

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
APRIL 21, 2011



FINAL BOARD BOOK OUTLINE

April 21, 2011, 8:30 A.M.

Jackson Convention Complex
105 E. Pascagoula St.
Jackson, MS 39201

CALL TO ORDER

PRAYER

Trustee Scott Ross

INTRODUCTION OF GUESTS

MINUTES

March 17, 2011 Regular Board Meeting Minutes

CONSENT AGENDAS

Trustee Bettye Neely

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 - a. MSU – Delete Bachelor of Science in Foreign Languages. 1

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5. SYSTEM – Approval of Housing and Food Service Rates for One-Year Period.7
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ADJOURNMENT

MISSISSIPPI
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MINUTES FOR:

March 17, 2011 Regular Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
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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 9:11 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 March 17, 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. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, and Mr. C.D. Smith. Ms. Amy Whitten was absent. The meeting was called to order by Dr. Bettye Neely, President, and opened with prayer by Trustee Ed Blakeslee.

INTRODUCTION OF GUESTS

- ▶ President Bettye Neely welcomed the Student Government Association presidents: Mr. Rhett Hobart - President Elect from Mississippi State University and Mr. Taylor McGraw, President Elect at the University of Mississippi.
- ▶ Commissioner Hank Bounds introduced Dr. Eric Clark, Executive Director of State Board for Community and Junior Colleges. Dr. Clark introduced Dr. Joan Haynes, new Associate Executive Director for Academic and Student Affairs. Dr. Haynes will be the primary liaison between the State Board for Community and Junior Colleges and the Board of Trustees.
- ▶ Commissioner Bounds then recognized Ms. Erica Washington who is an intern in the IHL Office of Academic and Student Affairs. She is a student at Jackson State University in Public Policy & Administration.
- ▶ The Mississippi Legislature recently recognized the hard work of IHL and our MARIS (Mississippi Automated Resource Information System) and the map prepared for redistricting as “an integral and inseverable part” of the joint resolution. Commissioner Bounds thanked Director Jim Steil and his staff for the many hours they dedicated to translating decisions made by the committees on to the maps.

APPROVAL OF THE MINUTES

On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustees Owens and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on February 17, 2011.

CONSENT AGENDA

On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustees Owens and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to move agenda item #10 to the Regular Legal Agenda due to possible litigation issues related to the item. On motion by Trustee Blakeslee, seconded by Trustee Ross, with Trustees Owens and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

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BUDGET, FINANCE AND AUDIT

1. **DSU** - Approved the request to purchase three Diamond Aircraft “twin trainers” to update the fleet for the Commercial Aviation program. The unit cost of the aircraft is \$592,501 for a total purchase of \$1,777,503. The purchase will be funded through IHL’s master lease financing. Debt service on the lease will be financed using Commercial Aviation student fees and state appropriated funds. The agreement has been reviewed and approved by the Attorney General’s Office.
2. **UM** - Approved the request to escalate the On-Campus Education and General budget and authorized the spending authority for the budget shown below. Additional personnel costs are related to greater than anticipated enrollment increases and the balance is requested for library acquisitions. The budget increase will be funded with tuition revenue.

Category	Original FY 2011 Budget	Revision/ Escalation	Revised FY 2011 Budget
Salaries, Wages, & Fringe Benefits	\$148,427,170	\$1,039,500	\$149,466,670
Travel & Subsistence	1,636,689	-	1,636,689
Contractual Services	39,885,582	-	40,088,672
Commodities	5,575,581	-	5,575,581
Capital Outlay:			-
Other than Equipment	3,945,477	100,000	4,045,477
Equipment	2,870,310	-	2,870,310
Total Capital Outlay	6,815,787	100,000	6,915,787
Transfers:			
Mandatory	1,111,067	-	1,111,067
Non-Mandatory	5,595,309	-	5,595,309
Total Transfers	6,706,376	-	6,706,376
Subsidies, Loans & Grants	-	-	-
TOTAL	\$209,047,185	\$1139,500	\$210,186,685

3. **UM** - Approved the request to escalate the Off-Campus Education and General budget and authorized the spending authority for the budget shown below. The escalation is due to additional scholarship costs related to increased enrollment. The budget increase will be funded with tuition revenue.

Category	Original FY 2011 Budget	Revision/ Escalation	Revised FY 2011 Budget
Salaries, Wages, & Fringe Benefits	\$7,649,161	\$ -	\$7,649,161
Travel & Subsistence	102,779	-	102,779
Contractual Services	1,318,245	145,213	1,463,458
Commodities	239,604	-	239,604
Capital Outlay:			-
Other than Equipment	-	-	-
Equipment	158,582	-	158,582
Total Capital Outlay	158,582		158,582

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Transfers:			
Mandatory	103,484		103,484
Non-Mandatory	131,094		131,094
Total Transfers:	234,578		234,578
Subsidies, Loans & Transfers	-	-	-
TOTAL	\$ 9,702,949	\$145,213	\$9,848,162

4. **UM** - Approved the request to escalate the Auxiliary Enterprise budgets and authorized the spending authority for the budget shown below. The escalation is required for equipment upgrades and expansions to accommodate rapid growth. The increases relate to three particular units – a) the Inn at Ole Miss for costs associated with an increase in business, b) Student Housing for additional costs for renovating and updating Campus Walk, additional community student workers and realignment of debt service payments, and c) Contractual Service Management for an additional person, upgrade of position, equipment upgrades, and expansion for Johnson Commons and the ID Center. The budget increase will be funded with housing rental fees and food service contracts.

Category	Original FY 2011 Budget	Revision/ Escalation	Revised FY 2011 Budget
Salaries, Wages, & Fringe Benefits	\$8,171,518	\$141,770	\$8,313,288
Travel & Subsistence	153,250	-	153,250
Contractual Services	9,674,410	500,000	10,174,410
Commodities	7,214,680	227,560	7,442,240
Capital Outlay:			-
Other than Equipment	-	-	-
Equipment	705,000	165,000	870,000
Total Capital Outlay	705,000	165,000	870,000
Transfers:			
Mandatory	6,156,420	(387,560)	5,768,860
Non-Mandatory	644,401	-	644,401
Total Transfers	6,800,821	(387,560)	6,413,261
Subsidies, Loans & Transfers	-	-	-
TOTAL	\$32,719,679	\$646,770	\$33,366,449

5. **UM** - Approved the request to exercise the renewal option to extend the end date and increase the total authorized cost of the service agreement with PCS Ling, Inc. *doing business as* Greenwood and Hall for the call center for the Bursar and Financial Aid Offices. The contract length will be extended an additional four years bringing the total contract period to six years - April 1, 2009 to March 31, 2015. The agreement allows for re-evaluation on a year-by-year basis. The fee per call remains the same as in the original agreement, but the estimated annual call volume has increased from 82,000 calls to 102,500 calls. Anticipated call volume is based on actual call history. The primary reason for the increase is due to the university's enrollment increases over the last two years. Costs for the four year extended period are estimated at \$1,681,000 bringing the overall total contract cost to \$2,353,400. Funds are available from E & G sources. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
6. **UMMC** - Approved the request to increase the total authorized amount of the staffing services agreement with Central Parking System of Mississippi, Inc. from \$840,000 (3 years) to \$2,040,984

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to cover the entire five-year period. The original agreement which was approved by the Board in February 2006 was for an initial two-year period at a cost of \$840,000 with the right to approve for additional three one-year periods. The contract was not brought back for approval once the costs were known for years three through five since the language approved the right to renew in the original approval. The contract length is March 1, 2006 through February 28, 2011. The contract will be funded from E & G sources. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

7. **UMMC** - Approved the request to renew the license agreement with Dell Marketing, LP to provide for Volume Licensing for Microsoft Desktop Operating System, Microsoft Office Products (both personal computer and Mac/Apple) and Microsoft Server Products. This agreement is campus wide which covers licenses for all faculty, staff and student desktops estimated to be 10,723. The contract length is three years - April 1, 2011 to March 31, 2014. Costs for the three-year period are not to exceed \$2,087,208.72 with an annual cost of \$695,736.24. Funding is available from E & G sources. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
8. **UMMC** - Pending approval by the Attorney General's Office, the Board approved the request to engage First Southwest Company as Financial Advisor; Watkins, Ludlam, Winter and Stennis as Bond Counsel, Morgan Stanley & Co., Inc. as Lead Underwriter and Ziegler Securities and RBC as additional underwriters to assist the university with a tax-exempt bond issue at fixed and/or variable rates. The Bonds will be issued for the purpose of financing capital expenditures related to the expansion, furnishing and equipping of existing and new health care, education, and research facilities located in the Metro Jackson, Mississippi area. The professional team will assist UMMC in prioritizing its capital projects which will be submitted in April, 2011.
9. **System** - Approved the revisions to the Rules and Regulations and the Contract and Note for the Veterinary Medicine Minority Loan/Scholarship Program effective for the 2011-2012 award year. A copy of the revisions which have been reviewed and approved by the Attorney General's Office is included in the bound *March 17, 2011 Board Working File*.

REAL ESTATE

10. **UM** - Appointment of Harrell Contracting Group as the Construction Manager-Advisor for the **IHL 207-345, University Housing**. The estimated project budget is \$32 million. Design costs will be funded from Student Housing R&R reserves. Construction and equipping costs will be funded by a mix of Student Housing R&R reserves, contributions from the university food services partner and UM EBC bond proceeds. **(THIS ITEM WAS MOVED TO THE REGULAR LEGAL AGENDA.)**
11. **UM** - Approved the initiation of **IHL 207-347, Northgate Apartments HVAC Renovation**, and the appointment of Corbett Legge & Associates as design professionals. The estimated project budget is \$1.5 million. Funds are available from Auxiliary R&R funds (\$1.5 million).
12. **JSU** - Approved the request to increase the budget for **GS 103-234, ADA Compliance Phase II-B**, from \$4,532,985.50 to \$5,032,985.50 for an increase of \$500,000. This is the third budget escalation request for this project. The escalation is necessary to replace and upgrade the existing elevators in the Administration Tower, assist with the planning and construction of the interior modifications required at the exterior and interior entrances of the Old Industrial Arts building as well as other needed repairs to the vertical circulations, restrooms, and the foundation of the building. This project will help the university to meet requirements of the American with Disabilities Act (ADA)

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- on the main campus as well as off campus properties. Funds are available from HB 1701, Laws of 2010 (\$500,000); HB 246, Laws of 2007 (\$4,032,985.50); SB 3197, Laws of 2002 (\$500,000).
13. **UMMC** - Approved the change in scope for **IHL 209-527, Ophthalmology Renovations-764 Lakeland**, to include additional plumbing revisions to the second and fourth floors with no escalation of the project budget. The university believes it is in its best interest to incorporate the required “below floor” plumbing work into the current project to prevent interruptions and damages to Clinic operations and to reduce the construction time and “after hours” scheduling of work activities on the future IHL #209-538, 4th Floor -764 Lakeland Renovation project. The estimated budget is \$5,279,000. Funds are available from Interest Income (\$25,000) and Restricted Funds (\$5,254,000).
 14. **MSU** - Approved the request to delete Building 1674 from inventory and demolish it. Building 1674, a residence at the Beaumont Unit of the Mississippi Agricultural and Forestry Experiment Station, was destroyed by fire and no longer needs to be on inventory. The approval letter has been received from the Mississippi Department of Archives and History and the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
 15. **MSU** - Approved the request to delete Building 144 (Arbour Acres #3) and Building 145 (Arbour Acres #4) from inventory and demolish it as part of IHL #205-255 New Residence Hall – Arbour Hall. These apartment units sit in the proposed footprint of the new residence hall (Arbour Hall) and must be removed to make way for the new construction of the residence hall. The approval letter has been received from the Mississippi Department of Archives and History. The buildings will be demolished following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

EFFICIENCY

16. **System** - The Board received an update on the Energy Efficiency Task Force. The next step includes the Commissioner drafting a letter to the proposed IHL Energy Council members inviting them to serve. A conference call will be scheduled with Council Members and facilities staff to kick off the process. The report is included in the *March 17, 2011 Board Working File*.
17. **System** - The Board received an update on the reverse auction pilot project at Mississippi State University. For the next step, the Commissioner will direct the Institutional Executive Officers to have their procurement officers work together to look for opportunities to conduct reverse auctions both at their institution and within the system. As the Board continues to investigate shared services opportunities, a system procurement officer for the regional institutions should be part of that discussion. The report is included in the *March 17, 2011 Board Working File*.

LEGAL

18. **UMMC** - Pending approval by the Attorney General’s Office, the Board approved the request to hire William Smith, III of the firm Watkins & Eager, PLLC to provide outside counsel services as real estate counsel. This is a renewal of a contract. The contract will be for one year. Either party may terminate upon thirty (30) days notice. The proposed attorney hourly rate is \$165 up to a do not exceed amount of \$100,000. The funding source will be state funds.
19. **USM** - Pending approval by the Attorney General’s Office, the Board approved the request to hire Barry Cannada, John Healy, Cara Baer, Hemant Gupta, Lane Belisimo, Bob Morris, Al Bright, Ben

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Roberson, and Ryan O'Beirne with Butler, Snow, O'Mara, Stevens & Cannada as outside counsel to represent USM in the filing of applications for patents in the United States and other intellectual property matters. The hourly rates to be charged will be \$225.00 for intellectual property/patent work, \$215.00 for commercial work, and \$85.00 for paralegals. Disbursements will include any long distance telephone charges, delivery charges, photocopy and drawing costs, computer search charges, government filing fees, travel expenses, and the like incurred in connection with this engagement. The approval will be for a period of one year. Either party may terminate the contract with thirty (30) days notice. These fees will be paid with funds from indirect costs associated with various University grants.

