

MISSISSIPPI  
BOARD OF TRUSTEES  
OF STATE  
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK  
JUNE 16, 2011



## **FINAL BOARD BOOK OUTLINE**

June 16, 2011, 9:00 A.M.

Mississippi Valley State University  
14000 Highway 82 West  
Itta Bena, MS 38941

### **CALL TO ORDER**

#### **PRAYER**

Trustee Alan Perry

### **SPECIAL PRESENTATION**

Dr. Donna Oliver  
President of Mississippi Valley State University

### **INTRODUCTION OF GUESTS**

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May 19, 2011 Regular Board Meeting Minutes

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Trustee Robin Robinson

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- 1. MSU – Permission to Enter into a Lease Agreement with New Cingular Wireless PCS, LLC.....1
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  - b. The Mississippi Department of Information Technology Services (ITS) .....5
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- 2. JSU – GS 103-266 – Mechanical Upgrades Phase II, Design Professional – The CGM Group .....3
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- 10. UMMC – IHL 209-542 – Generator 12, 13, 14 Replacement, Design Professional – Cooke Douglass Farr Lemons Architects and Engineers P.A. ....13

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- 3. UM – Approval to Renew Contract with Hershkovitz & Associates Law Firm as Outside Counsel .....2
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Approval of Initiations of Projects/Appointments of Professionals

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Trustee Alan Perry

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MISSISSIPPI  
BOARD OF TRUSTEES  
OF STATE  
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

May 19, 2011 Regular Board Meeting Minutes



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

**BE IT REMEMBERED**, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at approximately 9:30 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 May 19, 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, Mr. C.D. Smith and Ms. Amy Whitten. Dr. Douglas Rouse was absent. The meeting was called to order by President Robin Robinson and opened with prayer by Trustee Aubrey Patterson.

**INTRODUCTION OF GUESTS**

- ▶ President Robin Robinson welcomed
  - ▶ the Student Government Association presidents or representatives: Ms. Jasmine Lafayette, First Vice President at Alcorn State University; Ms. Jeanna Wilkes, President at Delta State University; Mr. Matthew Thompson, President at Jackson State University; Mr. Rhett Hobart, President at Mississippi State University; Mr. Leander Williams, President at Mississippi University for Women; Mr. Taylor McGraw, President at the University of Mississippi; and Mr. Erick Brown, President at the University of Southern Mississippi.
  - ▶ Dr. Tim Letzring, Chair and Associate Professor of Leadership & Counselor Education at the University of Mississippi and his students who are visiting today;
  - ▶ Dr. Hilliard Lackey, Assistant Professor in the Educational Leadership Department at Jackson State University and his Executive Ph.D. program students; and
  - ▶ Mr. David Mallery, Director of the Mississippi Commission for Volunteer Service.
- ▶ Commissioner Hank Bounds introduced Stephanie Jones, the new Special Assistant Attorney General in the Universities Division.
- ▶ For her first meeting as President of the Board, Trustee Robinson made opening remarks which included expressing her appreciation to her fellow Board members for their hard work over the last year.

**APPROVAL OF THE MINUTES**

On motion by Trustee Whitten, seconded by Trustee Neely, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on April 21, 2011.

**CONSENT AGENDA**

**By Trustee Perry's request, agenda item #11 concerning the University of Mississippi project, IHL 207-348 Johnson Commons West Renovation was pulled from the Consent Agenda.** On motion by Trustee Patterson, seconded by Trustee Neely, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

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**ACADEMIC AFFAIRS**

1. **System** - Approved the following academic unit modifications:
  - a. **MSU** to combine the *Life Science & Biotechnology Institute (LSBI)* and the *Institute for Digital Biology (IDB)* and name the combined unit the *Institute for Genomics, Biocomputing & Biotechnology*. The proposed reorganization provides a single and more easily describable entity that better enables academic and scientific growth, more opportunities for students, and extramural funding. There is no cost associated with the requested change.
  - b. **MSU** to combine the *Electron Microscope Center* and the *Institute for Neurocognitive Science and Technology* and name the combined unit the *Institute for Imaging & Analytical Technologies*. The proposed reorganization allows MSU to combine major research instrumentation investments under one organization and significantly grow capabilities in research, facilitate teaching in STEM areas, and efficiently provide high-technology services to the greater MSU community. There is no cost associated with the requested change; a cost savings will be realized with have a single director for both organizations.
2. **System** - Approved the request by UMMC to confer the following degrees at the following levels on May 27, 2011 provided each candidate has met all requirements for the degree.

| Institution                                     | Degree to be Conferred   | Number | Subtotal | Total |  |
|---|--|--------|----------|-------|--|
| <b>University of Mississippi Medical Center</b> |  |        |          |       |  |
|   | <i>Undergraduate</i>   |        |          |       |  |
|   | Bachelor of Science in Nursing                                       | 101    |          |       |  |
|   | Bachelor of Science in Clinical Laboratory Sciences                  | 27     |          |       |  |
|   | Bachelor of Science in Cytotechnology                                | 6      |          |       |  |
|   | Bachelor of Science in Dental Hygiene                                | 21     |          |       |  |
|   | Bachelor of Science in Health Informatics and Information Management | 10     |          |       |  |
|   | Bachelor of Science in Health Sciences                               | 27     |          |       |  |
|   | Bachelor of Science in Radiologic Sciences                           | 21     |          |       |  |
|   |  |        | 213      |       |  |
|   | <i>Graduate/Professional</i>   |        |          |       |  |
|   | Master of Occupational Therapy                                       | 34     |          |       |  |
|   | Master of Science in Nursing   | 35     |          |       |  |
|   | Master of Science  | 19     |          |       |  |
|   | Doctor of Physical Therapy   | 47     |          |       |  |
|   | Doctor of Medicine   | 120    |          |       |  |
|   | Doctor of Dental Medicine  | 35     |          |       |  |
|   | Doctor of Philosophy   | 23     |          |       |  |
|   |  |        | 313      |       |  |
|   |  |        |          | 526   |  |

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**BUDGET, FINANCE AND AUDIT**

3. **MSU** - Approved the request to escalate the Mississippi Alcohol Safety Education Program (MASEP) budget due to the increased number of class offering locations (from 40 to 46) and to accommodate additional participants. The escalation will be funded through participant fees. The budget is shown below.

| Major Object<br>Budget Category   | Original<br>FY 2010-11<br>Budget | Revision/<br>Escalation | Revised<br>FY 2010-11<br>Budget |
|-----------------------------------|----------------------------------|-------------------------|---------------------------------|
| Salaries, Wages & Fringe Benefits | \$1,087,964                      | \$164,000               | \$1,251,964                     |
| Travel & Subsistence              | \$89,000                         |                         | \$89,000                        |
| Contractual Services              | \$81,708                         |                         | \$81,708                        |
| Commodities                       | \$66,000                         |                         | \$66,000                        |
| Capital Outlay:                   |                                  |                         |                                 |
| Other than equipment              | -                                |                         | -                               |
| Equipment                         | \$11,450                         |                         | \$11,450                        |
| Total Capital Outlay              | <b>\$11,450</b>                  | <b>-</b>                | <b>\$11,450</b>                 |
| Subsidies, Loans & Grants         | \$118,639                        | \$223,000               | \$341,639                       |
| <b>Total</b>                      | <b>\$1,454,761</b>               | <b>\$237,000</b>        | <b>\$1,841,761</b>              |

4. **UMMC** - Approved the request to enter into an agreement with The CBE Group, Inc. for the collection of accounts receivable primary bad debt for UMMC. CBE's services will be used in relation to those patient accounts that are at least 120 days from discharge and have been deemed bad debt. The agreement length is four years – June 1, 2011 through May 31, 2013, which includes an initial term of two years with an option to extend the agreement an additional two one-year terms for a maximum contract life of four years. The total cost of the contract is based on exercising the renewal options and is for the maximum four-year period. The estimated cost for the maximum life of the four year contract is \$5,068,800. With an estimated *annual* placement of \$144 million and a 5.5% collection rate. The estimated payment rate is included in the bound *April 19, 2011 Board Working File*. Funds are available from hospital patient revenue generated through the bad debt collection efforts of CBE. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
5. **UMMC** - Approved the request to enter into an agreement with Hollis Cobb Associates, Inc. for the collection of accounts receivable primary bad debt for UMMC. Hollis Cobb will service patient accounts that are at least 120 days from discharge and have been deemed bad debt. The agreement length is four years – June 1, 2011 through May 31, 2013, which includes an initial term of two years with an option to extend the agreement an additional two one-year terms for a maximum contract life of four years. The total cost of the contract is based on exercising the renewal options and is for the maximum four-year period. The estimated cost for the maximum life of the four year contract is \$5,068,800. With an estimated annual placement of \$144 million and a 5.5% collection rate. The estimated payment rate is included in the bound *April 19, 2011 Board Working File*. Funds are available from hospital patient revenue generated through the bad debt collection efforts of Hollis Cobb. 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 amend the consulting services agreement with Huron Consulting Services, LLC. to extend the end date and change the scope of work. The original contract period

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amendment will extend the contract for five months, or for the period August 31, 2011 through January 31, 2012. The total cost for the five month extension will not exceed \$1,419,823.62. As a result of the extension, the overall cost for the entire contract period is estimated to be \$9,221,902.62. A breakdown of the additional costs associated with the amendment is included in the bound *May 19, 2011 Board Working File*. The increase of the cost of the agreement will be funded by UMMC General Funds. 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 enter into a Maintenance Payment Plan Agreement with Lawson Software Americas, Inc. for maintenance and support of Lawson ERP software that is currently used by UMMC for its core business functions such as Human Resources, Payroll, Finance, Grants Management and Supply Chain. The contract length is three years and one-month – June 1, 2011 through June 30, 2014. UMMC will pay a total of \$1,648,021.63 for three years of maintenance and support from Lawson. Specifically, UMMC will pay \$544,605.88 for Year 1; \$538,251.56 for Year 2; and \$565,164.19 for Year 3. The contract will be funded with UMMC General Funds. 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** - Approved the request to enter into an Equipment Lease Agreement with Modular Devices, Inc. The purpose of the agreement is to lease a mobile cardiac catheterization lab for eighteen months in order to provide current services without interruption during the relocation and renovation of the Heart Center. The term of the lease is for eighteen months – July 1, 2011 through December 31, 2012. The monthly cost to lease the equipment is \$33,000. The total cost for the life of the agreement is \$594,000. This contract will be funded by hospital patient revenue. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
9. **UMMC** - Approved the request to escalate the FY 2011 operating budget. The increase in expenditures will cover the cost of salaries, supplies, and other mission support in the University Hospital and Clinics. A portion of the increase in the salary category is a result of adding doctors and nurses positions to increase the cardiology operation, with the majority of the additional salary dollars for market adjustments to increase nursing salaries. The commodities category is being increased to provide supplies to the additional staff for cardiology. The additional travel dollars are required in order to send existing staff to trainings related to the implementation of the electronic medical records system. The escalation is funded from patient revenues.

| Major Object<br>Budget Category   | Original<br>FY 2010-11<br>Budget | Revision/<br>Escalation | Revised<br>FY 2010-11<br>Budget |
|-----------------------------------|----------------------------------|-------------------------|---------------------------------|
| Salaries, Wages & Fringe Benefits | \$550,979,857                    | \$29,175,122            | \$580,154,979                   |
| Travel & Subsistence              | \$1,064,191                      | \$492,970               | \$1,557,161                     |
| Contractual Services              | \$225,249,403                    | -                       | \$225,249,403                   |
| Commodities                       | \$154,694,664                    | \$6,093,735             | \$160,788,399                   |
| Capital Outlay:                   |                                  |                         |                                 |
| Other than equipment              | \$26,974,158                     | (\$1,154,817)           | \$25,819,341                    |
| Equipment                         | \$85,842,603                     | \$326,685               | \$86,169,288                    |
| Total Capital Outlay              | <b>\$112,816,761</b>             | <b>(\$828,132)</b>      | <b>(\$111,988,629)</b>          |
| Subsidies, Loans & Grants         | \$6,700,299                      | \$1,078,514             | \$7,778,813                     |

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|  |                        |                     |                        |
|--|------------------------|---------------------|------------------------|
| Programs Sponsored by Outside Agencies | \$147,550,000          | -                   | \$147,550,000          |
| Total                                  | <b>\$1,199,055,175</b> | <b>\$36,012,209</b> | <b>\$1,235,067,384</b> |

10. **System** - Approved the Rules and Regulations and Contract and Note for the Family Protection Specialist Social Worker Loan/Scholarship Program (SWOR), effective for the 2011-2012 award year. The Attorney General's Office reviewed and approved the Rules and Regulations and Contract and Note documents. A copy of the documents is included in the bound *May 19, 2011 Board Working File*.

**REAL ESTATE**

11. **UM** - Initiation of **IHL 207-348, Johnson Commons West Renovation**, and the appointment of a design professional through the "Request for Qualification" method. The west wing of the Johnson Commons is used for food services. It houses the main dining location, main cooking kitchens, cold storage, bakery, catering offices, food service administrative offices, "The JC" dining outlet and a "Java City" dining location. This project will modernize the cooking, serving and storage areas on the upper floor and will convert back-room space on the lower floor into a new dining location that is accessible from the Quad. The total project budget is \$14,500,000. Funds are available from Auxiliary R & R (\$9,900,000) and assistance from food service partner (\$4,600,000). **(THIS ITEM WAS PULLED FROM THE CONSENT AGENDA AND APPROVED LATER IN THE MEETING.)**
12. **UM** - Approved the initiation of **IHL 207-349, Howry Hall Renovation**, and the appointment of Dale Partners as design professional. This renovation includes architectural, mechanical, electrical, interior, and exterior work. Howry Hall was originally constructed in 1929 as a men's dormitory. Because of its restrictive floor-to-floor heights and difficulty complying with modern codes, this building lends itself more to academic and administrative space rather than its original use as a dormitory. The total project budget is \$1,995,689. Funds are available from internal R&R (\$1,995,689).
13. **UM** - Approved the initiation of **IHL 207-350, Falkner Hall Renovation**, and the appointment of Dale Partners as design professional. This renovation includes architectural, mechanical, electrical, interior, and exterior work with the addition of an elevator. Falkner Hall was originally constructed in 1920 as a men's dormitory. Because of its restrictive floor-to-floor heights and difficulty complying with modern codes, this building lends itself more to academic and administrative space rather than its original use as a dormitory. The total project budget is \$1,990,551. Funds are available from Internal R&R (\$1,990,551).
14. **MUW** - Approved the request to increase the budget for **GS 104-154, Drainage and Street Repair Phase II**. The budget will increase from \$1,600,000 to \$1,642,680.95 for an increase of \$42,680.95. This is the third budget escalation request made for this project by the university. The escalation is requested to cover Change Order #2 for additional costs related to the rerouting of the steam tunnel and the redesigning of the drainage system around the newly landscaped plaza. Funds are available from SB 2988, L'03 (\$406,507); HB 1634, L'06 (\$255,034); SB 3197, L'02 (\$37,039); HB 1701, L'10 (\$944,100.95).
15. **USM** - Approved the request to increase the budget for **IHL 214-015, Lloyd Hall Storm Damage Repair, Gulfpark Campus**. The budget will increase from \$1,700,000 to \$2,208,922.94 for an increase of \$508,922.94. This is the first budget request made for this project by the university. The escalation is requested based on project development and the design professional's latest drawings

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- and cost estimate that reflect the expected project costs. Funds are available from insurance funds and obligated FEMA funds (\$2,208,022.04).
16. **DSU** - Approved the request to grant a perpetual easement and right-of-way to Newer New Hope Missionary Baptist Church in order for the church to construct an access road to a proposed church site. The easement is in the NW ¼ of the SW ¼ of S21, T23N, R5W, Bolivar County, Second Judicial District, Mississippi and will extend across the north end of property the university owns north of Cleveland, MS that is currently being leased to Bayou Pipeline. The Attorney General's Office has reviewed and approved all pertinent documents.
  17. **MSU** - Approved the request to sell approximately 572.48 acres of land from the Prairie Research Station of the Mississippi Agricultural and Forestry Experiment Station to Southern Ionics, Inc. for \$772,500. The average of the two appraisals is \$772,500 which is equal to the sale price of the property. The proposed contract for the sale of the land will be contingent on the results of drilling tests to be conducted on the property by Southern Ionics at the company's expense to verify the property's suitability for its intended use as the site of a zirconium processing facility. As part of the proposed sales agreement, and in addition to the cost of the land, Southern Ionics will replace buildings located on the property to be sold with new buildings to be erected on the portion of the research station to be retained by MSU. The Prairie Research Unit is used primarily for livestock and forage research. The remaining acreage will be sufficient for projected research and extension/outreach needs and Southern Ionics will maintain a buffer zone around the proposed processing facility. The purchaser (Southern Ionics, Inc.) shall have the right to close upon providing 60 days notice to the Seller at any time before May 31, 2013. The property to be sold is approximately 572.48 acres of land located about 13 miles north of West Point, Mississippi at 10223 Highway 382, Prairie, Mississippi. . A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved all pertinent documents.
  18. **MSU** - Approved the request to purchase a building from Bill Montgomery for \$375,000. The building is approximately 10,750 square feet and is located on 2 acres of land in Oktibbeha County. The university will use the land to relocate the property control and receiving department. MSU will pay for the attorneys' fees, deeds, surveys, a Phase I environmental report, and half of the cost of the appraisals. The closing date shall be on or before May 31, 2011. The average of two appraisals is \$375,000 which is the purchase price of the property. A Phase I Environmental Site Assessment has been conducted on the property. No adverse environmental impacts to the subject property were apparent as a result of past and present possessions of title. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved all pertinent documents.
  19. **MSU** - Approved the request to name the new Stoneville Office building the "Verner G. Hurt Research and Extension Building." Dr. Hurt served the university and the state of Mississippi for 40 years and was recognized in the state, region and nation as a leader in agricultural research.
  20. **UM** - Approved the request to enter into a thirty year lease with the Chi House Foundation, LLC (Chi House) for Lot 211 on campus. The lease will commence on June 1, 2011 and continue through April 30, 2041. The Chi House will pay the university the sum of \$50 cash in hand and \$50 a year due on or before July 1<sup>st</sup> of each year during the term of this lease. The Chi House will execute a deed of trust of leasehold interest in favor of the Bank of Oxford. The current lease is scheduled to expire in 2012. A copy of the lease is on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved all pertinent documents.

