use the leverage provided by control of funds contributed to the foundation for the benefit of the university to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the MSU President and, ultimately, the power of its Board. To provide for the eventuality in which it appears that the MSU President and the Bulldog Club have irreconcilable differences that interfere with MSU serving the purposes for which it is intended and to allow a resumption of normal relationships to benefit the university, the Parties adopt the following plan:

In the event that the MSU President notifies the Board of Trustees of Institutions of Higher Learning (IHL) that the relationship between the MSU President and The Bulldog Club, Inc.'s governing authorities is detrimental to the well being of the university, then IHL shall attempt to reconcile the parties. If informal methods are not successful, mediation will be undertaken. Should all efforts for reconciliation fail, as determined by IHL, the MSU President may direct that at the expiration of a ninety-day period, the terms of office of the current directors shall be deemed to have expired. Upon such event a five person Commission shall be selected as follows: (A) one member appointed by the MSU President, (B) one member appointed by the IHL Commissioner, (C) two members appointed by the Board of Directors of the Bulldog Foundation, and (D) one member appointed by the Board of Directors of the MSU Alumni Association. The Commission shall then appoint within the ninety-day period, by majority vote, members to the Board of Directors to replace the directors whose terms shall be deemed to have expired. All

replacement directors are to be selected from a slate of Bulldog Club members who have at least $10,000.00 in lifetime giving to the Bulldog Club and may include former directors.

Once all directors have been selected and have accepted the appointment, the Commission shall call a re-organization meeting of directors at which there is to be an election to fill all officer positions. All board members shall be eligible for election as an officer.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

7. MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE BULLDOG FOUNDATION

The Parties expect there to exist a cooperative relationship between them. There have been situations in other states where foundations were alleged to have attempted to use the leverage provided by control of funds contributed to the foundation for the benefit of the university to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the MSU President and, ultimately, the power of its Board. To provide for the eventuality in which it appears that the MSU President and the Bulldog Foundation have irreconcilable differences that interfere with MSU serving the purposes for which it is intended and to allow a resumption of normal relationships to benefit the university, the Parties adopt the following plan:

In the event that the MSU President notifies the Board of Trustees of Institutions of Higher Learning (IHL) that the relationship between the MSU President and The Bulldog Foundation, Inc.'s governing authorities is detrimental to the well being of the university, then IHL shall attempt to reconcile the parties. If informal methods are not successful, mediation will be undertaken. Should all efforts for reconciliation fail, as determined by IHL, the MSU President may direct that at the expiration of a ninety-day period, the terms of office of the current directors shall be deemed to have expired. Upon such event a five person Commission shall be selected as follows: (A) one member appointed by the MSU President, (B) one member appointed by the IHL Commissioner, (C) two members appointed by the Board of Directors of the Bulldog Club, and (D) one member appointed by the Board of Directors of the MSU Alumni Association. The Commission shall then appoint within the ninety-day period, by majority vote, members to the Board of Directors to replace the directors whose terms shall be deemed to have expired. All replacement directors are to be selected from a slate of Bulldog Foundation members who have at least $100,000.00 in lifetime giving to the Bulldog Foundation and may include former directors.

Once all directors have been selected and have accepted the appointment, the Commission shall call a re-organization meeting of directors at which there is to be an election to fill all officer positions. All board members shall be eligible for election as an officer.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

8. MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE MISSISSIPPI STATE UNIVERSITY FOUNDATION, INC.

MSU proposes the following in lieu of the process setout in Section I. of Board Policy 301.0806 for dealing with irreconcilable differences between MSU and the MSU Foundation, Inc.:

In the event that the President notifies IHL that the relationship between the President and the Foundation is detrimental to the well being of the university, IHL shall attempt to reconcile the parties, including through mediation if advisable. However, if the IHL determines and notifies the President that it is in the best interest of the university to substitute new members of the Board of Directors of the Foundation, the President may direct that at the expiration of a ninety-day period, the terms of office of up to 100% of the total number of Directors shall be deemed to have expired. Upon such event a five person Commission shall be selected as follows: (A) one member appointed by the Institutional Executive Officer, (B) one member appointed by the IHL Commissioner, (C) one member appointed by the Board of Directors of the Mississippi State University Alumni Association, and (D) two members appointed by a majority vote of the then living and competent individuals (not including entities such as corporations or foundations) who are members of the Zacharias Roundtable, McComas Benefactors, and Giles Partners donor groups of the Foundation, or the then existing equivalent donor groups with a lifetime giving of $5,000,000 or greater by whatever name. The Commission shall then appoint within the ninety-day period, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired which may include former Foundation Board Members. The reconstituted Board of Directors shall then elect new officers of the Foundation.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

9. MUW– APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MUW AND THE MISSISSIPPI UNIVERSITY FOR WOMEN ALUMNI ASSOCIATION

MUW proposes the following in lieu of the process setout in Section I. of Board Policy 301.0806 for dealing with irreconcilable differences between MUW and the MUW Alumni Association:

Mississippi University for Women (the university) and the Mississippi University for Women Alumni Association (the Association) desire to work together in an environment of mutual cooperation and support. To further this relationship, the university President will approve nominations to the Association's Board of Directors. In addition, Association Board Members shall be elected to terms not to exceed three years and no less than one-third of the Board Members shall be elected in a single year. Although a director may be elected to more than one term, the approval process and rotation required shall work to maintain alignment between the Association and the mission of the university.

If the university President determines that the cooperation between the university and the Association is not in place and is, as a result, detrimental to the best interests of the university, the President shall notify the Commissioner of Higher Education and the IHL shall attempt to reconcile the parties, including through mediation if advisable. If the IHL determines and notifies the university President that it is in the best interest of the university to substitute new members of the Board of Directors of the Alumni Association, the university President may direct that at the expiration of a ninety-day period, the terms of office of 100% of the Directors shall be deemed to have expired. Upon such event, a five-person Commission shall be selected as follows: (1) one member appointed by the university President, (2) one member appointed by the IHL, (3) one member appointed by the Board of Directors of the MUW Foundation, and (4) two members appointed from within and by the group of donors to the university whose lifetime outright giving to the university, through the MUW Foundation, exceeds $50,000; however, this donor group may not appoint as a member of the Commission anyone who at the time of the appointment is serving as (i) a university employee or (ii) an employee, officer, trustee, or director of any university affiliated support organization or foundation. The Commission shall then appoint within the ninety-day period, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Alumni Association.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

10. MUW– APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MUW AND THE MISSISSIPPI UNIVERSITY FOR WOMEN FOUNDATION

MUW proposes the following in lieu of the process set out in Section I. of Board Policy 301.0806 for dealing with irreconcilable differences between MUW and the MUW Foundation:

Mississippi University for Women (the university) and the Mississippi University for Women Foundation (the Foundation) have a long history of mutual cooperation and support. To further this relationship, the university President will approve nominations to the Foundation's Board of Directors. In addition, Foundation Board Members shall be elected to terms not to exceed three years and no less than one-third of the Board Members shall be elected in a single year. Although a director may be elected to more than one term, the approval process and rotation required shall work to maintain alignment between the Foundation and the mission of the university.

If the university President determines that the cooperation between the university and the Foundation is not in place and is, as a result, detrimental to the best interests of the university, the President shall notify the Commissioner of Higher Education. The IHL shall attempt to reconcile the parties, including mediation if advisable. If, however, the IHL determines and notifies the university President that it is in the best interests of the university to substitute new members of the Board of Directors of the Foundation, the university President may direct that, at the expiration of a ninety-day period, the terms of office of 100% of the Directors shall be deemed to have expired. Upon such event, a five- person Commission shall be selected as follows: (1) one member appointed by the university President, (2) one member appointed by the IHL, (3) one member appointed by the Board of Directors of the Mississippi University for Women Alumni Association, and (4) two members appointed from within and by the group of donors to the university whose lifetime outright giving to the university, through the MUW Foundation, exceeds $50,000; however, this donor group may not appoint as a member of the Commission anyone who at the time of the appointment is serving as (i) a university or IHL employee or (ii) an employee, officer, trustee, or director of any university affiliated support organization or foundation. The Commission shall then appoint within the ninety-day period, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Foundation.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

11. MVSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MVSU AND THE MISSISSIPPI VALLEY STATE UNIVERSITY FOUNDATION

In the event that the University President determines that the cooperation between the University and the Mississippi Valley State University Foundation (hereinafter referred to as "Foundation") is untenable and subsequently detrimental to the best interests of the University, the President shall notify the Commissioner of Higher Education and the IHL shall attempt to reconcile the parties, including through mediation if practicable.