20. PERSONNEL REPORT

EMPLOYMENT

Mississippi University for Women

Jennifer M. Miles, Vice President for Student Services, salary of \$124,000 per annum, pro rata; E&G Funds; effective May 9, 2011

Rehired retirees making more than \$20,000 who ARE on contracts during Fiscal Year 2011 and Fiscal Year 2012

E.E. Caston, former position: DSU Dean of Education; new position: MUW Interim Provost and Vice President for Academic Affairs; consulting contract period: May 1, 2011 through June 30, 2011; rate of pay - \$64.50 per hour; re-employment period: July 1, 2011 through June 30, 2012; salary of \$134,250

Mississippi State University

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

- Jeri V. Mangum, former position: Office Associate; re-employment position: Office Associate; re-employment period: November 1, 2010 through June 30, 2011; salary of \$26,000
- Thomas E. Edwards, former position: Research Professor; re-employment position: Research Professor; re-employment period: January 27, 2011 through June 30, 2011; salary of \$36,208
- Billie Hughes, former position: Chief of Police; re-employment position: Mississippi Alcohol Safety Education Program (MASEP) Facilitator; re-employment period: January 3, 2011 through June 30, 2011; salary of \$28,400
- Gloria Wilson, former position: Lecturer; re-employment position: Lecturer, re-employment period: January 1, 2011 through June 30, 2011; salary of \$22,000

CHANGE OF STATUS

University of Southern Mississippi

Ann Parker Blackwell; from Interim Dean, College of Education and Psychology and Professor, Department of Child and Family Studies; salary of \$135,000 per annum, pro rata; E&G Funds; to Dean, College of Education and Psychology and Professor, Department of Child and Family Studies; salary of \$152,000 per annum, pro rata; E&G Funds; effective July 1, 2011

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SABBATICALS

Mississippi State University

- Noel D. Addy, Associate Professor, Richard C. Adkerson School of Accountancy, from salary of \$91,121 per annum, pro rata for sabbatical period; E&G funds; to salary of \$45,560.50 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Anatolijs Afanasjevs, Professor, Physics and Astronomy, from salary of \$71,899 per annum, pro rata for sabbatical period; E&G funds; to salary of \$35,949.50 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to May 15, 2012; professional development
- Benjamin F. Blair, Associate Professor, Finance and Economics, from salary of \$76,205 per annum, pro rata for sabbatical period; E&G funds; to salary of \$38,102.50 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Robert F. Brzuszek, Associate Professor, Landscape Architecture, from salary of \$79,735 per annum, pro rata for sabbatical period; E&G funds; to salary of \$29,900 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Kenneth M. Coffey, Professor, Curriculum, Instruction, and Special Education, from salary of \$65,836 per annum, pro rata for sabbatical period; E&G funds; to salary of \$32,918 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Robert J. Damm, Professor, Music Department, from salary of \$59,039 per annum, pro rata for sabbatical period; E&G funds; to salary of \$29,519.50 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Richard V. Damms, Associate Professor, History Department, from salary of \$60,000.00 per annum, pro rata for sabbatical period; E&G funds; to salary of \$30,000.00 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Sandra D. Devlin, Professor, Curriculum, Instruction, and Special Education, from salary of \$71,426 per annum, pro rata for sabbatical period; E&G funds; to salary of \$35,713.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to May 15, 2012; professional development
- Jenny Q. Du, Associate Professor, Electrical and Computer Engineering, from salary of \$84,295 per annum, pro rata for sabbatical period; E&G funds; to salary of \$42,147.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to May 15, 2012; professional development
- Steven H. Elder, Professor, Agricultural and Biological Engineering, from salary of \$93,419 per annum, pro rata for sabbatical period; E&G funds; to salary of \$46,709.50 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- James E. Fowler, Jr., Professor, Electrical and Computer Engineering, from salary of \$95,362 per annum, pro rata for sabbatical period; E&G funds; to salary of \$47,681 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development
- Shirley A. Hanshaw, Assistant Professor, English Department, from salary of \$47,224 per annum, pro rata for sabbatical period; E&G funds; to salary of \$23,612 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development

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- Robert J. Harland, Associate Professor, Foreign Languages, from salary of \$50,073 per annum, pro rata for sabbatical period; E&G funds; to salary of \$25,036.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to December 31, 2012; professional development
- Michael J. Highfield, Associate Professor, Finance and Economics, from salary of \$184,188 per annum, pro rata for sabbatical period; E&G funds; to salary of \$69,070.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to May 15, 2012; professional development
- Rachel E. McCann, Professor, School of Architecture, from salary of \$74,138.00 per annum, pro rata for sabbatical period; E&G funds; to salary of \$37,069.00 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to May 15, 2012; professional development
- Phyllis B. Miller, Associate Professor, School of Human Sciences, from salary of \$74,380 per annum, pro rata for sabbatical period; E&G funds; to salary of \$37,190 per annum, pro rata for sabbatical period; E&G Funds; January 1, 2012 to May 15, 2012; professional development
- Edward T. Potter, Associate Professor, Foreign Languages, from salary of \$50,056 per annum, pro rata for sabbatical period; E&G funds; to salary of \$25,028 per annum, pro rata for sabbatical period; E&G Funds; August 16, 2011 to December 31, 2011; professional development
- Richard C. Raymond, Professor and Head, English Department, from salary of \$102,000.00 per annum, pro rata for sabbatical period; E&G funds; to salary of \$38,250.00 per annum, pro rata for sabbatical period; E&G Funds; January 1, 2012 to May 15, 2012; professional development
- Robert M. West, Associate Professor, English Department, from salary of \$57,164 per annum, pro rata for sabbatical period; E&G funds; to salary of \$28,582 per annum, pro rata for sabbatical period; E&G Funds; August 16, 2011 to December 31, 2011; professional development
- Shu-hui Wu, Associate Professor, History Department, from salary of \$55,178 per annum, pro rata for sabbatical period; E&G funds; to salary of \$27,589 per annum, pro rata for sabbatical period; E&G Funds; January 1, 2012 to May 15, 2012; professional development

ADMINISTRATION/POLICY

20. **DSU** - Approved the request to bestow an honorary degree at the May 2011 commencement. Supporting documents are on file at the Board Office.
21. **MSU** - Approved the request to bestow two honorary doctorates at the Spring 2011 commencement ceremonies. Supporting documents are on file at the Board Office.
22. **MVSU** - Approved the proposed revisions to the mission statement as shown below:
Mississippi Valley State University, located in Leflore County, is as a Carnegie Master's Institution Classified Master's University, which provides accessible, relevant and quality academic and public service programs comprehensive undergraduate and graduate programs in education, the arts and sciences, and professional studies. The University is driven by its commitment to excellence in teaching, learning, service, and research – a commitment resulting in a learner-centered environment that prepares critical thinkers, exceptional communicators, and service-oriented, engaged, and productive citizens. While the University has historically drawn the majority of its students from throughout the Delta, the institution recognizes the need to provide greater services to the south and east Delta areas. MVSU, which recognizes the need to be efficient, effective and productive in all of its operations, offers concentrated study in the arts, business, education, humanities, public services, pre-professional services, social sciences, sciences, social work, and technology.

Master's level programs are offered in criminal justice, business administration, teaching, elementary education, special education, environmental health and rural public policy.

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~~The University also endeavors to provide additional programs that are vital and unique to the needs of the population it serves. MVSU is fundamentally committed to positively impacting the quality of life and creating extraordinary educational opportunities for the Mississippi Delta and beyond. MVSU emphasizes the study and applications of technology, basic and applied research, service learning, health and wellness, and economic and cultural affairs. The University expands its emphasis to incorporate an international focus on governmental, economic and cultural affairs. Out of this concept, the Delta Research and Cultural Institute provides the avenue for faculty and students to engage in theoretical and applied research on subject matter related to the cultural, social, economic and political concerns of the Delta.~~

PRESENTATIONS

- ▶ The Board received an update from the Efficiencies Task Force regarding space inventory. The report is included in the *March 17, 2011 Board Working File*.
- ▶ The Board received a presentation from Mr. David Mallery, Executive Director of Mississippi Commission for Volunteer Services
- ▶ The Board received an update on the work of the IHL Diversity Committee since its first meeting in February 2011. The report is included in the *March 17, 2011 Board Working File*.

ACADEMIC AFFAIRS

Presented by Ms. Robin Robinson, Chair

On motion by Trustee Robinson, seconded by Trustee Owens, with Trustee Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Academic Affairs Agenda.

1. **System** - Approved the proposed amendments to Board Policy 602 Nonresident Admissions for final reading as shown below:
 - 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.

**MINUTES OF THE BOARD OF TRUSTEES OF
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BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Bob Owens, Chair

On motion by Trustee Perry, seconded by Trustee Robinson, with Trustee Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Budget, Finance & Audit Agenda. On motion by Trustee Patterson, seconded by Trustee Blakeslee, with Trustees Owens and Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **UMMC** - Approved the request for a waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with the Medical Center Research Development Foundation (MCRDF) for the fiscal year ending June 30, 2011. The request for the waiver for FY 2011 is based on the assets of the MCRDF being less than \$30,000 at June 30, 2010. The cost of the related audit would be approximately \$3,500. There has not been material fiscal activity in the MCRDF to-date and it is anticipated there will not be through the end of this fiscal year. Therefore, the financial statements will be materially the same as the previous fiscal year.
2. **System** - Approved the proposed increases in food service and housing operations (room and board) rates for FY 2012 only. (See Exhibits 1 and 2.)

LEGAL AGENDA

Presented by Mr. Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Owens, with Trustee Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Legal Agenda.

1. **System** - Approved for final reading the proposed amendments to Board Policies 201.02 President of the Board, 301.01 Officers of the Board, and 301.02 Election of Officers. (See Exhibit 3.)

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

ACADEMIC AFFAIRS

1. **System** – 2011 Improving Teacher Quality Awards
Title II, Part A of the *No Child Left Behind Act of 2001* authorizes awards to higher education state agencies to support an “Improving Teacher Quality” competitive grant program. The IHL institutions below were awarded Title II federal grant funds for the period beginning March 1, 2011 through April 30, 2012.

INSTITUTION	DISCIPLINE	AMOUNT
Delta State University	Mathematics	\$89,774.00
Delta State University	Literacy Integration	\$89,447.00
Jackson State University	Mathematics	\$90,000.00
Mississippi State University	Literacy Integration	\$90,000.00
Mississippi State University	Mathematics and Technology	\$90,000.00
Mississippi Valley State University	Reading	\$90,000.00

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University of Mississippi	Literacy Integration	\$89,851.00
University of Southern Mississippi	Literacy and Leadership	\$89,464.00
University of Southern Mississippi	Mathematics and Technology	\$90,000.00
Total Awarded to IHL Institutions		\$808,536.00

REAL ESTATE

2. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the February 17, 2011 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 4.)

LEGAL

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

FIRST EXECUTIVE SESSION

On motion by Trustee Perry, with Trustee Whitten 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 Davidson, with Trustee Whitten 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 prospective litigation matter at the University of Mississippi.

During Executive Session, the following matter was discussed:

The Board discussed a prospective litigation matter at the University of Mississippi.

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

On motion by Trustee Blakeslee, seconded by Trustee Pickering, with Trustee Whitten absent and not voting, all Trustees legally present and participating voted unanimously to approve the appointment of Harrell Contracting Group as the Construction Manager-Advisor for the **IHL 207-345, University Housing**. The estimated project budget is \$32 million. Design costs will be funded from Student Housing R&R reserves. Construction and equipping costs will be funded by a mix of Student Housing R&R reserves, contributions from the university food services partner and UM EBC bond proceeds.

**MINUTES OF THE BOARD OF TRUSTEES OF
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SECOND EXECUTIVE SESSION

On motion by Trustee Patterson, seconded by Trustee Pickering, with Trustee Whitten 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 Patterson, seconded by Trustee Rouse, with Trustee Whitten 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 matters was discussed:

The Board discussed a personnel matter at the Board Office.

On motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustees Ross, Rouse and Whitten 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 Patterson, with Trustees Ross, Rouse and Whitten 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

**MINUTES OF THE BOARD OF TRUSTEES OF
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EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | System Housing Overview, Proposed Annual Average Price of Housing, Double Occupancy for FY 2012 Compared to FY 2011. |
| Exhibit 2 | System Food Service Overview, Proposed Average Price of meal Plans for FY 2012 Compared to FY 2011. |
| Exhibit 3 | Proposed amendments to Board Policies 201.02 President of the Board, 301.01 Officers of the Board, and 301.02 Election of Officers for final reading. |
| Exhibit 4 | Real Estate items that were approved by the IHL Board staff subsequent to the February 17, 2011 Board meeting. |
| Exhibit 5 | Report of the payment of legal fees to outside counsel. |



System Housing Overview **EXHIBIT 1**

Proposed Annual Average Price of Housing Double Occupancy for FY 2012 Compared to FY 2011

Institution	FY 2011	FY 2012	Percent Change	Percent Change
ASU	\$ 4,460	\$ 4,594	\$ 134	3.0%
DSU	3,634	3,744	109	3.0%
JSU	4,110	4,275	165	4.0%
MSU	4,533	4,680	147	3.3%
MUW	3,302	3,434	132	4.0%
MVSU	3,090	3,614	524	17.0%
UM	4,080	4,230	150	3.7%
USM	3,686	3,895	210	5.7%
System	\$ 3,862	\$ 4,058	\$ 196	5.1%



EXHIBIT 2

System Food Service Overview Proposed Average Price of Meal Plans For FY 2012 Compared to FY 2011

Institution	FY 2011	FY 2012	Percent Change	Percent Change
ASU	\$ 2,348	\$ 2,442	\$ 94	4.0%
DSU	1,994	2,055	60	3.0%
JSU	2,413	2,509	97	4.0%
MSU	1,986	2,057	70	3.5%
MUW	2,258	2,314	56	2.5%
MVSU	2,447	2,800	353	14.4%
UM	1,941	2,017	76	3.9%
USM	2,574	2,660	86	3.3%
System	\$ 2,245	\$ 2,357	\$ 112	5.0%

Note: Includes all plans offered to students, including commuter plans. Because of the diversity of plan offerings, average prices are not necessarily comparable among universities. Additionally, UM presented a minimum increase and a maximum price offering in years after FY 2012. These are presented as the minimum rate and the maximum rate. Separate system averages have been adjusted to reflect this range.

