

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
FEBRUARY 17, 2011



FINAL BOARD BOOK OUTLINE

February 17, 2011, 9:00 A.M.

Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee Bob Owens

INTRODUCTION OF GUESTS

MINUTES

January 19, 2011 Special Called Board Meeting Minutes

January 20, 2011 Regular Board Meeting Minutes

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Trustee Betty Neely

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- 1. SYSTEM – Presentation Related to Institutions’ Business Plans for Food and Housing1

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Mrs. Caron Blanton

BLACK HISTORY MONTH SPECIAL RECOGNITION

Trustee Bob Owens and Trustee Alan Perry

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RECONSIDERATION

OTHER BUSINESS/ANNOUNCEMENTS

EXECUTIVE SESSION IF DETERMINED NECESSARY

ADJOURNMENT

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

January 19, 2011 Special Call Board Meeting Minutes

January 20, 2011 Regular Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 19, 2011**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special session at the Board Office in Jackson, Mississippi, at approximately 3:00 p.m., and pursuant to notice to each and every member of said Board, said date being at least five days prior to this January 19, 2011 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. Dr. Stacy Davidson and Mr. Aubrey B. Patterson were absent. The meeting was called to order by Dr. Bettye Neely, President.

EXECUTIVE SESSION

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

Discussion of a personnel matter at the Board Office.

During Executive Session, the following matter was discussed:

The Board discussed a personnel matter at the Board Office.

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

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Pickering, with Trustees Davidson and Patterson absent and not voting, all Trustees legally present and participating 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
January 20, 2011**

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 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on January 6, 2011, to each and every member of said Board, said date being at least five days prior to this January 20, 2011 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. Alan Perry, Ms. Christine Pickering, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. Mr. Aubrey B. Patterson and Ms. Robin J. Robinson were absent. The meeting was called to order by Dr. Bettye Neely, President, and opened with prayer by Dr. Stacy Davidson.

INTRODUCTION OF GUESTS

- ▶ President Bettye Neely welcomed the Student Government Association presidents: Mr. Corey Cooper – Alcorn State University, Miss Emily Hearn - Delta State University, Mr. Thomas Sellers – Mississippi State University, Mr. Brandon Newsome – Mississippi University for Women; Miss Virginia Burke – University of Mississippi, and Miss Kasey Mitchell – University of Southern Mississippi.
- ▶ Commissioner Hank Bounds introduced the following new Board Staff members: Dr. Edward Jordan, Director of P-20 Initiatives; Ms. Kim Gallaspy, Director of Legislative Services; and Mrs. Jill Bailey, Administrative Assistant in the Commissioner’s Office. Commissioner Bounds then welcomed to Dr. Christopher Brown II the new president of Alcorn State University to his first Board meeting.
- ▶ Dr. Martha Saunders, President of the University of Southern Mississippi, introduced Dr. Francis Lucas, the Vice President for the University of Southern Mississippi Gulf Coast campus.

APPROVAL OF THE MINUTES

On motion by Trustee Blakeslee, seconded by Trustee Smith, with Trustees Patterson and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on November 18, 2010 (Board meeting), November 18, 2010 (committee meeting), November 19, 2010, November 22, 2010, November 30, 2010 and December 1, 2010.

CONSENT AGENDA

On motion by Trustee Blakeslee, seconded by Trustee Rouse, with Trustees Patterson and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

BUDGET, FINANCE AND AUDIT

1. **IHL Executive Office** - Approved the request to enter into a perpetual software license agreement from Regional Economic Models, Inc. (REMI) effective January 21, 2011. Annual renewal is

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subject to payment of the annual maintenance fee. The Perpetual License fee is \$312,000. The initial annual maintenance fee will be \$64,500 and is subject to change without notice. The annual fee for the secondary license to participating research universities will be \$15,000 each, and this annual fee will be paid by the participating research universities. Funds are available from the Governor's Office in conjunction with the Deep Water Horizon Economic Impact Study. The annual maintenance fee will be paid by IHL in subsequent years. Costs may be offset by charging clients for analysis. The agreement which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.

2. **MSU** - Approved the request to escalate the Athletics budget in order to renovate the Spencer Track. The escalation is funded by SEC television proceeds received after the submission of the original budget.

	Original FY 2010- 11 Budget	Revision/ Escalation	Revised FY 2010- 11 Budget
Salaries, Wages, & Fringe Benefits	\$ 12,405,987	-	\$ 12,405,987
Travel	3,642,402	-	3,642,402
Contractual Services	14,268,362	1,800,000	16,068,362
Commodities	2,922,797	-	2,922,797
Capital Outlay:			
Other Than Equipment	-	-	-
Equipment	180,500	-	180,500
Total Capital Outlay	180,500	-	180,500
Subsidies, Loans, & Grants	3,939,134		3,939,134
Total	\$ 37,359,182	\$ 1,800,000	\$ 39,159,182

3. **UMMC** - Approved the request to enter into a sublease agreement to lease 26,798 square feet of space from University Physicians, PLLC. The contract length is three years – February 1, 2011 to January 31, 2014. The total estimated cost for the three-year period is \$1,276,773.90 which includes an annual one-percent increase for the base rental fee plus operational costs and will be funded by hospital patient revenue. The agreement which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.

REAL ESTATE

4. **MVSU** - Approved the initiation of **GS 106-237, RW Harrison Renovation/Expansion - Phase I**, to expand the existing HPER facility and proceed with the professional qualification selection process. Phase I will construct the addition to accommodate academic assemblies, convocations and athletic events which will be constructed with existing state bond funds. The estimated project budget is \$6,238,525. Funds are available from SB 2988, Laws of 2003 (\$138,525) and SB 2010, Laws of 2004 (\$6.1 million).
5. **UM** - Approved the appointment of Douglass Farr Lemons and Eley Guild Hardy – A Joint Venture as design professionals and authorized the selection and appointment of a Construction Manager-Advisor under the CM-Advisor method of project delivery for **IHL 207-345, University Housing**. The selection will be made after publicly advertising for suitably qualified firms and carrying out interviews. The goal of this residence hall project is to have rooms open and occupied for the Fall of 2012. The estimated project budget is \$32 million. Design costs will be funded from Auxiliary

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- Funds (Student Housing). Construction costs will be covered by a combination of Auxiliary Funds and UM EBC bond proceeds.
6. **UMMC** - Approved the initiation of **IHL 209-539, Lexington Hospital Renovations**, and the appointment of The McCarty Company Design Group, P.A. as design professionals. The project will include renovation of approximately 16,425 square feet of existing first floor areas to provide a more functional and appropriately sized Emergency Department, increase utilization of the Outpatient/Specialty Clinic and provide better traffic control. Existing utility service, HVAC, plumbing, fire protection, and medical gas systems will all be upgraded. The estimated project budget is \$3,790,477 and will be funded from hospital patient revenue.
 7. **MVSU** - Approved the request to increase the project budget for **GS 106-230, Stadium Seating Replacement**, from \$1 million to \$4.9 million for an increase of \$3.9 million. The project is in the design phase and this is the first budget escalation request. The increase is necessary based on the inclusion of the seating replacement. The project will demolish the visitor's side of the stadium and replace the visitor's side with new seating. Funds are available from HB 1701, Laws of 2010 (\$4.5 million) and Bureau of Building Discretionary Funds (\$400,000).
 8. **UM** - Approved the request to change the scope of the project and increase the budget for **GS 107-302, Lamar Hall Renovations**, from \$5 million to \$7.5 million for an increase of \$2.5 million. The project is in the design phase and this is the second budget escalation request. The project is being expanded again in order to increase the yield of classrooms within this phase due to growth experienced this year and continuing growth in application rates. Funds are available from HB 1722, Laws of 2009 (\$3 million); HB 1701, Laws of 2010 (\$2 million); and Internal R&R (\$2.3 million).
 9. **UMMC** - Approved the request to increase the project budget for **GS 109-195, AED (Adult Emergency Department) Renovations**, from \$9,630,000 to \$10,530,000 for an increase of \$900,000. The project is in the design phase and this is the third budget escalation request. This project provides for the total renovation of existing Adult Emergency Room areas, expanding into Pediatric ER space to be vacated in 2011. The project will include all new/updated utility services, HVAC systems and patient flow re-design in order to provide a modern Adult ER/Trauma Center. Funds are available from HB 246, Laws of 2007 (\$5,130,000); HB 1641, Laws of 2009 (\$2 million); HB 1722, Laws of 2008 (\$2.5 million); and HB 1701, Laws of 2010 (\$900,000).
 10. **USM** - Approved the request to change the scope as well as increase the project budget for **GS 108-217, Science Building and Recreation Building Repair and Renovation - Gulf Park**, from \$7,659,270 to \$10,792,109.24 for an increase of \$3,132,409.24. The project is in the design phase and this is the first budget escalation request. The project scope will include the construction of the new Science Building as well as the renovation of the current Physical Plant Building into Health Science classroom and lab space. It will also renovate and relocated the Physical Plant operations to the hurricane damaged Recreation Building and which will be repaired and renovated. Funds are available from HB 1641, Laws of 2008 (\$249,488.02); SB 2010, Laws of 2004 (\$6,031,955.11); SB 2988, Laws of 2003 (\$1,279,656.30); SB 3197, Laws of 2003 (\$231,009.81); and HB 1701, Laws of 2010 (\$3 million).
 11. **UM** - Approved the request to change the name of **IHL 207-319** from "Pre-Planning Tennis Facility" to "Renovation and Addition to Tennis Center" as well as increase the project budget from \$200,000 to \$1.9 million for an increase of \$1.7 million. The project is in the design phase and this is the first budget escalation request. The project will renovate and construct a small addition to the

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- Palmer-Salloum Tennis Facility. Funds are available from private gifts - UMAA foundation (\$1.9 million).
12. **UMMC** - Approved the request to change the scope and increase the project budget for **IHL 209-538 - 4th Floor Renovations - 764 Lakeland**, from \$3,425,536 to \$5,915,536 for an increase of \$2,490,000. The project is in the design phase and this is the first budget escalation request. The revised project will renovate the second floor area for use as a Family Medical Clinic space and the 4th Floor will be revised to a new Otolaryngology Clinic area. Renovations will include upgraded finishes, electrical, and mechanical services. Funds are available from restricted funds (\$5,915,536).
 13. **UM** - Approved the request to name the new law school building the “Robert C. Khayat Law Center.” Dr. Robert C. Khayat served as the 15th chancellor of the University of Mississippi from 1995 until 2009.
 14. **UM** - Approved the request to re-name the building currently known as the Old Chemistry Building to the Brevard Hall. Mr. Henry Brevard, a native of Amory and a fifth generation Mississippian, graduated from the University of Mississippi School of Engineering in 1943 with his degree in civil engineering. He is also the founder and CEO of B&B Concrete Co. of Tupelo, MS.
 15. **UM** - Approved the request to delete Miller Hall from inventory and demolish it to provide a suitable site for a new residential housing facility. In order to satisfy the increased need for student housing, the university is planning to construct approximately 720 beds at this site. The building would be demolished following notification of the Mississippi Department of Environmental Quality. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
 16. **UMMC** - Approved the request to sole source the mechanical HVAC controls for **GS 109-195, AED (Adult Emergency Department) Renovations**. The current renovation project provides for the total demolition (phased) of the existing basement interior walls, ceiling systems etc. and provides a complete re-build of the interior spaces as well as an exterior building addition that will provide a new, modern, Adult Emergency Room area. The present AED (Acute Services Wing two story building) as well as the adjacent Batson “round wing” building, Hospital South Wing and adjacent Critical Care Hospital are all served by an existing Johnson Control’s system. The university wishes to sole source the controls system in order to require in the bidding documents that the new HVAC system controls to be an extension of the existing Johnson Controls system in order for the new system to operate seamlessly in the critical patient care area. The project budget is \$9,630,000 (\$250,000 is estimated for the HVAC control system).
 17. **UMMC** - Approved the request to sole source the mechanical HVAC controls for **IHL 209-505, Pediatric Emergency Renovations**. The project scope includes total demolition of existing basement interior walls, ceilings systems etc. and provides a complete re-build of the interior spaces as well as an exterior building addition that will provide a new, modern Pediatric Emergency Room area. The existing, original Batson “round wing” building where this occurs on the Basement level, the adjacent Acute Service Wing Bldg (existing PED and Adult E.R./O.R. areas) are all served by an existing Johnson Control’s system. By allowance, the contract documents require the new HVAC system controls to be an extension of the existing Johnson Controls system in order for the new system to operate seamlessly in this critical patient care area. The project budget is \$5,633,275 (\$212,000 is estimated for the HVAC control systems).
 18. **UMMC** - Approved the request to sole source the mechanical HVAC controls for **IHL 209-532, Cardiovascular Renovations**. The current renovation project includes the demolition and renovation of existing and adjacent area as well as a building addition attaching to and providing

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contiguous space to the existing Hospital and first floor patient services area. The existing HVAC controls for the Original Hospital, School Wing, and Adult Hospital are Johnson Controls system. The university wishes to sole source the controls system in order for this system to operate seamlessly in this critical patient area. The project budget is \$17,182,052 (\$249,760 is estimated for the HVAC control systems).

19. **UMMC** - Approved the request to sole source the mechanical HVAC controls for **IHL 209-535, Learning Resources Renovations**. The current renovation project provides for the renovation of various office areas to create/consolidate administrative functions for greater efficiencies. The original building HVAC control system is a Johnson Controls System and much of the two story facility will remain as is, unaffected by the project. The university wishes to sole source the controls system in order for this new system to be a seamless, integrated extension of the existing system. The project budget is \$2,850,000 (\$94,500 is estimated for the HVAC control systems).

LEGAL

20. **UMMC** - Pending approval by the Attorney General's Office, the Board approved the request to renew the contract with James C. Minge, d/b/a The Mark It Place, of counsel to the firm Scott, Sullivan, Streetman & Fox, and C. Paige Herring of the same firm to provide legal services as trademark and copyright counsel. This is a request for renewal of a contract first approved by the Board on January 15, 2009. The agreement provides for outside counsel work up to a maximum amount of \$30,000, at \$145 per hour or \$1200 per trademark prosecution. The contract would be for one year from 02/01/2011 through 01/30/2012. The contract will be funded by patient revenue.
21. **System** - Pending approval by the Attorney General's Office, the Board approved the request to hire Cal Mayo as outside counsel to represent the Board of Trustees in the event there is an appeal of the decision of the Chancery Court of Hinds County in the case styled as Jackson HMA, LLC, et al. v. Mississippi State Department of Health and University of Mississippi Medical Center. Mr. Mayo is with the Mayo Mallette law firm in Oxford, Mississippi. The attorney hourly rate to be paid would be up to \$165, depending on the hourly rate approved by the Attorney General. The contract for legal services would be for one year.