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21. **UM** - Approved the request to lease approximately .32 acres in Section 20, Township 8 South, Range 3 West, in Lafayette County, MS to the UMAA Foundation, Inc. for a term not to exceed three years, with title to the subject property to revert to the university with all improvements thereon at the end of the term. That lease will commence on June 1, 2011 and continue through the earlier of July 1, 2014 or the date which is thirty days subsequent to the completion of construction of the Facilities (as defined in Article III of the ground lease), unless sooner terminated under the terms of Article XVI of the ground lease. The UMAA Foundation will pay the university the sum of \$1 cash in hand and \$1 a year on or before July 1<sup>st</sup> of each year during the term of this lease. The Board also approved granting the Chancellor the authority to execute the appropriate lease agreement. A copy of the lease is on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved all pertinent documents.
22. **UM** - Approved the request to lease approximately 1.74 acres in Section 17, Township 8 South, Range 3 West, in Lafayette County, MS, to the UMAA Foundation, Inc. for a term not to exceed three years, with title to the subject property reverting to the university with all improvements thereon at the end of the term. The lease will commence on June 1, 2011 and continue through the earlier of July 1, 2014 or the date which is thirty days subsequent to the completion of the Facilities (as defined in Article III of the ground lease), unless sooner terminated under the terms of Article XVI of the ground lease. The UMAA Foundation will pay the university the sum of \$1 cash in hand and \$1 a year due on or before July 1<sup>st</sup> of each year during the term of this lease. The Board also approved granting the Chancellor the authority to execute the appropriate lease agreement. A copy of the lease is on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved all pertinent documents.
23. **UM** - Approved the request to name the new Golf Center the "Clay and Elinor Herrington Golf Center" and the exterior design. The rendering is included in the bound *May 19, 2011 Board Working File*.
24. **UM** - Approved the request the exterior design of the Palmer-Salloum Tennis Facility. The rendering is included in the bound *May 19, 2011*.
25. **UMMC** - Approved the request to sole source the mechanical HVAC controls for **IHL 209-526, Cafeteria/Kitchen Renovations**. The current renovation project provides for the demolition and rebuild of the basement kitchen area and certain equipment upgrades and demolition, rebuild, and expansion of the existing cafeteria and food services area on the first floor. The existing Johnson Controls System serves the surrounding hospital, patient care, and hospital support operations, as well as the current kitchen and cafeteria areas to be renovated. Single sourcing the controls system will allow the system to operate seamlessly and without compromise. The total project budget is \$7,750,000 (\$110,000 estimated HVAC control systems). Funds are available from hospital patient revenues.
26. **USM** - Approved the request to accept the transfer of the 134.65 acre property known as Lake Thoreau from the University of Southern Mississippi Foundation at no cost. The Lake Thoreau property was donated with the stipulation that it be maintained as a refuge park. The USM Biological Science Department is currently using the property for scientific research. A Phase I and II Environmental Site Assessment (ESA) has been conducted on the property. No detrimental environmental impacts to the subject property were apparent based on the site history, reconnaissance, interviews, and chemical analysis of soil and groundwater samples. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved all pertinent documents.

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**LEGAL**

27. **DSU** - Approved the request to hire Mary Ann Connell of the Mayo Mallette firm as outside counsel to assist the university in a review by the U.S. Department of Labor related to the university's affirmative action plan. The hourly rate to be charged will be \$165. The contract will be a one year agreement, terminable by either party with thirty days advance written notice. The legal services will be paid from university general funds. The maximum amount budgeted for payment will be \$25,000. The Attorney General has approved this request.
28. **UMMC** - Approved the request to employ Richard Myers, Mandy Decker, Terry L. Wright, and Stephen Weyer of Stites & Harbison, PLLC as outside counsel for intellectual property matters. This is a renewal of a contract previously approved by the Board on June 20, 2007. The purpose of the contract is to obtain counsel for intellectual property work as the legal expertise is not available in-house. The hourly rate for the attorneys will range from \$237 to \$310, up to a do not exceed amount of \$100,000. The contract will be from July 1, 2011 until June 30, 2012 and will be paid from general funds. Either party may terminate the contract on thirty days advance written notice. The Attorney General has approved this request.
29. **UMMC** - Approved the request to renew the contract with Barry J. Walker of Walker & Ungo Immigration Law Firm in Tupelo as outside counsel to provide services as needed in preparing labor certification applications on behalf of the University for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The terms of this contractual agreement will be for one year, for a maximum amount payable of \$50,000 during the contract term. Either party may terminate with thirty days advance written notice. The university will use departmental funds for payment of the contract. The fees to be charged are shown in the bound *May 19, 2011 Board Working File*. The Attorney General has approved this request.
30. **UMMC** - Approved the request to renew the current contract with David Ware and Associates as outside counsel to provide services as needed in preparing labor certification applications on behalf of the University for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The terms of this contractual agreement will be for one year, for a maximum amount payable of \$50,000 during the contract term. Either party may terminate with thirty days advance written notice. The university will use departmental funds for payment of the contract. The fees to be charged are shown in the bound *May 19, 2011 Board Working File*. The Attorney General has approved this request.



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**31. PERSONNEL REPORT**

**EMPLOYMENT**

**Mississippi State University**

Sharon L. Oswald, Dean, College of Business, and Professor, Management and Information Systems; salary of \$250,000 per annum, pro rata; E&G Funds; hired with tenure; effective July 16, 2011 to June 30, 2012

**Mississippi University for Women**

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

Linda Cox; *former position:* Director of BSN; *re-employment position:* Emerita Professor of Nursing; *re-employment date:* July 1, 2011, salary of \$34,999

**Jackson State University**

*Rehired retirees making more than \$20,000 who are NOT on contracts during Fiscal Year 2012*

Leslie B. McLemore, *former position:* Interim President; *re-employment position:* Director of Hamer Institute; *re-employment date:* July 1, 2011; salary of \$40,000

**Mississippi State University**

*Rehired retirees making more than \$20,000 who are NOT on contracts during Fiscal Year 2012*

- Lynda Tuck, *former position:* Coordinator of Special Projects; *re-employment position:* Northern Gulf Institute Contract Officer; *re-employment period:* March 9, 2011 through June 30, 2011; *salary of* \$27,466
- Harvin Hudson, *former position:* County Extension Director IV; *re-employment position:* County Extension Director; *re-employment period:* March 16, 2011 through June 30, 2011; *salary of* \$31,355
- Liston Taylor, *former position:* County Extension Director IV; *re-employment position:* Agricultural Extension Agent; *re-employment period:* March 16, 2011 through June 30, 2011; *salary of* \$31,355
- Sidney Fondren, *former position:* Manager; *re-employment position:* Business Coordinator; *re-employment period:* February 24, 2011 through June 30, 2011; *salary of* \$28,373
- Mary White, *former position:* Teacher Pontotoc County; *re-employment position:* Special Projects Service Deliverer; *re-employment period:* March 15, 2011 through June 30, 2011; *salary of* \$26,000

**CHANGE OF STATUS**

**Mississippi State University**

- William B. Mikel, *from* Professor and Head and Interim Head, Food Science Nutrition and Health Promotion, salary of \$147,324 per annum, pro rata; E&G Funds; *to* Associate Vice President, Executive Director and Professor, International Programs, salary of \$180,000 per annum, pro rata; E&G Funds; effective May 20, 2011
- Julia E. Hodges, *from* Professor, Computer Science and Engineering, salary of \$125,350.00 per annum, pro rata; E&G Funds; *to* Associate Vice President for Administrative Services/Professor, Computer Science and Engineering, salary of \$175,000 per annum, pro rata; E&G Funds; effective May 20, 2011

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- Peter L. Ryan, *from* Interim Associate Provost for Academic Affairs/Professor, Animal and Dairy Science, salary of \$145,000 per annum, pro rata; E&G Funds; *to* Associate Provost for Academic Affairs/Professor, Animal and Dairy Science, salary of \$175,000 per annum, pro rata; E&G Funds; effective May 20, 2011

**Mississippi University for Women**

Marty Hatton, *from* Interim Associate Vice President for Academic Affairs, salary of \$75,000 per annum, pro rata; E&G Funds; *to* Associate Vice President for Academic Affairs, salary of \$95,000 per annum, pro rata; E&G Funds; effective July 1, 2011

**University of Southern Mississippi**

Gordon Cannon; *from* Professor, Department of Chemistry and Biochemistry, salary of \$95,319 (nine-month contract), *to* Associate Vice President for Research and Professor, Department of Chemistry and Biochemistry, salary of \$145,000 per annum, pro rata (twelve-month contract); effective May 16, 2011

**SABBATICALS**

**Jackson State University**

Zachariah Gaye, Associate Professor, Department of Educational Leadership; *from* salary of \$51,660 per nine-month contract period; E&G Funds; *to*, salary of \$25,830 for sabbatical period; E&G Funds; *effective* August 11, 2011 through 12, 2015; professional development

**TENURE AND PROMOTION**

*Effective 2011-2012 (Promotions are noted.)*

All are nine-month contracts except where noted. All twelve-month contracts are effective July 1, 2011 and the nine-month contract effective date is noted for each institution.

**Alcorn State University**

*(Nine-month contracts effective August 16, 2011)*

- Hazel Bell, Assistant Professor, University Library (*twelve-month contract*)
- Gwendolyn Boyd, Associate Professor, School of Agriculture
- Noland Boyd, Associate Professor, School of Arts & Sciences
- Meg Brown, Assistant Professor, School of Nursing (*twelve-month contract*)
- Sherlynn Byrd, Associate Professor promoted to Professor, School of Arts & Sciences
- Magid Dagher, Professor, School of Agriculture
- Jerry Domatob, Associate Professor promoted to Professor, School of Arts & Sciences
- Jan Duncan, Associate Professor, School of Education and Psychology (*twelve-month contract*)
- Bobbie Fells, Assistant Professor, University Library (*twelve-month contract*)
- Mary Harris, Assistant Professor, University Library (*twelve-month contract*)
- Vitalis Idheanado, Associate Professor, School of Arts & Sciences
- Yolanda Jones, Assistant Professor promoted to Associate Professor, School of Arts & Sciences
- Adiyta Krishna, Associate Professor promoted to Professor, School of Arts & Sciences
- Clarence Love, Assistant Professor, University Library (*twelve-month contract*)

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- Anne Marie-Obilade, Assistant Professor promoted to Associate Professor, School of Arts & Sciences
- Barbara Martin, Associate Professor, School of Education & Psychology
- Keith McGee, Assistant Professor promoted to Associate Professor, School of Arts & Sciences
- Martha Piva, Assistant Professor promoted to Associate Professor, School of Arts & Sciences
- Blanche Sanders, Assistant Professor, University Library (*twelve-month contract*)
- Eva Smith, Assistant Professor, University Library (*twelve-month contract*)
- Danielle Terrell, Assistant Professor, University Library (*twelve-month contract*)
- Tapan Tiwari, Associate Professor, School of Arts & Sciences
- Sandra Wilson-Hull, Associate Professor, School of Education & Psychology
- Helen Wyatt, Associate Professor, School of Education & Psychology (*twelve-month contract*)
- Dylinda Younger, Assistant Professor, School of Education & Psychology

**Delta State University**

*(Nine-month contracts effective August 15, 2011)*

- Eric Blackwell, promotion to the rank of Associate Professor of Biology, Division of Biological and Physical Sciences
- Larry Bradford, promotion to the rank of Associate Professor of Music, Department of Music
- Katherine Davis, promotion to the rank of Associate Professor of Family and Consumer Sciences, Division of Family and Consumer Sciences
- Ellen Green, promotion to the rank of Associate Professor of Biology, Division of Biological and Physical Sciences
- Rebecca Hochradel, promotion to the rank of Associate Professor of Marketing, Division of Management, Marketing and Business Administration
- Gokhan Karahan, Associate Professor of Economics, Division of Accountancy, Computer Information Systems and Finance
- Mary Jones, promotion to the rank of Associate Professor of Health, Physical Education and Recreation, Division of Health, Physical Education and Recreation
- Tanya McKinney, promotion to the rank of Associate Professor of Biology, Division of Biological and Physical Sciences
- Paulette Meikle, promotion to the rank of Associate Professor of Community Development and Sociology, Division of Social Sciences
- Robyn Moore, promotion to the rank of Associate Professor of Art, Department of Art
- Patricia Roberts, Assistant Professor of Journalism, Division of Languages and Literature
- Kumiko Shimizu, promotion to the rank of Associate Professor of Music, Department of Music
- Betty Sylvest, Associate Professor of Nursing, School of Nursing

**Jackson State University**

*(Nine-month contracts effective August 11, 2011)*

- Ali Abu-El Humos, Assistant Professor, Department of Computer Science, College of Science, Engineering, and Technology
- William Brown, Assistant Professor, Department of Elementary and Early Childhood Education, College of Education and Human Development
- Helen Chukwuma, Associate Professor promoted to Professor with Tenure, Department of English and Modern Foreign Languages, College of Liberal Arts

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- Hari Cohly, Assistant Professor promoted to Associate Professor with Tenure, Department of Biology, College of Science, Engineering, and Technology
- Alphonso Crump, Assistant Professor promoted to Associate Professor with Tenure, Department of History and Philosophy, College of Liberal Arts
- Bobbie Daniels, Assistant Professor promoted to Associate Professor with Tenure, Department of Accounting, College of Business
- Tarek El-Bawab, Associate Professor, Department of Civil and Environmental Engineering, College of Science, Engineering, and Technology
- Abdelnasser Eldek, Associate Professor, Department of Computer Engineering, College of Science, Engineering, and Technology
- Regina Fults-McMurtery, Assistant Professor promoted to Associate Professor with Tenure, Department of School, Community and Rehabilitation Counseling, College of Education and Human Development
- Rumei Gao, Associate Professor, Department of Chemistry and Biochemistry, College of Science, Engineering, and Technology
- Tracy Harris, Assistant Professor promoted to Associate Professor with Tenure, Department of Elementary and Early Childhood Education, College of Education and Human Development
- Md. Alamgir Hossain, Assistant Professor promoted to Associate Professor with Tenure, Department of Chemistry and Biochemistry, College of Science, Engineering, and Technology
- Lin Li, Assistant Professor promoted to Associate Professor with Tenure, Department of Civil and Environmental Engineering, College of Science, Engineering, and Technology
- Natarajan Meghanathan, Assistant Professor promoted to Associate Professor with Tenure, Department of Computer Science, College of Science, Engineering, and Technology
- Gordon Skelton, Associate Professor promoted to Professor with Tenure, Department of Civil and Environmental Engineering, College of Science, Engineering, and Technology
- Rashell Smith-Spears, Assistant Professor promoted to Associate Professor with Tenure, Department of English and Modern Foreign Languages, College of Liberal Arts
- Dwayne Sutton, Assistant Professor promoted to Associate Professor with Tenure, Department of Biology, College of Science, Engineering, and Technology
- Celestin Wafo Soh, Associate Professor, Department of Mathematics, College of Science, Engineering, and Technology
- Eunkyung Yoon, Assistant Professor promoted to Associate Professor with Tenure, School of Social Work, College of Public Service
- Wei Zheng, Assistant Professor promoted to Associate Professor with Tenure, Department of Civil and Environmental Engineering, College of Science, Engineering, and Technology

**Mississippi State University**

*(Nine-month contracts effective August 16, 2011)*

- Sherif Abdelwahed, Assistant Professor promoted to Associate Professor with Tenure, Department of Electrical and Computer Engineering
- Thomas P. Anderson, Assistant Professor promoted to Associate Professor with Tenure, Department of English
- Jassen Scott Callender, Assistant Professor promoted to Associate Professor with Tenure, School of Architecture

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**May 19, 2011**

- P. Grady Dixon, Assistant Professor promoted to Associate Professor with Tenure, Department of Geosciences
- Jamie Lee Dyer, Assistant Professor promoted to Associate Professor with Tenure, Department of Geosciences
- Deborah K. Eakin, Assistant Professor promoted to Associate Professor with Tenure, Department of Psychology
- Philip Edward French, Assistant Professor promoted to Associate Professor with Tenure, Department of Political Science and Public Administration
- William Todd French, Assistant Professor promoted to Associate Professor with Tenure, Swalm School of Chemical Engineering
- Robert K. Grala, Assistant Professor promoted to Associate Professor with Tenure, Department of Forestry (*twelve-month contract*)
- Kimberly Renee Hall, Assistant Professor promoted to Associate Professor with Tenure, Department of Counseling and Educational Psychology
- Shirley Ann James Hanshaw, Assistant Professor promoted to Associate Professor with Tenure, Department of English
- Peggy F. Hopper, Assistant Professor promoted to Associate Professor with Tenure, Department of Curriculum, Instruction and Special Education
- Bryan A. Jones, Assistant Professor promoted to Associate Professor with Tenure, Department of Electrical and Computer Engineering
- Robert McMillen, Assistant Professor promoted to Associate Professor with Tenure, Department of Psychology
- Fred R. Musser, Assistant Professor promoted to Associate Professor with Tenure, Department of Biochemistry, Molecular Biology, Entomology and Plant Pathology (*twelve-month contract*)
- Sharon L. Oswald, Dean, College of Business, and Professor, Management and Information Systems; salary of \$250,000 per annum, pro rata; E&G Funds; *hired with tenure*; effective July 16, 2011 to June 30, 2012 (*twelve-month contract*)
- Michael Patilla, Assistant Professor promoted to Associate Professor with Tenure, Department of Music
- Nicole E. Rader, Assistant Professor promoted to Associate Professor with Tenure, Department of Sociology
- Rebecca Robichaux, Assistant Professor promoted to Associate Professor with Tenure, Department of Curriculum, Instruction and Special Education
- Kenneth Roskelley, Assistant Professor promoted to Associate Professor with Tenure, Department of Finance and Economics
- Timothy J. Schauwecker, Assistant Professor promoted to Associate Professor with Tenure, Department of Landscape Architecture (*twelve-month contract*)
- Michael W. Seymour, Assistant Professor promoted to Associate Professor with Tenure, Department of Landscape Architecture
- Kevin J. Shanahan, Assistant Professor promoted to Associate Professor with Tenure, Department of Marketing, Quantitative Analysis and Business Law
- Sheldon Q. Shi, Assistant Professor promoted to Associate Professor with Tenure, Department of Forest Products (*twelve-month contract*)
- Jack Dryer Smith, Assistant Professor promoted to Associate Professor with Tenure, Department of Pathobiology and Population Medicine (*twelve-month contract*)