EXHIBIT 3

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Proposed Amendments to Board Policies 201.02 President of the Board, 301.01 Officers of the Board, and 301.02 Election of Officers for Final Reading.

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 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~~

EXHIBIT 3

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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~~ The 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)

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)

EXHIBIT 4

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SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE FEBRUARY 17, 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:

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$56,809.27 and forty-nine (49) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 24, 2011

Change Order Justification: **Change Order #7** is necessary to add work to re-align stone facing on curved lobby stair, install a seal coat finish on the asphalt parking lot, add track lighting in printmaking studio near north pin-up wall surface, add a switch to the fume hood in printmaking studio that came without that option, and to add emergency A/C supply to the Gallery/EOC.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$279,822.38

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): HB 246, Laws of 2007 and SB 2010, Laws of 2004 (\$11,773,590); HB 1641, Laws of 2008 (\$2,000,000)

2. JSU – GS 103-251 – Security Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$0.00 and one hundred fifty-three (153) additional days to the contract of Edwards Electric Service, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 15, 2011

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Change Order Justification: **Change Order #1** is necessary to add days to the contract to provide the correct number of door exits and door monitor switches as well as to modify position of cameras as indicated on Drawing EC-1R.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$0.00

Project Initiation Date: November 20, 2008

Design Professional: Watkins & O'Gwynn

General Contractor: Edwards Electric Service, LLC

Contract Award Date: N/A

Project Budget: \$1,651,948.97

Funding Source(s): HB 1641, Laws of 2008 (\$950,000); HB 1722, Laws of 2009 (\$701,948.97)

3. MSU – GS 105-310 – Harned Hall Renovations – Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$446,249.00 and one hundred twenty-six (126) 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: February 1, 2011

Change Order Justification: **Change Order #5** is necessary to revise building plaque size, prep doors for future access control hardware, change projection screen to larger size, renovate existing greenhouse, extend overhead for plaster repair and greenhouse renovation, add power switches in laboratories, add gas piping and shut off valves to autoclave, repair existing copper roof, and paint existing brick walls in several corridors to match new gypsum board walls.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$1,053,426.64

Project Initiation Date: May 1, 2007

Design Professional: Eley Associates/Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: April 7, 2009

Project Budget: \$17,000,000

Funding Source(s): SB 2010, Laws of 2004 (\$5,000,000); HB 246, Laws of 2007 (\$12,000,000)

4. MSU – GS 113-117 – Wise Center Storm Repairs

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$100,394.00 and thirty-three (33) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 24, 2011

Change Order Justification: **Change Order #4** is necessary to in order to address structural remediation to existing conditions that were not expected to be encountered. These conditions include deteriorating CMU block and un-braced CMU walls, insufficient roof pedestals, and poor flashing.

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Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$119,786.00

Project Initiation Date: October 20, 2006

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

General Contractor: Thrash Commercial Contractors, Inc.

Contract Award Date: January 25, 2010

Project Budget: \$6,790,000

Funding Source(s): HB 1634, Laws of 2006 (\$1,726,000); HB 1641, Laws of 2008 (\$3,000,000); HB 1722, Laws of 2009 (\$2,000,000); MSU CVM (\$64,000)

5. MSU – IHL 205-235B – New Residence Hall Complex

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$68,991.97 and twelve (12) additional days to the contract of Harrell Contracting Group, LLC.

Staff Approval Date: February 3, 2011

Change Order Justification: **Change Order #3** is necessary to in order to add retaining wall, change fire dampers, rework north stairs, asphalt at Ann Arbor Acres, installation of fire rated plywood, landscaping at fountain, brick allowance credit, drainage at McComas, extra Bermuda sod, media wall allowance, acoustical wall panels, McComas Hall drainage, and landscaping at the AT&T box.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$312,595.03

Project Initiation Date: April 16, 2008

Design Professional: LPK Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: June 22, 2009

Project Budget: \$29,960,000

Funding Source(s): MSU Educational Building Corporation Bonds (\$29,960,000)

6. MSU – IHL 205-255 – Arbour Hall

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

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

Staff Approval Date: February 3, 2011

Project Initiation Date: November 18, 2010

Design Professional: LPK Architects, P.A.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$23,653,017

Funding Source(s): MSU EBC (\$23,653,017)

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7. MUW – GS 104-149 – Poindexter Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$34,582.00 and zero (0) additional days to the contract of West Brothers. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 11, 2011

Change Order Justification: **Change Order #2** is necessary in order to furnish all labor, material, and equipment to relocate 2 temporary outside HVAC units away from the south elevation as described by the architect and engineer. The additional work consists of temporary power to each unit, installed from the existing TCP Panel in the basement to a relocated disconnect at each unit, and additional ductwork as indicated on the revised drawings.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$118,512.58

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers

Contract Award Date: July 13, 2010

Project Budget: \$9,579,000

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

8. MVSU – GS 106-230 – Stadium Seating Replacement

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

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

Staff Approval Date: February 15, 2011

Project Initiation Date: September 1, 2010

Design Professional: JBHM Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$4,500,000

Funding Source(s): HB 1701, Laws of 2010 (\$4,500,000)

9. UM– IHL 207-306A – Carrier Hall Addition and Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$56,346.15 and twenty-three (23) additional days to the contract of Panola Construction, Inc.

Staff Approval Date: February 3, 2011

Change Order Justification: **Change Order #9** is necessary to add block filler CMU primer to unprimed existing CMU walls hidden behind existing radiators and chalkboards, patch existing walls where excessive damage occurred during occupancy

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not discovered until after occupant move, replace concrete sidewalk in front of Smith Hall between Carrier Hall addition and Smith Hall, add gypsum board furr down at existing lobby/corridor intersection because of conflict between new building systems and existing building systems, replace glazing in existing windows exhibiting small cracks, install a smooth “skin” coat to the concrete floor slab, raise the horizontal length of an existing roof drain to accommodate new building system, and add additional electrical circuits, independent light switching and miscellaneous additional electrical connection points.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$222,616.57

Project Initiation Date: August 20, 2009

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Panola Construction

Contract Award Date: December 16, 2009

Project Budget: \$4,500,000

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

10. UMMC – IHL 209-505 – Pediatric Emergency Room Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$148,287.00 and zero (0) additional days to the contract of Evan Johnson and Sons, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$8,157.00 and zero (0) additional days to the contract of Evan Johnson and Sons, Inc.

Staff Approval Date: February 1, 2011

Change Order Justification: **Change Order #1** is necessary to adjust the contract allowance for actual proposal cost of HVAC controls via UMMC Novation Contract pricing through Johnson Controls. This area of UMMC is “Hospital Patient Care” and the existing controls system in place is Johnson Controls. The change order will also include furnishing and installing patient headwall units into the general construction contract. **Change Order #2** is necessary to provide for early completion and acceptance of a portion of the project to allow the owner corridor access to existing Adult and Pediatric Emergency Room. It will provide for the owners to use to shorten the route from Children’s Cancer Center and Children’s Hospital areas to the existing Pediatric Emergency room.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$156,444.00

Project Initiation Date: November 16, 2007

Design Professional: Dale/Morris Architects

General Contractor: Evan Johnson and Sons

Contract Award Date: February 15, 2010

Project Budget: \$5,633,275

Funding Source(s): PED Outpatient Clinic Funds (\$5,304,371); Hospital Patient Revenues (\$328,904)

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11. UMMC – IHL 209-535 – Learning Resources Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Harrell Contracting Group, Inc, the lower of nine (9) bidders, for a total contract amount of \$2,468,000.00.

Staff Approval Date: February 3, 2011

Project Initiation Date: April 15, 2010

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Harrell Contracting Group, Inc.

Contract Award Date: February 3, 2011

Project Budget: \$2,850,000

Funding Source(s): UMMC Educational Building Corporation (\$2,000,000); Interest Income (\$850,000)

12. USM– GS 108-217 – Science Building and Recreation Building Repair and Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Studio South/Allred Architectural Group, 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 a **waiver of Design Development Documents**

Staff Approval Date: January 24, 2011

Project Initiation Date: January 21, 2010

Design Professional: Studio South/ Allred Architectural Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$10,792,109.24

Funding Source(s): 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); HB 1701, Laws of 2010 (\$3,000,000)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Dale and Associates, 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 a **waiver of Design Development Documents**

Staff Approval Date: February 2, 2011

Project Initiation Date: October 21, 2004

Design Professional: Dale and Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$6,252,302.68

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Funding Source(s): HB 1641, Laws of 2008 (\$2,728,381.41); SB 2010, Laws of 2004 (\$25,322.21); SB 2988, Laws of 2003 (\$14,805.88); SB 3197, Laws of 2003 (\$23,745.00); HB 1722, Laws of 2009 (\$493,159.34); HB 246, Laws of 2007 (\$2,957,745.50); HB 1634, Laws of 2006 –IHL R&R (\$9,143.34)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$14,968.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Co.

Staff Approval Date: February 11, 2011

Change Order Justification: **Change Order #9** is necessary to alleviate drainage issues on the north and south elevations of the Learning Center and the area south of the main site entrance to the plaza.

Total Project Change Orders and Amount: Nine (9) change orders for a total **credit** amount of (\$249,021.00)

Project Initiation Date: March 14, 2007

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

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

Contract Award Date: November 12, 2008

Project Budget: \$45,000,000

Funding Source(s): USM Educational Building Corporation (\$45,000,000)

15. Education & Research Center – GS 111-047 – ECM R&D Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$1,891.00 and zero (0) additional days to the contract of Metro Mechanical, Inc.

Staff Approval Date: February 11, 2011

Change Order Justification: **Change Order #2** is necessary to provide switches and circuits to operate lights in Boiler room and to relocate controls air compressor from pump room to electrical room. Owner requested light switches be added near office door to boiler room. Lights presently turned off at breaker box. Additional space is needed for new fire pump and jockey pump.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$21,878.00

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 (\$750,000)

EXHIBIT 5

March 17, 2011

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 1/1/11) from the funds of Mississippi State University. (These statements, in the amounts of \$32.77, \$124.85 and \$2,500.00, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 2,657.62

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 12/28/10) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with *Jackson HMA LLC vs. UMMC* - \$24,072.50.)

TOTAL DUE.....\$ 24,072.50

Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statement dated 1/27/11) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$48,497.05, represents services and expenses in connection with the Jackson Medical Mall Lease.)

TOTAL DUE.....\$ 48,497.05

Payment of legal fees for professional services rendered by Bryan Nelson, P.A. (statement dated 2/7/11) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$858.30, represents services and expenses in connection with a personnel issue.)

TOTAL DUE.....\$ 858.30

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 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/31/11 and 1/31/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Steele - Prov. Patent on Anhydrosugar Production" - \$25.50; "Methods of Preparation of Live Attenuated Bacterial Vaccines" - \$635.17; "Acoustic Inspection of Structures" - \$85.00; "Ventilating Dehumidifying System" - \$170.00; "Optical Sensing Elements for Nitrogen Dioxide (NO2) Gas Detection" - \$17.00; "Alcohol Esterification (Condensor Train)" - \$62.00; "Steele - Solid Heat Carrier

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Pyrolysis Reactor” - \$360.00; “Weed - Pelvic Floor Strength Assessment Device” - \$1,007.50; “Compact Time-of-Flight Mass Spectrometer - United Kingdom” - \$34.00 and “US Patent on Compact Time-of-Flight Mass Spectrometer” - \$541.00, respectively.)

TOTAL DUE.....\$ 2,937.17

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 1/24/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “MSU-Declaration/Renewal” - \$423.75; “Mississippi Horse Park Agricenter and Fairgrounds Trademark (Wordmark)” - \$423.75; “Section 8 and 15 Declarations of Use and Incontestability for MSUcares.com Logo” - \$427.50; “Montana State University - Consent Agreement” - \$42.50; “DrainBlocker Trademark C&D Matter” - \$191.25; “Self-Aligned Methods Low Temp Selective” - \$2,316.25; “Temporal Mapping and Analysis” - \$2,062.50; “Change Analyst” - \$3,378.75; “Engine Speed Controller” - \$1,041.25; “Trademark JUVA” - \$298.75; “St. Augustine Grass Plant Named ‘Eclipse’” - \$21.25; “JUVA Trademark Application” - \$320.00; “Catalysts and Process for Liquid Hydrocarbon Fuel Production” - \$2,668.50; “Delta Jazz Trademark” - \$1,848.75; “Giant Micanthus Provisional Plant Patent” - \$297.50; “Buckscore” - \$722.50; “Buckscore.com” - \$233.75; “Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins” - \$361.25; “System and Method for Recharging Batteries” - \$1,596.25; “Buckscore Software Patent” - \$1,636.25; “Occidiofungin, a Unique Anti-fungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$3,342.50; “Remote Sensing Imaging Accuracy Analysis Method and Apparatus Divisional Application” - \$21.25; “A Method to Tutor Using Textbooks” - \$535.00; “Propulse Software Trademark” - \$1,245.00; “System and Method for Cell-Type Specific Comparative Analyses of Different Genotypes to Identify Resistance Genes” - \$683.75 and “Plant Patent - St. Augustine Grass Cultivers” - \$403.75.)

TOTAL DUE.....\$ 26,543.50

CONSENT AGENDAS

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1. SYSTEM – APPROVAL OF ACADEMIC PROGRAM MODIFICATIONS

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

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

DELETE

Mississippi State University requests permission to delete the *Bachelor of Science in Foreign Languages* (CIP 16.0101) degree.

Staff Recommendation: Board staff recommends approval of this item.

2. SYSTEM – APPROVAL OF NEW ACADEMIC UNITS

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

In accordance with Board policy, approval is requested for establishing the following academic units.