If the IHL determines and notifies the University President that it is in the best interest of the University to establish new members of the Board of Directors of the Foundation, the University President may direct that at the expiration of a ninety-day period, the terms of office of 100% of the Directors and all accompanying officers shall be deemed to have expired.

Upon such an occurrence, a five-person special appointment committee shall be selected as follows:

(1) one member appointed by the University President,
(2) one member appointed by the IHL,
(3) one member appointed by the Board of Directors of the MVSU National Alumni Association, and
(4) two members appointed from within and by the group of donors to the University whose lifetime total giving to the University, exceeds $25,000.00; however, this donor group may not appoint as a member of the Commission anyone who at the time of the appointment is serving as (i) a University employee or (ii) an employee, officer, trustee, or director of any University affiliated support organization or foundation.

The Commission, within the ninety-day period, shall then appoint, by majority vote, the new members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the MVSU Foundation.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

12. MVSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MVSU AND THE MISSISSIPPI VALLEY STATE UNIVERSITY ALUMNI ASSOCIATION

In the event that the University President determines that the cooperation between the University and the Mississippi Valley State University National Alumni Association (hereinafter referred to as "Foundation") is untenable and subsequently detrimental to the best interests of the University, the President shall notify the Commissioner of Higher Education and the IHL shall attempt to reconcile the parties, including through mediation if practicable.

If the IHL determines and notifies the University President that it is in the best interest of the University to establish new members of the Board of Directors of the Association, the University President may direct that at the expiration of a ninety-day period, the terms of office of 100% of the Directors and all accompanying officers shall be deemed to have expired.

Upon such an occurrence, a five-person special appointment committee shall be selected as follows:

(1) one member appointed by the University President,
(2) one member appointed by the IHL,
(3) one member appointed by the Board of Directors of the MVSU Foundation, and
(4) two members appointed from within and by the group of donors to the University whose lifetime total giving to the University, exceeds $10,000.00; however, this donor group may not appoint as a member of the Commission anyone who at the time of the appointment is serving as (i) a University employee or (ii) an employee, officer, trustee, or director of any University affiliated support organization or foundation.

The Commission, within the ninety-day period, shall then appoint, by majority vote, the new members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the MVSU National Alumni Association.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

13. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UNIVERSITY OF MISSISSIPPI FOUNDATION

Within Subsection I. of the recently amended Section 301.0806 of the IHL Policy dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and its academic support foundation, the University of Mississippi Foundation ("UMF"), as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

As described more completely below, the present governance of UMF, and the proposed amendment to the affiliation agreement provide an adequate remedy for the concerns expressed in Subsection I. of IHL Policy Section 301.0806.

UMF is a private not-for-profit charitable and civic improvement corporation created under and by virtue of the laws of the State of Mississippi on July 31, 1973. The purposes for which UMF was created are set forth in Paragraph 6 of its Charter and include, among others, to operate exclusively for the benefit of the University of Mississippi and its students, alumni, faculty, and staff; to promote, encourage, and assist all forms of educational, scientific, literary, and service activities provided by the university; and to receive, solicit, accept, hold, administer, invest, and disburse any and every kind of property in support of the university's educational, scientific, literary, research, and service purposes. As more fully explained in its Charter, UMF serves solely to advance the mission of the university.

UMF's Bylaws provide that its membership consists of the incorporators of UMF, all members of the Board of Directors and all other persons, firms and corporations elected to membership by the affirmative vote of two-thirds of the directors present at a board meeting having a quorum of directors present. *See* UMF Bylaws at Article II, Section 1.

The Bylaws state further that the Board of Directors shall consist of thirty (30) "at-large" directors elected on a rotating basis, with ten (10) being elected at the annual meeting each year for a three (3) year term. In addition to the thirty at large members, the President and President-elect of the University of Mississippi Alumni Association shall be members of the Board of Directors with the Chancellor being an ex officio, non-voting

member. A nominating committee shall nominate at least ten (10) prospective directors at the Annual Meeting each year. *See* UMF Bylaws at Article IV, Section 3.

The Charter, Bylaws, mission and the historical relationship between the university and UMF, support the assertion that it is highly unlikely the university and UMF will experience discord or divergence of vision or mission. However, given the concerns expressed by the IHL Trustees, the university and UMF propose to add the following language to the Affiliation Agreement between the university and UMF to ensure this historical cooperation continues:

"The university and foundation expect there to exist a cooperative relationship between them. In the event that the university Chancellor determines that such cooperation is not in place and is thus, in the Chancellor's view, detrimental to the well being of the university, the Chancellor shall notify the IHL Board of Trustees ("IHL") to allow the IHL to intervene to reconcile the parties. However, if the IHL determines and notifies the Chancellor that it is in the best interest of the university to substitute new members of the Board of directors of the Foundation, the Chancellor may direct that at the expiration of a ninety-day period, the terms of office of 100% of the total number of Directors shall be deemed to have expired. Upon such event, a five-person Commission shall be selected as follows: (1) one member appointed by the Chancellor, (2) one member appointed by the IHL, (3) one member appointed by the Board of Directors of the UMAA Foundation, (4) one member appointed by a majority vote of the Board of Directors of the University of Mississippi Alumni Association, and (5) one member appointed by a majority vote of the then living members of the Barnard Society, or the then existing equivalent donor group with a lifetime giving of $5 million or greater; however, such donor group may not appoint as a member of the Commission anyone who at the time of such appointment is serving as an employee, officer, trustee, or director of any university affiliated support organization or foundation. The Commission shall during the ninety day period appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Foundation."

The University of Mississippi and UMF respectfully submit the present governance and proposed amendment to the current Affiliation Agreement complies with the requirements of IHL Policy 301.0806 I. and effectively addresses the Trustees' concerns.

Because IHL policy requires the university to submit all information necessary to evaluate this proposal, please find attached excerpts from the relevant provisions of the UMF governing documents and the existing affiliation agreement.

RELEVANT PROVISIONS OF EXISTING STATUTES, UMF GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT

UMF Bylaws – ARTICLE II - Membership

Section 1. Election of Members. The membership of the corporation shall consist of the incorporators of the corporation, all members of the Board of Directors and all other persons, firms and corporations which are elected to membership by the affirmative vote of two-thirds (2/3) of the directors present at a board meeting having a quorum of directors present.

Section 2. Voting Rights. Each member shall be entitled to one vote on each matter submitted to a vote of the members.

Section 3. Termination of Membership. By the affirmative vote of two-thirds (2/3) of the directors present at a board meeting having a quorum present, the Board of Directors may suspend or expel a member for any reason deemed advisable and in the corporation's best interest. Any member of the corporation who became a member by virtue of having been a director as provided in Section 1 shall cease to be a member of the corporation at the same time he ceases to be a member of the Board of Directors.

UMF Bylaws – ARTICLE III – Meetings of the Membership

Meetings of the Membership

Section 1. Annual Meeting. The annual meeting of the membership shall be held on a date determined by the Executive Committee between July 1 and December 31 of each year, for the purpose of electing directors and for the transaction of any other business which may come before the meeting.

Section 2. Special Meetings. Special meetings of the membership may be called by the Chair, the Executive Committee, or not less than five (5) members of the corporation.

Section 3. Place of Meetings. The annual meeting and any other meetings of the membership shall be held at the principal office of the corporation, unless in its discretion the Executive Committee determines that the meeting shall be held at some other place.

Section 4. Notice of Meetings. Written or printed notice stating place, date, and hour of any membership meeting shall be delivered, either personally or by mail, to each member entitled to vote at the meeting, not less than ten (10) nor more than thirty (30) days before the date of the meeting, by the Secretary, or the persons calling the meeting. In case of a special meeting or when required by statute or by these Bylaws, the purpose

or purposes for which the meeting is called shall be stated in the notice and no business not so stated shall be transacted or considered at the meeting. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation with postage prepaid.