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- Glenn D. Smith, Jr., Assistant Professor promoted to Associate Professor with Tenure, Department of Communication
- Rani Warsi Sullivan, Assistant Professor promoted to Associate Professor with Tenure, Department of Aerospace Engineering
- Cyprianna Ellen Swiderski, Assistant Professor promoted to Associate Professor with Tenure, Department of Clinical Sciences (*twelve-month contract*)
- Nicole Leigh Thompson, Assistant Professor promoted to Associate Professor with Tenure, Department of Curriculum, Instruction and Special Education
- Keisha Bishop Walters, Assistant Professor promoted to Associate Professor with Tenure, Swalm School of Chemical Engineering
- Carrick C. Williams, Assistant Professor promoted to Associate Professor with Tenure, Department of Psychology
- Kevin D. Williams, Assistant Professor promoted to Associate Professor with Tenure, Department of Communication
- Haimeng Zhang, Associate Professor, Department of Mathematics and Statistics
- Li Zhang, Assistant Professor promoted to Associate Professor with Tenure, Department of Civil and Environmental Engineering

**Mississippi University for Women**

*(Nine-month contracts effective August 12, 2011)*

- David Carter, Assistant Professor of Theatre; College of Arts and Sciences
- Kerry Randall Foxworth, Associate Professor of Health and Kinesiology; College of Education and Human Sciences
- Gail Gunter, Assistant Professor of Library Services; Library
- Bryan Hilliard, Associate Professor of Philosophy; College of Arts and Sciences
- Jeanne Holland, Associate Professor of Education; College of Education and Human Sciences
- Tammie McCoy, Associate Professor of Nursing; College of Nursing and Speech-Language Pathology
- Carmen Osburn, Assistant Professor of Music Therapy; College of Arts and Sciences
- Van Roberts, Assistant Professor of Communications; College of Arts and Sciences
- Michael Smith, Assistant Professor of English; College of Arts and Sciences

**Mississippi Valley State University**

*(Nine-month contracts effective August 15, 2011)*

- Matthewos Eshete, Assistant Professor promoted to Associate Professor with Tenure, Department of Natural Sciences and Environmental Health
- Udai Kudikyala, Assistant Professor approved for Tenure, Department of Mathematics, Computer and Information Sciences
- Emmanuel Amadi, Assistant Professor promoted to Associate Professor, Department of Criminal Justice
- Ronald Minks, Assistant Professor promoted to Associate Professor with Tenure, Department of Fine Arts
- Robie Greene, Assistant Professor approved for Tenure, Department of Education
- Lee Redmond, Assistant Professor approved for Tenure, Department of Mathematics, Computer and Information Sciences

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- Timothy Holston, Assistant Professor approved for Tenure, Department of Mathematics, Computer and Information Sciences
- Darrell James, Assistant Professor approved for Tenure, Department of Mathematics, Computer and Information Sciences
- Wayne Robinson, Assistant Professor approved for Tenure, Department of Education
- Sandra Course, Assistant Professor approved for Tenure, Department of Mathematics, Computer and Information Sciences

**University of Mississippi**

*(Nine-month contracts effective August 18, 2011)*

- Martha Ann Bass, Assistant Professor, Department of Health and Exercise Science, School of Applied Sciences (also promotion)
- Mark N. Bing, Assistant Professor, Department of Management, School of Business Administration (also promotion)
- Martyn Richard Bone, Associate Professor, Department of English, College of Liberal Arts
- Nichelle Catrice Boyd, Assistant Professor, Department of Curriculum and Instruction, School of Education (also promotion)
- Fontaine Buel Campbell, Assistant Professor, Department of Social Work, School of Applied Sciences (also promotion)
- Yunhee Chang, Assistant Professor, Department of Nutrition and Hospitality Management, School of Applied Sciences (also promotion)
- Robert E. Cummings, Director and Assistant Professor, Center for Writing and Rhetoric, College of Liberal Arts (also promotion) *(twelve-month contract)*
- Xin Dang, Assistant Professor, Department of Mathematics, College of Liberal Arts (also promotion)
- Leigh Anne Duck, Associate Professor, Department of English, College of Liberal Arts
- Joseph Rhea Gladden, Assistant Professor, Department of Physics and Astronomy, College of Liberal Arts (also promotion)
- Lennette J. Ivy, Interim Chair and Assistant Professor, Department of Communication Sciences and Disorders, School of Applied Sciences (also promotion) *(twelve-month contract)*
- Colin R. Jackson, Assistant Professor, Department of Biology, College of Liberal Arts (also promotion)
- Mika B. Jekabsons, Assistant Professor, Department of Biology, College of Liberal Arts (also promotion)
- Marvin King, Assistant Professor, Department of Political Science, College of Liberal Arts (also promotion)
- Marc H. Lerner, Assistant Professor, Department of History, College of Liberal Arts (also promotion)
- Matthew L. Long, Assistant Professor, Department of Art, College of Liberal Arts (also promotion)
- Soumyajit Majumdar, Assistant Professor, Department of Pharmaceutics and Research Assistant Professor, Research Institute of Pharmaceutical Sciences, School of Pharmacy (also promotion) *(twelve-month contract)*
- Susan S. McClelland, Assistant Professor, Department of Leadership and Counselor Education, School of Education (also promotion)

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- Joel Mobley, Assistant Professor, Department of Physics and Astronomy, College of Liberal Arts (also promotion)
- Sathanarayana Murthy, Assistant Professor, Department of Pharmaceutics and Research, Assistant Professor, Research Institute of Pharmaceutical Sciences, School of Pharmacy (also promotion) (*twelve-month contract*)
- Molly Pasco-Pranger, Assistant Professor, Department of Classics, College of Liberal Arts (also promotion)
- Kevin B. Stoltz, Assistant Professor, Department of Leadership and Counselor Education, School of Education (also promotion)
- Durant B. Thompson, Assistant Professor, Department of Art, College of Liberal Arts (also promotion)
- Christina Althea Torbert, Head of Serials and Assistant Professor, General Library (also promotion) (*twelve-month contract*)
- Debora Rae Wenger, Assistant Professor, Journalism, Meek School of Journalism and New Media (also promotion)
- Brooke C. White, Assistant Professor, Department of Art, College of Liberal Arts (also promotion)
- Thea Williams-Black, Assistant Professor, Elementary Education, School of Education (also promotion)
- Lori A. Wolff, Associate Professor, Department of Leadership and Counselor Education, School of Education (also promotion)
- Yi Yang, Assistant Professor, Department of Pharmacy Administration and Research Assistant Professor, Research Institute of Pharmaceutical Sciences, School of Pharmacy (also promotion) (*twelve-month contract*)
- Yongping Zhu, Assistant Professor, Department of Modern Languages, College of Liberal Arts (also promotion)

**University of Southern Mississippi**

*(Nine-month contracts effective August 22, 2011)*

- Mac Alford, Associate Professor, Biological Sciences, College of Science & Technology
- Mary Anderson, Associate Professor, School of Accountancy, College of Business
- Charkarra Anderson-Lewis, Associate Professor, Community Health Sciences, College of Health
- R. Daniel Beard, Associate Professor, School of Music, College of Arts & Letters
- Cheryllynn Becker, Associate Professor, Management and International Business, College of Business
- Jonathan Beedle, Associate Professor, Technology Education, College of Education & Psychology
- David Daves, Associate Professor, Curriculum, Instruction and Special Education, College of Education & Psychology (*twelve-month contract*)
- Kevin Dillon, Associate Professor, Coastal Sciences, College of Science & Technology
- Brad Dufrene, Associate Professor, Psychology, College of Education & Psychology
- Michael Dugan, Professor, School of Accountancy, College of Business
- David Echevarria, Associate Professor, Psychology, College of Education & Psychology
- Dana Fennell, Associate Professor, Anthropology and Sociology, College of Arts & Letters
- Hollie Filce, Associate Professor, Curriculum, Instruction and Special Education, College of Education & Psychology



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- Elizabeth Flynn, Professor, Marketing and Fashion Merchandising, College of Business (*twelve-month contract*)
- Richard Fulford, Associate Professor, Coastal Sciences, College of Science & Technology
- Michael Gibson, Associate Professor, Political Science, College of Arts & Letters
- Andrew Haley, Associate Professor, History, College of Arts & Letters
- Lilian Hill, Associate Professor, Educational Studies and Research, College of Education & Psychology
- Luis Iglesias, Associate Professor, English, College of Arts & Letters
- Sherita Johnson, Associate Professor, English, College of Arts & Letters
- Nicolle Jordan, Associate Professor, English, College of Arts & Letters
- Kevin Kuehn, Associate Professor, Biological Sciences, College of Science & Technology
- Francis Laatsch, Professor, Finance, Real Estate and Business Law, College of Business (*twelve-month contract*)
- Kim LeDuff, Associate Professor, School of Mass Communication and Journalism, College of Arts & Letters
- David Lee, Associate Professor, Educational Leadership & School Counseling, College of Education & Psychology
- Hsiaopei Lee, Associate Professor, School of Music, College of Arts & Letters
- Marcos Machado, Associate Professor, School of Music, College of Arts & Letters
- Michael Madson, Associate Professor, Psychology, College of Education & Psychology
- Rose McNeese, Associate Professor, Educational Leadership & School Counseling, College of Education & Psychology
- Robert Pauly, Associate Professor, Political Science, College of Arts & Letters
- Sharon Rouse, Associate Professor, Technology Education, College of Education & Psychology
- Joseph St. Marie, Associate Professor, Political Science, College of Arts & Letters
- Edward Sayer, Associate Professor, Political Science, College of Arts & Letters
- Marek Steedman, Associate Professor, Political Science, College of Arts & Letters
- Eric Tribunella, Associate Professor, English, College of Arts & Letters (*twelve-month contract*)
- Jennifer Vonk, Associate Professor, Psychology, College of Education & Psychology
- Jeff Wiggins, Associate Professor, School of Polymers and High Performance Materials, College of Science & Technology
- Kimberly Woolly, Associate Professor, School of Music, College of Arts & Letters
- Sumanth Yenduri, Associate Professor, School of Computing, College of Science & Technology
- Zhaoxian Zhou, Associate Professor, School of Computing, College of Science & Technology

**University of Mississippi Medical Center**

*(Twelve-month contracts effective July 1, 2011)*

School of Medicine

- Omar A. Abdul-Rahman, Associate Professor with Tenure, Department of Pediatrics
- Abhay Bhatt, Associate Professor with Tenure, Department of Pediatrics
- Razvan F. Buciu, Associate Professor promoted to Professor with Tenure, Department of Radiology
- Vincent Herrin, Associate Professor with Tenure, Department of Medicine
- Michelle Horn, Assistant Professor promoted to Associate Professor with Tenure, Department of Medicine

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- James E. Keeton, Professor with Tenure, Department of Pediatrics
- Kenneth Wayne Liechty, Associate Professor with Tenure, Department of Surgery
- Mary E. Marquart, Associate Professor with Tenure, Department of Microbiology
- Shannon D. Pittman, Associate Professor with Tenure, Department of Family Medicine
- J. Mark Reed, Professor with Tenure, Department of Otolaryngology
- Julie A. Schumacher, Associate Professor with Tenure, Department of Psychiatry
- Mario Sims, Assistant Professor promoted to Associate Professor with Tenure, Department of Medicine
- John Spurzem, Professor with Tenure, Department of Medicine
- **Retroactive approval requested as Dr. Roman was hired with tenure as follows:** Richard J. Roman, Professor and Chairman with Tenure, Department of Pharmacology and Toxicology, effective October 1, 2009.

School of Nursing

- Kimberly W. Hoover, Dean and Professor with Tenure
- Jan Cooper, Assistant Professor promoted to Associate Professor with Tenure

School of Dentistry

- James R. Lott, Assistant Professor with Tenure, Department of Care Planning and Restorative Sciences
- Jason A. Griggs, Professor with Tenure, Department of Biomedical Materials Science

School of Health Related Professions

Joy Kuebler, Assistant Professor promoted to Associate Professor with Tenure, Department Physical Therapy

**EMERITUS STATUS**

**Jackson State University**

- Dean Emerita granted to Dr. Gwendolyn Spencer Prater in recognition of Dr. Prater's achievements and contributions to the University as Founding Dean of the College of Public Service and Founding Dean of the School of Social Work.
- Professor Emeritus granted to Dr. Hiroyasu Tachikawa in recognition of Dr. Tachikawa's outstanding contributions to the University in teaching, research and service. He retired as Professor of Chemistry in December 2010.

**On motion by Trustee Perry, seconded by Trustee Ross, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted to approve agenda item #11 described below.**

**UM -** Approved the initiation of **IHL 207-348, Johnson Commons West Renovation**, and the appointment of a design professional through the "Request for Qualification" method. The west wing of the Johnson Commons is used for food services. It houses the main dining location, main cooking kitchens, cold storage, bakery, catering offices, food service administrative offices, "The JC" dining outlet and a "Java City" dining location. This project will modernize the cooking, serving and storage areas on the upper floor and will convert back-room space on the lower floor into a new dining location that is accessible from the Quad.

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The total project budget is \$14,500,000. Funds are available from Auxiliary R & R (\$9,900,000) and assistance from food service partner (\$4,600,000). , IHL 207-348 Johnson Commons West Renovation.

**ACADEMIC AFFAIRS AGENDA**

Presented by Trustee Robin Robinson

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

1. **State** - Pursuant to Miss. Code Ann. §37-129-1, based on the evaluation of annual reports documenting compliance with the state nursing accreditation standards, the Board approved the accreditation of the Mississippi Nursing Degree Programs as indicated below.

| SCHOOL OF NURSING                        | PROGRAM TYPE      | ACCREDITATION STATUS   |
|--|-------------------|--|
| Alcorn State University                  | ADN<br>BSN<br>MSN | Continuing Accreditation<br>Continuing Accreditation<br>Continuing Accreditation |
| Coahoma Community College                | ADN               | Initial Accreditation  |
| Copiah-Lincoln Community College         | ADN               | Continuing Accreditation   |
| Delta State University                   | BSN<br>MSN        | Continuing Accreditation<br>Continuing Accreditation                             |
| East Central Community College           | ADN               | Continuing Accreditation   |
| East Mississippi Community College       | ADN               | Initial Accreditation  |
| Hinds Community College                  | ADN               | Continuing Accreditation   |
| Holmes Community College                 | ADN               | Continuing Accreditation   |
| Itawamba Community College               | ADN               | Continuing Accreditation   |
| Jones County Junior College              | ADN               | Continuing Accreditation   |
| Meridian Community College               | ADN               | Continuing Accreditation   |
| Mississippi College                      | BSN               | Continuing Accreditation   |
| Mississippi Delta Community College      | ADN               | Continuing Accreditation   |
| Mississippi Gulf Coast Community College | ADN               | Continuing Accreditation   |
| Mississippi University for Women         | ADN<br>BSN<br>MSN | Continuing Accreditation<br>Continuing Accreditation<br>Continuing Accreditation |
| Northeast Mississippi Community College  | ADN               | Continuing Accreditation   |
| Northwest Mississippi Community College  | ADN               | Continuing Accreditation   |

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|  |                   |   |
|--|-------------------|---|
| Pearl River Community College            | ADN               | Continuing Accreditation  |
| Southwest Mississippi Community College  | ADN               | Continuing Accreditation  |
| University of Mississippi Medical Center | BSN<br>MSN<br>DNP | Continuing Accreditation<br>Continuing Accreditation<br>Initial Accreditation |
| University of Southern Mississippi       | BSN<br>MSN<br>DNP | Continuing Accreditation<br>Continuing Accreditation<br>Initial Accreditation |
| William Carey University                 | BSN<br>MSN        | Continuing Accreditation<br>Continuing Accreditation                          |

**BUDGET, FINANCE & AUDIT AGENDA**

Presented by Trustee Aubrey Patterson, Chair

**AGENDA ITEM #1 WAS PULLED FROM THE AGENDA TO ALLOW TIME FOR THE NEGOTIATION OF A LESSER FEE FOR THE AUDIT.** On motion by Trustee Patterson, seconded by Trustee Pickering, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #2 as submitted on the Budget, Finance & Audit Agenda. On motion by Trustee Patterson, seconded by Trustee Whitten, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda items #3 and #4. On motion by Trustee Patterson, seconded by Trustee Blakeslee, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #5.