CENTERS AND INSTITUTES

- a. *Delta State University* requests approval of the *Center for Economic Education and Research (CEER)*. The CEER will help DSU meet its goal of improving the quality of life for all constituents by promoting local economic development in communities throughout the Mississippi Delta through the production and delivery of economic education and financial literacy programs and research. The CEER will be housed in the DSU Division of Accountancy, Computer Information Systems, and Finance, and will be covered by existing funds within the division.
- b. *Delta State University* requests approval of the *Delta Business Institute of Health (DBIH)*. The specific purpose of the DBIH is to promote workplace wellness in the Mississippi Delta. The center will be funded with external grant funds.

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- c. *University of Mississippi Medical Center (UMMC)* requests approval of the *UMMC Comprehensive Stroke Center*. The Center will facilitate the identification of collaborative research opportunities to advance clinical research in the cerebrovascular diseases with the goals of improving stroke outcomes and reducing health disparities for Mississippians. The Center is operational with current UMMC faculty and staff and funding is incorporated in existing UMMC budgets.
- d. *University of Mississippi Medical Center (UMMC)* requests approval of the *UMMC Accredited Chest Pain Center*. The Center will advance the state of clinical care for patients with acute coronary events by providing an emphasis on quality and assuring the UMMC will meet national standards in the delivery of care for its patients. The Center is operational with current UMMC faculty and staff and funding is incorporated in existing UMMC budgets.

Staff Recommendation: Board staff recommends approval Item a-d.

3. SYSTEM – APPROVAL OF ACADEMIC UNIT MODIFICATIONS

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

In accordance with Board policy, approval is requested for the following academic unit modifications:

DELETE

- a. *Delta State University* requests permission to delete the *Small Business Development Center*.

Staff Recommendation: Board staff recommends approval of this item.

RENAME

- b. *University of Mississippi* requests permission to rename *The Gatlin Center for Economic Education* to *The Center for Economic Science and Economic Education*. The Gatlin Center was once sponsored and funded by the Gatlin family, but funds now go to the Ole Miss First Scholarship Program. It is now appropriate to dissociate the center from the Gatlin name and add the emphasis on education and research. The proposed name change will require minimal resources (e.g., change of campus signs,

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stationery, recruiting materials, etc.), which will be covered by existing funds within the Department of Economics.

- c. *University of Mississippi Medical Center* requests permission to rename the *Department of Anatomy* to the *Department of Neurobiology and Anatomical Sciences* to adopt a name that is in line with the names of similar departments at peer institutions and focuses attention on the primary research effort. The proposed name change will require minimal resources (e.g., change of campus signs, stationery, recruiting materials, etc.), which will be covered by existing funds within the Department of Neurobiology and Anatomical Services.

REORGANIZE AND RENAME

- d. *Mississippi State University* requests permission to combine the *John C. Stennis Institute of Government* and *Mississippi State Community Action Team (MSCAT)* and name the combined unit the *John C. Stennis Institute of Government and Community Development*. From a recommendation of the President's Select Committee on Efficiencies and Innovations and in consideration of the retirement of the Director of MSCAT, a request is made to merge the two units. The reorganization and naming will require minimal resources, which will be covered by existing funds.

Staff Recommendation: Board staff recommends approval Item a-d.

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4. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN MAY 2011

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

In accordance with Board policy, the institutions below requests permission to award degrees at the following levels in May 2011 provided each candidate has met all requirements for the degree.

Institution	Degree to be Conferred	Number	Subtotal	Total	
Alcorn State University					
	<i>Undergraduate</i>				
	Associate of Science in Nursing	40			
	Bachelor of Science	394			
	Bachelor of Science in Nursing	41			
	Bachelor of Arts	187			
			662		
	<i>Graduate</i>				
	Master of Science in Agriculture	17			
	Master of Science in Biology	4			
	Master of Science in Education	101			
	Master of Science in Biotechnology	3			
	Master of Science in Nursing	33			
	Master of Arts in Teaching	28			
	Master of Science in Computer Science	7			
	Master of Business Administration	18			
	Master of Science in Workforce Education Leadership	14			
	Specialist in Education	27			
			252		
				914	
Delta State University					
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	19			
	Bachelor of Fine Arts	12			
	Bachelor of Music	1			
	Bachelor of Music Education	7			
	Bachelor of Science	73			
	Bachelor of Science in Education	10			
	Bachelor of Science in Social Justice and Criminology	11			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Bachelor of Science in Interdisciplinary Studies	14			
		Bachelor of Social Work	31			
				178		
	College of Business					
		Bachelor of Business Administration	67			
		Bachelor of Commercial Aviation	19			
				86		
	College of Education					
		Bachelor of Arts	10			
		Bachelor of Science	34			
		Bachelor of Science in Education	43			
				87		
	School of Nursing					
		Bachelor of Science in Nursing	16			
				16		
	School of Graduate Studies					
		Master of Business Administration	33			
		Master of Commercial Aviation	6			
		Master of Education	81			
		Master of Professional Accountancy	3			
		Master of Science in Community Development	4			
		Master of Social Justice and Criminology	1			
		Master of Science in Sport and Human Performance	3			
		Master of Science in Nursing	30			
		Educational Specialist	16			
				177		
					544	
Jackson State University						
	Undergraduate					
		Bachelor of Arts	66			
		Bachelor of Business Administration	92			
		Bachelor of Music	6			
		Bachelor of Science	410			
		Bachelor of Science Education	30			
		Bachelor of Social Work	48			
				652		
	Graduate					
		Doctor of Education	2			
		Doctor of Philosophy	15			
		Doctor of Public Health	1			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Specialist in Education	16			
		Master of Arts	20			
		Master of Arts in Teaching	7			
		Master of Business Administration	7			
		Master of Music Education	4			
		Master of Professional Accountancy	7			
		Master of Public Health	12			
		Master of Public Policy and Administration	1			
		Master of Science	30			
		Master of Science in Education	41			
		Master of Science in Teaching	2			
		Master of Social Work	30			
				195		
					847	
Mississippi State University						
	<i>College of Agriculture and Life Sciences</i>					
		Bachelor of Landscape Architecture	18			
		Bachelor of Science	162			
		Master of Agribusiness Management	2			
		Master of Landscape Architecture	1			
		Master of Science	31			
		Doctor of Philosophy	8			
				222		
	<i>College of Architecture, Art, and Design</i>					
		Bachelor of Architecture	28			
		Bachelor of Fine Arts	32			
		Bachelor of Science	30			
		Master of Science	1			
				91		
	<i>College of Arts and Sciences</i>					
		Bachelor of Arts	221			
		Bachelor of Science	254			
		Bachelor of Social Work	29			
		Master of Arts	11			
		Master of Public Policy and Administration	29			
		Master of Science	32			
		Doctor of Philosophy	9			
				585		
	<i>College of Business</i>					
		Bachelor of Business Administration	299			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Master of Business Administration	70			
		Master of Science Information Systems	5			
		Doctor of Philosophy	2			
				376		
	<i>College of Education</i>					
		Bachelor of Science	341			
		Bachelor of Music Education	9			
		Master of Arts in Teaching	3			
		Master of Arts in Teaching Secondary	2			
		Master of Science	69			
		Master of Science Instructional Technology	3			
		Educational Specialist	8			
		Doctor of Philosophy	17			
				452		
	<i>College of Engineering</i>					
		Bachelor of Science	207			
		Master of Engineering	4			
		Master of Science	35			
		Doctor of Philosophy	20			
				266		
	<i>College of Forest Resources</i>					
		Bachelor of Science	33			
		Master of Science	19			
		Doctor of Philosophy	9			
				61		
	<i>College of Veterinary Medicine</i>					
		Master of Science	9			
		Doctor of Philosophy	1			
		Doctor of Veterinary Medicine	72			
				82		
	<i>School of Accountancy</i>					
		Bachelor of Accountancy	72			
		Master of Professional Accountancy	20			
		Master of Taxation	11			
				103		
					2238	
Mississippi University for Women						
	<i>Undergraduate</i>					
		Associate of Science in Nursing	54			
		Bachelor of Arts	36			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Bachelor of Fine Arts	10			
		Bachelor of Science	186			
		Bachelor of Science in Nursing	104			
		Bachelor of Music				
				390		
	Graduate					
		Master of Education	6			
		Master of Science	16			
		Master of Arts in Teaching	4			
		Master of Science in Nursing	1			
				27		
					417	
Mississippi Valley State University						
	College of Arts and Sciences					
		Bachelor of Arts	19			
		Bachelor of Science	39			
		Bachelor of Music	5			
		Bachelor of Secondary Education	7			
				70		
	College of Professional Studies					
		Bachelor of Arts in Mass Communication	26			
		Bachelor of Science	116			
		Bachelor of Social Work	54			
				196		
	College of Education					
		Bachelor of Science in Education	82			
				82		
	College of Graduate Studies					
		Master of Science	49			
		Master of Arts in Teaching	29			
		Master of Social Work	19			
		Master of Business Administration	7			
				104		
					452	
University of Mississippi						
	College of Liberal Arts					
		Bachelor of Arts	506			
		Bachelor of Science	55			
		Bachelor of Fine Arts	19			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Bachelor of Music	11			
				591		
		<i>School of Engineering</i>				
		Bachelor of Science in Chemical Engineering	13			
		Bachelor of Science in Civil Engineering	27			
		Bachelor of Science in Computer Science	11			
		Bachelor of Science in Electrical Engineering	13			
		Bachelor of Science in Mechanical Engineering	26			
		Bachelor of Science in Geological Engineering	13			
		Bachelor of Engineering	2			
		Bachelor of Science	2			
				107		
		<i>School of Education</i>				
		Bachelor of Arts in Education	255			
				255		
		<i>School of Pharmacy</i>				
		Bachelor of Science in Pharmaceutical Sciences	6			
		Doctor of Pharmacy	75			
				81		
		<i>School of Business</i>				
		Bachelor of Business Administration	403			
				403		
		<i>School of Accountancy</i>				
		Bachelor of Accountancy	68			
				68		
		<i>School of Applied Sciences</i>				
		Bachelor of Science in Criminal Justice	59			
		Bachelor of Science in Exercise Science	58			
		Bachelor of Science	83			
		Bachelor of Social Work	29			
		Bachelor of Science in Family and Consumer Sciences	3			
		Bachelor of Arts in Parks and Recreation Management	8			
		Bachelor of Paralegal Studies	11			
				251		
		<i>School of Journalism and New Media</i>				
		Bachelor of Arts	75			
				75		
		<i>Graduate School</i>				
		Master of Arts	125			
		Master of Criminal Justice	4			
		Master of Science	94			

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Master of Social Work	16			
		Master of Fine Arts	6			
		Master of Accountancy	32			
		Master of Business Administration	35			
		Master of Taxation	8			
		Master of Education	67			
		Master of Music	6			
		Specialist in Education	7			
		Doctor of Education	5			
		Doctor of Philosophy	67			
				472		
	Law School					
		Juris Doctor	127			
				127		
					2430	
University of Southern Mississippi						
	College of Arts and Letters					
		Bachelor of Arts	197			
		Bachelor of Fine Arts	30			
		Bachelor of Interdisciplinary Studies	53			
		Bachelor of Music	6			
		Bachelor of Music Education	12			
		Bachelor of Science	18			
		Master of Arts	25			
		Master of Art Education	1			
		Master of the Arts in Teaching of Language	4			
		Master of Fine Arts	9			
		Master of Music	14			
		Master of Music Education	6			
		Master of Science	9			
		Doctor of Musical Arts	4			
		Doctor of Philosophy	18			
				406		
	College of Business					
		Bachelor of Science	21			
		Bachelor of Science in Business Administration	252			
		Master of Business Administration	17			
		Master of Professional Accountancy	1			
				291		
	College of Education and Psychology					

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Institution		Degree to be Conferred	Number	Subtotal	Total	
		Bachelor of Arts	8			
		Bachelor of Science	174			
		Master of Arts	5			
		Master of Arts in Teaching	2			
		Master of Education	57			
		Master of Library and Information Science	19			
		Master of Science	7			
		Specialist in Education	11			
		Doctor of Education	2			
		Doctor of Philosophy	36			
				321		
	<i>College of Health</i>					
		Bachelor of Arts	29			
		Bachelor of Science	112			
		Bachelor of Social Work	27			
		Master of Public Health	28			
		Master of Science	24			
		Master of Social Work	34			
		Doctor of Audiology	8			
		Doctor of Philosophy	3			
				265		
	<i>School of Nursing</i>					
		Bachelor of Science in Nursing	119			
		Master of Science in Nursing	1			
				120		
	<i>College of Science and Technology</i>					
		Bachelor of Arts	25			
		Bachelor of Science	192			
		Master of Science	67			
		Doctor of Philosophy	25			
				309		
					1712	
System Total						9554

Staff Recommendation: Board staff recommends approval of this item.

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1. MSU – EXTEND CLOSING DATE DEADLINE FOR PURCHASE OF LAND

Agenda Item Request: Mississippi State University (MSU) requests permission to extend the closing date of its land sale agreement with **Cotton Mill Development Group, LLC (CMDG)** for the sale of approximately 8.477 acres of land comprised of two (2) parcels located behind the Cooley Building in Starkville, Mississippi.

Contractor's Legal name: Cotton Mill Development Group, LLC.

History of Contract: In October 2010, the Board approved three contracts related to CMDG: 1) sale of land, 2) lease of the Cooley building to CMDG, and 3) lease back agreement for a portion of the Cooley building to be used by MSU. The following recap is related to the initial agenda item submitted for the sale: Cotton Mill Development Group approached MSU about purchasing approximately 8.447 acres which consist of two parcels of land. The first parcel of land is approximately 7.817 acres located at Highway 12, Russell Street, and Mill Street, in Starkville, MS. The second parcel of land includes 0.63 acres of land as well as the Writing and Thinking Institute Building located at 518 Russell Street in Starkville, Mississippi. After obtaining two independent appraisals for each parcel of land, an offer of \$2,880,000 was made to purchase the land by Cotton Mills Development Group.