22. **PERSONNEL REPORT**

EMPLOYMENT

Mississippi State University

Judith A. Ridner, Associate Professor, History, hired with tenure, salary of \$63,000 per annum, pro rata, E&G Funds; effective August 16, 2011

Jackson State University

Rehired retirees making more than \$20,000 who ARE on contracts during FY 2011

Joyce Harris; *former position:* Associate Dean, College of Education; *re-employment positions:* 1) Independent Consultant/Contractor for the Executive Ph.D. Program (salary of \$5,000), and 2) Independent Consultant/Contractor for the Mississippi Learning Institute (salary of \$15,000); *re-employment period:* November 30, 2010 – June 30, 2011

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Mississippi State University

Rehired retirees making more than \$20,000 who ARE on contracts during FY 2011

Lynn L. Reinschmiedt, *former position:* Associate Dean and Professor, College of Agriculture and Life Sciences; *re-employment position:* Interim Associate Vice President for Administrative Services; *re-employment period:* January 1, 2011 to March 31, 2011; salary of \$145,000 per annum, pro rata

Rehired retirees making more than \$20,000 who are NOT on contracts during FY 2011

Charles Pittman, *former position:* Lecturer; *re-employment position:* Research Professor; *re-employment period:* July 1, 2010 through June 30, 2011; salary of \$75,000

Linda Allsup, *former position:* Teacher-Noxubee County; *re-employment position:* Coordinator; *re-employment period:* September 1, 2010 through June 30, 2011; salary of \$27,500

Jimmy Bonner; *former position:* Associate Extension Professor; *re-employment position:* Extension Water Quality Project Coordinator; *re-employment period:* July 1, 2010 through June 30, 2011; salary of \$31,308

John O'Hear, *former position:* Archaeologist; *re-employment position:* Archaeologist; *re-employment period:* October 25, 2010 through June 30, 2011; salary of \$31,900

Eugene Columbus, *former position:* Senior Research Associate; *re-employment position:* Senior Research Associate; *re-employment period:* October 16, 2010 through June 30, 2011; salary of \$45,866

Don Brantley, *former position:* Superintendent Public School; *re-employment position:* Lecturer; *re-employment period:* November 1, 2010 through June 30, 2011; salary of \$21,719

Joseph Ferguson, *former position:* Professor; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; salary of \$20,249

Paul Cuicchi, *former position:* Teacher; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; salary of \$25,000

Terry Crow, *former position:* Lecturer; *re-employment position:* Lecturer; *re-employment period:* November 1, 2010 through June 30, 2011; salary of \$36,500

Mark Lehman, *former position:* Associate Professor; *re-employment position:* Lecturer; *re-employment period:* August 16, 2010 through June 30, 2011; salary of \$37,500

John Harkness, *former position:* Professor; *re-employment position:* Instructor; *re-employment period:* July 1, 2010 through June 30, 2011; salary of \$70,000

Janet St. Lawrence, *former position:* Professor; *re-employment position:* Research Professor; *re-employment period:* December 6, 2010 through June 30, 2011; salary of \$57,165.50

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Micheal Howell, *former position:* Area Extension Agent IV; *re-employment position:* Area Extension Agent IV; *re-employment period:* November 1, 2010 through June 30, 2011; salary of \$33,881

CHANGE OF STATUS

Alcorn State University

Samuel White, *from* Dean and Professor, School of Arts and Sciences; salary of \$130,520 per annum, pro rata; E&G Funds; *to*, Vice President for Academic Affairs and Professor of Social Sciences (Political Sciences), tenured; no change in salary; effective February 1, 2011

Mississippi State University

Louis E. Dawkins, *from* Director and Professor, Adkerson School of Accountancy, salary of \$84,000 per annum, pro rata; E&G Funds; *to*, Interim Dean and Professor, College of Business, salary of \$225,000 per annum, pro rata; E&G Funds; effective January 1, 2011 for six (6) months or until position is filled

Dennis J. Mitchell, *from* Associate Dean and Professor, Meridian Division of Arts and Sciences, salary of \$106,289 per annum, pro rata; E&G Funds; *to*, Interim Dean and Interim Executive Director and Professor, Meridian Campus, salary of \$140,000 per annum, pro rata; E&G Funds; effective January 16, 2011 for twelve (12) months or until position is filled

Mississippi Valley State University

Hareshnarayan Khanna, *from* full-time Vice President for Business and Finance/Chief Financial Officer; salary of \$132,500; E&G Funds; *to*, effective November 15, 2010 through March 31, 2011, part-time Vice President for Business and Finance/Chief Financial Officer; salary of \$22,361; E&G Funds

University of Mississippi - Athletics

Matthew Mott.; Head Women's Soccer Coach; Athletics; salary of \$100,000, per annum, pro rata; Auxiliary Funds; *from* a contract period of May 17, 2010 to May 16, 2014; *to* a new contract period of January 1, 2011 to December 31, 2014; no change in salary

TERMINATION

Alcorn State University

Earnest Collins, Head Football Coach; effective December 31, 2010

Norris Edney, Interim President, conclusion of interim appointment effective January 9, 2011

Jackson State University

Leslie McLemore, Interim President, conclusion of interim appointment effective December 31, 2010

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PRESENTATION

Trustee Ed Blakeslee; Mr. Perry Sansing, Assistant to the President at the Mississippi University for Women and Chair of the EdNet Institute; Mr. Cy Vance, Director of Technical Services at Mississippi Public Broadcasting; and Mr. Bubba Ware, Vice President of the Mississippi Technology Alliance, updated the Board on the status of the recent partnership between the EdNet Institute and Clearwire, Inc. which is a joint effort to comply with FCC Regulations for renewal of EdNet channel licenses by May 1, 2011.

BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Bob Owens, Chair

On motion by Trustee Owens, seconded by Trustee Pickering, with Trustees Patterson and Robinson absent and not voting and with Trustee Perry abstaining from discussing and voting on this item, all Trustees legally present and participating voted unanimously to approve agenda item #2 as submitted on the Budget, Finance & Audit Agenda.

1. **UMMC** - Approved the request to modify the total expenditure amount applicable to the lease agreement with Parkway Joint Venture, LLC for the lease of 2,765 square feet of space. The purpose of this request is to increase the authorized total expenditure amount from \$432,788 to \$456,337.12. The cost increase is necessary due to change orders during the renovations which included additional roof structural support, increased natural gas pressure for the installation and operation of the emergency generator, and to reflect base rent adjustments applicable to an allowance for actual operating expenses. The contract length remains sixty months - September 1, 2009 to August 31, 2014. The contract which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.
2. **System** - The Board received a report on State Student Financial Aid for 2010 by Mrs. Jennifer Rogers, Director of State Student Financial Aid.

REAL ESTATE AGENDA

Presented by Dr. Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Blakeslee, with Trustees Patterson and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Real Estate Agenda.

1. **System** - Approved for final reading the proposed new Board Policy 920 Sustainability Policy. **(See Exhibit 1.)**
2. **UMMC** - The Board received a presentation of the Campus Master Plan.

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LEGAL AGENDA

Presented by Mr. Alan Perry, Chair

Agenda item #1 was moved to the Executive Session agenda.

1. **MSU - Settlement of an IHL Self-Insured Workers' Compensation Claim No. 877328. (This item was taken up during Executive Session.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

On motion by Trustee Perry, seconded by Trustee Whitten, with Trustees Patterson and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to postpone action on agenda item #1 until the February Board meeting and to have the existing policies concerning the election of Board officers revised.

1. **System - Election of Vice President of the Board of Trustees for the term beginning May 8, 2011 and ending May 7, 2012. (Action on this item was postponed.)**

ANNOUNCEMENTS

- Trustee Neely invited the Institutional Executive Officers to speak about events occurring on each of their campuses.

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

REAL ESTATE

1. **System - The Board received the Real Estate items that were approved by the Board staff subsequent to the November 18, 2010 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 2.)**

LEGAL

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

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ADMINISTRATION/POLICY

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 review at the Board Office:
- a. **MSU** – On November 23, 2010, approval was granted for MSU to lease the Kress Building located in Meridian Mississippi to the Mississippi State University Foundation, Inc. (MSUF). The purpose of the building lease would be to allow the MSUF to renovate (solely at their cost) the Kress Building. The Kress Building was donated to the university by the City of Meridian in April 2010 and presently sits unoccupied in need of significant renovation. Once renovated the lease agreement would be terminated and sole interest would revert back to the university. The university will use the renovated building to house the MSU-Meridian division’s School of Business. The MSUF will pay the university a nominal lease fee of \$1 in return for the building lease. All renovation costs will be paid by the foundation, with MSU not having to make any payments. All improvements made to and on the premises shall be owned “free and clear” in fee simple by the university once the lease terminates. The foundation has received approximately \$5.9 million in private donations to fund the renovations. The Attorney General’s staff has reviewed and approved the contract documents. Approval authority is granted to the Commissioner via Board Policy 707.01 Land, Property and Service Contracts.
 - b. **MSU** – On November 23, 2010, approval was granted for MSU’s Research and Curriculum Unit (RCU) to lease office space from Koinonia Investments, LLC. The office space is located in Starkville, MS adjacent to the main RCU facility. The lease agreement will expire on June 30, 2011. MSU has the option to extend the agreement an additional 12 months with no change in financial terms. MSU will pay the vendor \$1,375 per month for one unit of office space. This equates to \$9,625 of lease cost to the university in FY 2011, with an additional \$16,500 in rental costs if the 12-month option is exercised (for FY2012). In addition to these rental costs, the university will be responsible for all utilities (less water), janitorial and garbage services. The Attorney General’s staff has reviewed and approved the contract documents. Approval authority is granted to the Commissioner via Board Policy 707.01 Land, Property and Service Contracts.
 - c. **UMMC** - As part of the reaccreditation process for SACS, The University of Mississippi Medical Center made revisions to its mission statement (previously known as Statement of Purpose) in order that it may be current and aligned with the University of Mississippi mission statement. The edits include the removal of historical language not related to the mission; and updating the statement to reflect minor revisions made by the University of Mississippi to the mission statement in 2008. The revised mission statement is shown below.

University of Mississippi Medical Center Mission Statement

~~The 1950 Mississippi Legislature enlarged and strengthened health professions education in Mississippi by enacting bills to establish and construct the Medical Center in Jackson as part of the University of Mississippi. The School of Medicine and graduate program enrolled students in 1955; the School of Nursing moved from the parent campus to Jackson in 1956, the School of Health Related Professions was established in 1971, and the School of Dentistry admitted its first class in 1975.~~

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The University of Mississippi Medical Center unites the interrelated activities of education in the health sciences and accepts responsibility for teaching, research, service and leadership in this field. Its programs embrace training for physicians, dentists, nurses, and allied health professionals ~~related members of the health team~~; graduate medical education, graduate dental education, and graduate study in the health sciences; and the delivery of health care in the teaching hospitals and clinics. The Medical Center offers equal opportunity in all its programs and services regardless of race, creed, sex, color, religion, marital status, sexual orientation, age, national origin, disability or veteran.

~~The parent campus, the University of Mississippi chartered in 1844, has five areas of focus in its current Statement of Purpose. One of these is health. "The University will continue to provide the professional education of those who deliver and administer human health services and those who perform research aimed at improving the efficiency, the effectiveness, quality, and availability of health care...." exists to enhance the educational, economic, healthcare, social and cultural foundations of the state, region, and nation.~~ Within this framework, the Medical Center's principal and continuing purpose mission is to accomplish the interrelated goals of health professional education—train health care professionals at the first professional, graduate, and postgraduate levels for Mississippi: to teach in a superior manner the art and science of health care to students of exceptional promise and talent; to provide high quality treatment for all patients using the disciplines and specialties of modern health care; to lead the way to discoveries which will raise the health level of Mississippians and, indeed, all mankind; to foster dedication to life-long learning; to respond to community needs through continuing education and outreach programs that extend beyond the campus; and to recruit and retain the caliber of faculty necessary to meet these goals. The Medical Center fosters and protects a ~~an~~ intellectual, emotional and challenging learning environment conducive to educational excellence in the health sciences, cutting-edge biomedical research to expand the body of basic and applied knowledge, productive scientific investigation and exemplary patient care that moves toward the ultimate goals of elimination of health disparities and improved health and well-being for the citizens of Mississippi, the region, the nation and the world.

~~As Mississippi's population is culturally diverse. Most Mississippians trace their ancestral roots to the British Isles, the continent of Europe or the continent of Africa. The state also has many citizens of American Indian, Asian or Pacific Islander and Hispanic descent. In policy and practice, the institution encourages and actively recruits applicants from all segments of the state's population. The Medical Center is committed to maintaining an educational environment that fosters respect for and sensitivity to individual differences; promotes personal and professional development; and gives all students the opportunity to succeed, regardless of ethnicity, gender, sexual orientation, age, creed, national origin or socioeconomic status.~~

Medical Center graduates at all levels are expected to possess and to demonstrate the skills and knowledge necessary to practice their disciplines as competent health professionals. The Medical Center regularly uses appropriate external and internal measurement tools to assess the institution's effectiveness in training health professionals for Mississippi and to evaluate its programs for patient care, research, continuing education and outreach.

The expeditious growth of the Medical Center into a major academic health sciences center reflects the deep commitment of the State of Mississippi, the Board of Trustees of State Institutions of Higher Learning and the administration and faculty of the University of Mississippi Medical Center to the continuing fulfillment of this Statement of Purpose mission.

- d. **USM** – In compliance with Board Policy 701.06 Budget Escalations and Revisions, 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. On November 8, 2010, the Commissioner approved the budget revisions for three University of Southern Mississippi budgets: On Campus (Hattiesburg), Off Campus (Gulf Coast), and the Mississippi Polymer Institute. The budget revisions contain no increases in the total budgets but rather reallocations amongst individual expense categories.

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4. **System** - Individual to serve on the Mississippi University Research Authority (MURA) in accordance with the Mississippi University Research Authority Act and the MURA By-Laws.
Dr. Jim Borsig
Associate Commissioner of External Relations and Public Policy
Mississippi Institutions of Higher Learning
3825 Ridgewood Road
Jackson, Mississippi 39211
- Dr. Borsig will fill the vacancy of Dr. Phil Pepper as president of the MURA board. Dr. Borsig will also represent Dr. Bounds who is an Ex Officio, non-voting member as Commissioner of Higher Education.
The term is for one fiscal year and will end June 30, 2011.
5. **ASU** - Notice of Termination of Consulting Contract
Richard Green, Interim Provost/Vice President for Academic Affairs was engaged as an independent contractor via an agreement between ASU and Registry for College and University Presidents on July 29, 2009. This agreement is being terminated effective upon ASU providing the required thirty day notice of termination.

EXECUTIVE SESSION

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

Discussion of a litigation matter at Mississippi State University,
Discussion of a litigation matter at the Board Office, and
Discussion of a personnel matter at the Board Office.

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

On motion by Trustee Rouse, seconded by Trustee Ross, with Trustees Patterson and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the IHL Self-Insured Workers' Compensation Claim No. 877328 styled as *Virginia Carr v. Mississippi State University*.

The Board discussed a litigation matter at the Board Office.

The Board discussed a personnel matter at the Board Office.