1. **JSU** - Request a waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with the Jackson State University National Alumni Association for the fiscal year ending June 30, 2011. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
2. **System** - Approved the request that general salary increases *not* be given for FY 2012. Any FY 2012 salary increases should be based on one or more of the following: 1) meritorious performance, 2) market or equity adjustments, and 3) faculty promotions. Salary increase decisions may be made at the discretion of the Commissioner (for the Executive Office) or the Institutional Executive Officer (for the campuses). These salary guidelines will apply to all university employees regardless of funding source or types of increases awarded.
3. **System** - Pending approval by Mississippi Information Technology Services, the Board approved the request to enter into a software licensing and support agreement with Ad Astra, Information Systems, Inc. The agreement will provide room scheduling software and services to improve the performance of university course scheduling. As a result of implementing the software across the IHL, the System can access, analyze and benchmark data based on consistent data. The contract length is one-year – July 1, 2011 through June 30, 2012. The agreement will be automatically renewed for successive one-year terms unless terminated by either party by written notice by providing at least ninety days written notice prior to the expiration of the initial term or any renewal term. The total cost for the entire contract period is \$785,100. These costs will be billed to the institutions. Annual support fees will be assessed directly to the institutions effective one-year after this contract ends or July 1, 2012. Funds earmarked for this objective will be appropriated to the

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institutions in FY 2012 and the campuses will subsequently be billed for the costs. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

4. **System** - Approved the request to enter into a professional services agreement with Sightlines, LLC. The agreement will provide analytical processes, databases, and comparative metrics for facilities, environmental and student housing data. The Sightlines processes and software will provide measurement, benchmarking, and analytics identifying organizational strengths and weaknesses, and forecasting implications of changes to resource allocation, project deferral, or the physical asset profile. As a result of implementing these processes throughout the IHL system and creation of a web-interface to the IHL System Office, consistent performance data can be accessed allowing in-depth comparisons and the creation of reports, charts, tables and presentations. The contract length is three years - July 1, 2011 through June 30, 2014. The total cost for the entire contract is \$1,204,430. These costs will be billed to the institutions. Funds earmarked for this objective will be appropriated to the institutions in FY 2012 and the campuses will subsequently be billed for the costs. A copy of the agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
5. **System** - Approved the request to renew the property insurance coverage with Affiliated FM Insurance Company. The contract will insure system properties in the most cost effective method and tailor insurance coverage to meet the specific needs of the system's universities. The length of the contract is one year – May 31, 2011 to May 31, 2012. The initial premium is \$4,440,374. The renewal will have a reduction in the rate per \$100 value of 5% to 6%. The property insurance premium as of this date may increase or decrease through the term of the policy as universities add or delete coverage. A schedule reflecting distribution of the premium on a per institution basis is on file at the Board Office. The contract is funded by billing the universities for their respective share of the premium.

**REAL ESTATE AGENDA**

Presented by Trustee Scott Ross, Chair

On motion by Trustee Ross, seconded by Trustee Owens, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to move agenda item #1 on the Real Estate Agenda.

1. **MSU** - Approved the initiation of **IHL 205-260, Expansion and Renovation of Davis Wade Stadium**, and appointment of LPK Architects as design professional. This project was preplanned through the Bulldog Club. The project will consist of an addition to the north end zone of Davis Wade Stadium as well as improvements to the West Concourse of the existing stadium and entry ways. The total project budget is \$80 million. Funds are available from MSU EBC Bonds (\$80 million - pending approval from IHL).

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**LEGAL AGENDA**

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Whitten, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to move agenda items #1 - #4 to the Executive Session agenda. On motion by Trustee Perry, seconded by Trustee Pickering, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #5.

1. **UMMC** - Settlement of Tort Claim No. 1523. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
2. **UMMC** - Settlement of Tort Claim No. 1409. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
3. **System** - Settlement of a Workers' Compensation case number 2064688 at Mississippi State University. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
4. **System** - Settlement of a Workers' Compensation case number 928807 at the University of Mississippi Medical Center. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
5. **System** - Approved the proposed changes to Policy 201.0508 Institutional Executive Officer/Commissioner of Higher Education Search Process and the suspension of Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies which requires a first reading and a thirty-day delay before an amendment to the *Board Policies and Bylaws* thus allowing the policy to become effective immediately. **(See Exhibit 1.)**

**INFORMATION AGENDA**

Presented by Commissioner Hank M. Bounds

**REAL ESTATE**

1. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the April 21, 2011 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 2.)**

**LEGAL**

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

**ADMINISTRATION/POLICY**

3. **System** - The following item has been approved by the Commissioner on behalf of the Board and is available for inspection in the Board Office
  - a. **System** - Approved the Quarterly Employment Reports for the period beginning January 1, 2011 and ending March 31, 2011 as required by Board Policy 401.0102 Delegation of Authority and 801.09 Outside Employment.

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**ANNOUNCEMENTS**

- ▶ Commissioner Bounds remarked that the system has ended a successful school year with enrollment and graduation numbers up.
- ▶ Commissioner Bounds invited the Institutional Executive Officers to speak about events occurring on each of their campuses.
- ▶ Trustee Whitten received several phone calls over the past few months from Mississippi University for Women alumni who expressed their appreciation for Mrs. Allegra Brigham's work on campus. On behalf of the Board, Trustee Whitten thanked Mrs. Brigham for agreeing to serve as Interim President of MUW and for her hard work.
- ▶ Over the weekend, Commissioner Bounds received a telephone call from the leadership of the Red Cross requesting 50 beds for volunteers in the Mississippi Delta who were assisting with the Great Flood of 2011. Commissioner Bounds consulted Dr. Donna Oliver, President of Mississippi Valley State University. Dr. Oliver and the other MVSU leadership immediately found the space to house the volunteers. Commissioner Bounds commended the leadership of MVSU and thanked them for their assistance in this time of need.

**EXECUTIVE SESSION**

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

Discussion of three litigation matters at the University of Mississippi Medical Center,  
Discussion of a litigation matter at Mississippi State University,  
Discussion of a litigation matter at the University of Southern Mississippi,  
Discussion of a personnel matter at Mississippi Valley State University,  
Discussion of a personnel matter at the University of Mississippi,  
Discussion of a personnel matter at Mississippi State University,  
Discussion of a prospective litigation matter at the Board Office, and  
Discussion of a personnel matter at the Board Office.

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

On motion by Trustee Ross, seconded by Trustee Neely, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the Tort Claim case #1409 styled as *Amber Falgout vs. UMMC, et al.* as recommended by counsel.

On motion by Trustee Pickering, seconded by Trustee Davidson, with Trustee Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the Tort Claim #1523 case styled as *Aric Davis vs. UMMC, et al.* as recommended by counsel.

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On motion by Trustee Patterson, seconded by Trustee Pickering, with Trustees Owens and Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the Workers' Compensation claim #2064688 styled as *Anthony Hunter vs. MSU, et al.* as recommended by counsel.

On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustees Owens and Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of the Workers' Compensation claim #928807 styled as *Janice Ryals vs. UMMC, et al.* as recommended by counsel.

The Board received an update on a litigation matter at the University of Southern Mississippi.

The Board discussed a personnel matter at Mississippi Valley State University.

The Board discussed a personnel matter at the University of Mississippi.

The Board discussed a personnel matter at Mississippi State University.

The Board discussed a prospective litigation matter at the Board Office.

The Board discussed a personnel matter at the Board Office.

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

**ACADEMIC AFFAIRS COMMITTEE MEETING**

Thursday, May 19, 2011

The Committee was brought to order by Trustee Robin Robinson at 9 a.m. On motion by Trustee Davidson, seconded by Trustee Pickering, with Trustees Blakeslee and Rouse absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda items #1 - #7 below.

1. **DSU** - Approved the request to plan for the Master of Arts in Liberal Studies (CIP 24.0101) degree.
2. **DSU** - Approved the request to plan for the Doctor of Nursing Practice (CIP 51.3899) degree.
3. **MUW** - Approved the request to plan for the Doctor of Nursing Practice (CIP 51.3818) degree.
4. **JSU** - Approved the request to plan for the Bachelor of Science in Electrical Engineering (CIP 14.1001) degree.
5. **USM** - Approved the request to plan for the Bachelor of Science in Polymer Science and Engineering (CIP 14.801) degree. USM has agreed to the conditions that for a period of not less than 10 years that no additional engineering degrees at USM will be developed and that a college/school of engineering at USM will not be formed.
6. **MSU** - Approved the request to plan for the Bachelor of Applied Technology (CIP 52.0205) degree.
7. **UMMC** - Approved the request to plan for the Master of Health and Informatics and Information Management (CIP 51.0706) degree.



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8. **Other Business** - Trustee Pickering discussed the textbook policy adopted last year. She requested a report from the universities showing the cost of textbooks prior to the implementation of the textbook policy and the cost after implementation. This will allow the Board to better assess whether or not the textbook policy has been successful in saving students money. Trustee Pickering would also like to reinstate the Textbook Task Force to assist with choosing the same books for the same courses across the system.

The following Committee members were present: Trustee Robin Robinson (Ex Officio), Trustee Stacy Davidson, Trustee Bettye Neely, Trustee Christy Pickering, and Trustee C.D. Smith. Trustee Ed Blakeslee and Trustee Doug Rouse were absent.

**ADJOURNMENT**

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

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President, Board of Trustees of State Institutions of Higher Learning

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Commissioner, Board of Trustees of State Institutions of Higher Learning

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**EXHIBITS**

- |           |  |
|-----------|--|
| Exhibit 1 | Proposed changes to Policy 201.0508 Institutional Executive Officer/Commissioner of Higher Education Search Process effective immediately. |
| Exhibit 2 | Real Estate items that were approved by the IHL Board staff subsequent to the April 21, 2011 Board meeting.                                |
| Exhibit 3 | Report of the payment of legal fees to outside counsel.  |

# EXHIBIT 1

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## SYSTEM - PROPOSED CHANGES TO BOARD POLICY 201.0508 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS

### **201.0508 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS**

#### A. General Policy

The Board shall appoint the Commissioner and the Institutional Executive Officers (IEOs). The Board shall make interim appointments to executive officer and/or commissioner positions as necessary and with such consultation as the Board considers appropriate.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006)

#### B. Board Search Committee

The President of the Board shall appoint a committee of Board members to manage the search for a Commissioner or an IEO. However, any Board member who wants to serve on the committee may serve. The President of the Board shall appoint a member of the committee as chairperson. The Commissioner, in consultation with the Board Search Committee, will make a recommendation to the Board with regard to a search consultant to assist with the search for an IEO. The Board may interview and will select the search consultant, if the Board determines that one is needed. The Board Search Committee may select a search consultant to assist with the search for a new Commissioner. As part of the initiation of the IEO search process, the Commissioner and Board Search Committee may consider the input of constituents regarding desired characteristics of a new IEO. The Board may also consider input from constituents regarding the desired characteristics of a new Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008)

#### C. Advertisement Schedule

If a search consultant is used, ~~the~~ search consultant shall develop the position advertisement and a general schedule for the search in consultation with the Commissioner and with the approval of the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008)

#### D. Campus Search Advisory Committee

In a search for an IEO, the Commissioner shall prepare a list of the proposed membership of a Campus Search Advisory Committee, ~~shall appoint a Campus Search Advisory Committee~~, as well as a chair, or co-chairs, of such

# EXHIBIT 1

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committee. The Campus Search Advisory Committee shall be representative of the various constituent groups of the university, including administrators, faculty, staff, students, alumni, foundation representatives, and members of the community. The Commissioner shall then inform Board members of the proposed membership and chair (or co-chairs) of that committee. After the Board has been provided with the Commissioner's recommendations for the membership and chair (or co-chairs) of the Campus Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership and chair (or co-chairs) of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the Commissioner's recommendations, the Commissioner may proceed with appointing the membership and chair (or co-chairs) of the Campus Search Advisory Committee. In a search for a Commissioner, the Board may seek advice from appropriate individuals or groups, including any search consultant hired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008)

## E. Recruitment

Recruitment of candidates may occur up to the point of selection, but candidates will be advised to submit their materials by a specified date to insure optimum consideration for the position. At any point in the search process the Board may add additional candidates to the pool being considered without starting the entire process over. The decision regarding whether to have any such additional candidates reviewed by the Campus Search Advisory Committee is in the discretion of the Board. Additional interviews may be conducted as desired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008)

## F. Candidate Screening

~~The Campus Search Advisory Committee, working with the consultant if one is used, shall narrow the field of applicants to no less than five candidates for an IEO position. Those names shall then be submitted unranked to the Commissioner. members shall vote individually by secret ballot for a minimum of five candidates that he/she recommends as a good candidate for the position. The search consultant, if one is used, is to then accumulate the secret ballots and count them. If no consultant is used, the Commissioner shall accumulate the ballots and count them. The results of the vote count, indicating the number of favorable votes received by each candidate, are to then be reported to the Board Search Committee members. If no consultant is used, the Search Advisory Committee shall work with the Commissioner to narrow the list of candidates. The Commissioner shall then forward those~~

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~~CEO candidates' names to the Board Search Committee. The Board Search~~  
~~Committee shall then meet and discuss which candidates to interview. Any~~  
~~other Board members may attend this meeting. All Board members will then~~  
~~be informed of those candidates that the Board Search Committee would like~~  
~~to interview. If any Board member expresses a desire to the Commissioner to~~  
~~call a full Board meeting to discuss further the candidates to be interviewed, a~~  
~~Board teleconference meeting shall be properly noticed and called. If no~~  
~~Board member requests such a Board meeting within forty-eight hours of~~  
~~being notified of the candidates to be interviewed, the Board Search~~  
~~Committee shall proceed with planning first round candidate interviews. The~~  
~~search consultant shall then be informed of the candidates to be interviewed.~~  
~~The consultant shall next be informed that he/she may advise the non-selected~~  
~~candidates that they will not be interviewed as part of the initial process, if~~  
~~such notification is deemed prudent by the Board and the search consultant at~~  
~~that point in time. The consultant should, if directed by the Board, remind~~  
~~those candidates that were not invited back for initial interviews that the~~  
~~Board can always add more names to be considered at a later date. The~~  
~~Campus Search Advisory Committee may then be told who will be initially~~  
~~interviewed by the Board Search Committee.~~

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008)

## G. Interview Search Advisory Committee

The Campus Search Advisory Committee shall then select a representative group of members, called the Interview Search Advisory Committee, to participate with the Board of Trustees in the remainder of the search process, except when the Board of Trustees excuses the Interview Search Advisory Committee members from votes to go into executive session. The Interview Search Advisory Committee shall be comprised of administrators, faculty, students, staff and outside representatives. These representatives shall be diverse in race and gender.

(BT Minutes, 1/2008)

## H. ~~Additional Screening~~

~~The Board Search Committee, in consultation with the Commissioner and the search consultant (if one is used), shall then decide, as a result of in-depth discussions, whom to possibly interview from the names sent forward by the Search Advisory Committee.~~

(BT Minutes, 1/2008)

## H. I. First Interviews

The Board Search Committee and the Commissioner, with input from the Interview Search Advisory Committee, will conduct the first round of

# EXHIBIT 1

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interviews. All Board members will be invited to attend. The number of candidates to be invited for a second round of interviews may be reduced by the Board Search Committee after in-depth conversations. The consultant, if one is used, or the Commissioner if no consultant is used, will conduct a background check on those candidates participating in the first round of interviews.

(BT Minutes, 1/2008)

- I.    ~~J.~~    Reference Contacts  
Under the direction of the Commissioner and/or the consultant, reference contacts will be made on each candidate who is participating in the second round of interviews.

(BT Minutes, 1/2008)

- ~~K.~~    ~~Background Checks~~  
~~The consultant, if one is used, or the Commissioner if no consultant is used, will conduct a background check on those candidates participating in the second round of interviews.~~

(BT Minutes, 1/2008)

- J.    ~~L.~~    Second Interviews  
Before the second round of interviews, the results of the reference contacts and background checks shall be made known to the Board Search Committee and the Interview Search Advisory Committee. The Board Search Committee shall then meet to discuss who and how many to interview during the second round of interviews. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview for second round interviews. If any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed for a second interview, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be further interviewed, the Board Search Committee shall proceed with planning the second round interviews by the full Board. After the interviews, the Board Search Committee, in consultation with the Commissioner, shall decide its top two or three candidates following in-depth conversations. The Board may conduct as many additional interviews as it deems necessary in conducting the search process.

(BT Minutes, 1/2008)

# EXHIBIT 1

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K. ~~M.~~ Preferred Candidate

After all of the above has been completed, the Board of Trustees will meet to hear from the Board Search Committee regarding an assessment of each candidate. The Commissioner's assessment will be sought. The Board of Trustees will then select and announce their Preferred Candidate.

(BT Minutes, 1/2008)

L. ~~N.~~ Campus Interview

The Preferred Candidate will be scheduled for a full day on-campus for interviews with a wide array of constituents. Each group will have the opportunity to provide feedback on the Preferred Candidate to the Board of Trustees.

(BT Minutes, 1/2008)

M. ~~O.~~ Decision

The Board of Trustees will meet after the last on-campus interview session to review the feedback and conduct further discussion. The Board of Trustees will then vote to name the Preferred Candidate as the institution's new Institutional Executive Officer or vote to continue the search.

(BT Minutes, 1/2008)

In a search for a Commissioner, the Board Search Committee may request appropriate individuals or groups to submit unranked recommendations of candidates to be considered for initial interviews. The Board Search Committee shall schedule initial interviews and all members of the Board will be invited to attend the initial interviews and participate in the selection of candidates for final interviews. The Board Search Committee may also invite ~~two~~ additional individuals to attend and observe the initial interviews conducted by such committee to fill the position of Commissioner. The Board Search Committee will next develop an interview schedule for the candidates selected for final interviews for the position of Commissioner. The Board shall then meet and conduct final interviews and select the Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008)

# EXHIBIT 2

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## **SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE APRIL 21, 2011 BOARD MEETING SUBMISSION DEADLINE**

### **1. JSU – GS 103-255 – Fire Suppression System Phase I (Alexander Hall)**

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

**Staff Approval Date:** April 19, 2011

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

**Design Professional:** The CGM Group, Inc.

**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 105-310 – Harned Hall Renovation – Phase I**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$107,770.58 and seventy-seven (77) 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:** April 11, 2011

**Change Order Justification:** **Change Order #6** is necessary to re-paint existing doors between building and annex, add vacuum pump cabinets to lab casework, add additional reverse osmosis water to lab casework, add power/data outlets for electronic directory, add vestibule doors at front entrance, add concrete sidewalk, replace existing drain for cage wash, and add 4" limestone sub-base below concrete pavement and lower existing manhole.