Specific type of Contract: Amendment to Land Sale Agreement

Purpose: The purpose of the amendment is to extend the closing date deadline from March 31, 2011 to September 30, 2011 in order to allow Cotton Mill Development Group additional time to secure financing.

Scope of Work: N/A

Term of Contract: The closing date deadline is being extended from March 31, 2011 to September 30, 2011. Cotton Mill retains the right to close earlier by providing thirty (30) days written notice to Mississippi State University.

Termination Options: MSU retains the right to repurchase the 8.447 acres from Cotton Mill Development Group for the original purchase price of the property.

Contract Amount: There will be no additional cost to grant the extension to the closing date deadline. Purchase price remains at \$2,880,000.

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Funding Source for Contract: N/A - revenue-generating agreement

Contractor Selection Process: N/A

Staff Recommendation: Based on Board Policy 905(A), Real Estate Management, prior Board approval is required for the sale of real property. The agreement has been reviewed and approved by the Attorney General's Office. 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 continue a professional services agreement with **BKD, LP** for tax advisory services for the coordination of the filing of IRS claims to refund Medical Residents' FICA taxes.

Contractor's Legal Name: **BKD CPA's and Advisors, LLP**

History of Contract: The original agreement for professional tax advisory services was approved by the Board on August 19, 2010. It was anticipated at the time that BKD's term of service would be complete when all of the appropriate IRS forms were filed prior to the IRS imposed deadline of October 19, 2010; as such, the Board approved the contract for a two-month period. However, to date, UMMC has not received further guidance/response from the IRS regarding the filings.

Specific type of contract: Professional Tax Advisory Services

Purpose: The purpose of the addendum is to stipulate a contract term not to exceed a five-year period or through August 20, 2015 to allow time for the IRS to provide guidance/response to UMMC's filing.

Scope of Work: BKD will provide tax advice and assistance in preparing and filing IRS forms to seek tax refunds on behalf of those medical residents affected by the IRS ruling. BKD will also solicit residents' consents related to attainment of their share of FICA taxes paid. Other than stipulating a specific term, no other terms or conditions of the original contract changed.

Term of contract: The length of the contract will continue until the IRS provides guidance/response to UMMC's filing or for the period August 20, 2010 to no later than August 20, 2015.

Termination Options: Either party may terminate the agreement at any time.

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Contract Amount: The total cost remains the same. Payment will be issued on actual hours worked, not to exceed a total of \$425,000. Of this total, \$25,000 is included for administrative and travel costs. UMMC is seeking refunds on a total of eight (8) years. It is anticipated that the total fees *per claim year* will not exceed \$50,000.

Funding Source for Contract: The contract will initially be funded by general funds; however, the refunds received will ultimately fund the engagement. Refunds anticipated are in excess of \$5,000,000.

Contractor Selection Process: This is a continuation of an existing agreement; however, BKD was initially selected because their proposal of an hourly rate gave UMMC the flexibility to use the firm as needed and pay for only the hours used.

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.

- b. **Agenda Item Request:** The University Of Mississippi Medical Center (UMMC) requests approval to extend its lease agreement with **CAG Holdings, LLC** for 8,125 square feet of space housing the Batson Community Clinic.

Contractor's Legal Name: CAG Holdings, LLC (formerly FRD Limited Partnership)

History of Contract:

- The original agreement, approved by the Board in April 2004, was for an initial five-year period ending May 31, 2009 for a total cost of \$672,169.30.
- In May 2009, the Commissioner approved a 90-day extension with an expiration date of August 31, 2009. The additional cost requested was \$33,608.47, increasing the total contract cost to \$705,777.77.
- On August 19, 2009, the Board approved a 10-month extension through June 30, 2010. The additional cost requested for the 10-month period was \$84,635.42, bringing the overall contract cost to \$790,413.19.
- On May 20, 2010, the Board approved a 12-month extension through June 30, 2011. The cost for this 12-month extension was \$105,624.96, increasing the total cost of the contract to \$896,038.15.

Specific type of contract: Lease agreement

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Purpose: The purpose of the addendum is to extend the end date of the agreement to June 30, 2012.

Scope of Work: This agreement provides for the lease with CAG Holdings for 8,125 square feet of space. CAG Holdings will be responsible for maintenance of the facility's exterior and structure, payment of property taxes, and adequate heating and air conditioning.

Term of contract: One-year extension for the period July 1, 2011 to June 30, 2012

Termination Options: The agreement may be terminated for fire, non-performance, or the State's lack of funding.

Contract Amount: The annual cost per square foot is \$13 for a monthly rental cost of \$8,802.08. The total cost for the one-year extension is \$105,624.96. As a result of the extension, the overall cost for the entire contract period is \$1,001,663.11.

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

Contractor Selection Process: Continuation of current lease

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.

3. SYSTEM – REQUEST FOR APPROVAL OF CPA AUDITING CONTRACTS

Agenda Item Request: University affiliated entities request approval to engage the following CPA firms to conduct annual audits for fiscal/calendar years 2011.

Justification: As per Board Policy 301.0806 D.9., the Certified Public Accounting (CPA) firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity's fiscal year for which the audit will be conducted.

The University affiliated entities noted below request approval of the following CPA firms. (Unless otherwise indicated, each entity's next financial reporting period ends on June 30, 2011.)

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University Affiliated Entity	CPA Firm
Alcorn State University Foundation	Silas Simmons, LLP
Delta State University Foundation	Ellis and Hirsberg CPA
Jackson State University (JSU) Foundation	Banks, Finley, White and Company CPAs
Mississippi E-Center Foundation (JSU)	Banks, Finley, White and Company CPAs
JSU Alumni Association	Bruno and Tervalon, LLP
Mississippi State University (MSU) Foundation	KPMG, LLP
The Bulldog Foundation	T.E. Lott and Company, P.A.
The Bulldog Club	T.E. Lott and Company, P.A.
MSU Research and Technology Corporation	T.E. Lott and Company, P.A.
MSU Alumni Foundation	KPMG, LLP
MSU Alumni, Inc.	T.E. Lott and Company, P.A.
Mississippi University for Women Foundation	Grantham, Poole, Randall, Reitano, Arrington and Cunningham, PLLC
Mississippi Valley State University Foundation	J.E. Vance and Company, P.A.
University of Mississippi (UM) Foundation	KPMG, LLP
UM Athletic Association	Church Devoe and Associates, PLLC
UM Research Foundation*	Horne, LLP

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University Affiliated Entity	CPA Firm
UM Alumni Association	Chester Redditt, CPA
University of Southern Mississippi (USM) Foundation	KPMG, LLP
USM Athletic Association	Horne, LLP
USM Research Foundation**	Nicholson and Company, PLLC
USM Alumni Association	Grantham, Poole, Randall, Reitano, Arrington and Cunningham, PLLC

* UM Research Foundation is requesting Horne, LLP be approved to conduct audit services for a three (3) year period, 2011 through 2013.

** USM Research Foundation's year-end is December 31, 2011.

Staff Recommendation: Based on Board Policy 301.0806 D.9., University Foundation/Affiliated Entity Agreements, the CPA firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity's fiscal year for which the audit will be conducted. Board staff recommends approval of this item.

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

Board Policy §902, Initiation of Construction Projects

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

Board Policy §904(A), Board Approval

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

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

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

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

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

Board Policy §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. UMMC – IHL 209-537 – Parking Garage C

Project Request: The University of Mississippi Medical Center requests approval of the professional team for Parking Garage C. The team consists of Signet-Harrell Development, Tim Haahs Engineers/Architects, and Harrell Contracting Group, LLC.

Purpose: This is a dual phase design-build project for a parking garage under M.C.A. Sections 31-7-13 et seq. and 37-101-41 et seq. which provides for public-private projects on IHL campuses. The Medical Center requests approval of the development team chosen through the statutory process and to receive authority to proceed with negotiating a Memorandum of Understanding and any other associated documents with the developer.

The development team was selected following the process outlined in M.C.A Section 31-7-13.1 et seq. – a RFQ and a short list evaluation by a campus-wide committee. The Legislative Advisory Committee meeting was held on February 15, 2011 on the UMMC campus. No suggestions to the Board were provided by the Legislative Advisory Committee related to the selection of a professional team/private developer.

Professional Collaborative Selection Approval:

The university requests approval of the selection of the professional team for the Parking Garage C project on the main UMMC campus. Proposals were received on February 9, 2011 from the three short list teams which the IHL Board approved in October 2010. A 4-person selection panel reviewed the proposals, interviewed the teams on February 14, 2011 and ranked the teams using the evaluation criteria shown below*. Based on the evaluations, the panel recommended Signet-Harrell Development as the selected team, based on these demonstrated capabilities:

- Preferred design
- Experience in construction of parking structures and public-private partnerships
- Experience in the design of parking structures and use of one firm for parking design and engineering
- Lowest cost per stall (\$999 per year)

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The university requests approval of Signet-Harrell Development as the selected team to perform the design and construction of the proposed parking garage and related structures.

Representatives from University of Mississippi Medical Center and IHL consulted with the Legislative Advisory Committee on February 15, 2011. At the conclusion of the consultation, the committee provided their concurrence on the actions approved by the Board, and no further guidance was given.

***Evaluation Criteria for Selection:**

1. Project Objectives and Requirements
 - Responsiveness to goals and objectives of UMMC Master Campus Facility Plan
 - Compatibility with campus facilities and ongoing operations
2. Project Economics and Financing
 - Market Viability of proposed project and proposed uses.
 - Overall economic feasibility based on estimated development costs, financing, and revenue
 - Construction and permanent financing terms
3. Business Offer and Development Schedule
 - Overall financial feasibility of project including proposed method and sources of financing.
 - Length of lease term and extent of proposed lease payment schedule to UMMC
 - Reasonableness of projected schedule for construction of proposed project
4. Other Factors
 - Inclusion of additional amenities for the project site and surrounding community
 - Extent of construction and permanent employment created by the project (i.e. impact and use of local and minority contractors and/or sub-contractors)

Project Description – Parking Garage C

The project is defined as the development, finance, construction, and operation of a fee for use 1,000-1,200 stall parking facility in support of the University of Mississippi Medical Center development plans. The parking garage will be used by

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faculty, staff, students and other subscribers. The project will be required to be in operation early in the fourth quarter of 2012. The garage will be located on the east side of campus, immediately north of the existing electrical sub-station, on the northwest corner of that site. When complete, the garage will be connected to the Dental School with an elevated pedestrian walkway.

Project Initiation Date: August 19, 2010

Date of Original Construction: N/A

Date of Last Renovation: N/A

Project Budget: N/A

Funding Source(s): Privately financed through dual phase design build financing method with a revenue stream from parking fees from university staff, faculty, students, contractors, vendors, and adjoining medical facilities to cover the lease payments.

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE

IHL PROJECTS

2. MSU – IHL 205-255 – Arbor Hall

Project Request: Mississippi State University requests approval to increase the scope and budget for the Arbor Hall project. The budget will increase from \$23,653,017 to \$46,809,592 for an increase in the amount of \$23,156,575. In addition, Mississippi State University requests approval as part of this project to demolish and remove from inventory seven (7) existing facilities known collectively as Arbor Acres and six (6) houses along Magruder Street that are within the footprint of the proposed new facility.

Project Phase: Design Phase

Design Professional: LPK Architects, P.A.

General Contractor: N/A

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Purpose/Justification: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project was initiated with the Board on November 18, 2010. Mississippi State University requests that the project budget and scope for IHL #205-255 Arbor Hall be increased to help handle the unexpected increase in the demand for campus housing. In the spring of 2010, the university was unable to accommodate approximately 800 students who applied to live on campus. The current Arbor Hall project consists of one facility that includes 388 beds in approximately 135,000 square feet at a budget of \$23,653,017. MSU requests that the project be revised to consist of two facilities that include 388 beds each for a total of 776 beds in approximately 270,000 square feet, with a total budget of \$46,809,592. This expanded project will be a site adaptation of the design of South Hall, the new residence hall, which was completed and occupied in August of 2010. The project will be continue to be funded through EBC bond funds and the project professional, LPK Architects, P.A., will remain the same. Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval.

The Department of Archives and History has approved removal of the seven existing facilities known as Arbor Acres and the six (6) houses along Magruder Street that are within the footprint of the proposed new facility. (The Board approved removal of two Arbor Acres buildings, #144 and #145, at its March 17, 2010 meeting.) Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition. The buildings will be demolished following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

Project Initiation Date: November 18, 2010

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Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 19,850,000.00	\$ 39,200,000.00	\$ 19,350,000.00
Architectural and Engineering Fees	\$ 1,028,165.00	\$ 1,974,342.00	\$ 946,177.00
Miscellaneous Project Costs	\$ 2,002,875.00	\$ 4,263,250.00	\$ 2,260,375.00
Contingency	\$ 771,977.00	\$ 1,372,000.00	\$ 600,023.00
Total Project Budget	\$ 23,653,017.00	\$ 46,809,592.00	\$ 23,156,575.00

Funding Source(s): MSU EBC Bond Funds

Staff Recommendation: Board staff recommends approval of this item.

3. UM – IHL 207-345 – University Housing

Project Request: The University of Mississippi requests approval to increase the scope and budget for the University Housing project. The budget will increase from \$32,000,000 to \$39,314,500 for an increase in the amount of \$7,314,500.

Project Phase: Design Phase

Design Professional: Cooke Douglass Farr Lemons + Eley Guild Hardy – A Joint Venture

General Contractor: N/A

Purpose/Justification: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project was initiated with the Board on November 18, 2010. At the point of project initiation and establishment of the \$32 million project budget, the project was envisioned as a set of three buildings containing 700 beds. As design progressed, it became apparent to the university that opportunities existed to strengthen the financial viability of the project and to provide additional beds that are urgently needed on campus. Therefore, the university request permission to increase the scope of the project to include the

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additional 167 beds as well as the cost of the project in order to accommodate the total bed count of 867 beds. The University of Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval.