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

**AYERS MANAGEMENT
COMMITTEE REPORT
November 2, 2010**

The *Ayers* Management Committee for the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi held a teleconference meeting on November 2, 2010 at approximately 9:00 a.m. with public attendance available at the Board Office in Jackson, Mississippi. The following Committee members participated in the meeting: Trustee C.D. Smith (Chair); Trustee Bettye Neely; Dr. Norris Edney, Interim President of Alcorn State University; Commissioner Hank Bounds; Dr. Leslie McLemore; Interim President of Jackson State University; and Commissioner Hank Bounds. The following Committee members were absent: Trustee Aubrey Patterson and Dr. Donna Oliver, President of Mississippi Valley State University. Others attending the meeting were: Dr. Haresh Khanna for Mississippi Valley State University and Mr. Jeff Wilson from Trinity Capital Investors. IHL staff members attending were: Mr. Chris Halliwell, Mr. Van Gillespie, Ms. Cheryl Mowdy, Dr. Linda McFall, and Ms. Bridget Breithaupt.

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.

On motion by Commissioner Bounds, seconded by Trustee Neely, with Trustee Patterson and Dr. Oliver absent and not voting, all Committee members legally present and participating voted to suspend the reading of the October 29, 2009 meeting minutes.

On motion by Commissioner Bounds, seconded by Trustee Neely, with Trustee Patterson and Dr. Oliver absent and not voting, all Committee members legally present and participating voted to approve the October 29, 2009 meeting minutes.

Dr. Linda McFall and Mr. Jeff Wilson presented the *Ayers* Endowment Investment Report. On motion by Commissioner Bounds, seconded by Trustee Neely, with Trustee Patterson and Dr. Oliver absent and not voting, all Committee members legally present and participating voted to accept the report.

The committee discussed the private endowment.

On motion by Commissioner Bounds, seconded by Trustee Neely, with Trustee Patterson and Dr. Oliver absent and not voting, all Committee members legally present and participating voted to adjourn the meeting.

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**BUDGET, FINANCE & AUDIT
COMMITTEE REPORT**

December 16, 2010

The Budget Finance and Audit Committee for the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi held a teleconference meeting on December 16, 2010 at approximately 3:00 p.m. with public attendance available at the Board Office in Jackson, Mississippi. The following Committee members participated in the meeting: Mr. Bob Owens (Chair), Mr. Ed Blakeslee, Dr. Stacy Davidson, Mr. Aubrey Patterson and Mr. C.D. Smith. Committee member Ms. Christy Pickering was absent. Ms. Robin Robinson also attended the meeting.

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.

At the November 18, 2010 Board meeting, the Board granted the Budget, Finance & Audit Committee the authority to approve the new Master Lease between UMMC and the Jackson Medical Mall Foundation contingent upon approval of the financial analysis by the Board's finance staff and review and approval of the final associated documents by the Attorney General's Office.

On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustee Pickering absent and not voting, all Committee members legally present and participating voted to approve the new Master Lease between UMMC and the Jackson Medical Mall Foundation which consolidates UMMC's leases and utility payments for the Mall contingent upon approval by the Attorney General's Office.

On motion by Trustee Owens, seconded by Trustee Davidson, with Trustee Pickering absent and not voting, all Committee members legally present and participating voted to adjourn the meeting.

ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

- | | |
|-----------|--|
| Exhibit 1 | Proposed new Board Policy 920 Sustainability Policy for final reading. |
| Exhibit 2 | Real Estate items that were approved by the IHL Board staff subsequent to the November 18, 2010 Board meeting. |
| Exhibit 3 | Report of the payment of legal fees to outside counsel. |

EXHIBIT 1

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SYSTEM - PROPOSED NEW BOARD POLICY 920 SUSTAINABILITY POLICY FOR FINAL READING.

920 Sustainability Policy

Mississippi Institutions of Higher Learning (IHL) understand the impact of our collective landholdings and campus activities to the natural environment, thus we seek to develop a sustainability foundation that sets the framework for our Institutions of Higher Learning to utilize in the development of their individual policies.

Each institution shall develop a campus sustainability policy and implementation procedures. The sustainability policy and procedures should address and encourage sustainability in operations, grounds, materials, and transportation.

- A. The System Energy Management Council is created and shall include representatives from each institution and be representative of students, faculty, staff, administration, and energy management professional and technical staff. The purpose of the council shall be to guide the implementation of energy management and conservation efforts for the IHL System.
- B. Each institution shall create an Energy Management Committee to guide the implementation of energy management and conservation efforts for the institution.
- C. A procurement program that considers the effect of the product on the environment must be developed. Sustainable purchases must consider *Energy Star*® appliances, green seal chemicals, and other environmentally-sound items found on state contract, as well as other sources. Contracts for new construction and/or major repair and renovations must include a sustainable purchase requirement for those items included in the contract for purchase and installation.
- D. All new construction and/or major repair and renovation of existing facilities must be designed to meet energy-efficient goals which exceed ASHRAE 90.1 by 30%, when determined cost effective.
- E. All new construction and/or major repair and renovations of existing facilities must include the requirement for the development and approval of an energy model during the early design stages. The design professional must certify that the model meets the Institutions of Higher Learning's energy program and at the conclusion of the construction and/or renovation (prior to final acceptance) the design professional must certify that the facility has been constructed as designed and modeled.
- F. Renovation of historically significant buildings should meet or exceed ASHRAE 90.1 standards where appropriate for the scope of work and determined cost effective.

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- G. No less than 25% of the expected annual recurring savings from completed energy efficiency projects shall be set aside each year in the appropriate fund and used to finance future energy efficiency projects. If the annual recurring savings are dedicated to the repayment of debt, then these funds shall be set aside in the first year after such debt is retired.
- H. Water efficiency measures, with the goal of reduction of water use on campus and within all facilities, must be a prime goal.
- I. All new construction and/or major repair and renovations of existing facilities must address and consider sound design techniques that maximize wind, solar, aspect, shading and other design expressions embracing our climatic realities. The design criteria must encourage overhangs, natural day lighting, and other passive design techniques and should not be confused with renewable energy.
- J. All new landscape construction, major repair and renovations of landscapes, and any site work in general must consider and encourage the use of resource-efficient plants including native plant palettes, decreasing the use of herbicides and pesticides when possible, while increasing tree canopy through reforestation and by potable water irrigation reductions.
- K. All new landscape construction, major repair and renovations of landscapes, and any site work in general must include the requirement that protects and enhances water quality through innovative storm water best management practices.
- L. A comprehensive waste-minimization program must be developed. The program should address a comprehensive campus wide recycling program that considers such things as the recycling construction spoils/wastes from demolition and construction projects, garbage collection and disposal contracts, disposals of used equipment, furniture disposal, chemical waste, electronic waste, composting, trash, etc.
- M. Where feasible a campus public transit program serving faculty, staff and students should be developed. The program should consider and encourage transit options into off-campus areas where required.
- N. All new streets or campus street renovations should be developed to encourage walking, bikes, and other non carbon producing emission transportation options.
- O. A car share program should be developed where feasible to encourage car-pooling activities. This program should be developed in partnership with adjacent municipalities, community colleges, and high schools, etc., where appropriate and feasible.

EXHIBIT 2

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SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE NOVEMBER 18, 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

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. JSU – GS 103-219 – Johnson Dansby Replacement Phase I (Johnson Replacement)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$34,932.00 and thirty (30) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 1, 2010

Change Order Justification: The change order is necessary to add a new sidewalk to connect the existing building on the south side of the site, modify electrical services for owner provided IT Data Room equipment, add privacy window tinting on four restroom windows, add wall mural and finished trim on the first floor lobby wall, and to clean out and remove previous silt buildup in existing storm drain piping downstream from job site.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$223,013.11

Project Initiation Date: November 20, 2003

Design Professional: Foil-Wyatt Architects & Planners, PLLC

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: March 30, 2009

Project Budget: \$13,773,590

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

2. JSU – GS 103-256 – Mechanical Upgrades Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Buford Plumbing Company, Inc, the lower of three (3) bidders, for a total contract amount of \$1,239,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 29, 2010

Project Initiation Date: August 20, 2009

Design Professional: The CGM Group

General Contractor: Buford Plumbing Company, Inc.

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Contract Award Date: November 29, 2010

Project Budget: \$2,200,000

Funding Source(s): HB 1722, Laws of 2009; HB 246, Laws of 2007

3. MSU – GS 113-115 – Lloyd-Ricks Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$5,642.00 and fifty-six (56) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 29, 2010

Change Order Justification: **Change Order #9** is necessary to install owner provided toilet accessories that were not included in the original documents, install owner provided exterior site benches, replace glass in four interior doors that needs to be frosted, and to add additional time to the contract due to wet weather when the site drainage was installed.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$651,281.00

Project Initiation Date: June 14, 2006

Design Professional: Belinda Stewart Architects

General Contractor: West Brothers Construction

Contract Award Date: January 6, 2009

Project Budget: \$12,000,000

Funding Source(s): HB 246, Laws of 2007; HB 3201, Laws of 2007; HB 2988, Laws of 2003; SB 3197, Laws of 2002; HB 1634, Laws of 2006; SB 2010, Laws of 2004; HUD Grant Funds

4. MSU – IHL 205-251 – ICET-SERC Pilot Scale Facility

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

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

Staff Approval Date: October 20, 2010

Project Initiation Date: January 21, 2010

Design Professional: Shafer & Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$1,200,000

Funding Source(s): Federal Grant from U.S. Department of Energy

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

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

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

Staff Approval Date: October 20, 2010

Project Initiation Date: November 19, 2009

Design Professional: Pryor & Morrow

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$3,000,000

Funding Source(s): MAFES Sales Funds; MSU-ES State Funds

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$83,930.58 and zero (0) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 3, 2010

Change Order Justification: **Change Order #1** is necessary to address the additional work for mold remediation.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$83,930.58

Project Initiation Date: November 20, 2003

Design Professional: Pryor & Morrow

General Contractor: West Brothers Construction

Contract Award Date: July 13, 2010

Project Budget: \$9,579,000

Funding Source(s): SB 2010, Laws of 2004; HB 246, Laws of 2007; HB 1641, Laws of 2008; HB 1722 Laws of 2009

7. MVSU – GS 106-201 – J.H. White Library Enhancements Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Harrell Contracting Group, LLC, the lower of six (6) bidders, for a total contract amount of \$1,797,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 5, 2010

Project Initiation Date: February 22, 2008

Design Professional: Duvall Decker & Associates

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: November 5, 2010

Project Budget: \$11,500,000

Funding Source(s): HB 1641, Laws of 2008; SB 2010, Laws of 2004, SB 2988, Laws of 2003; SB 3158, Laws of 2001; AYERS, HB 1722, Laws of 2009

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Malouf Construction, Inc, the lower of five (5)

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bidders, for a total contract amount of \$1,059,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 21, 2010

Project Initiation Date: March 19, 2009

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

General Contractor: Malouf Construction, Inc.

Contract Award Date: October 21, 2010

Project Budget: \$1,400,000

Funding Source(s): AYERS Landscaping Funds (\$1,400,000)

9. MVSU – GS 106-235 – Fannie Lou Hamer Corridor – Pre-Planning

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$100,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or Ayers funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 27, 2010

Project Initiation Date: October 27, 2010

Design Professional: JBHM

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$100,000

Funding Source(s): AYERS Landscaping Funds (\$100,000)

10. MVSU – GS 106-236 – Fine Arts ADA Remediation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$400,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or Ayers funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 27, 2010

Project Initiation Date: October 27, 2010

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

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$400,000

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

11. UM– IHL 207-303B – Research Park & Innovation Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$84,222.00 and zero (0) additional days to the contract of Montgomery Martin Contractors, LLC.

Staff Approval Date: November 1, 2010

Change Order Justification: **Change Order #3** is necessary to address cost associated with omitting the door mounted presence sensors and adding OHC headers to conceal

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closers, to provide engineering and labor to locate the top of water line elevations at various locations throughout the site, to furnish and install the revised configuration and ARCP piping, and to install a tee connection with valve assemblies to the existing line to remove the water line that is conflicting with the S/E retaining wall excavation and footing construction.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of (\$6,616.08)

Project Initiation Date: August 16, 2007

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

General Contractor: Montgomery Martin Contractors, LLC

Contract Award Date: June 22, 2010

Project Budget: \$17,100,000

Funding Source(s): Federal Grant NIST #60NANB6D6134

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$44,632.39 and thirteen (13) additional days to the contract of Panola Construction Company.

Staff Approval Date: November 2, 2010

Change Order Justification: **Change Order #6** is necessary to address a change in the roofing cap sheet that would keep the performance as specified without an application of protective coating, reduce fire extinguishers from 24 to 18 as required by code, add exterior insulated wall panels to east exterior wall of the connector at the Carrier Hall interface, remove specified appliances from contract, add additional tile work to “side” walls of toilet compartments to meet IBC requirements, add additional electrical circuits, rewire lighting, add insulation to walls surrounding elevator shaft, and add furr out wall to the connector corridor 203 at east end to hide hot/cold water piping entering Carrier Hall.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$446,646.53

Project Initiation Date: November 15, 2007

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Panola Construction

Contract Award Date: February 18, 2009

Project Budget: \$17,700,000

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

13. UM- IHL 207-306A – Carrier Hall Addition & Renovation Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$1,960.27 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 #7** in the amount of \$0.00 and five (5) additional days to the contract of Panola Construction Company.

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Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$99,492.69 and one hundred seventeen (117) additional days to the contract of Panola Construction Company.

Staff Approval Date: October 20, 2010

Change Order Justification: **Change Order #6** is necessary to fill in existing doors between offices 202, 204, and 206. The door between 202 and 204 was identified on construction drawings to remain. The door between 204 and 206 was identified on construction drawings and hidden from initial survey view. **Change Order #7** is necessary to reduce the building access allowance by \$6,042 for cost of revisions & additions. The balance remaining in the building control allowance is \$43,958.

Change Order #8 is necessary to add additional days to the contract in order to postpone the beginning of stage two work until July 1, 2011.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$166,270.42

Project Initiation Date: August 20, 2009

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Panola Construction Company

Contract Award Date: December 16, 2009

Project Budget: \$4,500,000

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

14. UM– IHL 207-311 – UMMC School of Pharmacy

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1 for a credit** in the amount of \$373,250.13 and ten (10) additional days to the contract of Chris Albritton Construction Company, Inc.

Staff Approval Date: October 20, 2010

Change Order Justification: **Change Order #1** is necessary to delete energy management controls materials and labor from the project, reconcile drilled piling lengths from CD design and drill log, relocate existing irrigation control wiring in NW corner of the project site as per UMMC instruction, extend new 10" water main approximately 100 feet west on University Drive for tie-in as per UMMC, and to relocate sanitary sewer manhole and reroute piping to avoid existing site trees.

Total Project Change Orders and Amount: One (1) change order for a total amount of (\$373,250.13)

Project Initiation Date: May 22, 2008

Design Professional: Eley Guild Hardy Architects

General Contractor: Chris Albritton Construction Company, Inc.

Contract Award Date: January 28, 2010

Project Budget: \$9,730,789

Funding Source(s): Internal R&R; Indirect cost/research; Federal Funds (6C76HF09730)

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15. 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 #4** in the amount of \$1,598.00 and zero (0) additional days to the contract of Murphy & Sons, Inc.

Staff Approval Date: November 2, 2010

Change Order Justification: **Change Order #4** is necessary disconnect switch power for screen at west wall of conference Room 122, purchase one 70”X70” draper silhouette/series E screen with standard 3-button switch and standard 110-120 volt ac motor, and to install TV outlet in Lobby 101.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$133,802.00

Project Initiation Date: February 19, 2009

Design Professional: The McCarty Company

General Contractor: Murphy & Sons, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$2,000,000

Funding Source(s): US Congress Grant #SBAHQ-06-I-0032

16. UM – IHL 207-321 – North Residential College – Bid Package A

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$2,713.77 and one hundred thirty-seven (137) additional days to the contract of M&N Excavators, Inc.