Section 5. Informal Action by Members. Any action required by law to be taken at a meeting of the membership or any action which may be taken at a meeting of membership may be taken without a meeting if a consent in writing, setting for the action to be taken, shall be signed by all members entitled to vote with respect to the subject matter of the action.

Section 6. Quorum. Fifty-one percent (51%) of the membership of the corporation shall constitute a quorum at any regular or special meeting of the membership of the corporation.

UMF Bylaws – ARTICLE IV – Board of Directors

Board of Directors

Section 1. General Powers. The affairs of the corporation shall be managed by its Board of Directors which shall have the authority to exercise or delegate all of its powers and rights, except to the extent limited or prohibited by law.

Section 2. Organization of Board of Directors. The initial Board of Directors shall elect the initial membership of the corporation, and shall then call a meeting of the membership for the purpose of electing the other members of the Board of Directors.

Section 3. Number, Tenure and Qualifications of Directors. The Board of Directors shall consist of thirty (30) "at-large" directors, of whom at least twelve (12) shall be alumni of the University of Mississippi. Each of the thirty (30) directors shall be elected on a rotating basis, with ten (10) being elected at the annual meeting each year for a three (3) year term. Each director shall hold office until his successor shall have been elected and qualified. In addition to the thirty (30) "at large" directors enumerated above, the President and President-Elect of the University of Mississippi Alumni Association shall be members of the Board of Directors. The Chancellor of the University of Mississippi shall be an ex officio, non-voting member of the Board of Directors.

A nominating committee composed of the Chair and Past-Chair of the University of Mississippi Foundation, the Chancellor, and two members of the Board of Directors appointed by the Chair shall nominate at least ten (10) prospective directors at the Annual Meeting each year. In addition to these nominations, any director may make nominations from the floor; however, an elected director who has served two (2) three-year terms shall

not be eligible for re-election to the Board for a period of one (1) year after the date of his retirement, except that the term of an elected director who shall have served as Chair of the corporation during the last year of his term will automatically be extended for one additional year.

Any person who is serving as director by virtue of holding a position enumerated above shall cease to be a director immediately upon his vacating that position or office. However, with the mutual consent of the retiring director and the Board (by affirmative vote of two-thirds (2/3) of all directors), the director may continue to serve until his successor in office is named.

Individuals do not have to be residents of the State of Mississippi to be eligible to serve on the Board of Directors.

UMF Bylaws -- ARTICLE XII. – Amendments to Bylaws

Amendments to Bylaws

These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a majority vote of a quorum present at any regular or special meeting of the Board of Directors, provided written notice of the proposed action has been given each director at least ten (10) days prior to the date of the meeting.

Other Protections:

University/UMF Affiliation Agreement – Pertinent Provisions

TERMS AND CONDITIONS

1.0 Foundation Support of and Obligations to the University

1.1 The Foundation's primary purpose is to provide support to the university in accord with the provisions of its Articles of Incorporation, Charter, and Bylaws, which support includes, but is not limited to, researching, raising, receiving, acknowledging, investing, accounting for, and administering funds for the university to use for its charitable, scientific, and educational purposes.

1.2 The Foundation, acting through its Board of Directors and staff, shall assist the university's Office of Development in its fund-raising activities and development programs with individuals, corporations, foundations, governmental, and other external organizations.

* * * *

4.4 If the Foundation should cease to exist, its Board of Directors shall, in consultation with the university, dispose of the Foundation's assets, consistent with the provisions set forth in Paragraph 14 of the Foundation's Charter, as well as applicable state and federal laws.

4.5 The Foundation shall not assign or delegate the authority to use university's name or registered marks or logos to any person or entity without the written approval of the Chancellor of the university and the Director of the university's Licensing Program.

4.6 The Foundation agrees to cease using university's name, marks, and logos in the event that the Foundation dissolves, ceases to be a non-profit corporation, ceases to be recognized by the Internal Revenue Service as a tax exempt entity under Section 501(c)(3) of the Internal Revenue code, or this Agreement is terminated.

* * * *

6.0 Term

6.1 The term of this Agreement shall be for a period of five years, beginning on July 1, 2007 and ending on June 30, 2012.

6.2 Either party may terminate this Agreement upon providing ninety days' written notice to the other party.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

14. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE ALUMNI ASSOCIATION OF THE UNIVERSITY OF MISSISSIPPI

Within Subsection I. of the recently amended Section 301.0806 of the IHL Policy dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and the Alumni Association of the University of Mississippi ("AA"), as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

As described more completely below, the present governance of AA, and the proposed amendment to the affiliation agreement provide an adequate remedy for the concerns expressed in Subsection I. of IHL Policy Section 301.0806.

AA is a private not-for-profit charitable and civic improvement corporation created under and by virtue of the laws of the State of Mississippi that traces its roots back to 1852. The purposes for which AA was created are set forth in Paragraph 6 of its Articles of Incorporation and in Article II of its Bylaws. These purposes include, among others, "to foster and increase the unending love between the Alumni of The University of Mississippi and The University of Mississippi so that The University of Mississippi may prosper and grow in all facets of its educational activities"; and "to encourage the high scholastic, cultural, and social purposes of The University of Mississippi by the administration of gifts, contributions, endowments, dues, and grant funds, which may be collected or deposited in the Association for the benefit of The University of Mississippi."

The Bylaws state further that the Board of Directors shall consist of the officers of the Association and forty-two (42)) "at-large" directors selected each year by the President, President-elect, and the Executive Director of Alumni Affairs, who is not an employee of AA but is an employee of the university and serves at the will of the Chancellor. *See* AA Bylaws at Article V.

The Articles, Bylaws, mission and the historical relationship between the university and AA, support the assertion that it is highly unlikely the university and AA will experience discord or divergence of vision or mission. However, given the concerns expressed by the IHL Trustees, the university and AA propose to add the following provisions to the Affiliation Agreement between the university and AA to ensure the historical cooperation continues:

"The university and association expect there to exist a cooperative relationship between them. In the event that the university Chancellor determines that such cooperation is not in place and is thus, in the Chancellor's view, detrimental to the well being of the university, the Chancellor shall notify the IHL Board of Trustees ("IHL") to allow the IHL to intervene to reconcile the parties. However, if the IHL determines and notifies the Chancellor that it is in the best interest of the university to substitute new members of the Board of directors of the Association, the Chancellor may direct that at the expiration of a ninety-day period, the terms of office of 100% of the total number of Directors shall be deemed to have expired. Upon such event, a five-person Commission shall be selected as follows: (1) one member shall be the Chancellor or his designee, (2) one member shall be the university's Executive Director of Alumni Affairs, (3) one member shall be the President of the Association, (4) one member shall be the President-elect of the Association, and (5) one member appointed by a majority vote of the then living members of the Barnard Society, or the then existing equivalent

donor group with a lifetime giving of $5 million or greater; however, such donor group may not appoint as a member of the Commission anyone who at the time of such appointment is serving as an employee, officer, trustee, or director of any university affiliated support organization or foundation. The Commission shall during the ninety-day period appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired.

The University of Mississippi and AA respectfully submit the present governance and proposed amendments to the current Affiliation Agreement comply with the requirements of IHL Policy 301.0806 I. and effectively address the Trustees' concerns.

Because IHL policy requires the university to submit all information necessary to evaluate this proposal, please find attached excerpts from the relevant provisions of the AA governing documents and the existing affiliation agreement.

RELEVANT PROVISIONS OF EXISTING STATUTES, AA GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT

AA Bylaws – ARTICLE II – Purposes and Objectives

The purposes and objectives of the Association for which it is created are:

(a) To foster and increase the unending love between the Alumni of The University of Mississippi and The University of Mississippi so that The University of Mississippi may prosper and grow in all facets of its educational activities.

(b) To foster a spirit of loyalty and fraternity among the graduates and the former students of The University of Mississippi and to effect united action in promoting the general welfare of The University of Mississippi as an educational institution.

(c) To promote the traditions, culture, historical development, general welfare, and best interests of the people of the State of Mississippi through the continued development, promotion, and support of The University of Mississippi.

(d) To encourage the high scholastic, cultural, and social purposes of The University of Mississippi by the administration of gifts, contributions, endowments, dues, and grant funds, which may be collected or deposited in the Association for the benefit of The University of Mississippi.