Project Initiation Date: November 18, 2010

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 24,000,000.00	\$ 33,307,612.52	\$ 9,307,612.52
Architectural and Engineering Fees	\$ 1,723,527.90	\$ 2,126,744.85	\$ 403,216.95
Miscellaneous Project Costs	\$ 3,270,200.00	\$ 2,886,558.65	\$ (383,641.35)
Contingency	\$ 3,006,272.10	\$ 993,583.98	\$(2,012,688.12)
Total Project Budget	\$ 32,000,000.00	\$ 39,314,500.00	\$ 7,314,500.00

Funding Source(s): Design costs to be funded from Student Housing R&R reserves. Construction and equipping cost will be funded by a mix of Student Housing R&R reserves, contributions from the university food services partner and UM EBC bond proceeds.

Staff Recommendation: Board staff recommends approval of this item.

4. USM-Gulf Park – IHL 214-014 – Hardy Hall Storm Damage Repair

Project Request: The University of Southern Mississippi requests approval to increase the budget for the Hardy Hall Storm Damage Repair project. The budget will increase from \$6,000,000 to \$8,981,725.15 for an increase in the amount of \$2,981,725.15.

Project Phase: Design Phase

Design Professional: Dale Partners Architects

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General Contractor: N/A

Purpose/Justification: The project is currently in the design phase. This is the first budget escalation request made for this project by the university. The project was initiated with the Board on August 21, 2008. The project was initiated at an early stage at \$6 million. The project budget increase is based on project development and the professional's latest drawings and cost estimate that reflect expected project costs. The project seeks to repair damage incurred by Hurricane Katrina in August of 2005. Hardy Hall is a historic and major landmark on campus and the renovation will repair external damage as well as interior office and reception spaces. The project will also restore a small kitchen/bookstore addition to the rear of the building. The University of Southern Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval.

Project Initiation Date: August 21, 2008

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 5,240,000.00	\$ 7,845,429.00	\$ 2,605,429.00
Architectural and Engineering Fees	\$ 450,000.00	\$ 692,987.07	\$ 242,987.07
Miscellaneous Project Costs	\$ 10,000.00	\$ 15,610.88	\$ 5,610.88
Contingency	\$ 300,000.00	\$ 427,701.20	\$ 127,701.20
Total Project Budget	\$ 6,000,000.00	\$ 8,981,725.15	\$ 2,981,725.15

Funding Source(s): The project is funded with available insurance funds and obligated FEMA funds totaling \$9,300,033.

Staff Recommendation: Board staff recommends approval of this item.

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APPROVAL OF OTHER REAL ESTATE REQUESTS

5. ASU – Delete from Inventory and Demolish Building #20 (Mechanical Arts)

Project Request: Alcorn State University requests approval to delete Building #20 (Mechanical Arts) from inventory and demolish it.

Purpose: Alcorn State University is seeking to delete Building #20 (Mechanical Arts) from inventory and demolish it. The building is currently where the Military Science department is housed. The building was constructed in 1959. The mechanical systems are outdated and the building envelope is collapsing. The renovation and/or construction cost exceeds available funding through the university. The building will be demolished pending the receipt of the approval letter from the Mississippi Department of Archives and History and following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Alcorn State University 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.

6. ASU – Delete from Inventory and Demolish Building #62 (Press Box)

Project Request: Alcorn State University requests approval to delete Building #62 (Press Box) from inventory and demolish it.

Purpose: Alcorn State University is seeking to delete Building #62 (Press Box) from inventory and demolish it. The building is currently not being used. The building was constructed in 1981 and has a dreadful rodent and snake infestation which poses a danger to the students, faculty, staff, and visitors. A new stadium has been constructed and is functional. The approval letter has been received from the Mississippi Department of Archives and History. The building will be demolished following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Alcorn State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

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Staff Recommendation: Board staff recommends approval of this item.

7. MUW – Approval of Donation of Property to the City of Columbus, MS

Project Request: Mississippi University for Women requests approval to donate to the City of Columbus, Mississippi two parcels of land and any improvements consisting of 15.721 acres more or less as authorized and directed by the Mississippi Legislature in H.B. 1217, Laws of 2011.

Purpose: MUW has no plan to use the parcel of land in future development and having the City of Columbus use it for a community center would improve the development of that area and assist in enhancing campus safety. The legislation and property descriptions are as follows:

The Department of Finance and Administration, acting on behalf of the Board of Trustees of State Institutions of Higher Learning, is authorized to donate and convey certain, to the City of Columbus, Mississippi, real property and any improvements thereon at the Mississippi University for Women, located in the City of Columbus, Lowndes County, Mississippi, and more particularly described as follows:

PARCEL 1:

Beginning at a point 344 feet North of the Southeast corner of the Northeast Quarter (NE 1/4) of Section Twenty-one (21), Township Eighteen (18), Range Eighteen (18) West, said point being on the eastern boundary of said section and also on the eastern boundary of South 15th Street in Columbus, Mississippi, thence West 150 feet to the Southeast corner of Block One (1), Sherrod's Subdivision (1904) as shown by plat of record in Plat Book 1, Page 42, of the land records of Lowndes County, Mississippi; thence North 15 degrees West 809 feet or to the Southern right-of-way of the old Forest Railroad; thence Southeasterly along said right-of-way line of said railroad following the curve of said railroad 419 feet to the East boundary line of said Section 21, Township 18, Range 18 West; thence South along the East boundary line of said Section 21, 572 feet to the point of beginning, all lying in the Northeast Quarter (NE 1/4) of said Section 21, Township 18, Range 18 West, and containing approximately 3.8 acres.

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PARCEL 4:

That part of Block One (1), Sherrod's Subdivision, 1904, as shown by plat of record in Plat Book No. 1, Page 42 of the land records of Lowndes County, Mississippi, more particularly described as follows: Beginning at the Southeast corner of said Block One (1) of said Subdivision; thence West along the North right-of-way of 10th Avenue South 115 feet to the Southwest corner of said Block 1 of said Subdivision; thence North along West boundary of said block a distance of 130 feet to the Northwest corner of said block; thence East along the North side of said Block 78.8 feet; thence South 15 degrees East 140 feet to the point of beginning, containing 0.305 acres, more or less; all in Lowndes County, Mississippi. Said above described property containing, in the aggregate, 15.721 acres, more or less, and being expressly SUBJECT TO all easements for installation and maintenance of public utilities and drainage, and rights-of-way for public streets and roads heretofore established and now existing upon said property, such utility easement including, but not being limited to, electric transmission line easements in favor of the United States of America, the City of Columbus, Mississippi, and Mississippi Power Company, granted by instruments recorded in Book 166 at Page 320, Book 342 at Pages 421-426, and Book 358 at Pages 506-508 of the land records of Lowndes County, Mississippi, and sewer line easement conveyed to the City of Columbus, Mississippi, by deed recorded in Book 246 at Page 22 of the land records of said county and state.

(2) If at any time after the donation of the real property described in subsection (1) of this section the City of Columbus, Lowndes County, Mississippi, ceases to use the real property for the purposes intended at the time of donation, the city shall forfeit its rights, title and interest in the real property, and all of the rights, title and interest in the real property shall revert back to the State of Mississippi, to be held for the use and benefit of the Board of the Mississippi University for Women, under the direction and control of the Board of Trustees of State Institutions of Higher Learning.

(3) The State of Mississippi shall retain all mineral rights to the real property sold under this section.

SECTION 2. This act shall take effect and be in force from and after its passage. Mississippi University for Women is acting in accordance with state statute.

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 (*Extension of interim appointment from March 31, 2011 through May 31, 2011*)

Lynn Reinschmiedt, *former position:* Associate Dean and Professor; *re-employment position:* Interim Associate Vice President; *re-employment period:* January 1, 2011 through May 31, 2011; *salary of* \$145,000

2. Change in Status

MVSU (*Extension of part-time status from March 31, 2011 through September 30, 2011*)

Hareshnarayan Khanna, *from* full-time Vice President for Business and Finance/Chief Financial Officer; salary of \$132,500 per annum, pro rata; E & G funds; *to* Part-time Vice President for Business and Finance/Chief Financial Officer, salary of \$29,814 per annum, pro rata; E & G funds; effective April 1, 2011 through September 30, 2011

3. Sabbaticals

DSU

Joe Abide, Associate Professor of Art, College of Arts and Sciences; *from* salary of \$51,575 per nine months; E&G Funds; *to* professional leave without pay; effective August 1, 2011 through December 31, 2011; professional development

4. Terminations (resignation)

MVSU

Christopher Shults, Assistant Provost for Effectiveness, Assessment, Research and Strategic Planning; resignation effective March 16, 2011

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5. Emeritus Status

MUW

Hal Jenkins, Emeritus Dean of the College of Education and Human Sciences and Professor of Education; College of Education and Human Sciences; effective May 2011

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1. **ASU – APPROVAL TO AWARD AN HONORARY DEGREE**

The university requests approval to bestow an honorary degree at its May 2011 commencement. Supporting documents are on file at the Board Office.

REGULAR AGENDAS

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1. SYSTEM – PRESENTATION OF FY 2010 IHL SYSTEM AUDIT INFORMATION

KPMG was selected as the system auditor for FY 2010 and FY 2011. The FY 2010 audit will be presented to the Board.

2. UM - APPROVAL OF FINANCIAL ADVISOR'S REPORT, BOND COUNSEL, AND UNDERWRITERS

Butler, Snow, O'Mara, Stevens, & Cannada, PLLC - Bond Counsel

Morgan Keegan - Lead Underwriter

Stephens, Inc. - Underwriting co-manager

Edward Jones - Underwriting co-manager

Agenda Item Request: The University of Mississippi (UM) and the UM Educational Building Corporation (EBC) request approval of professionals to issue bonds with a maximum debt amount of up to \$38 million. UM also wishes to engage **Morgan Keegan** as the lead underwriter, **Butler, Snow, O'Mara, & Cannada, PLLC** as bond counsel, and **Stephens, Inc.** and **Edward Jones** as underwriting co-managers.

Contractor's Legal Name: Multiple - See above.

History of Project/Contract: The Board approved project numbered IHL 207-345 in November 2010 to construct university-based student housing. This month the Real Estate and Facilities agenda includes a request to increase the project budget from \$32 million to \$39,314,500 and to change the scope of the project increasing the number of beds from 700 to 867.

Background: Board staff has reviewed the financial advisor's report. The report concludes that the university will maintain a pro-forma average debt service coverage ratio of 3.98 subsequent to the bond issue.

Specific Type of Contract: Educational Building Corporation bond issue and engagement of professional team

Purpose: UMEBC wishes to issue bonds in one or more series for the purpose of constructing a new residence hall and to approve the professional team.

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Scope of Work: First Southwest is serving as the financial advisor for the upcoming bond issue and will lead the financial team. Their fee is \$38,000.

Contract Amount: Butler, Snow, O'Mara, Stevens, & Cannada, PLLC will be compensated at \$1.90 per \$1,000 for fixed rate issues or \$2.20 for variable rate issues. Underwriters will be compensated \$7.00 per \$1,000. Based on a fixed rate bond issue of \$38 million, total estimated professional costs will be \$72,200 for Butler, Snow, O'Mara, Stevens, & Cannada, PLLC, and \$266,000 for the underwriters for a total professional compensation including the financial advisor of \$376,200. Based on a variable rate issue, Butler, Snow, O'Mara, Stevens, & Cannada, PLLC compensation will rise to \$83,600 with a total professional issue cost including the financial advisor of \$387,600.

Funding Source for Contract: Combination of EBC revenues and Auxiliary funds

Contractor Selection Process: UM has a contractual agreement with First Southwest. This contract was initiated at the time UM prepared for the UMEBC Series 2006A issue. The contract is renewable for one-year periods, and either party can terminate with or without cause at anytime with thirty (30) days written notice. Current pricing and terms are unchanged from the original contract.

UM's legal staff solicited quotes and pricing for bond counsel work at the time UM was preparing for the UMEBC Series 2009A issue. Butler Snow was awarded based on pricing and terms, which were multi-year without increases.

UM has elected to use a negotiated sale for the upcoming issue. Therefore, the selection of the underwriter(s) is weighted heavily towards the ability to place bonds and achieve efficient pricing. UM believes a syndicate will provide a balanced underwriting group consisting of firms with complementing marketing and technical skills. Based on previous experience UM has had with Morgan Keegan, Stephens, and Edward Jones, it is believed this group will achieve efficient pricing and placement in the current challenging climate of the municipal bond markets.

Staff Recommendation: Based on Board Policy Section 906 Educational Building Corporation, the institution shall submit the report of the financial advisor(s) and the request for a project initiation to the Board for approval. Following the Board's approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a bond resolution for the Board's approval. The

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Attorney General's Office has approved bond counsel. Board staff recommends approval of the financial advisor's report, bond counsel, and underwriters.

3. SYSTEM – APPROVAL OF FUNDING ALLOCATION FOR FY 2012

Approval is requested to allocate FY 2012 state appropriations for Education and General Fund funding to the institutions as shown below.