Staff Approval Date: November 29, 2010

Change Order Justification: **Change Order #7** is necessary to install header curb and repair asphalt at Sorority Row parking lot.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$48,880.81

Project Initiation Date: March 19, 2009

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

General Contractor: M & N Excavators, Inc

Contract Award Date: September 4, 2009

Project Budget: \$25,000,000

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

17. UM – IHL 207-321 – North Residential College – Bid Package G

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$7,410.00 and one hundred sixty-seven (167) additional days to the contract of Clinton Interiors.

Staff Approval Date: November 17, 2010

Change Order Justification: **Change Order #7** is necessary to furnish and install island in kitchen 132 not shown on plans, and to replace column cover at lounge required to match granite size for seats.

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Total Project Change Orders and Amount: Seven (7) change orders for a total amount of (\$32,386.71)

Project Initiation Date: March 19, 2009

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

General Contractor: Clinton Interiors

Contract Award Date: September 4, 2009

Project Budget: \$25,000,000

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

18. UM – IHL 207-321 – North Residential College – Bid Package I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$5,850.00 and one hundred thirty-six (136) additional days to the contract of Craft Croswell, Inc.

Staff Approval Date: November 29, 2010

Change Order Justification: **Change Order #4** is necessary to correct floor transition at walk-in freezer and walk-in cooler. The difference in elevation requires a large portion of the floors to gradually incline to the elevation of the cooler.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$22,433.00.

Project Initiation Date: March 19, 2009

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

General Contractor: Craft Croswell, Inc.

Contract Award Date: July 1, 2009

Project Budget: \$25,000,000

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

19. UM – IHL 207-321 – North Residential College – Bid Package L

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$1,839.87 and one hundred thirty-six (136) additional days to the contract of Security Fire Protection Company, Inc.

Staff Approval Date: November 29, 2010

Change Order Justification: **Change Order #3** is necessary to repair sprinkler required due to damage caused by mechanical contractor.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$19,689.87.

Project Initiation Date: March 19, 2009

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

General Contractor: Security Fire Protection Company, Inc.

Contract Award Date: July 1, 2009

Project Budget: \$25,000,000

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

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$2,148.00 and one hundred thirty-seven (137) additional days to the contract of South Central Heating & Plumbing Co., Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10 for a credit** in the amount of \$1,839.87.00 and zero (0) additional days to the contract of South Central Heating & Plumbing Co., Inc.

Staff Approval Date: November 29, 2010

Change Order Justification: **Change Order #9** is necessary to furnish and install valve boxes in south lawn CHW and HW connection point from CMP piping. **Change Order #10** is necessary to repair sprinkler work required due to damage caused by mechanical contractor.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of (\$4,070.87).

Project Initiation Date: March 19, 2009

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

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

Contract Award Date: July 1, 2009

Project Budget: \$25,000,000

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

21. 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 #14** in the amount of \$11,125.00 and one hundred twenty-eight (128) additional days to the contract of Advance Electric Co., Inc.

Staff Approval Date: November 30, 2010

Change Order Justification: **Change Order #14** is necessary to furnish and install down lighting at the Frank R. Day Memorial Statue.

Total Project Change Orders and Amount: Fourteen (14) change orders for a total amount of \$148,588.25

Project Initiation Date: March 19, 2009

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

General Contractor: Advance Electric Co., Inc.

Contract Award Date: July 1, 2009

Project Budget: \$25,000,000

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

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22. UMMC – IHL 209-510 – Guyton Contract III Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$14,048.00 and fifteen (15) additional days to the contract of Evan Johnson & Sons Construction, Inc.

Staff Approval Date: November 5, 2010

Change Order Justification: **Change Order #1** is necessary to latent conditions that were not discoverable prior to project demolition or interior wall layouts being established.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$14,048.00

Project Initiation Date: June 17, 2008

Design Professional: Simmons Associates/Eley Associates-A Joint Venture

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: February 10, 2010

Project Budget: \$16,500,000

Funding Source(s): Interest Income/MC EBC

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$31,879.20 and forty-nine (49) additional days to the contract of Fountain Construction Company.

Staff Approval Date: October 19, 2010

Change Order Justification: **Change Order #1** is necessary to remove the entire dumbwaiter system and framework in order to capture the floor space required by the project design. Also, the additional asbestos materials had to be included as a second phased removal prior to new construction activities progressing further.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$31,879.20

Project Initiation Date: January 15, 2009

Design Professional: Dale Morris Architects

General Contractor: Fountain Construction Company

Contract Award Date: March 16, 2010

Project Budget: \$3,395,515

Funding Source(s): Tuition/Indirect Cost Recoveries

24. UMMC – IHL 209-521 – Pediatric ICU Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$16,828.00 and eighteen (18) additional days to the contract of Fountain Construction Company.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$34,062.00 and forty-two (42) additional days to the contract of Fountain Construction Company.

Staff Approval Date: November 5, 2010

Change Order Justification: **Change Order #4** is necessary to address miscellaneous Owner/User requested and latent items per professional's cover letter. Revisions include

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reception desk, addition of modular shower at waiting area, adding rough ins for ceiling mounted TV and projector at waiting and conference room. **Change Order #5** is necessary to address relocation of central monitors to physicians work area, rough in for TV to be added to conference room, revision to door glazing size as well as latent condition and errors.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$93,858.00

Project Initiation Date: March 19, 2009

Design Professional: The McCarty Co., Design Group

General Contractor: Fountain Construction Company

Contract Award Date: December 2, 2009

Project Budget: \$3,122,978

Funding Source(s): Hospital Patient Revenues

25. UMMC – IHL 209-523 – S013 Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$53,908.60 and eight (8) additional days to the contract of Mid State Construction.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3 for a credit** in the amount of (\$12,222.02) and seventeen (17) additional days to the contract of Mid State Construction.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$171,699.70 and fifty (50) additional days to the contract of Mid State Construction.

Staff Approval Date: (#1) November 5, 2010; (#2-3) November 11, 2010

Change Order Justification: **Change Order #2** is necessary due to equipment required and latent conditions requiring adjustments such as the addition of radiation monitors in scan room, additional phone jacks in control room, sink added to supply room and adjustments requirement of Owner's equipment vendor. **Change Order #3** is necessary to address millwork revision that includes revising interior core components to industrial grade particle board melamine as well as replacing fire ext. cabinet types and install additional steel plates for equipment vendor. **Change Order #4** is necessary to address the installation of additional shielding along the east wall of new scan room above new ceiling and also along new adjacent west wall. Installation in corridor area requires demolition newly installed gyp board partition, relocation of electrical conduits, and ductwork in order to install the high density concrete blocks and then rebuild the gyp board wall to conceal the protective layers.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$231,527.88

Project Initiation Date: August 20, 2009

Design Professional: Simmons Associates, AIA

General Contractor: Mid State Construction

Contract Award Date: January 11, 2010

Project Budget: \$1,947,239

Funding Source(s): Hospital Patient Revenues

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26. UMMC – IHL 209-532 – Cardiovascular Renovations

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

Staff Approval Date: November 29, 2010

Project Initiation Date: February 18, 2010

Design Professional: Cooke Douglass Farr Lemons

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$17,182,052

Funding Source(s): MC EBC

27. UMMC – IHL 209-535 – Learning Resources Renovations 2010

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

Staff Approval Date: November 11, 2010

Project Initiation Date: April 15, 2010

Design Professional: Cooke Douglass Farr Lemons

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$2,850,000

Funding Source(s): MC EBC (\$2,000,000); Interest Income (\$850,000)

28. USM– GS 108-260 – Residence Halls Sprinkler Systems

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

Staff Approval Date: October 21, 2010

Project Initiation Date: June 18, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$2,000,000

Funding Source(s): HB 1722, Laws of 2009

29. USM – IHL 208-267 – Dormitory Replacement, Hattiesburg

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$37,302.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Company.

Staff Approval Date: October 25, 2010

Change Order Justification: **Change Order #8** is necessary to provide for thermoplastic striping and warning signs on 4th Street crossing, additional work requested

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with regard to the installation of the Code Blue Phones, modification of the shelving standards in three of the RA Suites that were originally designed for handicap use, relocation of power to the outside of the secure spaces in the physical plant building and to provide a terminated data cable to this location for connection to the irrigation system, providing of one additional concrete light pole standard on the south side of 4th Street, install ADA required warning pavers on the 4th Street crosswalk, addition of sump pumps and drains in elevator shafts, and additional Robe Hooks.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of (\$263,989.00)

Project Initiation Date: March 14, 2007

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

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

Contract Award Date: November 12, 2008

Project Budget: \$45,000,000

Funding Source(s): USM EBC Bond Funds

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$3,823.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Company.

Staff Approval Date: November 15, 2010

Change Order Justification: **Change Order #3** is necessary to provide data outlets at projector locations in the three classrooms located in the Learning Center and to add independent lighting switches in these classrooms to allow the users independent control over the passive infrared sensors required by the contract.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$12,838.00

Project Initiation Date: March 14, 2007

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

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

Contract Award Date: November 12, 2008

Project Budget: \$45,000,000

Funding Source(s): USM EBC Bond Funds

31. Education & Research Center – GS 111-044 – Mechanical Modifications Program

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Upchurch Plumbing, Inc., the lower of eight (8) bidders, for a total contract amount of \$3,017,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 12, 2010

Project Initiation Date: N/A

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Upchurch Plumbing, Inc.

Contract Award Date: November 12, 2010

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Project Budget: \$3,500,000

Funding Source(s): HB 246, Laws of 2007 (\$2,500,000); HB 1641, Laws of 2008 (\$500,000); HB 1722, Laws of 2009 (\$500,000)

32. Education & Research Center – GS 111-047 – (ARRA) ECM R&D Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$19,987.00 and zero (0) additional days to the contract of Metro Mechanical, Inc.

Staff Approval Date: October 25, 2010

Change Order Justification: **Change Order #1** is necessary to provide a new underground gas piping line to new generator.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$9,987.00

Project Initiation Date: N/A

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Metro Mechanical, Inc.

Contract Award Date: August 18, 2010

Project Budget: \$750,000

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

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 10/1/10, 11/1/10 and 12/1/10) from the funds of Mississippi State University. (These statements, in the amounts of \$23.41, \$24.74 and \$118.70, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 166.85

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/6/10 and 10/21/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with *Jackson HMA LLC vs. UMMC* - \$28,610.86, General Rep. of the Medical School and Facility Practice Plans-UMMC North Clinic - \$838.50 and General Advice-UMMC North Clinic - \$2,592.50, respectively.)

TOTAL DUE.....\$ 32,041.86

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 6/30/10, 6/30/10, 6/30/10, 8/31/10, 8/31/10, 8/31/10 and 8/31/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the cases styled *Kermode* (Federal Case) - \$967.90; *Smith* - \$2,970.00; *Jaralah* - \$1,053.50; *Jaralah* - \$795.50; *Kermode* (Federal Case) - \$4,790.46; *Kermode* - \$1,336.50 and *Williams*- \$14,145.00, respectively.)

TOTAL DUE.....\$ 26,058.86

Payment of legal fees for professional services rendered by Ogletree, Deakins, Nash, Smoak & Stewart (statements dated 9/10/10 and 10/13/10) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$183.70 and \$16.50, respectively, represent services and expenses in connection with the *Bernard v. UMMC* case.)

TOTAL DUE.....\$ 200.20

Payment of legal fees for professional services rendered by Bryan Nelson, P.A. (statements dated 1/12/09, 10/12/09, 4/9/10, 7/8/10, 7/8/10 and 10/5/10) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$205.40, \$350.00, \$517.50, \$35.00, \$175.45 and \$1,184.64, respectively, represent services and expenses in connection with the *Krell vs. USM* case.)

TOTAL DUE.....\$ 2,467.99

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

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 10/19/10, 11/16/10, 11/16/10, 11/16/10, 11/16/10 and 11/16/10) 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” - \$409.12; “Compact Time-of-Flight Mass Spectrometer - Germany” - \$2,101.84; “Compact Time-of-Flight Mass Spectrometer - United Kingdom” - \$42.50; “Compact Time-of-Flight Mass Spectrometer - Japan” - \$51.00; “High Power Density, Full-Bridge Parallel Loaded Resonant DC-DC Converter for Low-Voltage, High-Current Applications” - \$3,975.66; “Methods of Preparation of Live Attenuated Bacterial Vaccines” - \$1,250.00; “Delivery System for Supplemental Wood Preservatives” - \$515.50; “Aflatoxin Detection in Corn” - \$430.00; “Alcohol Esterification (Condensor Train)” - \$5,568.00; “Alcohol Esterification (Condensor Train)” - \$2,566.00; “Esterification and Bio Oil Upgrading” - \$4,448.00; “Esterification and Bio Oil Upgrading” - \$3,354.50; “Srinivasan-Elusieve Processing CIP Application” - \$42.50; “Compact Time-of-Flight Mass Spectrometer - Japan” - \$408.53; “Alcohol Esterification (Condensor Train)” - \$1,142.50; “Alcohol Esterification (Condensor Train)” - \$670.00; “Esterification and Bio Oil Upgrading” - \$1,100.00 and “High Power Density, Full-Bridget Parallel Loaded Resonant DC-DC Converter for Low-Voltage, High-Current Applications” - \$60.00, respectively.)

TOTAL DUE.....\$ 28,135.65

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 11/1/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Plant Patent- St. Augustine Grass Cultivers” - \$297.50; “Self-Aligned Methods Low Temp Selective” - \$488.75; “Temporal Mapping and Analysis” - \$786.25; “Remote Sensing Imagery Accuracy and Analysis” - \$510.00; “Change Analyst” - \$1,001.25; “Fischer-Tropsch Catalysts and Process for Liquid” - \$2,210.00; “Patent Functional Enhancement of Antimicrobials” - \$21.25; “Small Peptide Induction Technology” - \$365.00; “Crape Myrtle Plant Patent” - \$3,655.00; “Delta Jazz Trademark”- \$2,443.75; “Giant Micanthus Provisional Plant Patent” - \$871.25; “Giant Micanthus Provisional Plant Patent” - \$701.25; “Buckscore” - \$1,360.00; “Buckscore.com” - \$1,408.75; “Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins” - \$170.00; “System and Method for Recharging Batteries” - \$550.00; “System and Method for Recharging Rechargeable Batteries” - \$170.00; “Buckscore Software Patent” - \$21.25; “Oral Catfish Vaccine Method of Delivery” - \$42.50; “Occidiofungin, a Unique Anti-fungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$2,635.00; “Interactive Parallel Coordinates with Multiple Regression” - \$295.00;

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“Occidiofungin, a Unique Anti-fungal Glycopeptide PCT Application” - \$4,838.75;
“Remote Sensing Imagery Accuracy Analysis Method and Apparatus Divisional Application” - \$2,408.75; “Method to Tutor Using Textbooks” - \$2,040.00 and “Method of Identification of Genes Pertaining to Resistance of Glycine Max (Soybean) to Parasitic Nemoatodes Heterodera Glycine” - \$595.00, respectively.)