**Total Project Change Orders and Amount:** Six (6) change orders for a total amount of \$1,161,197.22

**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, L'04 (\$5,000,000); HB 246, L'07 (\$12,000,000)

### **3. MUW – GS 104-149 – Poindexter Hall Renovation**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$47,873.00 and fourteen (14) additional days to the contract of West Brothers.

**Staff Approval Date:** April 5, 2011



# EXHIBIT 2

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**Change Order Justification:** **Change Order #4** is necessary to add supports at basement beneath stairs, to replace existing piers with post supports, and to add repairs and hellcals at two missing piers.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$231,950.58

**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)

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

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$79,999.00 and thirty-two (32) additional days to the contract of Gregory Construction.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$68,829.00 and forty-two (42) additional days to the contract of Gregory Construction.

**Staff Approval Date:** (#1) April 12, 2011; (#2) April, 20, 2011

**Change Order Justification:** **Change Order #1** is necessary to 1) move utilities away from top of steam tunnel in the area, cut off the top steam tunnel placing pipe & pouring concrete around pipe to cover top of steam tunnel, 2) lower water line at intersection of Serenade Dr. & 5<sup>th</sup> Street to be below proposed drainage pipe, 3) lower gas line at intersection of Serenade Dr. & 5<sup>th</sup> Street to be below proposed drainage pipe (Atmos Gas), 4) remove and replace drop inlet and add additional piece, 5) all other drainage redesign for unexpected subsurface conditions. **Change Order #2** is necessary to revise the design of the storm drain to go around the active steam tunnel that was thought to be abandoned. On-site, this was not the case. Therefore, the drainage had to be rerouted as showing in the drawings for PCO#9. The revised route crosses a high voltage electric line duct bank that needs to have access available to it. It was agreed by the using agency, the Bureau of Building, the professional, and the contractor that this was the best option for the given situation.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$148,828.00

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

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

**General Contractor:** Gregory Construction

**Contract Award Date:** September 9, 2010

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

**Funding Source(s):** SB 2988, L'03 (\$400,507); HB 1634, L'06 (\$255,034); SB 3197, L'02 (\$37,039); HB 1701, L'10 (\$901,420)

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## 5. MVSU – GS 106-230 – Stadium Seating Replacement

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Evan Johnson & Sons, LLC, the lower of seven (7) bidders, for a total contract amount of \$7,159,000. Approval is requested from the Bureau of Building, Grounds, and Real Property. The Bureau of Building, Grounds, and Real Property has recommended the award of contract at \$5,542,400.

**Staff Approval Date:** April 14, 2011

**Project Initiation Date:** N/A

**Design Professional:** JBHM Architects

**General Contractor:** Evan Johnson & Sons Construction, Inc.

**Contract Award Date:** April 14, 2011

**Project Budget:** \$6,400,000

**Funding Source(s):** HB 1701, Laws of 2010 (\$6,000,000); Bureau of Building Discretionary Funds (\$400,000)

## 6. UM – GS 107-303 – Roof Replacements

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Lathan Company, Inc, the lower of seven (7) bidders, for a total contract amount of \$911,148. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** April 26, 2011

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

**Design Professional:** Shafer & Associates

**General Contractor:** The Lathan Company, Inc.

**Contract Award Date:** April 26, 2011

**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)

## 7. 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 #3** in the amount of \$77,876.53 and zero (0) additional days to the contract of Hooker Construction.

**Staff Approval Date:** April 26, 2011

**Change Order Justification:** **Change Order #3** is necessary to install the electrical system needed for the Greenhouse, install 4 acutherm type diffusers with wall mounted thermostats, replace two existing faucets with Delta 592 single handle, and to prevent damage to the road, gate, and canopy during the constructing of the Horticulture Building which is on the same site.

**Total Project Change Orders and Amount:** Three (3) change orders for a total credit amount of (\$91,421.53)

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

**Design Professional:** Cooke Douglass Farr Lemons + Howorth & Associates

**General Contractor:** Hooker Construction

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

# EXHIBIT 2

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**Project Budget:** \$2,500,000

**Funding Source(s):** Federal Grant Funds [SBA, HUD, and NOAA] (\$2,500,000)

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

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$40,107.68 and eight (8) additional days to the contract of Panola Construction.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$0.00 and sixty (60) additional days to the contract of Panola Construction.

**Staff Approval Date:** April 6, 2011

**Change Order Justification:** **Change Order #8** is necessary to correct ambiguities in specifications and errors and omissions by the architect. **Change Order #9** is necessary to adjust the calendar due to excessive inclement weather delays in the project.

**Total Project Change Orders and Amount:** Nine (9) change orders for a total amount of \$410,179.13

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

**Design Professional:** Cooke Douglass Farr Lemons

**General Contractor:** Panola Construction

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

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

**Funding Source(s):** MDA (\$17,700,000)

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

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$31,249.00 and ninety-six (96) additional days to the contract of Panola Construction.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$10,056.02 and sixteen (16) additional days to the contract of Panola Construction.

**Staff Approval Date:** April 6, 2011

**Change Order Justification:** **Change Order #10** is necessary to add additional sprinkler head at closet inside Office 1189, provide locking cores per specifications and university direction, add a stud header above new door 118, repair of door 205 after previous access control hardware was removed by the university, add university provided bike rack and associated concrete slab, add guardrails to new south entrance sidewalk, add break metal trim to cap walls against curtain wall system, and add hollow metal frame and wood laminate door to opening for break room. **Change Order #11** is necessary to address circuits and lighting, wiring, and relocate sanitary line as incorporated in Change Order #2, and add new light fixtures.

**Total Project Change Orders and Amount:** Eleven (11) change orders for a total amount of \$263,922.49

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

**Design Professional:** Cooke Douglass Farr Lemons

**General Contractor:** Panola Construction

# EXHIBIT 2

May 19, 2011

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

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

**Funding Source(s):** MDA (\$4,500,000)

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

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$248,355.26 and two hundred thirty-eight (238) additional days to the contract of Evan Johnson and Sons.

**Staff Approval Date:** March 30, 2011

**Change Order Justification:** **Change Order #3** is necessary to provide for corrections to various latent conditions, Department of Health (regulatory agency) change requirements and minor owner requested revisions.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$404,799.26

**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):** Hospital Patient Revenues

## **11. UMMC – IHL 209-510 – Guyton Contract III Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$33,896.60 and fifteen (15) additional days to the contract of Evan Johnson and Sons Construction, Inc.

**Staff Approval Date:** April 26, 2011

**Change Order Justification:** **Change Order #3** is necessary to provide for resolution of miscellaneous plumbing, lab gas/air services, prewired lab table services and incorrect cove light fixtures which were not included or were incorrectly specified in contract documents. Also to use ground radar system to identify existing underground utilities at cooling tower area where new screen fencing will be installed.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$78,716.38

**Project Initiation Date:** June 17, 2008

**Design Professional:** Simmons Associates/Eley Associates, A Joint Venture

**General Contractor:** Evan Johnson and Sons Construction, Inc.

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

**Project Budget:** \$16,500,000

**Funding Source(s):** Interest Income (\$700,000); MC EBC bond funds (\$15,800,000)

## **12. UMMC – IHL 209-515 – Surgical Short Stay Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$93,568.00 and sixty-nine (69) additional days to the contract of Evan Johnson and Sons.

**Staff Approval Date:** March 30, 2011

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**Change Order Justification:** **Change Order #5** is necessary to provide for latent and owner requested issues to be resolved. Latent conditions inside walls were exposed during demolition and impact to doorways and existing kiosk requires solutions. Computerized equipment purchased by DIS differed from that originally included in project design, requiring modifications to mounting locations, power and data cabling. User realized the need for additional data and electrical service at Nursing Stations and also preferred to change to digital hospital clock system extension in lieu of using battery operated, wall hung clocks.

**Total Project Change Orders and Amount:** Five (5) change orders for a total amount of \$529,421.00

**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

## **13. UMMC – IHL 209-526 – Cafeteria/Kitchen Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by McCarty Company Design Group, P.A., design professional.

**Staff Approval Date:** April 22, 2011

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

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

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$7,750,000

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

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

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$145,986.00 and twenty-eight (28) additional days to the contract of Fountain Construction.

**Staff Approval Date:** April 12, 2011

**Change Order Justification:** **Change Order #2** is necessary to include above ceiling demolition of plumbing lines that will be required by separate project 209-538 into this current project. Rather than subject the new clinic operations being constructed by this project to damages, delays, interruptions etc. via future separate project 209-538 construction, this change order will allow for the above ceiling/below floor work required for future project to be accomplished and finished prior to the new clinic space being put into operation. Although an additional 28 days is required, the future project 209-538 work will be accomplished sooner and with less “after hours/overtime” work required due to scheduling around the clinic’s daily operations.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$302,214.00

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**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

## **15. UMMC – IHL 209-538 – 4<sup>th</sup> (and 2<sup>nd</sup>) Floor Renovations – 764 Lakeland Building**

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

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

**Staff Approval Date:** April 11, 2011

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

**Design Professional:** Dale Associates Architects

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$5,915,536.00

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

## **16. USM – GS 108-260 – Residence Hall Sprinkler Systems**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Hanco Corporation, the lower of five (5) bidders, for a total contract amount of \$1,284,000. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** April 20, 2011

**Project Initiation Date:** June 18, 2009

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

**General Contractor:** Hanco Corporation

**Contract Award Date:** April 20, 2011

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

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

## **17. ERC – GS 111-044 – Mechanical Modifications Program**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1 for a credit** in the amount of \$9,700 and zero (0) additional days to the contract of Upchurch Plumbing, Inc.

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$36,586.14 and zero (0) additional days to the contract of Upchurch Plumbing, Inc.

**Staff Approval Date:** (#1) January 31, 2011; (#2) March 25, 2011

**Change Order Justification:** **Change Order #1** is necessary to adjust for a credit due to substitution of aquatherm pipe, valves, and fittings for use on the heating water system

# EXHIBIT 2

May 19, 2011

in lieu of copper as specified. **Change Order #2** is necessary to furnish and install two supply and two return dampers on each floor (36 total) and to modify piping supplying chilled water to the IHL and ETV buildings.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$26,886.14

**Project Initiation Date:** N/A

**Design Professional:** Atherton Engineers

**General Contractor:** Upchurch Plumbing, Inc.

**Contract Award Date:** November 12, 2010

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

**Funding Source(s):** HB 246, L'07 (\$2,500,000); HB 1641, L'08 (\$500,000); HB 1722, L'09 (\$500,000)

# EXHIBIT 3

May 19, 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 (statement dated 4/1/11) from the funds of Mississippi State University. (This statement, in the amount of \$15.61, represents services and expenses in connection with labor certifications.)

**TOTAL DUE.....\$ 15.61**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 3/14/11) from the funds of the University of Mississippi. (This statement, in the amount of \$126.40, represents services and expenses in connection with the Purchase of Property from Whirlpool Corporation.)

**TOTAL DUE.....\$ 126.40**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/16/11) 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 - \$516.00, *Jackson HMA LLC vs. UMMC* - \$23,123.09 and UMMC - North Clinic - General Advice - \$5,142.80.)

**TOTAL DUE.....\$ 28,781.89**

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/17/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Light Scattering, etc." - \$152.50; "Enhanced Wood Preservative Composition" - \$68.00; "Steele-Solid Heat Carrier Pyrolysis Reactor" - \$720.00 and "Weed-Pelvic Floor Strength Assessment Device" - \$45.00.)

**TOTAL DUE.....\$ 985.50**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/17/11, 3/23/11, 3/23/11, 3/23/11, 3/23/11 and 3/23/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Emerging Models for Wireless Communications Systems Over Multipath Fading Channels" - \$42.50; "Complexes and Compounds for Light Emitting Applications" - \$1,110.00; "Complexes and Compounds for Light Emitting Applications" - \$270.00; "Complexes and Compounds for Light Emitting Applications" - \$132.50; "Device for Demonstrating



# EXHIBIT 3

May 19, 2011

Components of a Vector” - \$497.50 and “High-Speed Data Compression Based on Set-Associative Mapping Techniques” - \$430.00, respectively.)

**TOTAL DUE.....\$ 2,482.50**

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 1/27/11, 2/23/11, 2/23/11, 2/23/11, 2/28/11 and 3/11/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Canada: Potent Immunostimulatory Component in Microalgae Extract” - \$538.05; “Europe: 8-Aminoquinolines” - \$1,062.26; “Europe: 8-Aminoquinolines” - \$1,026.80; “Australia: 8-Aminoquinolines” - \$1,128.00; “Potent Immunostimulatory Component in Microalgae Extract” - \$1,457.50 and “Design and Synthesis of Optimized Ligands for PPAR” - \$692.50, respectively.)

**TOTAL DUE.....\$ 5,905.11**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/24/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Delivery of Medicaments to the Nail” - \$1,258.51; “Delivery of Medicaments to the Nail” - \$1,442.00; “Highly Purified Amphotericin-B” - \$185.00; “In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative” - \$465.00; “Australia: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$5,386.65; “Canada: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$64.00; “Europe: High Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$96.00; “India: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$64.00; “Japan: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$64.00; “Republic of Korea: High-Speed Data Compressions Based on Set-Associative Cache Mapping Techniques” - \$32.00; “US: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$576.00; “Vietnam: High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$64.00; “Method of Detecting Vibration and Sound Signatures of Human Footsteps” - \$187.50 and “Method of Detecting Vibration and Sound Signatures of Human Footsteps” - \$310.00.)

**TOTAL DUE.....\$ 10,194.66**

# CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
**CONSENT AGENDA**  
**ACADEMIC AFFAIRS**  
**June 16, 2011**  
**Page 1 of 1**

**1. MSU - ACADEMIC UNIT MODIFICATION**

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

In accordance with Board policy, approval is requested for modifying the following established academic unit.

**RENAME**

*Mississippi State University requests permission to rename the **Department of Foreign Languages** to the **Department of Classical and Modern Languages and Literature** to reflect the unit's added concentration in Classics and expanded course offerings in Latin and Greek. The name change will require minimal resources, which will be covered by existing university funds.*

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
**CONSENT AGENDA**  
**BUDGET**  
**June 16, 2011**  
**Page 1 of 15**

**1. MSU – REQUEST FOR PERMISSION TO ENTER INTO A LEASE AGREEMENT**

**Agenda Item Request:** Mississippi State University (MSU) requests permission to enter into a lease agreement with **New Cingular Wireless PCS, LLC (NCW)** for approximately 1,635 square feet of equipment space and for antenna space in Davis Wade Stadium.

**Contractor's Legal Name:** **New Cingular Wireless PCS, LLC**

**History of Contract:** New agreement

**Specific type of contract:** Revenue lease agreement

**Purpose:** The purpose of the agreement is to lease space in Davis Wade Stadium to NCW. NCW proposes to use the space to install a distributed antenna system that will provide cellular coverage for AT & T customers attending MSU football games.

MSU has an agreement with Cellular South by which MSU leases space in Davis Wade Stadium to Cellular South. This agreement provides cellular coverage for Cellular South customers attending MSU football games.

However, AT & T customers do not have access to the same level of cellular coverage as Cellular South customers. This agreement would provide better cellular coverage for a significant number of people attending MSU football games.

**Scope of Work:** MSU will lease to NCW approximately 1,635 square feet of space in Davis Wade Stadium to house communications equipment (equipment space). In addition, MSU will lease to NCW areas throughout the stadium for the placement of antennas (antenna space). NCW will use both the equipment space and the antenna space for the installation, operation, maintenance, repair, and replacement of telecommunications equipment for the sole purpose of providing cellular voice services and cellular data services in Davis Wade Stadium.

MSU will cooperate with any utility company providing services to NCW in the stadium. NCW will maintain both the equipment space and the antenna space and any connections in a structurally safe and sound condition and in good repair. MSU will maintain Davis Wade Stadium in good repair and in compliance with all applicable laws, regulations, and ordinances. NCW will be responsible for all utility charges for electricity, telephone service, or any other utility used by the company.

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**CONSENT AGENDA**  
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**Term of contract:** The total term of the agreement is fifteen (15) years beginning on the date the agreement is signed. The agreement includes an initial five-year period and two (2) five-year automatic renewal periods.

**Termination Options:** Because of the large investment NCW will make in the project, MSU can terminate the agreement only for breach of contract.

**Contract Amount:** Over the term of the agreement, MSU will receive a minimum of \$961,132.21 with the potential for additional revenue if NCW subleases space on the distributed antenna system to other providers.

NCW will have the right to sublease space on the distributed antenna system to other providers (excluding Cellular South). NCW will pay MSU thirty (30) percent of the sublease rental revenue. This will be in addition to the monthly rental payments set forth below.