(e) To receive contributions from the Alumni and other friends of The University of Mississippi, to be used by the Association in furthering its purposes.

(f) To make contributions, gifts, and grants to The University of Mississippi which, in the opinion of the Board of Directors of the Association, will advance its objectives and purposes.

(g) To make grants and award scholarships to deserving students who may wish to attend The University of Mississippi based on their outstanding scholastic merit or talent or their financial need.

AA Bylaws – ARTICLE III – Eligibility for Membership

Pursuant to this purpose, all former students, as well as graduates of the university, and all faculty and professional staff members who have served five years or more, shall be eligible for membership in this Association. A former student is one who has attended the university for at least two full semesters of a regular session as a regularly enrolled student taking a full course of study as defined by the regulations of the university or those students who successfully accumulate a minimum of thirty-six (36) semester hours within The University of Mississippi system including credit work at all off-campus locations. All persons who have or have had children in attendance at The University of Mississippi and/or who have shown an interest in the university shall be eligible for Associate Membership in the General Alumni Association. Associate members have full privileges except voting and holding office in the General Alumni Association.

AA Bylaws – ARTICLE V – Officers and Directors

The officers of the Alumni Association shall be a President, a President-elect, a Vice President, two representatives to The University of Mississippi Intercollegiate Athletic Committee, the Executive Director of Alumni Affairs, and such other officers and employees as the Board of Directors may designate. The titles of any such above named officer or officers may be changed from time to time as the Board of Directors determine. The President-elect and Vice President shall be duly elected by a majority vote of alumni: (1) who are present on each Homecoming Day; (2) and who meet the requirements of Article VII. The President-elect shall automatically become President after serving one year as President-elect. The election and term of office of the two alumni representatives to The University of Mississippi Intercollegiate Athletic Committee are as described in Article X.

* * * * *

There shall be a Board of Directors which shall consist of the President, the President-elect, the Vice President, the Executive Director of Alumni Affairs, and other officers and staff members designated by the Board of Directors, and not more than forty-two (42) other members of the Association who shall be selected annually by the President, the President-elect, and the Executive Director of Alumni Affairs, six (6) to be chosen from each supreme court district, and twenty-four (24) at-large.

The appointive membership of the Board shall be divided into three classes, each class serving for a period of three years, and so arranged that one class will retire at the end of each year. A retiring member shall not be eligible for reappointment to the Board for a period of one year after the date of retirement. In the event of a vacancy, a successor may be appointed by the President to complete the unexpired term. A retired member shall automatically become an associate member of the Board with the privilege of attendance and debate, but not of voting.

Other Protections:

University/AA Affiliation Agreement – Pertinent Provisions

ARTICLE 2. ASSOCIATION OBLIGATIONS

2.4 The Association agrees that it may only use its resources to advance the university's mission as outlined in its Articles of Incorporation. The Association further agrees that it may not amend its Articles of Incorporation or Bylaws during the life of this Agreement unless the university consents to the proposed amendment.

2.20 The Association shall provide the Chancellor reasonable notice of any regular, annual, or special meetings of its Board of Directors or of its Executive Committee, and the Chancellor have the right to attend any such meetings as well as the meetings of any other Association committees.

2.21 If the Association should cease to exist, any Association assets donated to the Association for the benefit of the university must be transferred to the university or to another non-profit entity designated by the university.

ARTICLE 8. TERMINATION AND RENEWAL

8.1 This Agreement shall have a term of five years, if not renewed by mutual consent of the parties before that date.

8.2 This agreement may be terminated for any reason by written approval and consent of the university and the Association upon ninety (90) days written notice.

8.3 Either party may terminate this Agreement for cause, including a breach of this Agreement, upon thirty (30) days written notice.

8.5 The Association agrees to cease using the university's name, marks, and logos in the event the Association dissolves, ceases to be a non-profit corporation, ceases to be recognized as a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, or this Agreement is terminated.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

15. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UMAA FOUNDATION

Within Subsection I. of the recently amended Section 301.0806 of the IHL Policy dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and its athletics support foundation, the UMAA Foundation ("UMAA"), as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

As described more completely below, existing Mississippi law, the present governance of the UMAA, and the existing affiliation agreement provide an adequate remedy for the concerns expressed in Subsection I. of IHL Policy 301.0806.

UMAA is an athletics support foundation formed in 1969 as a non-profit corporation to advance the mission of the university. UMAA's Articles of Incorporation provide that the non-profit corporation has seven members, including the Chancellor of the university, the Director of Intercollegiate Athletics, and four other university administrators, all serving by virtue of their official positions. Only one member is not an employee of the university, the President/CEO of the University of Mississippi Foundation. *See* UMAA Bylaws at Art. III, § 2.

These seven members elect UMAA's Board of Governors, with one-third of the Governors elected at each year's annual meeting of the members. *See* UMAA Bylaws at Art. III, §§ 4 & 13 and Art. IV, § 2.

Under the Mississippi Nonprofit Corporation Act, Miss. Code § 79-11-101, *et seq.*, the members of a non-profit corporation may remove at-will any director of the corporation, and can even remove the entire board. *See* Miss. Code § 79-11-245(1) & (7).

In light of these provisions, it is highly unlikely the university and UMAA will experience discord or divergence of vision or mission. In the event they experience irreconcilable differences, the members, six of whom are employed by the university and ultimately by the IHL, have the power to replace one-third of the Governors each year or to replace the entire UMAA Board of Governors, at-will.

The University of Mississippi and UMAA respectfully submit the present governance of the UMAA complies with the requirements of IHL Policy 301.0806 I and effectively addresses the Trustees' concerns. Because IHL policy requires the university to submit all information necessary to evaluate this proposal, please find attached excerpts from the relevant provisions of existing statutes, UMAA governing documents, and the existing affiliation agreement.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

16. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UNIVERSITY OF MISSISSIPPI RESEARCH FOUNDATION

Within Subsection I. of the recently amended Section 301.0806 of the IHL Policy dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and the University of Mississippi Research Foundation ("UMRF") as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

As described more completely below, existing Mississippi law, the present governance of the UMRF, and the existing affiliation agreement provide an adequate remedy for the concerns expressed in Subsection I. of IHL Policy Section 301.0806.

UMRF is a research corporation formed by the university under the authority of Mississippi Code Section 37-147-15. By statute, the Chancellor of the university has the power to select UMRF's Board of Directors. *See* Miss. Code § 37-147-15(2).

Consistent with this statutory requirement, UMRF's Articles of Incorporation provide that the non-profit corporation has a single member, the Chancellor of the university. *See* UMRF Art. of Inc. at Art. IX. As its sole member, the Chancellor elects the entire Board of Directors of the UMRF each year at an annual meeting. *See* UMRF Bylaws at Art. II, § 5 & Art. III, § 1.

Under the Mississippi Nonprofit Corporation Act, Miss. Code § 79-11-101, *et seq.*, the members of a non-profit corporation may remove at-will any director of the corporation, and can even remove the entire board. *See* Miss. Code § 79-11-245(1) & (7).

In light of these provisions, it is highly unlikely the university and UMRF will experience discord or divergence of vision or mission. In the event they experience irreconcilable differences, as the sole member of UMRF, the Chancellor of the university has the power to elect a new board each year or to replace the entire UMRF Board of Directors, at-will.

The University of Mississippi and UMRF respectfully submit the present governance of the UMRF complies with the requirements of IHL Policy 301.0806 I. and effectively addresses the Trustees' concerns. Because IHL policy requires the university to submit all information necessary to evaluate this proposal, please find attached excerpts from the relevant provisions of existing statutes, UMRF governing documents, and the existing affiliation agreement.

RELEVANT PROVISIONS OF EXISTING STATUTES, UMRF GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT

Mississippi Code § 37-147-15. University formed research corporations.
(1) With the approval of the Board of Trustees of State Institutions of Higher Learning, any university may form, pursuant to the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, one or more research corporations, separate and apart from the state and the university, to promote, develop and administer enterprises arising from research or technological innovations in order to take advantage of opportunities of scientific, educational and economic development.
(2) **Each such corporation shall be governed by, and all of the functions, powers and duties of it shall be exercised by, a board of directors appointed by the president of the university**. Members of the board of directors may include the president of the university, officers and employees of the university, and other persons selected by the president of the university. Officers and employees of the university may have ownership or financial interests in such corporations.