TOTAL DUE.....\$ 29,886.25

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 11/1/10) from the funds of Mississippi State University. (These statements, in the amounts of \$510.00, \$191.25 and \$701.25 represent services and expenses in connection with trademark matters.)

TOTAL DUE.....\$ 1,402.50

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 9/15/10, 9/27/10 and 9/27/10) 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)” - \$1,734.45; “Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders” - \$17.00 and “Complexes and Compounds for Light Emitting Applications” - \$17.00, respectively.)

TOTAL DUE.....\$ 1,768.45

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 1/4/10, 4/9/10, 4/29/10, 5/18/10, 5/18/10, 6/25/10, 8/31/10, 8/31/10, 8/31/10, 9/30/10, 9/30/10, 9/30/10, 9/30/10, 10/26/10 and 10/27/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Compositions Containing Delta-9-THC Amino Acid Esters and Process of Preparation” - \$4,749.01; “High Molecular Weight Polysaccharide from Aloe Vera with Immunostimulatory Activity” - \$694.00; “Potent Immunostimulants from Microalgae” - \$694.00; “Dihydroartemisinin and Dihydroartemisitene Dimers as Anti-Cancer and Anti-Infective Agents” - \$119.00; “Dihydroartemisinin and Dihydroartemisitene Dimers as Anti-Cancer and Anti-Infective Agents” - \$163.00; “High Molecular Weight Polysaccharide from Aloe Vera with Immunostimulatory Activity” - \$1,713.45; “Canada - Transmucosal Delivery of Cannabinoids” - \$129.25; “Potent Immunostimulatory Component in Micro Algae Extract” - \$525.50; “Europe - Design and Synthesis of Optimized Ligands for PPAR” - \$727.65; “Potent Immunostimulatory Extracts from Microalgae” - \$6,527.60; “Novel Sigma Receptor Antagonists” - \$942.00; “Design and Synthesis of Optimized Ligands for PPAR” - \$131.25; “Method of Preparing Delta-9-Tetrahydrocannabinol” - \$770.25; “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” -

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\$3,554.75 and “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,525.00, respectively.)

TOTAL DUE.....\$ 22,965.71

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 6/25/10, 9/27/10, 9/27/10, 9/27/10, 9/27/10, 9/27/10, 9/27/10, 9/27/10, 9/27/10, 9/27/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10, 10/20/10 and 10/20/10) from the funds of the University of Mississippi.

(These statements represent services and expenses in connection with the following patents: “In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative” - \$744.00; “Australia - Highly Purified Amphotericin-B” - \$200.26; “Canada - Highly Purified Amphotericin-B” - \$1,033.45; “Multi-Domain Plate Acoustic Wave Devices” - \$2,692.50; “Mexico - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$96.00; “India - High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$335.00; “High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$150.00; “Canada - Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$1,657.89; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$5,692.00; “Canada - Stabilized Formulation of Triamcinolone Acetonide” - \$271.82; “Europe - Stabilized Formulation of Triamcinolone Acetonide” - \$1,074.65; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,765.50; “Multi-Domain Plate Acoustic Wave Devices” - \$652.50; “Mexico - High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$665.20; “Australia - High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$1,322.33; “In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative” - \$403.00; “Highly Purified Amphotericin-B” - \$1,011.00; “Japan - Highly Purified Amphotericin-B” - \$806.00; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$961.00; “Europe - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$672.00; “Australia - Highly Purified Amphotericin-B” - \$350.00; “Canada - Highly Purified Amphotericin-B” - \$350.00; “Germany - Highly Purified Amphotericin-B” - \$350.00; “France - Highly Purified Amphotericin-B” - \$350.00; “Ireland - Highly Purified Amphotericin-B” - \$350.00; “Japan - Highly Purified Amphotericin-B” - \$1,612.60” - “General Patent Matters” - \$0.00; “Australia - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$96.00; “Europe - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$1,414.30; “Korea - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$104.50; “Mexico - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$40.50; “Canada - Delivery of Medicaments to the Nail and Perionychium via (Etching)” - \$404.00 and “A Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$350.00, respectively.)

TOTAL DUE.....\$ 28,328.00

EXHIBIT 3

January 20, 2011

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 8/27/10 and 9/27/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents:

“Abell/Temporary Mucosal Gastric Electric Stimulation Device and Method for Treating Gastroparesis” - \$1,208.10; “Abell/CIP/System for Diagnosis and Prediction of Therapy for Nutritional and Metabolic Disorders” - \$6,277.72; “O’Callaghan/Cholesterol Treatment of S. Aureus Keratitis” - \$93.00; “Raucher/Australia/Thermally Targeted Delivery of Medicaments including Doxorubicin” - \$202.46; “Abell/Temporary Mucosal Gastric Electrical Stimulation Device and Method for Treating Gastroparesis” - \$2,318.00; Abell/CIP/System for Diagnosis and Prediction of Therapy for Nutritional and Metabolic Disorders” - \$1,015.50; Abell/Miniature Wireless Gastric Electric Stimulators” - \$122.00; “Raucher/Targeted Delivery of Therapeutic Peptides by Thermally Responsive Polymers” - \$172.16; “Raucher/Modular Thermally Targeted Biopolymers for Drug Delivery” - \$87.90; “Raucher/Inhibition of Cancer Metastasis by Cell Penetrating Peptides” - \$27.04; “Abell/Temporary Mucosal Gastric Electric Stimulation Device and Method for Treating Gastroparesis” - \$460.00; “Abell/CIP/System for Diagnosis and Prediction of Therapy for Nutritional and Metabolic Disorders” - \$183.00; “Eishamy/Novel Breast, Ovarian BRCA-1-Iris” - \$2,431.14; “General” - \$390.50; “Raucher/Targeted Delivery of Therapeutic Peptides by Thermally Responsive Polymers” - \$366.94; “Raucher/Inhibition of Cancer Metastasis by Cell Penetrating Peptides” - \$202.50; “Vig/Therapeutic Use of Dopamine D2 Receptor” - \$40.50 and “Vig/Thermally Targeted Delivery of Therapeutic Peptides to the Cerebellum” - \$87.90, respectively.)

TOTAL DUE.....\$ 15,686.36

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1. JSU – APROVAL OF LEASE AGREEMENT

Agenda Item Request: Jackson State University (JSU) requests approval to enter into an equipment lease agreement **with IKON Office Solutions, Inc.** for upgrades and replacements of all copier hardware, software and multi-function devices.

Contractor's Legal Name: **IKON Office Solutions, Inc.**

History of Contract: JSU's current 60-month copier agreement with IKON Office Solutions for 104 Canon multi-function devices will expire February 19, 2011. This hardware and software is an integral part of JSU's document management environment.

Specific type of contract: Equipment lease agreement

Purpose: This lease agreement replaces all of JSU's copier hardware, software and multi-function devices.

Scope of Work: IKON will install, setup and carry out continuous maintenance/upgrades of the latest versions of software and associated hardware. The agreement includes integration of hardware and software with JSU's Banner ERP system, email system, identity management and access control systems, and also includes unlimited copies on all equipment on contract, and includes all parts, labor, toner and mileage. Title to the equipment shall be and remain vested at all times in IKON.

Term of contract: The contract length is sixty (60) months - February 28, 2011 to February 28, 2016.

Termination Options: The agreement can be terminated by either party for cause by giving thirty (30) days written notice to the other party provided that the party so notified remains in default of the agreement after applicable cure periods.

Contract Amount: Monthly payments are \$39,290 with the total cost for the contract period of \$2,357,400.

Funding Source for Contract: The contract will be funded by a combination of E&G funds and externally funded grant sources.

Contractor Selection Process: JSU issued a Request for Proposals for copier services and received six proposals. A listing of the companies and proposal amounts follow:

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1. Digitec	\$3,036,445
2. CopyTec	2,949,862
3. Xerox	2,657,231
4. Toshiba	2,460,970
5. IKON	2,357,400
6. Oce	2,235,764

While IKON was not the lowest amount, its proposal was deemed the best for the following reasons:

- The vendor with the lowest cost proposal, Oce, only expressed a willingness to “develop” the necessary understanding related to integrating to JSU’s other technology solutions which would require an approximate one-year period of time to come up to speed with IKON’s understanding.
- IKON was already familiar with JSU’s policies, procedures and strategies for document management. IKON is the present JSU vendor for these services.
- IKON was the only vendor that provided a complete, integrated solution. This solution uses JSU’s existing document management infrastructure and strategy, protecting the previous investments.

Staff Recommendation: Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all leases greater than \$100,000 is required. The Attorney General’s Office and Board staff recommends approval of this item.

2. UMMC – APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a contract with ECG Management Consultants, Inc. for consulting services.

Contractor’s Legal Name: ECG Management Consultants, Inc. (ECG)

History of Contract: New Contract

Specific type of contract: Consulting services agreement

Purpose: The objective of this assignment is to support the School of Medicine in planning for and implementing internal changes related to the department’s transition to a contribution-based budget model (transition planned for July 2011). These changes will include, but not limited to, the following:

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- Reallocation of institutional funds to align with responsibilities and performance at the departmental, divisional, and individual faculty member level,
- Developing, communicating, and executing a plan for the transition to revised compensation and funds flow arrangements,
- Identifying revisions to the current compensation and/or funds flow arrangements in the department and divisions to properly align incentives with departmental and program objectives, and
- Defining and establishing the management and reporting infrastructure required to support the ongoing measurement of effort allocation and performance.

Scope of Work: To support this initiative, ECG will provide consulting staff resources to department management to assist in the planning and implementation of a transition to a contribution-based budget model. This assistance will include:

- Provide on-site assistance to leadership in the management of the department and division activities during the implementation of the action plan,
- Provide project management in conjunction with department leadership, and
- Provide direct assistance to the department in the implementation of particular elements of the transition plan.

Term of contract: The contract length is six (6) months - March 1, 2011 to August 31, 2011.

Termination Options: UMMC may terminate the agreement by providing thirty (30) days prior written notice to the vendor.

Contract Amount: Costs will be billed based on an hourly rate of \$280 per hour with a total of 1,200 hours budgeted. The total cost for the contract period is \$336,000.

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

Contractor Selection Process: There is an established relationship between UMMC and ECG as a result of an existing agreement scheduled to expire in February 2011. The UMMC elected to contract with ECG based upon the vendors successful prior services to the University Physicians. The period of prior service has provided ECG with the understanding of the UMMC structure needed to assist the Department of Medicine in planning for and implementing internal changes related to the School of Medicine's transition to a contribution-based budget model.

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

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other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a subscription agreement with **Elsevier B.V.** to electronically access journal articles.

Contractor's Legal Name: Elsevier B.V.

History of Contract: New

Specific type of contract: Subscription Agreement

Purpose: The purpose of the agreement is to electronically subscribe to science, technology, and medical journals on the ScienceDirect platform.

Scope of Work: The subscription agreement provides electronic access to subscribed unique titles for archival access and also access to all titles within the Freedom Collection which incorporates access for all non-subscribed titles for a minimal fee. Authorized users include students, faculty, staff, and researchers at UMMC, who can access, search, browse, view and print articles.

Term of contract: The contract length is four years and ten-months – March 1, 2011 through December 31, 2015.

Termination Options: Termination option is in accordance with UMMC's standard contract addendum applicable to non-availability of funds.

Contract Amount: The total costs are estimated at \$3,668,299.82. By entering into the subscription agreement, Elsevier B.V. assures a 10% discounted electronic subscription fee and a 9% content fee for the duration of the agreement with a 5% percent price cap. The cost for access to the Freedom Collection (specific journals) is waived for two years and is graduated over the last three years of the agreement. Annual costs are estimated below:

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Description	2011	2012	2013	2014	2015
e-fee (10% discount)	577,378.65	606,247.58	636,559.96	668,387.96	701,807.36
*Content fee (9%)	57,737.83	60,624.72	63,655.96	66,838.76	70,180.69
Cell Press (<i>full-text access</i>) fee	2,760.73	2,898.77	3,043.70	3,195.89	3,355.68
Seminars (<i>full-text access to seminar journals</i>)	3,370.76	3,539.30	3,716.26	3,902.08	4,097.18
Freedom Collection Fee (access to full text of articles from certain journals titles published since 1999)	0.00	0.00	30,000.00	40,000.00	55,000.00
TOTAL FEES	\$641,247.97	\$673,310.37	\$736,975.88	\$782,324.69	\$834,440.91

*Content fee is the publisher's cost for managing the e-journal and providing access to it. The publisher must ensure all users have access up to the standards outlined in the agreement through servers and redundancy, archiving, copyright, withdrawals, and preprints.

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

Contractor Selection Process: Elsevier is the sole provider and publisher for unique journal titles.

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

- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to exercise its renewal option in its lease agreement with **Select Specialty Hospital – Jackson, Inc.** for the lease of 9,403 sq. feet of space.

Contractor's Legal Name: Select Specialty Hospital – Jackson, Inc.

History of Contract: The original lease agreement was approved by the Board in February 2008 for the period March 1, 2008 through February 28, 2011. Total costs were not to exceed \$1.5 million.

Specific type of contract: Lease Agreement

Purpose: The purpose of the agreement is to lease 9,403 sq. feet of space to house the outpatient Gastro-Intestinal/Endoscopy Outpatient Clinic. The purpose of this request is to exercise the two (2) consecutive one (1) year renewal periods in the original agreement.

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Scope of Work: The agreement is to lease 9,403 sq. ft. of space. In addition, UMMC shall pay its proportionate share of operating costs per rentable square foot in the building. Utilities, maintenance services, housekeeping and janitorial services, waste disposal and medical gases are considered operating costs.

Term of contract: The contract length will be extended an additional two (2) years bringing the total contract period to five (5) years – March 1, 2008 to February 28, 2013.

Termination Options: Either party shall have the right to terminate the agreement by providing no less than ninety (90) days written notice to the other party of such party's intent to terminate the agreement.

Contract Amount: The current lease payment of \$35.03 per sq. ft. will reduce to \$25.16 per sq. ft. in the fourth and fifth years, making the new monthly lease payment \$19,715. Cost for the two-year contract renewal period has an estimated expenditure of \$717,338 (lease -\$473,159 and operating cost- \$244,179) bringing the overall estimated costs for the entire contract period to \$2,217,338. All other terms remain the same as set forth in the original agreement.

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

Contractor Selection Process: This is a renewal. N/A

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

- d. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to exercise its renewal option in its lease agreement with **Select specialty Hospital – Jackson, Inc.** for the lease of 12,415 sq. feet of space.

Contractor's Legal Name: **Select Specialty Hospital – Jackson, Inc.**

History of Contract: The original lease agreement was approved by the Board in February 2008 for the period March 1, 2008 through February 28, 2011. Total costs were not to exceed \$1.7 million.

Specific type of contract: Lease Agreement

Purpose: The purpose of the agreement is to lease 12,415 sq. feet of space to house the Sleep Disorders Center. The purpose of this request is to exercise the two (2) consecutive one (1) year renewal periods in the original agreement.

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Scope of Work: The agreement is to lease 12,415 sq. ft. of space. In addition, UMMC shall pay its proportionate share of operating costs per rentable square foot in the building. Utilities, maintenance services, housekeeping and janitorial services, waste disposal and medical gases are considered operating costs.