MSU will receive monthly rental payments in the amount of \$4,000 for the first year of the agreement beginning on the agreement's execution. The monthly rental payments will escalate by four (4) percent on the anniversary date of each succeeding year of the agreement. The estimated rental payments for the fifteen (15) years of the agreement will be approximately \$961,132.21.

| <b>Period</b>        | <b>Monthly Payment</b> | <b>Revenue for Period</b> |
|----------------------|------------------------|---------------------------|
| Year 1               | \$4,000.00             | 48,000.00                 |
| Year 2               | 4,160.00               | 49,920.00                 |
| Year 3               | 4,326.40               | 51,916.80                 |
| Year 4               | 4,499.46               | 53,993.47                 |
| Year 5               | 4,679.43               | 56,153.21                 |
| Year 6               | 4,866.61               | 58,399.34                 |
| Year 7               | 5,061.28               | 60,735.31                 |
| Year 8               | 5,263.73               | 63,164.73                 |
| Year 9               | 5,474.28               | 65,691.31                 |
| Year 10              | 5,693.25               | 68,318.97                 |
| Year 11              | 5,920.98               | 71,051.73                 |
| Year 12              | 6,157.82               | 73,893.79                 |
| Year 13              | 6,404.13               | 76,849.55                 |
| Year 14              | 6,660.29               | 79,923.53                 |
| Year 15              | 6,926.71               | 83,120.47                 |
| <b>Total Revenue</b> |                        | <b>\$961,132.21</b>       |

**Funding Source for Contract:** Revenue lease agreement

**Contractor Selection Process:** For an agreement of this type, there must be adequate demand from the fan base. AT & T (NCW) has a large number of customers who are MSU fans. By having an agreement with Cellular South and an agreement with NCW,

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING**  
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MSU believes they are providing cellular coverage to a majority of the people attending MSU football games.

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

**2. UMMC – REQUEST FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS**

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a purchase agreement with **Carousel Industries of North America, Inc.** to upgrade the current Avaya voicemail system to the Avaya Modular Messaging Platform.

**Contractor's Legal Name: Carousel Industries of North America, Inc. (Carousel)**

**History of Contract:** UMMC has used the Avaya telephone voicemail system for the past fifteen (15) years; however, due to the age of the current system, parts are no longer readily available and the system can no longer be supported. Carousel is the existing vendor for UMMC's Avaya telephone system.

**Specific Type of Contract:** This is a new purchase agreement for the Avaya Modular Messaging Platform from Carousel Industries.

**Purpose:** The purpose of the contract is to replace/upgrade the current, fifteen (15) year old Avaya voice mail system with the new Avaya Modular Messaging System.

**Scope of Work:** This agreement provides for the purchase and installation of all hardware associated with the Avaya Modular Messaging Platform; and, provides licenses for Modular Messaging, one-X-Speech, Speech Access, and Session Manager. In addition, support service for the hardware and software is provided for a three (3) year term.

**Term of Contract:** This agreement becomes effective on or about June 20, 2011, and will continue until all required tasks, including post-warranty maintenance and support, are completed. It is anticipated that all tasks specified in the agreement will be completed within ninety (90) calendar days of receipt of the purchase order, with the exception of post-warranty maintenance and support which will continue for two (2) years after the initial one (1) year warranty period.

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 CONSENT AGENDA  
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**Termination Options:** This contract may be terminated for the following:

- Upon mutual written agreement of the parties,
- For failure of a party to comply with the terms of the agreement after giving thirty (30) days written notice of such failure,
- In the event anticipated funds are not appropriated to UMMC,
- In the event Carousel becomes the subject of bankruptcy, reorganization, liquidation or receivership, or
- For UMMC's convenience upon thirty (30) days written notice.

**Contract Amount:** The total cost for the entire contract period will not exceed \$279,238.88 unless prior written authorization from ITS is obtained. During the two (2) year post-warranty period, UMMC will be invoiced monthly for actual support services rendered. See table below for a breakdown of annual costs associated with the agreement:

| Year         | Equipment/Support Description  | Annual Cost          |
|--------------|--|----------------------|
| 1            | Purchase of Avaya equipment; Implementation services; Implementation training; Software licenses | \$ 203,733.92        |
| 2            | Post-Warranty Maintenance/Support  | 37,752.48            |
| 3            | Post-Warranty Maintenance/Support  | 37,752.48            |
| <b>Total</b> |  | <b>\$ 279,238.88</b> |

**Funding Source of Contract:** The agreement will be funded by general funds.

**Contractor Selection Process:** UMMC worked with Mississippi Information Technology Services (MS ITS) to determine the appropriate method to selecting an upgrade to the existing voicemail system. MS ITS developed a request for proposal to which Carousel Industries, an Avaya partner, was the only respondent. MS ITS worked with Carousel Industries to negotiate the agreement, submitted for IHL Board approval, on behalf of the UMMC.

**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.

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- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an Interagency Agreement with **The Mississippi Department of Information Technology Services.**

**Contractor's Legal Name:** The Mississippi Department of Information Technology Services (ITS)

**History of Contract:** New Agreement

**Specific Type of Contract:** This is an Interagency Agreement to co-locate the UMMC Data Center at the new ITS facility.

**Purpose:** The purpose of the agreement is to provide UMMC an off campus co-location to host its primary data center in a highly available, low risk environment.

**Scope of Work:** This agreement allows UMMC to move its core/mission-critical clinical and financial applications such as EPIC, Lawson, eICU, etc., to a secure primary facility. In addition, the increased reliance on clinical systems requires that UMMC operate a redundant site. At present, UMMC's current data center is out of additional power capacity and lacks redundancy.

**Term of Contract:** The contract term is for five (5) years – July 1, 2011 through June 30, 2016.

**Termination Options:** Either party may terminate the agreement based on mutual written agreement. In addition, UMMC has the right to terminate the contract should funds not be made available through the applicable appropriations to continue the agreement by providing sixty (60) days written notice to ITS.

**Contract Amount:** The total cost for the five (5) year contract is approximately \$6,000,000. ITS expanded its facility to support the Data Center at a cost of \$2.4 million. UMMC will reimburse this amount by paying \$40,000 per month for the life of the contract. In addition, UMMC will reimburse ITS the costs for actual power usage and support associated with UMMC's use of a portion of the ITS facility. It is expected that this reimbursement will be approximately \$60,000 per month for the life of the contract.

**Funding Source of Contract:** The agreement will be funded by general funds.

**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



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

- c. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of an amendment to its current Lease Agreement with **Select Specialty Hospital-Jackson, Inc.**

**Contractor's Legal Name: Select Specialty Hospital-Jackson, Inc. (SSH)**

**Information related to how this project furthers UMMC's education and research mission:** UMMC plans to relocate its current pediatric Otolaryngology, General Surgery, outpatient surgery services from Blair E. Batson Hospital for Children (Children's Hospital) to a leased space at Select Specialty Hospital, located at 5903 Ridgewood Road, Jackson, MS, with future plans of relocating the services back to the Children's Hospital. At its current service growth rate, the pediatric operating rooms located at the Children's Hospital will reach their maximum capacity within the next six to nine months. This relocation is in an effort to better serve UMMC's outpatient pediatric surgical population during this rapid growth stage. The equipment and staff will be relocated from our current location to the new space with some additions. This will not change our number of licensed beds and is not an inpatient service.

UMMC has deemed this project necessary or desirable for the operation of the medical school in furtherance of its education mission by enhancing opportunities for the education of its undergraduate and graduate medical education students on leading edge technology. This relocation is essential for the medical school to continue educating and training pediatricians in the state of Mississippi. In addition, this relocation will provide the ability to train Residents and Fellows in cost-effective management of procedurally complex cases. UMMC is planning for approximately 15 Otolaryngology residents (1-2 at a time) and 28 General Pediatric residents (3-4 at a time) to rotate through the services to be offered at Select Specialty each year. Some of the teaching procedures to be provided at Select Specialty for these services include umbilical herniorrhaphies, excisional biopsies of skin lesions, port removal, circumcisions, and orchidopexys.

Additionally, UMMC believes this project will further its research mission. One of the many research projects that the Department of Otolaryngology is involved in, Natural History Study of Incidence of Otorrhea Following Tympanostomy Tube Insertion in a Cohort Aged 6 Months to 12 Years, is with Alcon Corporation involving otorrhea after ear tube placement, and the patients involved in this study would be seen at Select Specialty.

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**History of Contract:** The original lease agreement was approved by the Board of Trustees in February 2008 for the period March 1, 2008 through February 28, 2011. The purpose of the original agreement was to lease a total of 9,403 square feet to house UMMC's outpatient Gastro-Intestinal/Endoscopy Outpatient Clinic. Total costs were not to exceed \$1.5 million. In February 2011, the Board of Trustees approved the extension of the agreement for an additional two (2) years bringing the total contract period to five (5) years – March 1, 2008 through February 28, 2013.

UMMC is now requesting that this space be utilized to relocate its current pediatric Otolaryngology, General Surgery, outpatient surgery services from Blair E. Batson Hospital for Children (Children's Hospital). The Adult Gastrointestinal Lab will continue to be in leased spaced at Select Specialty Hospital, located at 5903 Ridgewood Road, Jackson, MS, but it will be relocated to another suite.

**Specific Type of Contract:** Amendment to an existing Lease Agreement

**Purpose:** The purpose of the amendment is to extend the current lease term by sixteen (16) months, or through June 30, 2014. Presently, the lease agreement will expire on February 28, 2013.

In addition to extending the lease term, this request is to clarify in the agreement the types of services that are to be provided at this location, which include gastrointestinal/endoscopy services, electroconvulsive therapy and pediatric outpatient surgical services. The relocation of these outpatient pediatric surgery services will allow UMMC to provide optimal care and confidentiality for its patients. The relocation will also provide significant improvement in terms of space and environment for UMMC patients.

**Scope of Work:** Pending Board approval and response from the Mississippi Department of Health regarding its request for Certificate of Need, the scope of work is amended to extend the lease period for an additional sixteen (16) months and allow UMMC to use the 9,403 square feet for gastrointestinal/endoscopy services, electroconvulsive therapy and pediatric outpatient surgical services. In addition, UMMC shall pay its proportionate share of operating costs per rentable square foot in the building. Utilities, maintenance services, housekeeping and janitorial services, waste disposal and medical gases are considered operating costs.

**Term of Contract:** The lease term will be extended by sixteen (16) months bringing the total agreement period to six (6) years, four (4) months – March 1, 2008 through June 30, 2014. The amendment allows for the option to renew the Lease for up to two (2) additional one (1) year terms.

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**Termination Options:** Either party may terminate the agreement by providing ninety (90) days written notice. UMMC will be responsible for payment of a termination fee equal to the unamortized portion of all costs incurred by SSH in completing improvements on the premises. In addition, UMMC has the right to terminate the contract should funds not be made available through the applicable appropriations to continue the lease agreement.

**Contract Amount:** UMMC will pay a total of \$1,076,007.60 for the three (3) year contract extension. The annual amount paid for each of the three (3) years is \$358,669.20 (\$236,579.52 - lease, \$122,089.68 - operating expenses). The total cost for the entire six (6) year contract period will be \$3,293,345.60.

**Funding Source of Contract:** This agreement is funded by patient revenue and general funds.

**Contractor Selection Process:** This is an amendment to an existing agreement. N/A

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

- d. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to amend the current maintenance and support agreement with **Siemens Medical Solutions USA, Inc.**

**Contractor's Legal Name:** Siemens Medical Solutions USA, Inc. (Siemens)

**History of Contract:** The original contract with Siemens was entered into in May 1996. The agreement has been renewed periodically since that time, most recently after receiving IHL Board approval in March 2010 for a period of sixty (60) months – April 1, 2010 through March 31, 2015.

**Specific Type of Contract:** Contract Amendment

**Purpose:** Siemens is currently UMMC's hospital information and physician billing system. The Board approved a contract in August 2010 with Epic Systems Corporation to replace Siemens. Epic is scheduled to go-live April 2013.

The current agreement with Siemens is to provide general maintenance and break/fix support after conducting a root cause analysis. The purpose of the amendment is to

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add another facet to the scope of work for a one-year period of time. Specifically, Siemens' scope of work will be included to perform day-to-day management services for the UMMC applications' Invision and Signature systems. The purpose in having Siemens assume this role during the designated period is to free-up the UMMC support team that is currently performing these functions to work on the Epic implementation so they are better able to respond to system technical issues in-house.

**Scope of Work:** Siemens will provide daily management of the Invision and Signature systems while *continuing* to provide the general break/fix support and maintenance, which was approved by the Board in March 2010. The management services Siemens will provide, if the amendment is approved, includes:

- Continuous billing updates to both systems, as applicable,
- Continuous updates to current interfaces, as applicable, and
- Development of new interfaces, as applicable.

The addition of the management scope will ensure that both the Invision and Signature Systems are constantly updated as applicable and that interfaces continue to work properly.

**Term of Contract:** The term of the amendment applicable to the expanded scope of work will be June 20, 2011 through June 30, 2012. The general break/fix support and maintenance services will continue through the original approved term of April 1, 2010 through March 31, 2015. UMMC will make the decision when to formally terminate the general break/fix support and maintenance services agreement with Siemens after the April 2013 go-live date of the new system.

**Termination Options:** The Amendment allows for either party to give written notice of nonrenewal not less than ninety (90) days prior to the then-current Application Services Term.

**Contract Amount:** As a result of this amendment, there is no change to the total approved contract cost of \$5,993,760.34 as approved by the Board in March 2010. The net effect in increasing the scope of work to include management services will be an accelerated payment schedule. Siemens has agreed to assume the expanded scope of work via a shift in the hours originally allocated for maintenance and break/fix support. UMMC will terminate its contract with Siemens after it has determined that the Epic implementation has been successfully completed. As a result of the anticipated early termination date of its current agreement with Siemens, UMMC estimates a savings of at least \$596,292.

**Funding Source of Contract:** The agreement is currently funded by hospital patient revenues and the University Physicians Practice Plan.

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**Contractor Selection Process:** This is an amendment to a current agreement with vendor whose software systems are currently installed and in use by UMMC. The vendor is the sole provider of this software maintenance and support.

**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. USM – REQUEST FOR APPROVAL TO ENTER INTO CUSTODIAL SERVICES AGREEMENT AND LEASE AGREEMENTS**

- a. Agenda Item Request:** The University of Southern Mississippi (USM) requests permission to enter into a service agreement with **David H. Lee Enterprises, Inc. *doing business as ServiceMaster Cleaning Alternatives*** to provide custodial services.

**Contractor's Legal Name:** David H. Lee Enterprises, Inc. *doing business as ServiceMaster Cleaning Alternatives*

**History of Contract:** New agreement

**Specific type of contract:** Custodial services agreement

**Purpose:** The purpose of the agreement is to provide complete custodial services for the Union complex for the next two (2) years.

**Scope of Work:** ServiceMaster Cleaning Alternatives will provide complete custodial services to the Union complex on the Hattiesburg campus. This includes the Thad Cochran Center, the R.C. Cook Union, the Hub, and the Danforth Chapel. ServiceMaster will provide labor, equipment, and supplies needed to perform the custodial duties.

**Term of contract:** The term of the agreement is two (2) years beginning on July 1, 2011 and ending on June 30, 2013. The agreement includes an option to renew the agreement for two (2) additional years in one (1) year increments.

**Termination Options:** USM can terminate the agreement in whole or in part for the convenience of the university. Written notice must be provided by USM and must allow no less than ten (10) days' notice prior to the effective date of termination

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Either party can terminate the agreement immediately upon issuance of written notice if the other party fails to perform the obligations to the other party under the agreement. The party issuing such a termination notice can allow thirty (30) days within which the other party may attempt to cure the failure to fulfill its obligations, but such thirty (30) day cure time is not required.

**Contract Amount:** USM will pay ServiceMaster Cleaning Alternatives \$18,758 per month or \$450,192 for the two-year period.

In the event additional services are necessary above and beyond those called for in the specifications, the following hourly rates will be charged:

|             |                                  |
|-------------|----------------------------------|
| Custodian:  | \$14.50 per hour per person,     |
| Supervisor: | \$16.50 per hour per person, and |
| Floor Tech: | \$20.00 per hour per person.     |

The dollar amount for additional services is estimated not to exceed \$50,000 per year for a total of \$100,000 over the life of the contract. As a result, the maximum total cost for the agreement is \$550,192.

**Funding Source for Contract:** The agreement will be funded by auxiliary funds.

**Contractor Selection Process:** USM issued a Request for Proposals in March of 2011. A total of seven (7) proposals were received.

The top three (3) proposals were:

- 1) ServiceMaster Cleaning Alternatives - \$450,192,
- 2) Riteway Cleaning Services - \$482,043.36, and
- 3) Knight Facilities Management - \$546,124.80.

USM selected ServiceMaster Cleaning Alternatives as the vendor because the company scored highest in the four (4) areas of evaluation which included price, qualifications and experience, staffing plan and personnel, and operations plan and policies.

**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.

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- b. Agenda Item Request:** The University of Southern Mississippi (USM) requests approval to enter into a lease agreement with **New Cingular Wireless PCS, LLC (NCW)** for approximately 105 square feet of equipment space and for antenna space in the Theatre and Dance Building located on the Hattiesburg campus.

**Contractor's Legal Name:** **New Cingular Wireless PCS, LLC**

**History of Contract:** New agreement

NCW has had antennas on the roof of the Theatre and Dance Building since August of 2003. In preparation for negotiations with NCW on their proposal to install a distributed antenna system in M.M. Roberts Stadium, USM discovered that an agreement for the lease of the space on the roof of the Theatre and Dance Building had never been executed. As a result, USM did not receive rental payments for this space for the period of August 1, 2003 to June 30, 2011.

This agreement includes a one-time payment of \$182,127.78 for the period during which USM did not receive rental payments, as well as escalating rental payments moving forward.

**Specific type of contract:** Revenue lease agreement

**Purpose:** The purpose of the agreement is to lease space in the Theatre and Dance Building to New Cingular Wireless PCS, LLC (NCW). NCW proposes to use the space to install and to operate antennas in connection with its federally-licensed communications business.

**Scope of Work:** USM will lease to NCW approximately 105 square feet of space in the Theatre and Dance Building to house communications equipment (equipment space). In addition, USM will lease to NCW areas throughout the building for the placement of antennas (antenna space). NCW will receive a non-exclusive license to install, maintain, repair, replace, and remove conduits, wires, cables, cable trays, and other necessary connections between the equipment space, the antenna space, and the electric, telephone, and fuel sources on the property.