(3) The board of directors of each such corporation shall adopt bylaws, in accordance with the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, as appropriate, governing the conduct of the corporation in the performance of its duties under its charter and this act.
UMRF Articles of Incorporation -- Article IX

Members

The sole member of this Research Foundation shall be the Chancellor of The University of Mississippi.
UMRF Bylaws – Article II, Section 5

5. Members. The corporation shall have one (1) member, who shall be the Chancellor of the University of Mississippi. Such person shall serve as member for so long as he or she occupies the office of Chancellor of the University of Mississippi. No other persons may be admitted as members of the Corporation without the approval of the member.
UMRF Bylaws – Article III, Section 1

Board of Directors

1. Number, Tenure and Qualifications. The number of the Directors of the Corporation shall be not less than three (3) nor more than fifteen (15), with the actual number thereof serving from time to time to be determined, within such variable minimum and maximum range, by resolution of the member. **All of the Directors shall be elected at each annual member meeting**. . . .
Mississippi Code § 79-11-177. Rights and obligations of members.
All members shall have the same rights and obligations with respect to voting, dissolution, redemption and transfer, unless the articles or bylaws establish classes of membership with different rights or obligations. All members shall have the same rights and obligations with respect to any other matters, except as set forth in or authorized by the articles or bylaws.
Mississippi Code § 79-11-245. Removal of directors**.**
(1) The members may remove one or more directors elected by them without cause.

* * * *

(7) An entire board of directors may be removed under subsections (1).

Other Protections:
UM/UMRF Affiliation Agreement – Article 3. UMRF Obligations
3.12 RF further agrees that it may not amend its Articles of Incorporation during the life of this Agreement unless UM consents to the proposed amendment.
UMRF Articles of Incorporation -- Article VII

Dissolution

In the event of dissolution of the Research Foundation for any reason, the Board of Directors shall cause residual assets to be applied and distributed as follows:

The Board may convey all of the residual (after all liabilities have been paid) assets of the Research Foundation to a successor entity affiliated with the university if said entity shall qualify as an exempt organization under 501(c)(3) and 170(c)(2) of the Internal Revenue code of 1986 or corresponding sections of any prior or future law and whose purpose is consistent with the purpose of the Research Foundation. Otherwise, all of the residual (after all liabilities have been paid) assets of the Research Foundation shall be conveyed to The University of Mississippi Foundation if said corporation or its successor shall qualify as an exempt organization under 501(c)(3) and 170(c)(2) of the Internal Revenue code of 1986 or corresponding sections of any prior or future law and if the University of Mississippi Foundation is affiliated with the university at the time of dissolution. If said corporation or its successor shall not so qualify or is no longer affiliated with the university, the residual assets shall be conveyed to the University of Mississippi if it is qualified as an exempt organization(s) under 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Code, and if the University of Mississippi. If the university is not so qualified, the residual assets shall be conveyed to some other organization(s), organized and operated exclusively for scientific charitable, educational, or literary purposes that are qualified as an exempt organization(s) under 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Code.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

1. SYSTEM – APPROVAL OF SEARCH CONSULTANT

On May 28, 2010, the IHL Board staff requested proposals from executive search firms for the presidential searches at Alcorn State University, Jackson State University and Mississippi University for Women. The executive search firms were asked to submit proposals for a single search, a combination of two, or all three presidential searches. Responses were due to IHL by June 10, 2010. After the IHL Board staff has reviewed the submitted proposals, Dr. Bounds plans to submit his recommendation to the Board during the Board meeting on June 16, 2010.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

INFORMATION

AGENDAS

1. ASU – ACADEMIC PROGRAM SUSPENSION

Alcorn State University has suspended enrollment into the ***BS in Sports Medicine*** (CIP 51.0913) degree program. It is anticipated that this program will be deleted after the students currently enrolled have graduated.

Note: Although students may earn degrees from suspended academic programs, no additional students will be allowed to enroll in suspended programs. If the institution does not request that a suspended program be **deleted** or **removed from suspension** within 3 academic years, the Office of Academic and Student Affairs will delete the program from the academic program inventory per the Academic Guidelines.

http://www.mississippi.edu/oasa/downloads/academic_and_administrative_guidelines.pdf

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE MAY 20, 2010 BOARD MEETING SUBMISSION DEADLINE

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

Board Policy §904(A), Board Approval

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

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

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

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

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

1. **DSU – GS 102-226 – Science Lab Renovations, Phase II**

   Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $56,651.97 and one hundred-seven (107) additional days to the contract of Century Construction and Realty. Approval is requested from the Bureau of Building, Grounds, and Real Property.

   Staff Approval Date: April 23, 2010

   Change Order Justification: The change order is necessary to remove additional asbestos that was discovered during construction, to relocate existing electrical service to the elevator, to relocate existing underground telecom lines, and to provide for additional structural floor framing beneath the new mechanical room.

   Total Project Change Orders and Amount: One (1) change order for a total amount of $56,651.97

   Project Initiation Date: August 21, 2008

   Design Professional: Architecture South

   General Contractor: Century Construction and Realty

   Contract Award Date: December 16, 2009

   Project Budget: $4,750,000

   Funding Source(s): HB 1641, Laws of 2008; HB 1722, Laws of 2009

2. **JSU – GS 103-234 – ADA Compliance Phase II-B (BP.1)**

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

   Staff Approval Date: April 20, 2010

   Project Initiation Date: August 17, 2006

Design Professional: Wayne F. Timmer

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $4,532,985.50

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

3. JSU – GS 103-255 – Fire Suppression System, Phase I

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

Staff Approval Date: April 20, 2010

Project Initiation Date: August 20, 2009

Design Professional: CGM Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $1,200,000

Funding Source(s): HB 1722, Laws of 2009

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of $179,181.09 and zero (0) additional days to the contract of Harrell Contracting Group. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Staff Approval Date: April 23, 2010

Change Order Justification: This change order is necessary to replace existing CMU block with bricks to maintain consistent interior wall finish and to re-roof the existing Harned Hall Annex building.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of $231,873.09

Project Initiation Date: May 1, 2007

Design Professional: Eley and Associates

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: April 7, 2009

Project Budget: $17,000,000

Funding Source(s): SB 2010, Laws of 2004; HB 246, Laws of 2007

5. MSU – GS 105-314 – Middleton Hall Waterproofing Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Weathers Construction, the lower of eight (8) bidders for a total contract amount of $2,105,000.

Staff Approval Date: April 23, 2010

Project Initiation Date: November 18, 2005

Design Professional: Shafer and Associates

General Contractor: Weathers Construction, Inc.

Contract Award Date: April 23, 2010

Project Budget: $3,750,000

Funding Source(s): HB 246, Laws of 2007; SB 2010, Laws of 2004

6. MSU – GS 113-127 – Bost/Forest Products-Electrical

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

Staff Approval Date: April 12, 2010

Project Initiation Date: September 17, 2009

Design Professional: Atwell & Gent

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $400,000

Funding Source(s): HB 1722, Laws of 2009

7. MSU – IHL 205-250 – Addition to CAVS Dynamometer Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Weathers Construction, the lower of five (5) bidders for a total contract amount of $273,235.00.

Staff Approval Date: May 7, 2010

Project Initiation Date: January 21, 2010

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Weathers Construction, Inc.

Contract Award Date: May 7, 2010

Project Budget: $350,000

Funding Source(s): State Appropriation to CAVS from Legislature

8. MSU – IHL 205-252 – Tennis Courts Parking Lot

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Wright Steel Erectors, Inc., the lower of three (3) bidders for a total contract amount of $299,000.

Staff Approval Date: May 12, 2010

Project Initiation Date: February 18, 2010

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

General Contractor: Wright Steel Erectors, Inc.