Term of contract: The contract length will be extended an additional two (2) years bringing the total contract period to five (5) years – March 1, 2008 to February 28, 2013.

Termination Options: Either party shall have the right to terminate the agreement by providing no less than ninety (90) days written notice to the other party of such party's intent to terminate the agreement.

Contract Amount: The current lease payment of \$26.85 per sq. ft. will reduce to \$25.16 per sq. ft. in the fourth and fifth years making the new monthly lease payment \$26,030. Costs for the two-year contract renewal period has an estimated expenditure of \$947,358 (lease - \$624,723 and operating costs - \$322,635) bringing the overall estimated costs for the entire contract period to \$2,647,358. All other terms remain the same as set forth in the original agreement.

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

Contractor Selection Process: This is a renewal. N/A

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

3. SYSTEM – APPROVAL TO ESCALATE EXECUTIVE OFFICE BUDGET

The Executive Office requests approval to escalate its budget and seeks spending authority approval for the budget shown below. The escalation is due to the inclusion of the REMI contract approved by the Board at the January 2011 meeting. The agreement will be funded by the Governor's office in conjunction with the Deep Water Horizon Economic Impact Study. The executive office budget includes grant funds and transfer funds from the universities, student financial aid, and the Delta Regional Revitalization Study.

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Consolidated	FY 2011 Original Budget	Revision/ Escalation	FY 2011 Revised Budget
Salaries, Wages, & Fringe Benefits	\$ 11,948,881	\$ -	\$ 11,948,881
Travel	498,673		498,673
Contractual Services	27,844,482	312,000	28,156,482
Commodities	388,890		388,890
Capital Outlay:			
Other Than Equipment	-		-
Equipment	111,500		111,500
Total Capital Outlay	111,500	-	111,500
Subsidies, Loans, & Grants	37,172,271		37,172,271
Total	\$ 77,964,697	\$ 312,000	\$ 78,276,697

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 the revised budget.

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

Board Policy §902, Initiation of Construction Projects

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

Board Policy §904(A), Board Approval

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

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

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

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

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

Board Policy §917, Naming Buildings and Facilities

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

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

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

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

IHL PROJECTS

1. UM – IHL 207-346 – Stockard Hall and Martin Hall Brick Veneer Replacement

Project Request: The University of Mississippi requests approval to initiate a project, Stockard Hall and Martin Hall Brick Veneer Replacement, and to select a design professional using the “Request for Qualifications” process through a publicly advertised RFQ.

Design Professional: N/A

Purpose: These two eleven story buildings share a lobby and were constructed in 1969. Over time, water penetrated the brickwork causing the shelf angles to oxidize. Prolonged freeze-thaw activity combined with this oxidation to crack and loosen the mortar which has also resulted in severe movement of the bricks. Large chunks of mortar have now become loose, causing hazards for pedestrians below. This project involves removing the masonry skin in its entirety from the seventh floor to the eleventh floor and replacing the brick and re-installing windows on floors seven through eleven. The University of Mississippi 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: February 17, 2011

Date of Original Construction: 1969

Date of Last Renovation: Only minor renovations since 1969

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$3,018,655.00
Architectural and Engineering Fees:	225,008.08
Miscellaneous Project Costs:	115,200.00
Contingency:	<u>641,136.92</u>
Total Project Budget	\$4,000,000.00

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Funding Source(s): Auxiliary R&R funds (\$4,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, School of Dentistry Restorative Lab Renovations, and to appoint Mark Vaughan as design professional.

Design Professional: Mark Vaughan

Purpose: The project will include renovation of approximately 3,750 square feet of the existing School of Dentistry Lab space. The existing Restorative Lab suite will be renovated/upgraded to provide modern Restorative Lab design and includes new laboratory casework, upgraded utilities, additional offices, and support space as well as new digital simulation area and equipment. The University of Mississippi Medical Center 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: February 17, 2011

Date of Original Construction: 1977

Date of Last Renovation: N/A

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$1,074,402.00
Architectural and Engineering Fees:	94,852.00
Miscellaneous Project Costs:	11,555.00
Contingency:	<u>99,191.00</u>
Total Project Budget	\$1,280,000.00

Funding Source(s): Hospital Patient Revenue (\$665,600); Tuition Fees (\$614,400)

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Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF CHANGE IN FUNDING SOURCE(S)

3. MVSU – GS 106-201 – J.H. White Library Enhancements

Project Request: Mississippi Valley State University requests approval to increase the amount of *Ayers* funds that will be used to fund the J.H. White Library Enhancements project from \$7,500,000 to \$8,500,000 while decreasing the amount of H.B. 1722, Laws of 2009 funds from \$2,500,000 to \$1,500,000. The \$7,500,000 is the original amount requested and allocated through the *Ayers* Settlement as approved by the Board for the J.H. White Library Enhancements project and Mississippi Valley State University seeks to use the remaining \$1,000,000 of excess *Ayers* funds for the project. The project will consist of \$8,500,000 in *Ayers* funds allocated for GS 106-201 J.H. White Library Enhancements and an additional \$3,000,000 in other state bond funds. The total project budget will remain at \$11,500,000 for the project.

Design Professional: Duvall Decker

General Contractor: Harrell Contracting Group, LLC

Purpose: Mississippi Valley State University is seeking to clarify the funding sources and amounts for the J.H. White Library Enhancements project. Due to the change in funding source amounts which include increasing the allocation of *Ayers* funds to the J.H. White Library Enhancements project and decreasing the amount of state bond funds used on the project, Mississippi Valley State University seeks Board approval for this increase in allocation of *Ayers* funds in order to comply with the *Ayers* Settlement requirements.

Mississippi Valley State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases and changes in funding source amounts to the Board for approval.

Project Initiation Date: February 21, 2008

Date of Original Construction: N/A

Date of Last Renovation: N/A

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Project Budget:

	<i>Estimated</i>
Construction Cost:	\$9,688,331.00
Architectural and Engineering Fees:	1,315,102.00
Miscellaneous Project Costs:	12,150.00
Contingency:	<u>484,417.00</u>
Total Project Budget	\$11,500,000.00

Funding Source(s): HB 1641, Laws of 2008 (\$250,000); SB 2988, Laws of 2003 (\$255,000); SB 2010, Laws of 2004 (\$250,000); SB 3158, Laws of 2001 (\$745,000); HB 1722, Laws of 2009 (\$1,500,000); MVSU will also use \$8,500,000 in *Ayers* funds.

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

4. MSU – Naming of Mize Pavilion at Humphrey Coliseum

Project Request: Mississippi State University requests approval to name the basketball practice facility now nearing completion as the Mize Pavilion at Humphrey Coliseum.

Purpose: The new practice facility attached to the existing Humphrey Coliseum was made possible in large part by a major lead gift from the Mize Foundation of Tupelo, Mississippi, whose leadership also encouraged other significant donations for the project.

The gift of \$4 million from the Henry Mize Charitable Foundation in August 2009 helped make possible the construction of the basketball practice facility. The Henry Mize Foundation was established in April of 2003 following the death of its namesake, Booneville, Mississippi resident Henry Mize, a 1938 graduate of Mississippi State and lifetime supporter of Bulldog athletics. Paul "Buzzy" Mize of Tupelo, Mississippi, the nephew of Henry Mize, serves as the permanent director of the Henry Mize Foundation. Paul "Buzzy" Mize is a 1978 graduate of MSU's College of Business and is senior vice president of Ross and Yerger in Tupelo. In 2003, he was named the Tupelo Public School District Parent of the Year and in 2006, he and his wife, Catherine, were awarded the 2006 Association for Excellence in Education Jack Reed Sr. Award. The Mize Foundation has previously provided

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significant support for other enhancements of MSU athletic facilities. Mississippi State University is acting in accordance with Board Policy §917, Naming Buildings and Facilities, that requires Board approval be obtained prior to naming or re-naming any institutional building or facility

Staff Recommendation: Board staff recommends approval of this item.

5. UMMC – Delete from Inventory and Demolish Building #277 Outpatient Department Addition

Project Request: The University of Mississippi Medical Center requests approval to delete Building #277 Outpatient Department Addition from state inventory and demolish it.

Purpose: The University of Mississippi Medical Center is seeking to delete Building #277 Outpatient Department Addition from state inventory and demolish it. This building was a new appendage added in 1977 to the original Hospital Clinic area on the first floor. Due to conflicts with structural column layouts and required design layouts for the new Cardiovascular Renovation Project, the existing one story structure needs to be removed. The early removal of Building #277 as well as the demolition of other unoccupied interior areas will better reveal existing conditions, thus allowing the professionals to address potential design conflicts prior to the construction phase. Additionally, it will shorten the overall completion time required for the Cardiovascular Project. Mississippi Department of Archives and History has reviewed the design documents for the Cardiovascular Renovations which includes the proposed demolition of building #277, and has provided its approval on 9-27-10 (copy of approval on file). MSDEQ approval will be applied for and obtained prior to the start of demolition.

Therefore, UMMC requests approval for demolition of building #277 Outpatient Department Addition and subsequent removal from State Building Inventory contingent upon compliance with MSDEQ review. All legal documentation will be kept on file in the Office of Real Estate and Facilities. The University of Mississippi Medical Center is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

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1. UMMC - APPROVAL TO HIRE BALCH & BINGHAM, LLC AS OUTSIDE COUNSEL

UMMC requests approval to hire Balch & Bingham, LLC as outside counsel for healthcare regulatory and compliance matters, and administrative hearings. The term of the contract will be from March 1, 2011 through June 30, 2012. The hourly rate payable to attorneys will be \$215.00 with the maximum amount payable under the contract to be \$50,000. Either party may terminate the contract with thirty (30) days notice. The contract will be paid from hospital patient revenues.

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

2. SYSTEM - APPROVAL OF REQUEST TO SEEK OFFICIAL ATTORNEY GENERAL'S OPINION

Because of disagreement among state agencies about when *Ayers* settlement implementation began as to legislative funding of the academic programs required under the settlement agreement, Board approval is requested to seek an official Attorney General's opinion regarding same. The request for an official Attorney General's opinion would also inquire as to whether *Ayers* settlement academic program funding, as specifically provided for within the *Ayers* settlement agreement, must be appropriated by the Mississippi Legislature over the course of seventeen separate fiscal years. The actual draft opinion request letter is as shown below.

Honorable Jim Hood
Attorney General
Post Office Box 220
Jackson, MS 39205

Re: Request for Official Opinion

Dear General Hood:

As Commissioner of Higher Education, appointed pursuant to Miss. Code Ann. §37-101-7 (1972), and in accordance with Miss. Code Ann. §7-5-25 (1972), I request your official opinion on the following matters.

- 1) As you are aware, while the *Jake Ayers, Jr., et al. v. Musgrove, et al.* desegregation case (hereinafter referred to as "*Ayers*") was initially thought to have been settled pursuant to a settlement agreement dated March 29, 2001, *Ayers* was appealed following the execution of the settlement agreement. Following the appeal, *Ayers*

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was finally dismissed by an order of the District Court on or around November 26, 2004. Within the settlement agreement, Section X. D. specifically addressed the possibility that the case might be appealed and provided, in part and in essence, that the settlement agreement was not to become final until the District Court approved all aspects of the agreement, until the entry of the judgment, and until the expiration of the time for appeal or to seek permission to appeal from the District Court's approval of the settlement agreement and entry of judgment, or, if the judgment ended up being appealed, the settlement agreement was not final until affirmance of the approval of the settlement agreement and the judgment. Therefore, it was clearly anticipated within the settlement agreement that such settlement agreement might be appealed and that if it was appealed, the agreement would not become final until all appeals were exhausted. Within the settlement agreement, it is stated that *Ayers* settlement implementation as to academic program funding was to begin in FY 2002. Even so, the settlement agreement was not final until the case/appeal was concluded around November, 2004. Following the conclusion of the appeal, the Mississippi Legislature next met in 2005 to approve the fiscal year 2006 appropriation bill(s) for IHL, which included funding for implementation of the *Ayers* settlement as to academic programs. In light of the above, the language within the settlement agreement, the language within the FY 2005 and FY 2006 Mississippi IHL appropriation bills concerning *Ayers* funding, and any other documents or information that you deem relevant, when did implementation of the settlement agreement begin as to *Ayers* academic program funding by the Mississippi Legislature?

- 2) Must *Ayers* settlement academic program funding, as specifically provided for within the *Ayers* settlement agreement, be provided/appropriated by the Mississippi Legislature over the course of seventeen separate fiscal years?

Thanks in advance for your opinion on these important issues.

Sincerely,

Hank M. Bounds
Commissioner of Higher Education

cc: Dr. Bettye Neely, IHL Board President

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

Rehired retirees making more than \$20,000 who are NOT on contracts during Fiscal Year 2011

MSU

Willie Davis, *former position: Teacher; re-employment position: Lecturer; re-employment period: January 1, 2011 through June 30, 2011; salary of \$27,500*

Paul Allen, *former position: Professor; re-employment position: Lecturer; re-employment period: January 1, 2011 through June 30, 2011; salary of \$52,583*

Reba Thompson, *former position: Teacher; re-employment position: Lecturer; re-employment period: January 1, 2011 through June 30, 2011; salary of \$27,500*

Betty Estes, *former position: Reading Facilitator; re-employment position: Lecturer; re-employment period: January 3, 2011 through June 30, 2011; salary of \$27,500*

Sherrill Wiygul, *former position: Teacher; re-employment position: Lecturer; re-employment period: January 1, 2011 through June 30, 2011; salary of \$27,500*

Terry Stacy, *former position: Teacher; re-employment position: Lecturer; re-employment period: January 1, 2011 through June 30, 2011; salary of \$27,500*

William Maslin, *former position: Associate Professor; re-employment position: Associate Clinical Professor; re-employment period: January 1, 2011 through June 30, 2011; salary of \$48,017*

Patsy Moore, *former position: Instructor; re-employment position: Lecturer; re-employment period: January 1, 2011 through June 30, 2011; salary of \$27,500*

Elborn Jones, *former position: Professor; re-employment position: Lecturer; re-employment period: January 7, 2011 through June 30, 2011; salary of \$57,156*

Glenn McGee, *former position: Superintendent; re-employment position: Director; re-employment period: January 1, 2011 through June 30, 2011; salary of \$40,000*

James Lawson, *former position: Instructor; re-employment position: Lecturer; re-employment period: January 11, 2011 through June 30, 2011; salary of \$27,351*

Kathleen Wilson, *former position: Teacher; re-employment position: Lecturer; re-employment period: January 16, 2011 through June 30, 2011; salary of \$32,010*

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2. Change in Status

UMMC

Kimberly W. Hoover, *from* Professor and Interim Dean, School of Nursing, salary of \$160,00 per annum, pro rata; E&G Funds; *to*, Dean and Professor, salary of \$200,000 per annum, pro rata; E&G Funds; effective October 14, 2010

USM

Russell H. Willis; *from Interim* Vice President for Administrative Affairs, salary of \$120,000 per annum, pro rata; E&G Funds; *to* Vice President for Administrative Affairs; salary of \$185,000 per annum, pro rata; E&G Funds; effective July 1, 2011