MISSISSIPPI INSTITUTIONS OF HIGHER LEARNING
Recommended FY 2012 Appropriations Allocation to Institutions

		Conference Reports		
	FY 2011 Appropriations	FY 2012 Conference Reports	Total Change Compared to FY 2011	% Change
<u>EDUCATION & GENERAL (excludes Ayers)</u>				
ASU (1)	\$ 17,751,083	\$ 17,576,296	\$ (174,787)	-0.98%
DSU (1)	21,258,274	21,114,413	(143,861)	-0.68%
JSU (1)	36,514,438	36,212,554	(301,884)	-0.83%
MSU (1)	87,991,548	87,130,940	(860,608)	-0.98%
MUW (1)	13,899,935	13,765,054	(134,881)	-0.97%
MVSU (1)	13,801,254	13,665,693	(135,561)	-0.98%
UM (1)	72,486,296	71,774,132	(712,164)	-0.98%
USM (1)	79,079,009	78,298,084	(780,925)	-0.99%
Subtotal	342,781,837	339,537,166	(3,244,671)	-0.95%
			-	
Space Efficiency (2)		2,000,000	-	N/A
Geospatial Licenses (2)		197,536	-	N/A
Total E&G Excluding Ayers	342,781,837	341,734,702	(1,047,135)	-0.3%
<u>SYSTEM ADMINISTRATION</u>				
Executive Office	7,264,198	7,161,561	(102,637)	-1.41%
Student Financial Aid	31,100,215	31,079,137	(21,078)	-0.07%
<u>ALCORN STATE UNIVERSITY</u>				
Agricultural Units	5,213,674	5,498,389	284,715	5.46%
<u>JACKSON STATE UNIVERSITY</u>				
Urban Research Center	502,407	495,734	(6,673)	-1.33%
<u>MISSISSIPPI STATE UNIVERSITY</u>				
Advanced Vehicular Studies (6)	3,426,291	3,338,190	(88,101)	-2.57%

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State Chemical Laboratory	1,709,315	1,623,849	(85,466)	-5.00%
Water Resources Research Institute	120,531	120,531	-	0.00%
Agricultural & Forestry Experiment Station	21,365,833	21,365,833	-	0.00%
Mississippi Cooperative Extension	27,269,914	27,369,914	100,000	0.37%
Forest & Wildlife Research Center	5,392,854	5,392,854	-	0.00%
College of Veterinary Medicine	16,203,711	16,203,711	-	0.00%
Stennis Institute	965,739	917,452	(48,287)	-5.00%
Alcohol Safety Education Program (S. F.)	1,454,761	1,483,856	29,095	2.00%
<u>UNIVERSITY OF MISSISSIPPI</u>				
Center for Manufacturing Excellence	826,132	826,132	-	0.00%
Law Research Institute	829,232	809,003	(20,229)	-2.44%
Mineral Resources Institute	423,586	400,824	(22,762)	-5.37%
Research Inst. of Pharmaceutical Sciences	3,208,655	3,127,749	(80,906)	-2.52%
Supercomputer	727,661	691,278	(36,383)	-5.00%
Small Business Center	250,984	238,435	(12,549)	-5.00%
University Medical Center (4)	221,032,977	218,000,932	(3,032,045)	-1.37%
State Court Education Program (S. F.)	1,582,832	1,491,301	(91,531)	-5.78%
<u>UNIVERSITY OF SOUTHERN MISSISSIPPI</u>				
Mississippi Polymer Institute	692,525	668,440	(24,085)	-3.48%
Gulf Coast Research Laboratory	3,255,104	3,190,734	(64,370)	-1.98%
Stennis Center	444,485	438,706	(5,779)	-1.30%
Ayers Program Funding	20,200,000	20,200,000	-	0.00%
Ayers Endowment (3)	5,000,000	5,000,000	-	0.00%
Ayers Summer Program Funding	750,000	750,000	-	0.00%
Ayers Catch-up Funding	-	-	-	N/A
Total State Appropriation Ayers	25,950,000	25,950,000	-	0.00%
Ayers Interest (S.F.) (5)	900,000	900,000	-	N/A
TOTAL AYERS FUNDING:	26,850,000	26,850,000	-	0.00%
Total Including Special Fund Agencies	724,895,453	720,519,247	(4,376,206)	-0.60%
<u>State Appropriation-EXCLUDING S.F. Agencies</u>				
	720,957,860	716,644,090	(4,313,770)	-0.60%
Non-IHL Agency Request-Volunteer Commission	363,913	360,000	(3,913)	-1.08%
TOTAL STATE APPROPRIATION	\$ 721,321,773	\$ 717,004,090	\$ (4,317,683)	-0.60%

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FOOTNOTES:

- (1) Allocation includes \$8,125 for each institution for Washington Center Internship. Distribution will be based on student participation.
- (2) Space Efficiency and Geospatial Licenses allocation will be based on program utilization when these become known.
- (3) Senate Bill 3032 provides for the appropriation of the *Ayers* Endowment from Treasury Fund 3254.
- (4) This presentation includes UMMC funds appropriated and received through the Department of Health of \$5.7 million in FY 2011 and FY 2012.
- (5) This presentation includes *Ayers* interest funds. Actual receipts may vary.
- (6) HB 1095 transfers appropriated funds from the Center for Advanced Vehicular Systems in FY 2011 to the MS Technology Alliance. The amount shown for CAVS is the original appropriation for FY 2011; however, based on this transfer, FY 2011 appropriations will be \$3,426,291.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. SYSTEM – THIRD PARTY ADMINISTRATOR FOR TORT AND WORKERS’ COMPENSATION PLANS

Agenda Item Request: The System requests approval to select and contract with **AmFed Companies, LLC.** to administer claims for the IHL Self-Insured Tort Claims Plan (Tort Plan) and IHL Self-Insured Workers’ Compensation Plan (WC Plan).

Contractor’s Legal Name: AmFed Companies, LLC.

History of Contract: New Agreement - IHL has contracted for workers’ compensation claim services since 1984 and tort claim services since 1993 with various third party administrators.

Specific type of Contract: Personal Services Agreement

Purpose: The purpose is to select a third party administrator(s) (TPA) to provide third party claims management services for the IHL Self-Insured Workers’ Compensation Plan and the IHL Self-Insured Tort Plan through dedicated claims units for the period of July 1, 2011 through June 30, 2015.

Scope of Work: These services include, but are not limited to, 1) management of claim files and associated costs, 2) investigation and payment of claims, and 3) assistance in litigation management. To perform these services the TPA must possess the resources, flexibility, innovation, and commitment to service that provides value beyond simply claims payment. IHL required the TPA to have the capabilities, expertise, and service commitment to excel in all areas of services requested in this RFP applicable to their proposal. Furthermore, the TPA is expected to maintain an industry leadership position.

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Term of Contract: The length of the contract is four years - July 1, 2011 through June 30, 2015.

Termination Options: The agreement may be terminated by either party with or without cause upon providing the other party with ninety (90) days prior written notice. The services under this agreement applicable to the WC Plan shall automatically terminate in the event that the Mississippi Workers' Compensation Commission or any successor agency with authority to do so shall reject or revoke IHL's authority to self-insure its workers' compensation liability. Such termination shall be effective, at the option of IHL, on the effective date of such rejection or such later date as may be mutually agreed upon by the parties.

IHL has the right to terminate the agreement without any cost or penalty to IHL upon providing ten (10) working days written notice to the TPA in the event that the appropriation of funds by the Mississippi State Legislature and the receipt of state and/or federal funds anticipated for the continuing fulfillment of the agreement are not received.

Contract Amount: The administrative fee for the term of the contract is \$1,465,312.

Funding Source of Contract: The contract will be funded from the institutions' self-funded pool.

Contractor Selection Process: The selection was through a Request for Proposals with a total of three vendors meeting the minimum proposal requirements:

1. AmFed Companies, Inc. (AmFed) - \$1,465,312
2. Cannon Cochran Management Services, Inc. (CCMSI) - \$1,909,956
3. F. A. Richard & Associates, Inc. (FARA) - \$1,813,180

The following factors were considered in the evaluation process of the proposals: 1) cost analysis, 2) required services, 3) Mississippi ownership, and 4) a physical location in Mississippi. AmFed was selected as the lowest priced and best vendor.

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

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5. SYSTEM – APPROVAL OF HOUSING AND FOOD SERVICE RATES FOR ONE-YEAR PERIOD

Room and board increases effective with the fall 2011 academic term were presented to the Board of Trustees at the March 2011 meeting for a 30-day consideration period by the Board. Final consideration and action is requested to approve the one-year increase in room and board rates at all institutions effective for fiscal year 2012.

See charts for the proposed room and board rates.

Student Average ANNUAL Occupancy Housing Rates

Institution	Average FY 2011 Charge		Proposed Average		
			FY 2012		
			Increase	Charge	Percentage Change
ASU - double	\$ 4,460		\$ 134	\$ 4,594	3.0%
" - single	6,349		191	6,540	3.0%
DSU - double	\$ 3,634		\$ 110	\$ 3,744	3.0%
" - single	5,234		110	5,344	2.1%
JSU - double	\$ 4,110		\$ 165	\$ 4,275	4.0%
" - single	5,407		216	5,623	4.0%
MSU - double	\$ 4,533		\$ 147	\$ 4,680	3.2%
" - single	4,829		157	4,986	3.3%
MUW - double	\$ 3,302		\$ 132	\$ 3,434	4.0%
" - single	5,771		231	6,002	4.0%
MVSU - double	\$ 3,090		\$ 524	\$ 3,614	17.0%
" - single	4,460		961	5,421	21.5%
UM - double	\$ 4,080		\$ 150	\$ 4,230	3.7%
" - single	5,390		195	5,585	3.6%
USM - double	\$ 3,686		\$ 209	\$ 3,895	5.7%
" - single	7,371		419	7,790	5.7%
Annual Average - double	\$ 3,862		\$ 196	\$ 4,058	5.1%
" " - single	\$ 5,495		\$ 249	5,911	4.5%

Note: Although most institutions have a variety of different housing plans to choose from, the occupancy rates shown here are the average of all double and all single occupancy plans available to students.

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Average ANNUAL Meal Plan (Board) Rates

Institution	FY 2011 Charge	Proposed Change			
		FY 2012			
		Increase	Charge	Percent Change	
ASU	\$ 2,348	\$ 94	\$ 2,442	4.0%	
DSU	1,994	61	2,055	3.0%	
JSU	2,413	96	2,509	4.0%	
MSU	1,986	71	2,057	3.5%	
MUW	2,258	56	2,314	2.5%	
MVSU	2,447	353	2,800	14.4%	
UM	1,941	76	2,017	3.9%	
USM	2,574	86	2,660	3.3%	
System - Average	\$ 2,245	\$ 112	\$ 2,357	5.0%	

STAFF RECOMMENDATION: Based on Board Policy 702.03 – Approval of Tuition, Fees and other student charges: The establishment or waiver of tuition and room and board charges must be approved by the Board. Staff recommends approval of the proposed one-year housing and board (food) rates increases FY 2012.

6. SYSTEM – PRESENTATION OF PROPOSED REVISIONS TO SECTION 700 – FINANCE AND BUSINESS OF THE BOARD OF TRUSTEES’ POLICIES AND BYLAWS

Board staff will present an informational presentation on the changes in Board Policy Section 700. The policy changes will be presented for first read in May and second read in June.

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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.1641.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
MARCH 17, 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. JSU – GS 103-255 – Fire Suppression System, Phase I (Stewart Hall)

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

Staff Approval Date: March 3, 2011

Project Initiation Date: August 20, 2009

Design Professional: CGM Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$7,360,000

Funding Source(s): SB 2010, L'04 (\$76,260.78); HB 246, L'07 (\$1,218,436.73); HB 1722, L'09 (\$2,650,025.64); HB 1701, L'10 (\$3,415,276.85)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$225,844.00 and sixty-three (63) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: March 16, 2011

Change Order Justification: **Change Order #10** is necessary to provide exterior masonry waterproofing to stop moisture from penetrating the bricks and damaging the interior finishes, repair damaged interior plaster and paint, and add masonite cover to 5 bulletin boards.

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Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$877,125.00

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, L'07 (\$4,997,700.13); SB 3201, L'07 (\$3,611,340.47); SB 2988, L'03 (\$155,996); HUD Grant (\$3,234,963)

3. MSU – GS 113-117 – Wise Center Storm Repairs

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$262,025.00 and forty-eight (48) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: March 10, 2011

Change Order Justification: **Change Order #5** is necessary for remediation to existing structural, electrical, and mechanical conditions that were not expected to be encountered. These conditions include collapsed soffit, deteriorating angle iron, improper location for existing electrical conduit, deteriorating exhaust fans, improper wall construction, improper brick ledge installation, and insufficient concrete slab.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$381,811.00

Project Initiation Date: September 21, 2007

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

General Contractor: Thrash Commercial Contractors, Inc.

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Contract Award Date: January 25, 2010

Project Budget: \$6,790,000

Funding Source(s): HB 1634, L'06 (\$1,726,000); HB 1641, L'08 (\$3,000,000); HB 1722, L'09 (\$2,000,000); MSU CVM (\$64,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Dynamic Fire Protection, LLC, the lower of one (1) bidder, for a total contract amount of \$1,468,521.00.

Staff Approval Date: March 9, 2011

Project Initiation Date: January 21, 2010

Design Professional: LPK Architects, P.A.

General Contractor: Dynamic Fire Protection

Contract Award Date: March 9, 2011

Project Budget: \$29,960,000 (This contract is part of the larger 205-235 project budget)

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

5. MUW – GS 104-149 – Poindexter Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$65,565.00.00 and seventy-four (74) additional days to the contract of West Brothers.

Staff Approval Date: March 7, 2011

Change Order Justification: **Change Order #3** is necessary to recover operating costs incurred due to work delays. No work could be completed in the building from

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September 20, 2010 through December 2, 2010 as a result of locking out the building for mold remediation work required.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$184,077.58

Project Initiation Date: November 20, 2003

Design Professional: Pryor & Morrow

General Contractor: West Brothers

Contract Award Date: July 13, 2010

Project Budget: \$9,579,000

Funding Source(s): SB 2010, L'04 (\$6,930,000); HB 246, L'07 (\$714,000); HB 1641, L'08 (\$435,000); HB 1722, L'09 (\$1,500,000)

6. MVSU – GS 106-230 – Stadium Seating Replacement

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Dr. Doug Rouse, Chair of the Real Estate and Facilities Committee, **approving a budget increase** for the Stadium Seating Replacement project. The budget increase was increased from \$4,900,000 to \$6,400,000 for an increase in the amount of \$1,500,000.