USM will grant an easement to any utility company providing services to NCW in the building and over the property on which the building sits. NCW will maintain both the equipment space and the antenna space and any connections in good condition with the exception of reasonable wear and tear and damage from the elements. USM will maintain and repair the Theatre and Dance Building and the property on which the building sits and access thereto. NCW will be responsible for all utility charges for electricity, telephone service, and any other utility used by the company.

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**Term of contract:** The total term of the agreement is fifteen (15) years beginning on July 1, 2011. The term includes an initial five-year period and two (2) five-year automatic renewal periods.

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

The agreement can be terminated by NCW if it is unable to obtain or maintain required approvals, licenses, or permits, or if the cost of obtaining or retaining such approvals, licenses, or permits is not commercially reasonable.

The agreement can be terminated by NCW by giving sixty (60) days written notice to USM so long as the company pays USM a termination fee equal to three (3) months' rent at the then current rate.

**Contract Amount:** The total revenue generated by the agreement will be approximately \$730,312.02.

USM will receive a one-time payment for back rent of \$182,127.78 for the period of August 1, 2003 to June 30, 2011.

USM will receive a monthly rental payment of \$2,281.41 for the first year of the agreement beginning on July 1, 2011. The monthly rental payment will escalate by four (4) percent on July 1 of each succeeding year of the agreement. The estimated rental payments for the fifteen (15) years of the agreement will be approximately \$548,184.24.

| <b>Period</b>        | <b>Monthly Payment</b> | <b>Revenue for Period</b> |
|----------------------|------------------------|---------------------------|
| Back Rent            |                        | \$ 182,127.78             |
| Year 1               | \$ 2,281.41            | 27,376.92                 |
| Year 2               | 2,372.67               | 28,472.04                 |
| Year 3               | 2,467.57               | 29,610.84                 |
| Year 4               | 2,566.28               | 30,795.36                 |
| Year 5               | 2,668.93               | 32,027.16                 |
| Year 6               | 2,775.68               | 33,308.16                 |
| Year 7               | 2,886.71               | 34,640.52                 |
| Year 8               | 3,002.18               | 36,026.16                 |
| Year 9               | 3,122.27               | 37,467.24                 |
| Year 10              | 3,247.16               | 38,965.92                 |
| Year 11              | 3,377.04               | 40,524.48                 |
| Year 12              | 3,512.13               | 42,145.56                 |
| Year 13              | 3,652.61               | 43,831.32                 |
| Year 14              | 3,798.72               | 45,584.64                 |
| Year 15              | 3,950.66               | 47,407.92                 |
| <b>Total Revenue</b> |                        | <b>\$730,312.02</b>       |



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**Funding Source for Contract:** Revenue lease agreement

**Contractor Selection Process:** Since NCW has had antennas on the Theatre and Dance Building since August of 2003, USM negotiated with the company to secure back rental payments as well as to extend the lease agreement.

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

- c. **Agenda Item Request:** The University of Southern Mississippi (USM) requests permission to enter into a lease agreement with **Gold Eagle, LLC** to provide multiple off-campus apartments for use by USM student-athletes for the period of July 1, 2011 to June 30, 2012.

**Contractor's Legal Name: Gold Eagle, LLC**

**History of Contract:** This is a renewal lease agreement with an existing vendor. On June 16, 2010, the IHL Board approved USM's request to enter into a lease agreement with Gold Eagle, LLC to provide multiple off-campus apartments for use by student-athletes for a one-year period (June 1, 2010 to May 31, 2011).

**Specific type of contract:** Renewal lease agreement

**Purpose:** The purpose of the agreement is to provide off-campus housing for use by USM student-athletes.

**Scope of Work:** Gold Eagle, LLC will provide three (3) apartment complexes with two-person apartments for use by USM student-athletes. The total number of apartments will fluctuate over the term of the agreement between 24 apartments and 32 apartments. The rental payment will include power, water, and sewer services.

**Term of contract:** The term of the agreement is one year – July 1, 2011 to June 30, 2012.

**Termination Options:** Gold Eagle, LLC can terminate the agreement with cause. USM can terminate the agreement by five (5) days' written notice upon notification by the National Collegiate Athletic Association (NCAA) that the agreement or any part of the agreement is or may be a violation of NCAA rules.

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**Contract Amount:** USM will pay Gold Eagle, LLC \$383.33 per student-athlete per month. This will result in fluctuating monthly rental payments ranging from \$18,399.84 (24 apartments housing 48 student-athletes) to \$24,533.12 (32 apartments housing 64 student-athletes). For the term of the agreement, total payments will not exceed \$254,531.12.

| <b>Period</b>           | <b>Apartments</b> | <b>Monthly Rent</b> | <b>Rent for Period</b> |
|-------------------------|-------------------|---------------------|------------------------|
| 07-01-2011 – 12-31-2011 | 30                | \$22,999.80         | \$137,998.80           |
| 01-01-2012 – 05-31-2012 | 24                | 18,399.84           | 91,999.20              |
| 06-01-2012 – 06-30-2012 | 32                | 24,533.12           | 24,533.12              |
| <b>Total</b>            |                   |                     | <b>\$254,531.12</b>    |

**Funding Source for Contract:** The agreement will be funded by athletic auxiliary funds. Payment is transferred via the scholarship funds allocated for the student-athlete directly to Gold Eagle, LLC.

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

**Staff Recommendation:** Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of leases in an amount greater than \$100,000. The agreements have been reviewed and approved by the Attorney General's Office. 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 §905(A), Real Estate Management**

*Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price. Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Request for approval of land contracts shall include property descriptions, terms of purchase, lease, or sale and intended use of the property. An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.*

**APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS**

**BUREAU OF BUILDING PROJECTS**

**1. JSU – GS 103-265 – Pre-Plan College of Education**

**Project Request:** Jackson State University requests approval to initiate a project, Pre-Plan College of Education, and to appoint a design professional through the "Request for Qualification" method.

**Proposed Design Professional:** N/A

**Purpose:** Jackson State University plans to renovate the College of Education & Human Development Building and construct a new wing on the southwest side of the building. This building has not been totally renovated since its original construction. The project is needed to provide an adequate instructional facility for instructors/faculty, administrative staff, and students. The renovation will include

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adding and modifying existing walls, flooring, ceilings, mechanical HVAC, electrical service and communications/data services. The new construction will accommodate labs, classrooms, and office space for the administration.

The pre-planning project is part of an estimated \$12,000,000 project budget. The pre-planning of the project will be funded through current state bond funds. The remaining project funds needed for the construction of the project are anticipated to be future state bond funds that the university will seek during future legislative sessions. Jackson State University is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** 1972

**Date of Last Renovation:** 2007 (ADA requirements)

**Proposed Project Budget:**

|                                     |                  |
|-------------------------------------|------------------|
|                                     | <i>Estimated</i> |
| Construction Cost:                  | \$ 0.00          |
| Architectural and Engineering Fees: | 279,591.00       |
| Miscellaneous Project Costs:        | 0.00             |
| Contingency:                        | <u>70,409.00</u> |

**Total Project Budget(Pre-Plan Only) \$ 350,000.00**

**Proposed Funding Source(s):** SB 3100, Laws of 2011 (\$350,000)

**Staff Recommendation:** Board staff recommends approval of this item.

**2. JSU – GS 103-266 – Mechanical Upgrades Phase II**

**Project Request:** Jackson State University requests approval to initiate a project, Mechanical Upgrades Phase II, and to appoint The CGM Group as design professional.

**Proposed Design Professional:** The CGM Group

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**Purpose:** Jackson State University plans to replace/upgrade the old deteriorated mechanical systems in selected buildings on campus such as: pumps, coils, air handlers, starters, compression valves, cooling towers, storage tanks, exhaust fans, and exterior doors. The university is committed to energy conservation and is trying to operate as efficiently as possible. The university desires to continue its efforts in energy conservation by replacing or upgrading mechanical systems in selected buildings throughout campus. Jackson State University is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** Varies

**Date of Last Renovation:** Varies

**Proposed Project Budget:**

|                                     |                       |
|-------------------------------------|-----------------------|
|                                     | <i>Estimated</i>      |
| Construction Cost:                  | \$1,630,000.00        |
| Architectural and Engineering Fees: | 145,100.25            |
| Miscellaneous Project Costs:        | 42,417.23             |
| Contingency:                        | <u>82,482.52</u>      |
| <b>Total Project Budget</b>         | <b>\$1,900,000.00</b> |

**Proposed Funding Source(s):** SB 3100, Laws of 2011 (\$1,900,000)

**Staff Recommendation:** Board staff recommends approval of this item.

**3. JSU – GS 103-267 – Alexander Center Renovation Phase I**

**Project Request:** Jackson State University requests approval to initiate a project, Alexander Center Renovation Phase I, and to appoint a design professional through the “Request for Qualification” method.

**Proposed Design Professional:** N/A

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**Purpose:** Jackson State University plans to renovate both Alexander East and West in order to replace the mechanical, electrical, windows, and all necessary interior renovations needed in rooms of the building. Alexander Hall is critical to the long range academic plan for Jackson State University. The areas to be renovated will include the following: replacing the mechanical and electrical systems, roof, doors, installing VCT and base, elevators, interior finishes, window treatments, and landscaping. These renovations will address all life safety issues and will provide a living environment conducive to learning. Jackson State University is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** 1967

**Date of Last Renovation:** No Major Renovations Since Construction

**Proposed Project Budget:**

|                                     |                       |
|-------------------------------------|-----------------------|
|                                     | <i>Estimated</i>      |
| Construction Cost:                  | \$5,600,000.00        |
| Architectural and Engineering Fees: | 475,505.42            |
| Miscellaneous Project Costs:        | 57,917.23             |
| Contingency:                        | <u>366,577.35</u>     |
| <b>Total Project Budget</b>         | <b>\$6,500,000.00</b> |

**Proposed Funding Source(s):** SB 3100, Laws of 2011 (\$6,500,000)

**Staff Recommendation:** Board staff recommends approval of this item.

**4. MUW – GS 104-173 – HVAC Upgrade Program**

**Project Request:** Mississippi University for Women requests approval to initiate a project, HVAC Upgrade Program, and to appoint Atherton Consulting Engineers as design professional.

**Proposed Design Professional:** Atherton Consulting Engineers

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**Purpose:** Mississippi University for Women plans to repair/replace heating systems, boilers, air handler units, chiller and includes dehumidification projects for Callaway Hall, Welty Hall, Reneau Hall, Hogarth Cafeteria, Fant Library, McDevitt Hall, Whitfield Hall, Shattuck Hall, Carrier Chapel, Goen Hall, Jones Hall, and Old Pohl.

The project was previously initiated with the Bureau of Building as GS 104-170 in May 2010 with a budget of \$900,000. The project budget of \$900,000 was under the threshold that requires board approval so the project was not initiated with the Board. However, the latest schematic design estimate requires that the project budget be increased to \$1,300,000 which requires Board approval. A new project number has been assigned to the project with a new project budget. Mississippi University for Women is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** Varies

**Date of Last Renovation:** Varies

**Proposed Project Budget:**

|                                     |                       |
|-------------------------------------|-----------------------|
|                                     | <i>Estimated</i>      |
| Construction Cost:                  | \$1,072,500.00        |
| Architectural and Engineering Fees: | 85,901.00             |
| Miscellaneous Project Costs:        | 40,100.00             |
| Contingency:                        | <u>101,499.00</u>     |
| <b>Total Project Budget</b>         | <b>\$1,300,000.00</b> |

**Proposed Funding Source(s):** HB 1701, Laws of 2010 (\$1,300,000)

**Staff Recommendation:** Board staff recommends approval of this item.



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**5. MSU – GS 105-343 – Lee Hall Renovation**

**Project Request:** Mississippi State University requests approval to initiate a project, Lee Hall Renovation, and to appoint Dale Partners Architects, P.A. as design professional.

**Proposed Design Professional: Dale Partners Architects, P.A.**

**Purpose:** Mississippi State University requests that a project be initiated for the Lee Hall Renovation, GS# 105-343. The project budget will be established at \$20,700,000. This project is a continuation of the preplanning effort that is presently being completed (GS# 105-329). The preplanning project in the amount of \$300,000 was approved in June of 2007. Funding for the project was from HB 246, Laws of 2007. The preplanning project takes the design through design development documents only.

The current project initiation seeks approval to proceed with construction documents, bidding and construction. The project will completely renovate Lee Hall, excluding the auditorium space that was renovated in 2005. Exterior renovation and restoration of the exterior façade, roof, site drainage, and windows will take place. Interior renovations will include architectural, mechanical, and electrical upgrades. Historic details will be maintained throughout the facility in accordance with directives from the Mississippi Department of Archives and History. Mississippi State University is seeking to initiate the project and appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** 1909

**Date of Last Renovation:** 2005 (Auditorium Only)

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**Proposed Project Budget:**

|                                     | <i>Estimated</i>       |
|-------------------------------------|------------------------|
| Construction Cost:                  | \$15,087,795.00        |
| Architectural and Engineering Fees: | 1,015,153.21           |
| Miscellaneous Project Costs:        | 3,842,662.04           |
| Contingency:                        | <u>754,389.75</u>      |
| <b>Total Project Budget</b>         | <b>\$20,700,000.00</b> |

**Proposed Funding Source(s):** HB 1641, Laws of 2008 (\$2,463,146.89); HB 1722, Laws of 2009 (\$4,660,866.80); HB 1701, Laws of 2010 (\$8,000,000); SB 3100, Laws of 2011 (\$5,575,986.31)

**Staff Recommendation:** Board staff recommends approval of this item.

**6. UMMC – GS 109-208 – Fire Alarm and Clock Upgrades and Sole Source**

**Project Request:** The University of Mississippi Medical Center requests approval to initiate a project, Fire Alarm and Clock Upgrades, and to appoint The Power Source, PLLC as design professional. The university also requests approval to sole source Simplex as the clock and fire system provider.

**Proposed Design Professional: The Power Source, PLLC**

**Purpose:** The University of Mississippi Medical Center plans to upgrade the fire alarm systems and clock systems in several older buildings, bringing them up to the same standards as the newer buildings on campus. Simplex is requested as the sole source provider of the fire alarm system and clock system since this is an upgrade of existing Simplex systems currently in place. The project will include the planning and upgrades of the existing Simplex fire alarm system in the Learning Resources Center, Clinical Science, University Rehabilitation Center, and Office Annex I and II Buildings. Also included is the planning and upgrades of the existing Simplex clock system in the Learning Resources Center, Clinical Science and the original Guyton Building.

The buildings included in this project all have the original fire alarm systems and clock systems that have been in use since they were constructed. The newest building (Guyton) was constructed 18 years ago, and the others are 31 and 54 years old. The University of Mississippi Medical Center is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution

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to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** Varies

**Date of Last Renovation:** Varies

**Proposed Project Budget:**

|                                     |                       |
|-------------------------------------|-----------------------|
|                                     | <i>Estimated</i>      |
| Construction Cost:                  | \$1,156,947.00        |
| Architectural and Engineering Fees: | 80,531.00             |
| Miscellaneous Project Costs:        | 5,000.00              |
| Contingency:                        | <u>57,522.00</u>      |
| <b>Total Project Budget</b>         | <b>\$1,300,000.00</b> |

**Proposed Funding Source(s):** HB 1701, Laws of 2010 (\$1,300,000)

**Staff Recommendation:** Board staff recommends approval of this item.

**7. UMMC – GS 109-209 – Building Repair and Renovations**

**Project Request:** The University of Mississippi Medical Center requests approval to initiate a project, Building Repair and Renovations, and to appoint Shafer and Associates, PLLC as design professional.

**Proposed Design Professional:** Shafer and Associates, PLLC

**Purpose:** The University of Mississippi Medical Center plans to replace the roofs on four buildings that have been in use beyond their expected life and will repair two buildings foundations that have experienced movement due to shifting ground. The project will replace the roofs on the LN Building, School of Health Related Professions Maintenance Building, West Wing, and the Old Animal Quarters/Maintenance Area. The foundations will be repaired on the LB Building and the LH Building.

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Each of the roofs being replaced in this project has needed repairs over the last several years due to their age. The two buildings with foundation problems will be repaired and brought back to the original foundation elevations. All these repairs will improve the hospital's ability to meet the needs of patient care within these existing structures. The University of Mississippi Medical Center is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** Varies

**Date of Last Renovation:** Varies

**Proposed Project Budget:**

|                                     |                       |
|-------------------------------------|-----------------------|
|                                     | <i>Estimated</i>      |
| Construction Cost:                  | \$ 977,743.00         |
| Architectural and Engineering Fees: | 68,400.00             |
| Miscellaneous Project Costs:        | 5,000.00              |
| Contingency:                        | <u>48,857.00</u>      |
| <b>Total Project Budget</b>         | <b>\$1,100,000.00</b> |

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

**Staff Recommendation:** Board staff recommends approval of this item.

**Staff Recommendation:** Board staff recommends approval of this item.

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**IHL PROJECTS**

**8. MSU – IHL 205-261 – Reroof Humphrey Coliseum**

**Project Request:** Mississippi State University requests approval to initiate a project, Re-Roof Humphrey Coliseum, and to appoint Michael T. Muzzi, AIA, AUA as design professional.