3. Sabbaticals

UM

Melvin Arrington, Professor of Modern Languages, *from* salary of \$76,270 per annum, pro rata; E&G Funds; *to* salary of \$38,135 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Julia Aubrey, Associate Professor of Music, *from* salary of \$61,528 per annum, pro rata; E&G Funds; *to* salary of \$30,764 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

John Stephen Brewer, Professor of Biology, *from* salary of \$79,255 per annum, pro rata; E&G Funds; *to* salary of \$39,627 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Yunhee Chang, Assistant Professor of Nutrition and Hospitality Management, *from* salary of \$58,293 per annum, pro rata; E&G Funds; *to* salary of \$29,146 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development (*contingent upon approval of tenure and promotion*)

Wei-Yin Chen, Professor of Chemical Engineering, *from* salary of \$123,773 per annum, pro rata; E&G Funds; *to* salary of \$61,886 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011, professional development

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H. Conrad Cunningham, Professor of Computer and Information Science, *from* salary of \$122,783 per annum, pro rata; E&G Funds; *to* salary of \$61,391 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

John N. Daigle, Professor of Electrical Engineering, *from* salary of \$126,684 per annum, pro rata; E&G Funds; *to* salary of \$63,342 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to December 31, 2012; professional development

Gregg Davidson, Professor of Geological Engineering, *from* salary of \$81,149 per annum, pro rata; E&G Funds; *to* salary of \$40,574 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to May 12, 2012; professional development

Oliver Dinius, Associate Professor of History, *from* salary of \$61,087 per annum, pro rata E&G Funds; *to* a salary of \$30,543 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to May 12, 2012; professional development

Ross Haenfler, Associate Professor of Sociology and Anthropology, *from* salary of \$59,945 per annum, pro rata; E&G Funds; *to* salary of \$29,972 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Marvin King, Assistant Professor of Political Science, *from* salary of \$54,487 per annum, pro rata; E&G Funds; *to* salary of \$27,243 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development (*contingent upon approval of tenure and promotion*)

Marc H. Lerner, Assistant Professor of History, *from* salary of \$52,987 per annum, pro rata; E&G Funds; *to* salary of \$26,493 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to May 12, 2012; professional development (*contingent upon approval of tenure and promotion*)

Jeanette S. Martin, Professor of Management, *from* salary of \$84,560 per annum, pro rata; E&G Funds; *to* salary of \$42,280 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Mustafa M. Matalgah, Associate Professor of Electrical Engineering, *from* salary of \$91,570 per annum, pro rata; E&G Funds; *to* salary of \$45,785 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Ben W. McClelland, Professor of English, *from* salary of \$92,171 per annum, pro rata; E&G Funds; *to* salary of \$46,085 per annum, pro rata for sabbatical period;

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E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Kerry Brian Melear, Associate Professor of Leadership and Counselor Education, *from* salary of \$62,744 per annum, pro rata; E&G Funds; *to* salary of \$31,372 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Dale G. Nagle, Professor of Pharmacognosy, *from* salary of \$103,006 per annum, pro rata; E&G Funds; *to* salary of \$38,627 per annum, pro rata for sabbatical period (twelve-month contract); E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Milorad Novicevic, Associate Professor of Management, *from* salary of \$116,975 per annum, pro rata; E&G Funds; *to* salary of \$58,487 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Minjoo Oh, Associate Professor of Sociology and Anthropology, *from* salary of \$59,843 per annum, pro rata; E&G Funds; *to* salary of \$29,921 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to December 31, 2012; professional development

Igor Ostrovskii, Associate Professor of Physics and Astronomy, *from* salary of \$65,670 per annum, pro rata; E&G Funds; *to* salary of \$32,835 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Ronald J. Rychlak, Professor of Law, *from* salary of \$180,729 per annum, pro rata; E&G Funds; *to* salary of \$67,773 per annum, pro rata for sabbatical period (twelve-month contract); E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Paul Scovazzo, Associate Professor of Chemical Engineering, *from* salary of \$81,561 per annum, pro rata; E&G Funds; *to* salary of \$40,780 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Paula Temple, Professor of Art, *from* salary of \$71,588 per annum, pro rata; E&G Funds; *to* salary of \$35,794 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Kathleen Woodruff Wickham, Associate Professor of Journalism, *from* salary of \$63,205 per annum, pro rata; E&G Funds; *to* salary of \$31,602 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

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Gabriel Wrobel, Associate Professor of Sociology and Anthropology, *from* salary of \$60,149 per annum, pro rata; E&G Funds; *to* salary of \$30,074 per annum, pro rata for sabbatical period; E&G Funds; professional development

USM

Jonathan Barron, Associate Professor of English, *from* \$54,226 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$24,100 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

Robin Carr, Associate Professor of Theatre and Dance, *from* \$50,321 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$22,364 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

C. S. Chen, Professor of Mathematics, *from* \$117,054 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$52,024 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

David Cochran, Associate Professor of Geology and Geography, *from* \$56,519 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$25,120 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

Alina Gearba, Professor of Social Work, *from* \$55,213 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$27,606.50 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to May 19, 2012; professional development

Kate Greene, Associate Professor of Political Science, *from* \$59,068 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$26,252 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

Jae-Hwa Shin, Associate Professor of Mass Communication and Journalism, *from* \$60,452 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$33,585 per annum for sabbatical period; E&G Funds; effective January 1, 2012 to May 19, 2012; professional development

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1. SYSTEM – APPROVAL OF NEW ACADEMIC PROGRAMS

In accordance with Board Policy 501: Academic Programs and Units “*All new curricula, departments, programs of study, organized research or services being proposed by any or all of the institutions must be submitted to the Board and must be approved by the Board before being initiated,*” Board approval is requested for establishing eight new academic programs.

- a. *Mississippi State University* requests permission to offer the *Doctorate of Philosophy in Human Development and Family Studies* degree.

CIP: 19.0701

Hours to Degree: 60 credit hours beyond the master’s degree

State Need: While every other land grant university in the Southeast has a graduate program in Human Development and Family Studies (HDFS) or a related area, there is currently no Ph.D. degree program in HDFS or related areas offered in Mississippi. Graduate programs in this area will be beneficial by contributing to the development of human capital in the state and supporting current initiatives in early childhood and family services state government already has in place.

Employment: (No MS employment statistics available) U.S. Bureau of Labor Statistics projects industry sectors related to these fields to be among the fastest growing segments of employment growth through 2018 (employment by major industry sector, 1998, 2008, and projected 2018).

Funding: Tuition revenue and external grant funding. Three additional HDFS 12-month faculty members @ \$75,000 each will be needed (plus fringe benefits \$95,141). The three additional faculty members will be responsible for teaching the majority of the HDFS graduate-level courses for the Ph.D. and MS level programs, if approved.

Enrollment: An estimate of 31 students is projected to enter the program in HDFS with 18 expected to graduate within the first six years. In response to an online poll with 49 students responding, 92% indicated they would be interested in an M.S. in HDFS, and 57% said they would be interested in a Ph.D. in HDFS.

Duplication: In Mississippi, there are currently no HDFS programs with a lifespan emphasis that lead to a doctorate.

Staff Recommendation: Board staff recommends approval of this item.

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- b. *Mississippi State University* requests permission to offer the *Master of Science in Human Development and Family Studies* degree.

CIP: 19.0701

Hours to Degree: 31 credit hours beyond the baccalaureate degree

State Need: A Master of Science in Human Development and Family Studies degree would contribute to the generation of knowledge and help in meeting the unique needs of Mississippi families. The proposed program will be beneficial by contributing to the development of human capital in the state and supporting current initiatives in early childhood and family services state government already has in place.

Employment: (No MS employment statistics available) U.S. Bureau of Labor Statistics projects industry sectors related to these fields to be among the fastest growing segments of employment growth through 2018 (employment by major industry sector, 1998, 2008, and 2018).

Funding: *(See Ph.D. program on previous page)*

Enrollment: An estimate of 116 students is projected to enter the program in HDFS with 81 expected to graduate within the first six years. In response to an online poll with 49 students responding, 92% indicated they would be interested in an M.S. in HDFS.

Duplication: USM offers a similar degree in Child and Family Studies online.

		Enrollment				
	CIP	Degree Name	AY2007	AY2008	AY2009	3-Yr Total
USM	19.0704	Child and Family Studies	154	154	189	397

		Graduates				
	CIP	Degree Name	AY2007	AY2008	AY2009	3-Yr Total
USM	19.0704	Child and Family Studies	2	6	3	11

Staff Recommendation: Board staff recommends approval of this item.

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- c. *Mississippi University for Women* requests permission to offer the *Bachelor of Science in Public Health Education* degree.

CIP: 51.2207

Hours to Degree: 124 credit hours

State Need: Students graduating with a degree in Public Health Education will be ready to work in a number of fields, including but not limited to school health, community health, international/global health, worksite health, federal/state government public health, and voluntary health agencies.

Employment: Health Education is one of the fastest growing areas of employment in the United States, up by 26% in recent years. That growth is expected to continue and will result from the rising cost of health care and the increased recognition of the need for qualified health educators, as health care increasingly shifts toward a more prevention-oriented focus (Bureau of Labor Statistics). MS employment statistics project a 21.4% growth from 2006-2016, with an anticipated 500 more jobs in the field of public health.

Funding: No additional faculty will be needed to initiate the program.

Enrollment: An estimate of 100 students is projected to enter the program with 35 expected to graduate within the first six years. The enrollment and graduate figures were based upon similar programs in the Department of Health and Kinesiology.

Duplication: USM offers a similar B.S. degree in Community Health Sciences.

			<u>Enrollment</u>			
	<u>CIP</u>	<u>Degree Name</u>	<u>AY2007</u>	<u>AY2008</u>	<u>AY2009</u>	<u>3-Yr Total</u>
USM	51.2201	Community Health Sciences	72	82	105	259

			<u>Graduates</u>			
	<u>CIP</u>	<u>Degree Name</u>	<u>AY2007</u>	<u>AY2008</u>	<u>AY2009</u>	<u>3-Yr Total</u>
USM	51.2201	Community Health Sciences	33	23	25	81

Staff Recommendation: Board staff recommends approval of this item.

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- d. *The University of Mississippi (School of Business) and The University of Mississippi Medical Center (School of Health Related Professions)* requests permission to offer the *Master of Health Care Administration* degree.

CIP: 51.0701

Hours to Degree: 48 credit hours beyond the baccalaureate degree

State Need: The online master of Health Care Administration degree program will prepare students for senior management positions throughout the health care field. Upon completion of the program, graduates will be prepared to assume leadership roles in a variety of health care settings.

Employment: Mississippi employment statistics project a 21.4% growth from 2006-2016, with an anticipated 200 more jobs in the field of public health. The proposed program is designed to prepare students for a wide array of management careers in health systems, hospitals, consulting firms, managed care organization, insurance firms, non-governmental organizations, medical group practices, government agencies and other settings.

Funding: No additional faculty will be needed to initiate the program.

Enrollment: An estimate of 220 students is projected to enter the program with 100 expected to graduate within the first six years. This formula is based upon input from the deans of the School of Business and Health Related Professions, and inquiries about the program (demand for hospital administrators). The School of Health Related Professions has received multiple inquiries from graduates and current students desiring such a program.

Duplication: There are no similar degree programs within the IHL system. Mississippi College offers a Master of Health Services Administration.

Staff Recommendation: Board staff recommends approval of this item.

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2. SYSTEM – APPROVAL OF PROPOSED AMENDMENTS TO BOARD POLICY 602 NONRESIDENT ADMISSIONS (FIRST READING)

F. Nonresident Admissions

Any student identified as a nonresident will be ~~admitted~~ qualified for admission to a Mississippi institution of higher learning based on equivalent preparation as determined by the admitting institution.

If, however, an admitting institution determines that anticipated enrollment will exceed the institution's capacity to adequately serve all prospective students who are otherwise qualified for admission, then the institution may make appropriate admissions decisions from among the pool of otherwise qualified non-resident applicants in light of institutional capacity and consistent with constitutional and other legal requirements, as well as in light of the IHL and the admitting institution's values, mission, and goals.

Staff Recommendation: Board staff recommends approval of this item.

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1. SYSTEM – PRESENTATION RELATED TO INSTITUTIONS’ BUSINESS PLANS FOR FOOD SERVICES AND HOUSING

Staff will make a presentation to the Board of Trustees regarding status of the institutions’ business plans applicable to food services and housing.

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1. UMMC - APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for the settlement of Tort Claim No. 1204.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. MSU - APPROVAL TO SETTLE TORT CLAIM

Mississippi State University is seeking Board approval for the settlement of Tort Claim No. 930750.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. SYSTEM - APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICIES AND BYLAWS REGARDING THE ELECTION OF BOARD OFFICERS

Board approval for first reading is requested for the following amendments to the Board's Policies and Bylaws regarding the election of Board officers:

201.02 PRESIDENT OF THE BOARD

~~Within 10 days after the beginning of the terms of office of its members, upon call of the Governor, the Board shall meet in the City of Jackson and organize by electing (1) of its number as president, whose term of office shall be for (1) year or until a successor shall be elected, and shall transact such other business as may come before the meeting. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie.~~

Miss. Code Ann., §37-101-7, as amended.
(See Section 301.01, A.)
(BT Minutes, 9/90; 1/98)

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

~~There shall be a president elected by the Board from its membership whose term of office shall be for one year or until his or her successor is elected. It is expected that each member of a class of Trustees shall be elected to serve as President, unless a Trustee elects not to serve. A class of Trustees shall~~

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consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date. Each member of the class of Trustees that took office as of May 2004 shall serve eleven months as president, unless he/she elects not to serve. The first Trustee elected as President from the class of Trustees that took office in 2004 shall begin his/her presidential term on May 1, 2011. Each member of the class of Trustees that took office as of May 2008 shall serve ten months as president, unless he/she elects not to serve. Each member of the class of Trustees that shall take office as of May 2012, as well as the members of all subsequent classes, shall serve nine months as president, unless he/she elects not to serve. If a member of a class of Trustees elects not to serve, another member of the class may serve more than one term, if elected. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special committees; ~~he or she shall appoint members of all standing or special committees;~~ he or she shall, with the Commissioner, execute such instruments and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie. The president of the Board may not immediately succeed himself/herself as president after having served a full ~~year~~ term.

Miss. Code Ann., §37-101-7, as amended.
(See Section 201.02 President of the Board)

B. VICE PRESIDENT:

There shall be a vice president elected by the Board from its membership. A vice president shall serve until completion of the term of the president that the vice president will succeed. The term of office shall be one year, and Tthe vice president shall preside at meetings of the Board in the absence or disability of the president.

The vice president of the Board shall automatically succeed to the office of president after having served a ~~one year~~ term as vice president.

The vice president shall become president upon the resignation, removal, death or incapacity of the president.