Staff Approval Date: March 17, 2011

Project Initiation Date: N/A

Design Professional: JBHM Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: N/A

Project Budget: \$6,400,000

Funding Source(s): HB 1701, Laws of 2010 (\$6,000,000); Bureau of Building

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Discretionary Funds (\$400,000)

7. MVSU – GS 106-236 – Fine Arts ADA Compliance

Staff Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Dr. Doug Rouse, Chair of the Real Estate and Facilities Committee, **approving a change in funding source** for the Fine Arts ADA Compliance project. The funding source will change from \$400,000 of HB 1701, Laws of 2010 funds to \$400,000 of HB 1722, Laws of 2009 funds.

Staff Approval Date: March 17, 2011

Project Initiation Date: N/A

Design Professional: Dale and Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$400,000

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

8. UM – GS 107-297 – Waste Water Treatment Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the credit amount of (\$380.00) and four (4) additional days to the contract of Praire Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 21, 2011

Change Order Justification: **Change Order #1** is necessary to modify the installation location for the microstrainer and omit removal of the existing degrit system. The change order also will allow for the removal of existing West Basin weir box and replace with a precast concrete manhole.

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

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Project Initiation Date: June 18, 2008

Design Professional: Engineering Solutions, Inc.

General Contractor: Praire Construction, LLC

Contract Award Date: April 30, 2010

Project Budget: \$2,200,000

Funding Source(s): HB 1641, L'08 (\$1,500,000); HB 246, L'07 (\$100,000); Internal R&R (\$600,000)

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

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

Staff Approval Date: March 16, 2011

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$7,300,000

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

10. UM – GS 107-303 – Roof Replacements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board

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staff approved **Contract Documents** as submitted by Shafer and Associates, 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.

Staff Approval Date: February 23, 2011

Project Initiation Date: August 20, 2009

Design Professional: Shafer & Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$1,500,000

Funding Source(s): HB 1722, L'09 (\$974,707.47); SB 2010, L'04 (\$88,000); HB 246, L'07 (\$100,000); Internal R&R (337,292.53)

11. UM –IHL 207-303A – Research Park & Innovation Center – Medicinal Plant Garden

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$5,688.00 and one hundred fifty-eight (158) additional days to the contract of Hooker Construction.

Staff Approval Date: February 21, 2011

Change Order Justification: **Change Order #2** is necessary to add days due to adverse weather and for the cost of materials, and labor to accomplish desired roof warranties.

Total Project Change Orders and Amount: Two (2) change orders for a total credit amount of (\$13,545.00)

Project Initiation Date: August 16, 2007

Design Professional: Cooke Douglass Farr Lemons + Howorth & Associates

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General Contractor: Hooker Construction

Contract Award Date: December 16, 2009

Project Budget: \$2,500,000

Funding Source(s): Small Business Association Grant Funds, HUD Grant Funds, and NOAA Grant Funds

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$33,981.00 and zero (0) additional days to the contract of Montgomery Martin Contractors, LLC.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$76,899.00 and zero (0) additional days to the contract of Montgomery Martin Contractors, LLC.

Staff Approval Date: (#1) February 21, 2011; (#2) March 16, 2011

Change Order Justification: **Change Order #4** is necessary to install 12” collector line, furnish and install changes to the curved walls at the storefront, remove gypsum board ceilings, remove, offset and replace the 8” university water line at the round about area to the newly installed tap at the southwest site and to install four each additional 4” communications conduits to communications manhole. **Change Order #5** is necessary to furnish and install addition of a self adhering flexible flashing over the top of the exterior metal stud wall assembly, provide labor, material equipment, and supervision to undercut the existing unsuitable material at west lot and road between Station 10 to the round-about, and to provide a temporary road to allow traffic flow to and from Hathorn Road.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$104,262.92

Project Initiation Date: August 16, 2007

Design Professional: Cooke Douglass Farr Lemons + Howorth & Associates

General Contractor: Montgomery Martin Contractors, LLC

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Contract Award Date: June 22, 2010

Project Budget: \$17,100,000

Funding Source(s): NIST Grant #66NANB6D6134 (\$17,100,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the credit amount of (\$76,575.08) and seven (7) additional days to the contract of Panola Construction.

Staff Approval Date: February 21, 2011

Change Order Justification: **Change Order #7** is necessary in order to account for a credit to remove solar panel array and associated support systems from construction contract and other miscellaneous project items.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$370,071.45

Project Initiation Date: November 15, 2007

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Panola Cosntruction

Contract Award Date: February 18, 2009

Project Budget: \$17,700,000

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

14. UM –IHL 207-320 – Mississippi Small Business Development Center

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$441.00 and zero (0) additional days to the contract of Murphy & Sons, Inc.

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Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$517.00 and zero (0) additional days to the contract of Murphy & Sons, Inc.

Staff Approval Date: (#1) February 18, 2011; (#2) March 10, 2011

Change Order Justification: **Change Order #6** is necessary to add GFCI outlet in toilet room #119. **Change Order #7** is necessary to add four surface mounts through bolts to the two doors in the copy room.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$138,771.10

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): U.S. Congress Grant #SBAHQ-06-I-0032 (\$2,000,000)

15. UM – IHL 207-345 – University Housing

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

Staff Approval Date: February 23, 2011

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates

General Contractor: N/A

Contract Award Date: N/A

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Project Budget: \$32,000,000

Funding Source(s): EBC Bonds (\$32,000,000)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$30,771.78 and twenty-eight (28) additional days to the contract of Evan Johnson and Sons.

Staff Approval Date: March 7, 2011

Change Order Justification: **Change Order #2** is necessary in order to address latent conditions of bowed concrete walls and add inwall blocking for casework discovered to have been omitted from previous/original project two years ago.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$44,819.78

Project Initiation Date: June 17, 2008

Design Professional: Simmons Associates + Eley & Associates

General Contractor: Evan Johnson and Sons

Contract Award Date: February 10, 2010

Project Budget: \$16,500,000

Funding Source(s): Interest Income (\$700,000); UMC EBC (\$15,800,000)

17. UMMC –IHL 209-515 – Surgical Stay Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$231,957.00 and twenty (20) additional days to the contract of Evan Johnson and Sons.

Staff Approval Date: February 18, 2011

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Change Order Justification: **Change Order #4** is necessary in order to address latent and owner requested conditions associated with routing of chilled water piping to the job site mechanical room area. Also owner requested accent wall color change, additional wall outlets etc additional valves to isolate separate 5 East project and relocation of wall speakers and corridor lights.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$435,853.00

Project Initiation Date: November 21, 2008

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Evan Johnson and Sons

Contract Award Date: August 24, 2009

Project Budget: \$7,735,000

Funding Source(s): Hospital Patient Revenues (\$7,735,000)

18. UMMC –IHL 209-523 – S013 Area Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$6,961.00 and zero (0) additional days to the contract of Evan Johnson and Sons.

Staff Approval Date: March 9, 2011

Change Order Justification: **Change Order #5** is necessary in order to provide for the installation of clear protective covers for emergency stop buttons within the scan and control room areas. The addition of a duplex receptacle and data jack adds additional costs for floor preparation work prior to new tile installation.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$238,488.88

Project Initiation Date: August 20, 2009

Design Professional: Simmons Associates

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General Contractor: Evan Johnson and Sons

Contract Award Date: January 11, 2010

Project Budget: \$1,947,239.00

Funding Source(s): Hospital Patient Revenues (\$1,947,239)

19. UMMC –IHL 209-527 – Ophthalmology Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$156,228.00 and fourteen (14) additional days to the contract of Fountain Construction.

Staff Approval Date: March 9, 2011

Change Order Justification: **Change Order #1** is necessary in order to finish changes/updates. The original finishes specified were basic and did not agree with the University Physicians standards of quality recently adopted for off campus clinics being operated by University Physicians.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$156,228.00

Project Initiation Date: August 20, 2009

Design Professional: Dale and Associates

General Contractor: Fountain Construction

Contract Award Date: September 1, 2010

Project Budget: \$5,279,000

Funding Source(s): Interest Income and Restricted funds (\$5,279,000)

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

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

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

Staff Approval Date: March 17, 2011

Project Initiation Date: February 17, 2011

Design Professional: Mark Vaughan

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$1,280,000

Funding Source(s): Patient Revenue and Tuition Fees (\$1,280,000)

21. USM – GS 108-264 – Energy Reduction Retrofits

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cooke Douglass Farr Lemons + Eley & Associates, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property

Staff Approval Date: March 11, 2011

Project Initiation Date: January 21, 2010

Design Professional: Watkins & O'Gywnn

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$2,000,000

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

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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 2/1/11, 3/1/11 and 3/1/11) from the funds of Mississippi State University. (These statements, in the amounts of \$6.51, \$5.54 and \$30.66, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 42.71

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 11/11/10, 12/13/10 and 1/12/11) from the funds of the University of Mississippi. (These statements, in the amounts of \$9,502.00, \$2,146.50 and \$8,482.83, respectively, represent services and expenses in connection with the Purchase of Property from Whirlpool Corporation.)

TOTAL DUE.....\$ 20,131.33

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 1/28/11, 2/24/11, 2/24/11 and 2/24/11) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with General Representation of the Medical School and Facility Practice Plans - \$86.00, *Jackson HMA LLC vs. UMMC* - \$7,484.28, UMMC - North Clinic - \$3,693.26 and UMMC - North Clinic - \$8,279.53, respectively.)

TOTAL DUE.....\$ 19,543.07

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 1/31/11, 1/31/11, 2/28/11, 2/28/11, 2/28/11 and 2/28/11) 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) - \$21,344.33, UMMC - General Advice - \$2,640.00, UMMC - General - \$1,020.00, *Jaralah* - \$1,053.50, *Steiner* - \$2,256.18 and *Zeigler* - \$1,967.00, respectively.)

TOTAL DUE.....\$ 30,281.01

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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 2/16/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Methods of Preparation of Live Attenuated Bacterial Vaccines" - \$472.50; "Fiber Ringdown Pressure/Force Sensors" - \$575.00; "Steele - Solid Heat Carrier Pyrolysis Reactor" - \$2,187.50 and "Weed - Pelvic Floor Strength Assessment Device" - \$220.00.)

TOTAL DUE.....\$ 3,455.00

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1. **SYSTEM – 2011 SPRING COMMENCEMENT SCHEDULES**

Alcorn State University

Time/Date: 8:30 a.m., Saturday, May 7, 2011
Location: Davey L. Whitney Health and Physical Education Complex
Speaker: The Honorable William H. Gray III, Former U.S. House of Representative Majority Whip and Current Co-Chairman of Gray Loeffler, LLC

Delta State University

Time/Date: 10:00 a.m., Saturday, May 7, 2011
Location: Walter Sillers Coliseum
Speaker: TBD

Jackson State University

Graduate Commencement Exercises

Time/Date: 6:00 p.m., Friday May 6, 2011
Location: Lee E. Williams Athletics and Assembly Center
Speaker: Dr. Carolyn W. Meyers, President, Jackson State University

Undergraduate Commencement Exercises

Time/Date: 8:00 a.m., Saturday, May 7, 2011
Location: Mississippi Veterans Memorial Stadium
Speaker: Mr. Ed Gordon, Emmy Award -Winning Broadcaster with Black Entertainment Television (BET)

Mississippi State University

Meridian Campus

Time/Date: 11:00 a.m., Friday, April 29, 2011
Location: Riley Center
Speaker: Trustee C.D. Smith, Mississippi Board of Trustees of State Institutions of Higher Learning and Area Manager – External Affairs for AT&T

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Starkville Campus

Bagley College of Engineering, Swalm School of Chemical Engineering, College of Veterinary Medicine (Masters & PhD Degrees), College of Agriculture & Life Sciences, School of Human Sciences, College of Forest Resources, and College of Education

Time/Date: 7:00 p.m., Friday, April 29, 2011

Location: Humphrey Coliseum

Speaker: Mary Peavey, President of Peavey Electronics

College of Arts & Sciences; College of Architecture, Art & Design; School of Architecture; College of Business; and Adkerson School of Accountancy

Time/Date: 10:00 a.m., Saturday, April 30, 2011

Location: Humphrey Coliseum

Speaker: Hartley Peavey, Founder and CEO of Peavey Electronics

Mississippi University for Women

Time/Date: 10:00 a.m. and 1:30 p.m., Saturday, May 7, 2011

Location: Rent Auditorium, Whitfield Hall

Speaker: Dr. Hank M. Bounds, Commissioner of Higher Education

Mississippi Valley State University

Time/Date: 10:00 a.m., Saturday, May 7, 2011

Location: Robert W. Harrison Health, Physical Education and Recreation Complex

Speaker: Ms. Cherly Lee Ralph, American Actress and Singer

The University of Mississippi

Time/Date: 9:00 a.m., Saturday, May 14, 2011

Location: The Grove

Speaker: Dr. Freeman Hrabowski, III, President, The University of Maryland, Baltimore County, Maryland

The University of Mississippi Medical Center

Time/Date: 10:00 a.m., Friday, May 27, 2011

Location: Mississippi Coliseum

Speaker: No Speaker

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The University of Southern Mississippi

Time/Date: 10:00 a.m., Friday, May 13, 2011

Location: Reed Green Coliseum

Speaker: Ray Mabus, Secretary of the Navy

Time/Date: 2:30 p.m., Friday, May 13, 2011

Location: Reed Green Coliseum

Speaker: Judge Deborah J. Gambrell, Tenth Chancery Court District of Mississippi

Time/Date: 10:00 a.m., Saturday, May 14, 2011

Location: Mississippi Gulf Coast Coliseum

Speaker: Judge Deborah J. Gambrell, Tenth Chancery Court District of Mississippi

2. 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 March 9, 2011, the Commissioner approved the budget revisions to the State Court Education Program, Mississippi Mineral Resources Institute, and the Mississippi Law Research Institute. This budget revision contains no increases in the total budgets but rather reallocations amongst individual expense categories.