Contract Award Date: May 12, 2010

Project Budget: $400,000

Funding Source(s): MSU Parking Services

9. MUW – GS 104-163 – Fire Suppression Phase II (Frazer)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Dynamic Fire Protection, LLC, the lower of three (3) bidders for a total contract amount of $210,850. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 27, 2010

Project Initiation Date: March 18, 2010

Design Professional: Atherton Consulting Engineers

General Contractor: Dynamic Fire Protection, LLC

Contract Award Date: April 27, 2010

Project Budget: $500,000

Funding Source(s): HB 1722, Laws of 2009

10. UM – GS 107-284 – Faser Hall Third Floor

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of $3,768.00 and thirty (30) additional days to the contract of CIG Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 20, 2010

Change Order Justification: The change order is necessary to re-work ductwork, to replace existing disconnects with three phase disconnects, and for delay of project due to computer programming.

Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of $206,633.35

Project Initiation Date: November 17, 2005

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: CIG Contractors, Inc.

Contract Award Date: November 16, 2007

Project Budget: $3,600,000

Funding Source(s): SB 2010, Laws of 2004

11. UM – GS 107-287 – Hill Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of $3,540.00 and zero (0) additional days to the contract of D. Carroll Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 20, 2010

Change Order Justification: The change order is necessary to repair stair tread and riser covering.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of $21,425.00

Project Initiation Date: September 20, 2006

Design Professional: Belinda Stewart Architects

General Contractor: D. Carroll Construction, LLC

Contract Award Date: September 25, 2008

Project Budget: $1,962,907

Funding Source(s): HB 1634, Laws of 2006; SB 2101, Laws of 2004

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Prairie Construction, LLC, the lower of six (6) bidders for a total contract amount of $1,843,000. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 30, 2010

Project Initiation Date: June 18, 2008

Design Professional: Engineering Solutions, Inc.

General Contractor: Prairie Construction, LLC

Contract Award Date: April 30, 2010

Project Budget: $2,200,000

Funding Source(s): HB 1641, Laws of 2008; HB 246, Laws of 2007; Internal R&R funds

13. UM – IHL 207-279 – Old Chemistry Interiors

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of $13,660.68 and twenty-one (21) additional days to the contract of Panola Construction Company.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of $126,092.60 and forty-four (44) additional days to the contract of Panola Construction Company.

Staff Approval Date: (#1-2) April 27, 2010

Change Order Justification: Change Order #6 is necessary to reconfigure Room 144 for the School of Engineering based on the Architectural sketch. Change Order #7 is necessary to demo and replace ceiling in Room 133, add drywall to stud wall in back of auditorium, add acoustical grid framing and ceiling tile furr down above windows, demo existing ductwork and wood ceiling above Communications room. This change order is due to latent conditions, owner/user requests and recommendations made by the Mississippi Department of Archives and History (MDAH).

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of $249,272.70

Project Initiation Date: May 18, 2006

Design Professional: The McCarty Group

General Contractor: Panola Construction Company

Contract Award Date: February 18, 2009

Project Budget: $4,500,000

Funding Source(s): Internal R&R funds

14. UM – IHL 207-294 – Residential Colleges

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #17** in the amount of $50,036 and thirty (30) additional days to the contract of Harrell Construction Group, LLC.

Staff Approval Date: April 19, 2010

Change Order Justification: The change order is necessary to provide elevator card readers, shunt trip breakers for kitchen equipment, bollards in parking areas, and to replace grate covers with protected heal guards.

Total Project Change Orders and Amount: Seventeen (17) change orders for a total amount of $2,154,582

Project Initiation Date: January 18, 2007

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

General Contractor: Harrell Construction Group, LLC

Contract Award Date: February 28, 2008

Project Budget: $46,500,000

Funding Source(s): Educational Building Corporation (EBC) Bonds

15. <u>UM – IHL 207-303 A – Research Park & Innovation Center – Medicinal Plant Garden</u>

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** for a credit in the amount of ($19,223.00) and zero (0) additional days to the contract of Hooker Construction.

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary to apply a credit for the difference in the web base building management system allowance of $42,000 and the awarded bid proposal of $22,777 by Johnson Controls.

Total Project Change Orders and Amount: One (1) change order for a total amount of ($19,223.00)

Project Initiation Date: August 16, 2007

Design Professional: Cooke Douglass Farr Lemons, Ltd

General Contractor: Hooker Construction

Contract Award Date: December 16, 2009

Project Budget: $2,500,000

Funding Source(s): Small Business Administration (SBA), HUD, and NOAA Grant

16. <u>UM – IHL 207-306 A – Carrier Hall Addition & Renovation</u>

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of $5,659.86 and three (3) additional days to the contract of Panola Construction Company.

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary due to extended wet weather patterns, excavation of wet soil and replacement of dry prescribed soil to keep project on schedule.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of $30,933.83

Project Initiation Date: August 20, 2009

Design Professional: Cooke Douglass Farr Lemons, Ltd

General Contractor: Panola Construction Company

Contract Award Date: December 16, 2009

Project Budget: $4,500,000

Funding Source(s): Mississippi Development Authority (MDA)

17. UM– IHL 207-318 – Brown Hall Fire Sprinkler System

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Fireline, Inc. the lower of five (5) bidders for a total contract amount of $133,000.

Staff Approval Date: April 27, 2010

Project Initiation Date: January 15, 2009

Design Professional: SSR Ellers

General Contractor: Fireline, Inc.

Contract Award Date: April 27, 2010

Project Budget: $600,000

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

18. UM – IHL 207-320 – Mississippi Small Business Development Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $6,891.00 and zero (0) additional days to the contract of Murphy and Sons, Inc.

Staff Approval Date: May 7, 2010

Change Order Justification: This change order is necessary to add 30 feet of primary and secondary service conductors and to add 6” of perforated pipe under-drain.

Total Project Change Orders and Amount: One (1) change order for a total amount of $6,891.00

Project Initiation Date: February 19, 2009

Design Professional: The McCarty Group

General Contractor: Murphy and Sons, Inc.

Contract Award Date: December 16, 2009

Project Budget: $2,000,000

Funding Source(s): Federal Grant #SBAHQ-06-I-0032

19. UM – IHL 207-321 – North Residential College – Bid Package B

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $8,425.00 and zero (0) additional days to the contract of United Forming.

Staff Approval Date: May 7, 2010

Change Order Justification: The change order is necessary to add three grade beams to the foundation so that the pavilion can be built.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of $12,750.00

Project Initiation Date: March 19, 2009

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

General Contractor: United Forming

Contract Award Date: July 1, 2009

Project Budget: $25,000,000

Funding Source(s): Educational Building Corporation (EBC) Bonds; Internal R&R funds; Private donations

20. UM – IHL 207-321 – North Residential College – Bid Package D

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $2,560.00 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval Date: May 7, 2010

Change Order Justification: The change order is necessary to add three grade beams to the foundation so that the pavilion can be built.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of $13,165.00

Project Initiation Date: March 19, 2009

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

General Contractor: Drywall Systems Plus, Inc.

Contract Award Date: September 4, 2009

Project Budget: $25,000,000

Funding Source(s): Educational Building Corporation (EBC) Bonds; Internal R&R funds; Private donations

21. <u>UM – IHL 207-321 – North Residential College – Bid Package H</u>

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $2,750.00 and zero (0) additional days to the contract of Specialty Finishes, Inc.

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary to furnish and install colored concrete sealer in lieu of clear concrete sealant.

Total Project Change Orders and Amount: One (1) change order for a total amount of $2,750.00

Project Initiation Date: March 19, 2009

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

General Contractor: Specialty Finishes, Inc.

Contract Award Date: July 1, 2009

Project Budget: $25,000,000

Funding Source(s): Educational Building Corporation (EBC) Bonds; Internal R&R funds; Private donations

22. <u>UM – IHL 207-321 – North Residential College – Bid Package N</u>

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of $4,232.37 and zero (0) additional days to the contract of Advance Electric Co., Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of $2,333.97 and zero (0) additional days to the contract of Advance Electric Co., Inc.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of $11,972.91 and zero (0) additional days to the contract of Advance Electric Co., Inc.

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary to furnish and install additional power outlets and communication boxes for TV installation as well as install power and switches for window shades in the Commons space.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of $65,374.99

Project Initiation Date: March 19, 2009

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

General Contractor: Advance Electric Co., Inc.

Contract Award Date: July 1, 2009

Project Budget: $25,000,000

Funding Source(s): Educational Building Corporation (EBC) Bonds; Internal R&R funds; Private donations

23. <u>UM – IHL 207-328 – MEMA/FEMA Emergency Generator</u>

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $40,500.00 and zero (0) additional days to the contract of J.M. Moore Contractors, Inc.