(BT Minutes, 9/90, 1/98)

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301.02 ELECTION OF OFFICERS

The Board of Trustees shall elect its officers at the ~~January~~ meeting of the Board, ~~if held,~~ three months before new officers are to take office, unless no meeting is held during that month. However, the Board may vote, if it so chooses, to hold the election of officers at another meeting of the Board. ~~to take office on the eighth day of May in the same year.~~

(BT Minutes, 9/90; 1/98)

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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ACADEMIC AFFAIRS

1. SYSTEM – 2011 HEADWAE HONOREES

The Higher Education Appreciation Day, Working for Academic Excellence (HEADWAE) was established by the Mississippi Legislature to honor academically talented students and faculty members of Mississippi's higher education institutions who have made outstanding contributions in promoting academic excellence. The HEADWAE recipients were honored on February 3, 2011 at the Jackson Convention Complex, where Lt. Governor Phil Bryant was the guest speaker. System honorees for 2011 are listed below.

INSTITUTION	STUDENT HONOREE	FACULTY HONOREE
ASU	Crystal Denise Glenn	Jan E. Duncan
DSU	Emily Hearn	Gloria Rizzo Brister
JSU	Ameenah Maha Abdur-Rashied	Natarajan Meghanathan
MSU	Thomas Leon Sellers	Rachel Elizabeth McCann
MUW	Brandon Colby Newsome	George V. Pinchuk
MVSU	Kimberly Patrice Palmer	Ying Wang
UM	Katherine Virginia Burke	Kelly Gene Wilson
UMMC	Denise Creshun Cornelius	Michael David Hebert
USM	Suzanna Lee Ellzey	Steve Chi-Yin Yuen

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
JANUARY 20, 2011 BOARD MEETING SUBMISSION DEADLINE**

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

Board Policy §904(A), Board Approval

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

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

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

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

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

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Paul Jackson & Sons, Inc, the lower of eight (8) bidders, for a total contract amount of \$5,808,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 7, 2010

Project Initiation Date: January 31, 2008

Design Professional: Duval Decker

General Contractor: Paul Jackson & Sons, Inc.

Contract Award Date: December 7, 2010

Project Budget: \$7,000,000

Funding Source(s): HB 246, Laws of 2007 (\$2,057,735); HB 1641, Laws of 2008 (\$368,847.64); SB 2988, Laws of 2003 (\$300,000); SB 2010, Laws of 2010-Ayers (\$4,273,417.36)

2. JSU – GS 103-255 – Fire Suppressions System, Phase I (McAllister/Whiteside)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Metro Mechanical, Inc, the lower of five (5) bidders, for a total contract amount of \$3,934,876.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 6, 2011

Project Initiation Date: August 20, 2009

Design Professional: CGM Group

General Contractor: Metro Mechanical, Inc.

Contract Award Date: January 6, 2011

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Project Budget: \$7,360,000

Funding Source(s): HB 1722, Laws of 2009 (\$1,550,025.64); HB 1701, Laws of 2010 (\$3,415,276.85); HB 246, Laws of 2007 (\$2,318,436.73); SB 2010, Laws of 2004 (\$76,260.98)

3. MSU – GS 105-314B – Middleton Hall Renovation – Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$102,630.43 and ninety (90) additional days to the contract of Weathers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$54,837.00 and zero (0) additional days to the contract of Weathers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) January 7, 2011; (#2) January 14, 2011

Change Order Justification: **Change Order #2** is necessary to address structural repairs to the building due to termite damage and improperly supported structural conditions in the enclosed attic area. The change order also includes changing flooring types in several locations from preservation of existing wood floors to VCT and carpet. **Change Order #3** is necessary to install gypsum board on interior walls in lieu of plaster as originally specified, install EMT conduit in lieu of MC cable, tuck pointing of interior brick wall, install 8" X 8" X 6" tee on water main for fire hydrant, and install new plywood sub-floor in entry corridor.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$187,787.25

Project Initiation Date: November 18, 2005

Design Professional: Shafer & Associates, PLLC

General Contractor: Weathers Construction, Inc.

Contract Award Date: April 23, 2010

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Project Budget: \$3,750,000

Funding Source(s): HB 246, Laws of 2007 (\$3,000,000); SB 2010, Laws of 2004 (\$750,000)

4. MSU – IHL 205-235G – Residence Halls Fire Protection

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

Staff Approval Date: December 15, 2010

Project Initiation Date: January 21, 2010

Design Professional: LPK Architects, P.A.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$29,960,000

Funding Source(s): MSU EBC (\$29,960,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to McMillan-Pitts Construction, Inc, the lower of twelve (12) bidders, for a total contract amount of \$2,484,000.00.

Staff Approval Date: December 14, 2010

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Project Initiation Date: November 19, 2009

Design Professional: Pryor & Morrow

General Contractor: McMillan-Pitts Construction

Contract Award Date: December 14, 2010

Project Budget: \$3,000,000

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

6. MVSU – GS 106-230 – Stadium Seating Replacement-Demolition Bid Package

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to D.H. Griffin Wrecking Company, the lower of eleven (11) bidders, for a total contract amount of \$83,354.00 plus \$28,223.00 for alternate #1 if chosen. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 14, 2011

Project Initiation Date:

Design Professional: JBHM Architects

General Contractor: D.H. Griffin Wrecking Company

Contract Award Date: January 14, 2011

Project Budget: \$4,900,000

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

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7. UM– IHL 207-258 – New Law School

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$134,409.71 and thirty-six (36) additional days to the contract of W.G. Yates Construction, Inc.

Staff Approval Date: January 6, 2011

Change Order Justification: **Change Order #9** is necessary to address millwork changes, window structural supports, attic fire sprinklers, change VCT to carpet in classroom, add donor pavers/modify ramps, relocate switches and moot court 2035, add paint, and to add limestone protection.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$888,761.84

Project Initiation Date: April 21, 2005

Design Professional: Eley Guild Hardy Architects

General Contractor: W.G. Yates Construction

Contract Award Date: May 13, 2008

Project Budget: \$50,000,000

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

8. 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 #5** in the amount of \$4,011.10 and zero (0) additional days to the contract of Murphy & Sons, Inc.

Staff Approval Date: January 5, 2011

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Change Order Justification: **Change Order #5** is necessary to add concrete sidewalk at west side of building, upgrade floor adhesive to accommodate moisture vapor emission as tested on site, add 4' wide concrete sidewalk connecting main entry to cart parking location and to deduct refunded amount from signage allowance #1.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$137,813.10

Project Initiation Date: February 19, 2009

Design Professional: The McCarty Company

General Contractor: Murphy & Sons, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$2,000,000

Funding Source(s): US Congress Grant #SBAHQ-06-I-0032

9. USM– GS 108-260 – Residence Halls Sprinkler Systems

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

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

Staff Approval Date: January 14, 2011

Project Initiation Date: June 18, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: N/A

Contract Award Date: N/A

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Project Budget: \$2,000,000

Funding Source(s): HB 1722, Laws of 2009 (\$2,000,000)

10. USM– GS 108-267 – College of Business Building (Pre-Design)

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 professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 12, 2011

Project Initiation Date: March 2, 2005

Design Professional: Eley Associates/Studio South

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$547,413 (Pre-Design Budget)

Funding Source(s): SB 2010, Laws of 2004 (\$547,413)

11. USM – GS 108-268 – Campus Security Lighting and Code Blue Phone Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$300,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2010

Project Initiation Date: December 16, 2010

Design Professional: N/A

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General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$300,000

Funding Source(s): HB 246, Laws of 2007 IHL Discretionary Funds (\$300,000)

12. USM– GS 110-089A – Research / Facility (Phase II)

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2 for a credit** in the amount of (\$5,355.00) and seventy-two (72) additional days to the contract of C. Perry Builders.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$15,062.13 and forty-three (43) additional days to the contract of C. Perry Builders.

Staff Approval Date: December 13, 2010

Change Order Justification: **Change Order #2** is necessary to adjust for credits to the project that include eliminating shades on window Type H, deleting stained concrete as shown on plans, adding smoke detector and programming, conduit, wire, and labor, changing the specified biological safety cabinet to a 5' cabinet, adding 15 days to the contract to execute the above items. **Change Order #3** is necessary to install gypsum board, add two 4" PVC conduits with concrete easements, addition of electrical items, relocation of tempering valve, and adding 23 weather related delay days to the contract.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$14,846.13

Project Initiation Date: February 24, 2005

Design Professional: Allred Architectural Group

General Contractor: C. Perry Builders

Contract Award Date: January 8, 2009

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Project Budget: \$9,041,697.88

Funding Source(s): SB 2010, Laws of 2004 (\$1,971,044.88); Mississippi DMR (\$1,700,000); NOAA Grant GRO 02733 (\$5,370,653)

13. USM – GS 114-017 – Gulf Park Campus Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$50,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2010

Project Initiation Date: December 16, 2010

Design Professional: N/A

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$50,000

Funding Source(s): HB 246, Laws of 2007 IHL Discretionary Funds (\$50,000)

14. Education & Research Center – GS 111-049 – ADA Compliance Project Pre-Plan

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$150,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2010

Project Initiation Date: December 16, 2010

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Design Professional: N/A

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$150,000

Funding Source(s): HB 246, Laws of 2007 IHL Discretionary Funds (\$150,000)

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 10/1/10, 11/1/10, 1/6/11, 1/6/11 and 1/10/11) from the funds of Mississippi State University. (These statements, in the amounts of \$11.46, \$24.22, \$118.70, \$384.90 and \$106.80, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 646.08

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/28/10, 11/11/10, 11/11/10 and 11/29/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with *Jackson HMA LLC vs. UMMC* - \$27,344.30; *Jackson HMA LLC vs. UMMC* - \$19,951.77; General Rep. of the Medical School and Facility Practice Plans - UMMC North Clinic - \$107.50 and General Advice - UMMC North Clinic - \$8,773.25, respectively.)

TOTAL DUE.....\$ 56,176.82

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 10/29/10, 10/29/10, 10/29/10, 10/29/10, 10/29/10, 10/29/10, 11/30/10, 11/30/10, 11/30/10 and 11/30/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the cases styled *Kermode* - \$3,943.50; *Kermode* (Federal Case) - \$3,828.00; *Kermode* (State Case) - \$1,171.50; *Seid* - \$2,925.00; *Smith* - \$445.50; *Walker* - \$1,452.00; *Kermode* - \$1,452.00; *Kermode* (Federal Case) - \$2,737.50; *Seid* - \$2,706.00; *Jaralah* - \$1,483.50 and *UMMC* (General) - \$1,530.00, respectively.)

TOTAL DUE.....\$ 23,674.50

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statement dated 11/24/10) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$17.00, represents services and expenses in connection with financial concerns.)

TOTAL DUE.....\$ 17.00

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 12/13/10) 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 - United Kingdom" - \$410.50; "Compact Time-of-Flight Mass Spectrometer - Japan" - \$25.50; "Methods of Preparation of Live Attenuated Bacterial Vaccines" - \$25.50; "Methods for Maize Transformation Utilizing Nodal Section Explants and Mature Zygotic Embryos" - \$2,565.00; "Alcohol Esterification (Condensor Train)" - \$473.88; "Esterification and Bio Oil Upgrading" - \$1,415.00 and "Steele - Reactor Design Patent" - \$2,137.50, respectively.)

TOTAL DUE.....\$ 7,052.88

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 11/16/10, 11/16/10, 12/14/10, 12/16/10 and 12/16/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders" - \$112.50; "Complexes and Compounds for Light Emitting Applications" - \$9,390.00; "Chick Separation-Anxiety-Depression (SAD) Model" - \$42.50; "Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders" - \$4,182.00 and "Complexes and Compounds for Light Emitting Applications" - \$42.50, respectively.)

TOTAL DUE.....\$ 1,376.95

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 10/31/10, 11/30/10 and 12/14/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$2,088.73; "Manzamines for Treatment of Drug Resistant Infection" - \$138.00 and "Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis" - \$1,111.80, respectively.)

TOTAL DUE.....\$ 3,338.53

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Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 12/21/10, 12/21/10, 12/21/10, 12/21/10, 12/21/10 and 12/21/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Canada - Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$375.00; “Canada - Highly Purified Amphotericin-B” - \$927.89; “Highly Purified Amphotericin-B” - \$202.50; “Germany - Highly Purified Amphotericin-B” - \$614.63; “France - Highly Purified Amphotericin-B” - \$443.95; “United Kingdom - Highly Purified Amphotericin-B” - \$399.12; “Ireland - Highly Purified Amphotericin-B” - \$546.96; “US - Highly Purified Amphotericin-B” - \$248.00; “Europe - A Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$1,686.75; “Australia - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$2,028.38; “China - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$96.00; “Mexico - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$1,634.00; “Method of Detecting Vibration and Sound Signatures of Human Footsteps” - \$574.00; “US - Multi-Domain Plate Acoustic Wave Devices” - \$360.00; “US - Delivery of Medicaments to the Nail and Perionychium via (Etching)” - \$780.50; “China - High speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$923.00; “Mexico - High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$41.34; “US - Highly Purified Amphotericin-B” - \$1,336.20; “Japan - High Purified Amphotericin-B” - \$4,659.52; “Highly Purified Amphotericin -B” - \$4,402.00 and “Canada - Highly Purified Amphotericin-B” - \$391.07, respectively.)

TOTAL DUE.....\$ 22,670.81

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 10/31/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents: “Abell/CIP/System for Diagnosis and Prediction of Therapy for Nutritional and Metabolic Disorders” - \$288.50; “Eishamy/Novel Breast, Ovarian BRCA1-Iris” - \$132.00; “General Advice” - \$1,305.00; “Raucher/Targeted Delivery of Therapeutic Peptides by Thermally Responsive Polymers” - \$111.60; “Raucher/Modular Thermally Targeted Biopolymers for Drug Delivery” - \$27.00 and “Vig/Therapeutic Use of Dopamine D2 Receptor Aganists for Treating SCA1” - \$5,854.62, respectively.)

TOTAL DUE.....\$ 7,718.72

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1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.

- a. **UM** - In compliance with Board Policy 701.06 Budget Escalations and Revisions, “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.” On February 4, 2011, the Commissioner approved the budget revisions for the Intercollegiate Athletic budgets at the University of Mississippi. The revision contains no increases in the total budgets but rather reallocations amongst individual expense categories.
- b. **UMMC** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “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.” On February 4, 2011, the Commissioner approved the renewal of a contract between the University of Mississippi Medical Center and National Billing Associates. The purpose of the agreement is to provide continued billing services for UMMC’s home dialysis accounts. The original three-year contract approved by the Board in January 2008 was for a total cost of \$853,264. The renewed contract will be effective February 1, 2011 and will cover a 17 month period ending on June 30, 2012. Total costs during the new period are not expected to exceed the original contract fees (\$853,264). The final contract cost is contingent upon the actual level of collections secured by the vendor as they are paid a fee of 4% on every dollar collected from the home dialysis accounts.
- c. **USM** - In compliance with Board Policy 701.06 Budget Escalations and Revisions, “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”. On February 1, 2011, the Commissioner approved the budget revisions for On Campus (Hattiesburg), Off Campus (Gulf Coast), the Mississippi Polymer Institute, and the Auxiliary budgets. These are second revisions for the On Campus (Hattiesburg), Off Campus (Gulf Coast), and the Mississippi Polymer Institute and the first revision for the Auxiliary budgets for FY 2011. The budget revisions contain no increases in the total budget but rather reallocations amongst individual expense categories.

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- d. **System** – On January 26, 2011, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning October 1, 2010 and ending December 31, 2010. These reports are required by IHL Policy 401.0102 Delegation of Authority and 801.09 Resignations.