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary to add bid alternate #2-Generator 5-Kinyard Water Tower. The generator was originally bid as part of the original bid package (October 1, 2009), but the university chose not to accept the alternate that time. The Physical Plant Department has since requested that bid alternate #2 be included in the project. At the time of original bidding the price was $38,000, but has increased to $40,500 since the original bid thus requiring a change order for the new amount for bid alternate #2.

Total Project Change Orders and Amount: One (1) change order for a total amount of $40,500.00

Project Initiation Date: September 17, 2009

Design Professional: Corbett Legge & Associates, PLLC

General Contractor: J.M. Moore Contractors, Inc.

Contract Award Date: December 16, 2009

Project Budget: $389,721

Funding Source(s): Internal R&R funds; Federal Grant DR-1604-MS-0245-CFA No. 97.0

24. UM – IHL 207-331 – Data Center Generator Upgrade

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $40,196.16 and zero (0) additional days to the contract of Robinson Electric

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary to add a maintenance by-pass switch to the incoming electrical service for the existing 100 KVA UPS system. This will allow the user to by-pass the UPS system and feed the loads directly to the Data Center. This change order also includes the removal of a tree that hindered the placement of the Generator.

Total Project Change Orders and Amount: One (1) change order for a total amount of $40,196.16

Project Initiation Date: November 19, 2009

Design Professional: Corbett Legge & Associates, PLLC

General Contractor: Robinson Electric

Contract Award Date: N/A

Project Budget: $900,000

Funding Source(s): Internal R&R funds

25. UM – IHL 207-332 – Golf Course Improvement

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $5,707.00 and zero (0) additional days to the contract of Bennett Construction

Staff Approval Date: April 27, 2010

Change Order Justification: The change order is necessary to remove and replace existing 15” HDPE with 18” HDPE and to extend the existing 15” HDPE. These changes were made to enhance the storm water drainage.

Total Project Change Orders and Amount: One (1) change order for a total amount of $5,707.00

Project Initiation Date: November 19, 2009

Design Professional: Engineering Solutions, Inc.

General Contractor: Bennett Construction

Contract Award Date: January 29, 2010

Project Budget: $490,000

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

26. UM – IHL 207-333 – Multi-Modal Airport Project

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Barge Waggoner Sumner & Cannon, Inc., design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Barge Waggoner Sumner & Cannon, Inc., design professional.

Staff Approval Date: (#1-2) April 27, 2010

Project Initiation Date: January 21, 2010

Design Professional: Barge Waggoner Sumner & Cannon, Inc.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $437,255

Funding Source(s): University/Oxford Airport Capital R&R funds; MDOT Multi-Modal Airport Grant #MM-0057-021

27. UM – IHL 207-339 – Hot and Chilled Water Loop Upgrade

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

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

Staff Approval Date: (#1-2) April 23, 2010

Project Initiation Date: March 18, 2010

Design Professional: Shackelford Plumbing

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $750,000

Funding Source(s): Internal R&R funds

28. UMMC – IHL 209-513 – Misc. Boiler and Chiller Revisions

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $78,268.00 and zero (0) additional days to the contract of Fountain Construction Co.

Staff Approval Date: May 7, 2010

Change Order Justification: The change order is necessary to change the steam valves, flanges, and gasket sets from a #150 rated system to a #250 rated system. The #250 rated steam values should last 40 years. Also the change order will re-route existing electrical conduits due to existing conduits being in the way of the installation of the new steam headers therefore requiring the electrical conduits to be relocated.

Total Project Change Orders and Amount: One (1) change order for a total amount of $78,268.00

Project Initiation Date: October 16, 2008

Design Professional: Eldridge & Associates, Consulting Engineers

General Contractor: Fountain Construction Co.

Contract Award Date: August 20, 2009

Project Budget: $3,985,000

Funding Source(s): Service fees and hospital patient revenue

29. UMMC – IHL 209-517 – Pavilion Parking Expansion-Contract 1

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Cooke Douglass Farr Lemons, Ltd, design professionals.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Cooke Douglass Farr Lemons, Ltd, design professionals.

Staff Approval Date: (#1-2) April 16, 2010; (#3) May 7, 2010

Project Initiation Date: November 21, 2008

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $1,625,000

Funding Source(s): Auxiliary parking fees

30. <u>UMMC – IHL 209-520 – School of Health Related Professions, Lab Renovation</u>

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $39,041.00 and thirty-two (32) additional days to the contract of Sunbelt General Contractors, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of $733.00 and zero (0) additional days to the contract of Sunbelt General Contractors, Inc.

Staff Approval Date: (#1-2) April 16, 2010

Change Order Justification: Change Order #1 is necessary to (1) modify the sprinkler system to accommodate new unistrut system and furr out existing east wall duct, (2) fire stop existing penetrations, and (3) cut out drywall and framing for new wall duct, pull boxes, etc., lead wrap in scan room, fire stop all new work, add walk blocking, control room counter, lay-in ceiling to accommodate unistrut changes, electrical revisions, revise storage room counter, epoxy level new table, replace north corridor entrance door and adjust existing doorframe as well as additional cleanup work for the door work. Change Order #2 is necessary for custom modifications to the emergency light fixtures that allow for low light in the event of power failure so experiments and training sessions will not be disrupted.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of $39,774.00

Project Initiation Date: March 20, 2009

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: Sunbelt General Contractors, Inc.

Contract Award Date: March 22, 2010

Project Budget: $255,134

Funding Source(s): Student tuition and fees

31. UMMC – IHL 209-521 – Pediatric ICU Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of $18,778.00 and zero (0) additional days to the contract of Fountain Construction Co.

Staff Approval Date: April 16, 2010

Change Order Justification: The change order is necessary for user/owner requested modifications to replace the plastic laminate counter tops in consultation rooms and replace with Corian, solid surface tops to match tops specified in adjacent construction areas.

Total Project Change Orders and Amount: One (1) change order for a total amount of $18,778.00

Project Initiation Date: March 19, 2009

Design Professional: The McCarty Group

General Contractor: Fountain Construction Co.

Contract Award Date: December 2, 2009

Project Budget: $3,122,978

Funding Source(s): Hospital patient revenue

32. UMMC – IHL 209-525 – Gamma Knife Addition

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

Staff Approval Date: April 16, 2010

Project Initiation Date: August 20, 2009

Design Professional: The McCarty Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $1,650,000

Funding Source(s): Hospital Patient Revenue

33. UMMC – IHL 209-529 – 4-East Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Wilkinson Construction, the lower of eight (8) bidders for a total contract amount of $631,000.00.

Staff Approval Date: April 19, 2010

Project Initiation Date: October 14, 2009

Design Professional: Mark Vaughan

General Contractor: Wilkinson Construction

Contract Award Date: April 19, 2010

Project Budget: $753,000

Funding Source(s): Student Tuition Revenue

34. UMMC – IHL 209-531 – O.R. 8 and O.R. 9 Renovations 2009

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

Staff Approval Date: May 7, 2010

Project Initiation Date: November 19, 2009

Design Professional: Canizaro Cawthon Davis

General Contractor: N/A
Contract Award Date: N/A

Project Budget: $390,000

Funding Source(s): Hospital Patient Revenue

35. <u>UMMC – IHL 209-533 – Occupational Therapy Renovation 2010</u>

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

Staff Approval Date: May 7, 2010

Project Initiation Date: February 18, 2010

Design Professional: The McCarty Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: $318,000

Funding Source(s): Hospital Patient Revenue

36. <u>USM– GS 108-258 – Paving Repairs</u>

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to B.W. Sullivan Building Contractors Inc., the lower of four (4) bidders for a total contract amount of $614,465. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: April 29, 2010

Project Initiation Date: February 19, 2009

Design Professional: Andrews-Ford Engineering Services

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

Contract Award Date: April 29, 2010

Project Budget: $725,000

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

37. <u>USM– GS 208-281 – Chain Technology HVAC Upgrade</u>

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Pat L. McKenzie, Inc., the lower of five (5) bidders for a total contract amount of $519,100.

Staff Approval Date: May 10, 2010

Project Initiation Date: August 17, 2007

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Pat L. McKenzie, Inc.

Contract Award Date: May 10, 2010

Project Budget: $700,000

Funding Source(s): University Year End Funds in a Plant Account

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 Phelps Dunbar (statement dated 4/23/10) from the funds of Mississippi State University. (This statement, in the amount of $350.00, represents services and expenses in connection with *Wade vs. MS Cooperative Extension Service*.)

TOTAL DUE……..…….……$ 350.00

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 12/10/09, 4/1/10, 4/1/10, 4/1/10, 4/1/10, 4/15/10, 4/15/10, 4/23/10, 5/1/10 and 5/1/10) from the funds of Mississippi State University. (These statements, in the amounts of $482.80, $11.46, $9.00, $10.78, $10.78, $2,500.00, $200.00, $2,000.00, $500.00 and $11.46, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE……..…….……$ 5,736.28

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 4/13/10) from the funds of the University of Mississippi. (This statement, in the amount of $9,156.50, represents services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities.)

TOTAL DUE……..…….……$ 9,156.50

Payment of legal fees for professional services rendered by Ogletree, Deakins, Nash, Smoak & Stewart (statement dated 4/12/10) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of $848.60, represents services and expenses in connection with the *Bernard v. UMMC* case.)

TOTAL DUE……..…….……$ 848.60

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 4/30/10 and 5/6/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with cases styled *Kermode* - $2,013.00 and *Thornton* - $8,850.00, respectively.)

TOTAL DUE……..…….……$ 10,863.00

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/14/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Compact Time-of-Flight Mass Spectrometer-Canada" - $242.50; "Compact Time-of-Flight Mass Spectrometer-UK" - $347.84; "Compact Time-of-Flight Mass Spectrometer-Japan" - $42.50; "Organic Wood Preservatives" - $535.00; "Methods of Preparation of Live Attenuated Bacterial Vaccines" - $1,912.50; "Live Attenuated Catfish Vaccine" - $127.50; "Method for Transformation of Cotton and Organogenic Regeneration" - $85.00; "Device that Interacts with Target Applications" - $1,282.50 and "Srinivasan-Elusieve Processing CIP Application" - $127.50.)

TOTAL DUE…….…….……$ 4,702.84

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10, 3/19/10 and 3/31/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "MSU-Windspeed Utility Patent Application" - $1,055.00; "Plant Patent-St. Augustine Grass Cultivers" - $1,317.50; "MSU-Temporal Mapping and Analysis" - $233.75; "MSU-Linear Correspondence" - $1,458.75; "MSU-Change Analyst" - $1,466.25; "Giant Myscanthis Trademark Application-Wordmark" - $722.50; "Termite Control Methods and Apparatus" - $2,820.00; "Termite Control Methods and Apparatus" - $3,543.75; "Selective Anti-Cancer Immunoconjugates" - $513.75; "MSU-Methods and Compositions for Biomarker Probes" - $492.50; "System and Method for Charging Rechargeable Batteries-PCT Application" - $430.00; "System and Method for Charging Rechargeable Batteries-PCT Application - $2,125.05; "Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins" - $2,273.75; "Novel Oxime Therapeutics for Organophosphate" - $425.00; "Buckscore" - $970.00; "Buckscore.com" - $970.00; "MSU-Patent Functional Enhancement of Antimicrobials" - $1,384.50 and "MSU-Trademark JUVA" - $532.50, respectively.)

TOTAL DUE…….…….……$ 22,734.55

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/13/10, 4/14/10 and 5/7/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques"- $1,935.00; "Emerging Models for Wireless Communications Systems Over Multipath Fading Channels" - $5,197.50 and "Chick Separation-Anxiety-Depression (SAD) Model" - $42.50, respectively.)

TOTAL DUE……..…….……$ 7,175.00

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 1/8/10, 1/8/10, 2/23/10, 3/5/10, 3/24/10, 3/31/10, 3/31/10, 3/31/10, 4/1/10, 4/2/10, 4/2/10, 4/2/10, 4/2/10, 4/2/10, 4/12/10, 4/12/10, 4/15/10 and 5/14/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Canada: Method of Preparing Delta-9-Tetrahydrocannibinol" - $1,035.53; "Europe: Methods of Controlling Toxicity of Aminoquinoline" - $295.33; "Potent Immunostimulants from Microalgae" - $125.00; "Potent Immunostimulatory Extracts from Microalgae" - $3,165.60; "Australia: Transmucosal Delivery of Cannabinoids" - $502.83; "Transmucosal Delivery of Cannabinoids" - $125.00; "Canada: Methods of Controlling Toxicity of Aminoquinoline" - $125.00; "Europe: Dihydroartemisinin and Dihydroartemisitene Dimers as Anti-Cancer and Anti-Infective Agents" - $199.73; "New Zealand: Method of Controlling Toxicity of Aminoquinoline" - $1,104.42; "Canada: 8-Aminoquinolline" - $805.68; "Australia: 8-Aminoquinoline" - $1,009.00; "Switzerland: 8-Aminoquinoline" - $1,092.99; "France: 8-Aminoquinolilne" - $1,423.02; "United Kingdom: 8-Aminoquinoline" - $1,229.21; "Australia: Dihydroartemisinin and Dihydroartemisitene Dimers as Anti-Cancer and Anti-Infective Agents" - $278.50; "Potent Immunostimulatory Extracts from Microalgae" - $3,402.00; "High Molecular Weight Polysaccharide from Aloe Vera with Immunostimulatory Activity" - $1,754.00 and "Novel Sigma Receptor Antagonists" - $2,338.00, respectively.)

TOTAL DUE……..…….……$ 20,010.84

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/25/10, 3/25/10, 3/25/10, 3/25/10, 3/25/10, 3/25/10, 4/26/10, 4/26/10, 4/26/10, 4/26/10, 4/26/10, 4/26/10, 4/26/10, 4/26/10, 4/26/10 and 4/26/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Canada: Highly Purified Amphotericin-B" - $1,674.00; "In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative" - $1,026.00; "Canada: High Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $275.86; "India: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $54.00; "Africa: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $456.18; "Method of Detecting Vibration and Sound Signatures of Human Footsteps" - $163.30; "Underwater Biomass Assessment Device and Method" - $133.50; "In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative" - $1,674.00; "Canada: Highly Purified Amphotericin-B" - $1,209.00;

"Highly Purified Amphotericin-B" - $412.50; "Japan: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques" - $4,233.98; "Delivery of Medicaments to the Nail and Perionychium via 'Etching'" - $899.00; "Canada: Stabilized Formulation of Triamcinolone Acetonide" - $226.50; "Canada: Method of Detecting Vibration and Sound Signatures of Human Footsteps" - $350.00; "Europe: Method of Detecting Vibration and Sound Signatures of Human Footsteps" - $350.00 and "Agents with Selective K-Opioid Receptor Activity" - $134.48, respectively.)

TOTAL DUE……..…….……$ 13,272.30

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/25/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents: "Abell/Miniature Wireless Gastric Electrical Stimulators" - $335.50; "Abell/System for Diagnosis and Prediction of Therapy for Nutritional and Metabolic Disorders" - $517.54; "Abell/Temporary Mucosal Gastric Electrical Stimulation Device" - $427.50; "Raucher/US/Thermally Targeted Delivery of Medicaments Including Doxorubicin" - $106.02; "Raucher/Canada/Thermally Targeted Delivery of Medicaments" - $807.47; "Raucher/Europe/Thermally Targeted Delivery of Medicaments Including Doxorubicin" - $1,001.07 and "Vig/Thermally Targeted Delivery of Therapeutic Peptides to the Cerebellum" - $89.02.)

TOTAL DUE……..…….……$ 3,284.12

1. SYSTEM – COMMISSIONER'S NOTIFICATION OF APPROVAL

In compliance with Board Policy 701.06, all revisions to the 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.

MSU - On June 3, 2010 approved the 2010-2011 Traffic Rules and Regulations in accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations.

UM – Approval was requested and granted for a budget revision to the State Court Education Program which does not increase the total amount of the budget.

UM – Approval was requested and granted for budget revisions to the Center for Manufacturing Excellence, the Mississippi Mineral Resources Institute, the Mississippi Small Business Development Center, and the Mississippi Center for Supercomputing Research.