**Proposed Design Professional: Michael T. Muzzi, AIA, AUA (University Architect and Associate Director of Facilities Management)**

**Purpose:** Mississippi State University requests approval to initiate an in-house project to re-roof Humphrey Coliseum. The existing roof is over 35 years old. The project will remove existing roof over the existing coliseum to include the administrative office and ticket office areas. The approximate area is 84,000 square feet. Mississippi State University is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** 1975

**Date of Last Renovation:** 2000

**Proposed Project Budget:**

|                                     |                       |
|-------------------------------------|-----------------------|
|                                     | <i>Estimated</i>      |
| Construction Cost:                  | \$1,230,000.00        |
| Architectural and Engineering Fees: | 0.00                  |
| Miscellaneous Project Costs:        | 4,250.00              |
| Contingency:                        | <u>61,500.00</u>      |
| <b>Total Project Budget</b>         | <b>\$1,295,750.00</b> |

**Proposed Funding Source(s):** Bulldog Club and University Operation and Maintenance funds (\$1,295,750)

**Staff Recommendation: Board staff recommends approval of this item.**

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**9. UM – IHL 207-351 – Former Walmart Building Renovation**

**Project Request:** The University of Mississippi requests approval to initiate a project, Former Walmart Building Renovation, and to appoint the Facilities Planning Department as design professional.

**Proposed Design Professional: University Facilities Planning Department (Ian Banner, AIA, Director of Facilities Planning and University Architect)**

**Purpose:** The University of Mississippi seeks to initiate an in-house project and use Facilities Planning Department, Ian Banner, AIA, Director of Facilities Planning and University Architect as the design professional. The project will consist of the work necessary to prepare approximately 40,000 square feet of the existing Former Walmart Building for future tenant infill. New HVAC, Plumbing, and Electrical Systems will be provided and new restrooms will be constructed to accommodate the occupation of this area. Of this area, approximately 7,615 square feet will be fully developed to accommodate the University Math Lab and supporting spaces. 8,670 square feet will be partially completed to accommodate University functions that may require a larger open space. The project will include new furniture, minor demolition of existing interior space to accommodate the new work, general construction of metal stud walls & finishes, new HVAC systems, new plumbing, new electrical system, new telecommunications services, concrete walks and asphalt drives. The University of Mississippi is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** 1982

**Date of Last Renovation:** 2010 (Wire Caging and ADA)

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**Proposed Project Budget:**

|                                     | <i>Estimated</i>       |
|-------------------------------------|------------------------|
| Construction Cost:                  | \$ 2,550,000.00        |
| Architectural and Engineering Fees: | 87,000.00              |
| Miscellaneous Project Costs:        | 260,200.00             |
| Contingency:                        | <u>302,800.00</u>      |
| <b>Total Project Budget</b>         | <b>\$ 3,200,000.00</b> |

**Proposed Funding Source(s):** Internal R&R funds (\$3,200,000)

**Staff Recommendation:** Board staff recommends approval of this item.

**10. UMMC – IHL 209-542 – Generator 12, 13, 14 Replacement**

**Project Request:** The University of Mississippi Medical Center requests approval to initiate a project, Generator 12,13,14 Replacement, and to appoint Cooke Douglass Farr Lemons Architects and Engineers P.A. as design professional.

**Proposed Design Professional:** Cooke Douglass Farr Lemons Architects and Engineers P.A.

**Purpose:** The University of Mississippi Medical Center plans to remove existing generators 12, 13, and 14 (originally installed in 1968 and 1980) from Acute Services Wing Sub-Basement areas and install two new modern, efficient, and environmentally compliant generators complete with new auto-transfer switching systems and updated fuel and service distribution systems. The two new units will be sized to handle the existing loads with appropriate space capacity for future loading and will be installed at a ground level location rather than below grade in the existing Mechanical Sub-Basement area. The University of Mississippi Medical Center is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** N/A

**Date of Last Renovation:** N/A

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**Proposed Project Budget:**

|                                     |                        |
|-------------------------------------|------------------------|
|                                     | <i>Estimated</i>       |
| Construction Cost:                  | \$ 2,804,432.00        |
| Architectural and Engineering Fees: | 241,280.00             |
| Miscellaneous Project Costs:        | 0.00                   |
| Contingency:                        | <u>454,288.00</u>      |
| <b>Total Project Budget</b>         | <b>\$ 3,500,000.00</b> |

**Proposed Funding Source(s):** Hospital Patient Revenue (\$3,500,000)

**Staff Recommendation:** Board staff recommends approval of this item.

**APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE/FUNDING SOURCE(S)**

**BUREAU OF BUILDING PROJECTS**

**11. MSU – GS 113-126 – Mech-Bost/Forest Products**

**Project Request:** Mississippi State University requests approval to increase budget for the Mech-Bost/Forest Products project. The budget will increase from \$900,000 to \$1,450,000.00 for an increase in the amount of \$550,000.00.

**Project Phase:** Design Phase

**Design Professional:** MJR/Senter, PC

**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 September 17, 2009 with a budget of \$900,000. Bids were received by the Bureau of Building on May 24, 2011 but the award of the lowest acceptable bid requires a budget increase of \$550,000 due to actual market value exceeding the professional's last estimate. The additional funds will come from the Bureau of Building Energy Discretionary funds in the amount of \$538,300.



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The project will address HVAC issues at the Bost Building and Forest Products Building #1, along with adding sprinkler systems to several buildings in the Forest Products complex. Energy management controls will also be added to the Bost Building and Forest Products Building #1. 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.

**Project Initiation Date:** September 17, 2009

**Project Budget:**

|                                    | <b>Current Budget</b> | <b>Proposed Budget</b> | <b>Amount (+/-)</b>  |
|------------------------------------|-----------------------|------------------------|----------------------|
| Construction Costs                 | \$ 700,000.00         | \$ 1,200,000.00        | \$ 500,000.00        |
| Architectural and Engineering Fees | \$ 60,000.00          | \$ 110,000.00          | \$ 50,000.00         |
| Miscellaneous Project Costs        | \$ 20,000.00          | \$ 20,000.00           | \$ 0.00              |
| Contingency                        | \$ 120,000.00         | \$ 120,000.00          | \$ 0.00              |
|                                    |                       |                        |                      |
| <b>Total Project Budget</b>        | <b>\$ 900,000.00</b>  | <b>\$ 1,450,000.00</b> | <b>\$ 550,000.00</b> |

**Funding Source(s):** HB 1722, Laws of 2009 (\$911,700); HB 1701, Laws of 2010 BOB Energy Discretionary funds (\$538,300)

**Staff Recommendation:** Board staff recommends approval of this item.

**IHL PROJECTS**

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

**Project Request:** The University of Mississippi Medical Center requests approval to increase budget for the School of Dentistry Restorative Lab project. The budget will increase from \$1,280,000 to \$1,400,000.00 for an increase in the amount of \$120,000.00.

**Project Phase:** Design Phase

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**Design Professional:** Mark S. Vaughan

**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 February 17, 2011 with a budget of \$1,280,000. Bids were received on May 5, 2011 but the award of the lowest acceptable bid requires a budget increase of \$120,000 due to actual market value exceeding the professional's last estimate. The additional funding is available from UMMC sources.

The project will include the renovation of approximately 3,750 GSF of existing School of Dentistry lab space. The existing Restorative Lab suite will be renovated and upgraded to provide a modern restorative lab design and will include lab casework, upgraded utilities, additional offices, and support space as well as a new digital simulation area and equipment. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope and budget increases to the Board for approval.

**Project Initiation Date:** February 17, 2011

**Project Budget:**

|                                    | <b>Current Budget</b>  | <b>Proposed Budget</b> | <b>Amount (+/-)</b>  |
|------------------------------------|------------------------|------------------------|----------------------|
| Construction Costs                 | \$ 1,074,402.00        | \$ 1,230,000.00        | \$ 155,598.00        |
| Architectural and Engineering Fees | \$ 94,852.00           | \$ 111,999.00          | \$ 17,147.00         |
| Miscellaneous Project Costs        | \$ 11,155.00           | \$ 11,155.00           | \$ 0.00              |
| Contingency                        | \$ 99,591.00           | \$ 46,846.00           | \$ (52,745.00)       |
|                                    |                        |                        |                      |
| <b>Total Project Budget</b>        | <b>\$ 1,280,000.00</b> | <b>\$ 1,400,000.00</b> | <b>\$ 120,000.00</b> |

**Funding Source(s):** Hospital Patient Revenue (\$785,600); Tuition (\$614,400)

**Staff Recommendation:** Board staff recommends approval of this item.

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**APPROVAL OF OTHER REAL ESTATE REQUESTS**

**13. MSU-Approval of Lease of Land to the Mississippi State University Bulldog Club, Inc.**

**Project Request:** Mississippi State University requests that the Board of Trustees grant approval to the university to lease approximately 6.65 acres of land located on the MSU campus to the Mississippi State University Bulldog Club, Inc. in order to construct a football practice facility on the property.

**Purpose:** Mississippi State University holds title to approximately 6.65 acres on the MSU campus in Oktibbeha County, Mississippi that is divided into three parcels of land. The first parcel of land contains 4.45 acres of land located in the SE ¼ of Section 35, Township 19 North, Range 14 East, in Oktibbeha County, Mississippi. The second parcel of land contains 0.91 acres and is located in the SE ¼ of Section 35, Township 19 North, Range 14 East and partly located in the NE ¼ of Section 2, Township 18 North, Range 14 East, Oktibbeha County, Mississippi. The third parcel of land contains 1.29 acres of land located in the SE ¼ of Section 35, Township 19 North, Range 14 East and partly located in the NE ¼ of Section 2, Township 18 North, Range 14 East, in Oktibbeha County, Mississippi. The university would like to lease this property to the MSU Bulldog Club, Inc. for a term of eighteen (18) months or until completion of the improvements, whichever occurs first. The MSU Bulldog Club, Inc. plans to use its funds to construct a football practice facility on the property. Upon completion of this lease, the MSU Bulldog Club, Inc. will transfer its rights in the lease and any improvements to the university. Mississippi State University is acting in accordance with Board Policy §905(A), Real Estate Management, which requires prior Board approval for the execution of all leases, easements, oil and mineral leases, and timber sales. A copy of the ground lease is on file with the Office of Real Estate and Facilities.

**Terms of Lease:** The university is requesting to lease the land stated above to the MSU Bulldog Club, Inc for a term of eighteen (18) months or until completion of improvements whichever occurs first. The lease will commence on August 1, 2011 and continue through the earlier of eighteen (18) months or the date in which the improvements are completed. The MSU Bulldog Club, Inc. shall pay to the university good and valuable consideration which includes, but is not limited to, the construction of improvements on the premises by MSU Bulldog Club, Inc. at no cost or other expense to the university with a result that all improvements made to and on the premises shall be owned “free and clear” in fee simple by the university the date the lease terminates. The MSU Bulldog Club, Inc. shall have the option to extend the lease for an additional one year term on the same terms and conditions of the lease by

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providing notice to the university at any time more than 15 days before the expiration date of this lease.

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

**14. UMMC – IHL 209-540 – School of Dentistry Restorative Lab – Sole Source**

**Project Request:** The University of Mississippi Medical Center requests approval to sole source the mechanical HVAC controls for the School of Dentistry Restorative Lab project. The university will sole source to Johnson Controls System.

**Project Phase:** Design Phase

**Design Professional:** Mark S. Vaughan

**Purpose:** The project will include the renovation of approximately 3,750 GSF of existing School of Dentistry lab space. The existing Restorative Lab suite will be renovated and upgraded to provide a modern restorative lab design and will include lab casework, upgraded utilities, additional offices, and support space as well as a new digital simulation area and equipment. An existing Johnson Controls system presently serves the 5 story building. The request is for approval to sole source the controls system in order for the system to operate seamlessly and without compromise.

**Project Budget:** \$1,280,000 (\$20,000 estimated HVAC control systems)

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

**Staff Recommendation: Board staff recommends approval of this item.**

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**1. UM - APPROVAL TO HIRE ARMSTRONG TEASDALE LAW FIRM AS OUTSIDE COUNSEL**

The University of Mississippi requests approval to enter into a contract for professional services with the law firm of Armstrong Teasdale LLP to assist the University with engineering and physical sciences patent applications and related intellectual property issues.

Armstrong Teasdale is based in St. Louis, Missouri, with offices in four other states. Its intellectual property practice group includes fifty attorneys. Erin Florek, a graduate of the University of Mississippi and a member of the firm's intellectual property practice group, will be the primary attorney performing work for the University. Because Ms. Florek is an associate with a relatively low hourly rate (\$175 per hour), the University believes transferring some of its patent prosecution work to Armstrong Teasdale will result in significant savings.

Hourly rates range from \$250-\$375 for principals, from \$175-\$205 for associates, and \$150 for paralegals. The term of the proposed contract is from July 1, 2011 to June 30, 2012, and total expenditures will not exceed \$100,000. The Attorney General has approved this request.

The Chancellor recommends that the Board grant approval to the University of Mississippi to execute an annual contract employing Armstrong Teasdale.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

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

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

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

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The firm's blended hourly rate under the contract for all attorneys within designated practice areas are as follows: intellectual property/patent work: \$225.00 per hour; commercial: \$215.00 per hour; and \$85.00 for all legal assistants. These rates are unchanged from last year and are competitive with or less than those charged by similarly qualified attorneys. The term of the proposed contract is from July 1, 2011 to June 30, 2012, and total expenditures will not exceed \$100,000. The Attorney General has approved this request.

The Chancellor recommends that the Board grant approval to the University of Mississippi to execute the contract extension employing Butler, Snow.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

**3. UM - APPROVAL TO RENEW CONTRACT WITH HERSHKOVITZ & ASSOCIATES LAW FIRM AS OUTSIDE COUNSEL**

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

Mr. Rzucidlo is one of a few patent lawyers in the world who is also a natural products chemist, and we have worked with Mr. Rzucidlo on our most challenging natural products patents for many years. Mr. Rzucidlo's hourly rate is \$595 per hour, which is the same as we paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is from July 1, 2011 to June 30, 2012, and total expenditures will not exceed \$150,000. The Attorney General has approved this request.

The Chancellor recommends that the Board grant approval to the University of Mississippi to execute a contract employing Mr. Rzucidlo and the Hershkovitz firm.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

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**4. UM - APPROVAL TO RENEW CONTRACT WITH STITES & HARBISON LAW FIRM AS OUTSIDE COUNSEL**

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

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

Mr. Myers’ hourly rate is \$310, with other professionals who may work on University matters billing between \$135 (paralegal) and \$320 per hour. These rates are less than the rates of similarly qualified patent attorneys. The term of the proposed contract is from July 1, 2011 to June 30, 2012, and total expenditures will not exceed \$250,000. The Attorney General has approved this request.

The Chancellor recommends that the Board grant approval to the University of Mississippi to execute an annual contract employing Stites & Harbison.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

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**APPROVAL OF PERSONNEL ACTION REQUESTS**

**1. Employment**

**ASU**

Betty J. Roberts, Vice President for Administrative Affairs; salary \$150,000 per annum, pro rata; E&G Funds; effective July 11, 2011

**JSU**

James C. Renick, Chief Administrative Advisor to the President for Special Initiatives; salary of \$100,000 per annum, pro rata; E&G Funds; effective July 1, 2011

**MVSU**

James Washburn, Vice President for Business and Finance/Chief Financial Officer, salary of \$120,000 per annum, pro rata; E & G Funds; effective July 1, 2011

Angela Getter, Vice President for University Advancement, salary of \$100,000 per annum, pro rata; E & G Funds; effective July 1, 2011

**MSU (*hired with tenure*)**

Jason M. Keith, Professor and Director, Swalm School of Chemical Engineering, hired with tenure, salary of \$175,000 per annum, pro rata; E&G Funds; effective August 1, 2011

Christopher A. Snyder, Professor, History, hired with tenure, and Dean, Judy and Bobby Shackouls Honors College; salary of \$140,000 per annum, pro rata; E&G Funds; effective August 1, 2011

Thomas W. Miller, Jr., Professor, Finance and Economics, hired with tenure; salary of \$165,000 per annum, pro rata; E&G Funds; effective August 16, 2011

**MVSU (*hired with tenure*)**

Anthony Johnson, Dean of the College of Professional Studies and Education, hired with tenure, salary of \$95,000 per annum, pro rata; E & G Funds; effective July 1, 2011



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

**ASU**

Malvin A. Williams, Sr., *former position:* Interim President; *re-employment position:* Interim Intercollegiate Athletics Director; *re-employment period:* May 11, 2011 through June 30, 2011; prorated salary of \$50,000

**MSU**

Robert Brook, *former position:* Head, Computer Applications; *re-employment position:* Director; *re-employment period:* May 04, 2011 through June 30, 2011; *salary of* \$55,000

Brenda Cherry, *former position:* Purchasing Supervisor; *re-employment position:* Business Coordinator; *re-employment period:* May 04, 2011 through June 30, 2011; *salary of* \$21,399

George Reed, *former position:* Associate Athletic Director; *re-engaged position:* Associate Athletic Director; *re-engagement period:* July 01, 2010 through June 30, 2011; *salary of* \$46,512

**Rehired Retirees making more than \$20,000 who are NOT on contracts during Fiscal Year 2012**

**IHL Executive Office**

Ray Bailey, *former position:* Superintendent Building and Grounds; *re-employed position:* Superintendent Building and Grounds; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$30,775

Zeleder Barnes, *former position:* Teacher Harrison County Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Lewis W. Carlisle, *former position:* Director of Technology Rankin County Schools; *re-employed position:* Project Manager/System Analyst (MS Office of State Financial Aid); *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$24,960

William Chambers, *former position:* Principal Leake County Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

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Brenda Chaney, *former position:* Counselor Newton County Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Benjamin Esquibel, *former position:* Principal Pascagoula Public Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Christine Guillotte, *former position:* Director Purchasing and Property; *re-employed position:* Director Purchasing and Property; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$22,575

Michael D. Haynie, *former position:* Headmaster Oxford University School; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Shirley King, *former position:* Literacy Coach Jackson Public Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Rebecca Marble, *former position:* Principal Leake County Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Shirley Nichols, *former position:* Assistant Superintendent Leake County School District; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Rita Noullet, *former position:* Teacher Harrison County School District; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Peggy Orey, *former position:* Literacy Director Jackson Public Schools; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

Ethel Woodley, *former position:* Teacher North Bolivar School District; *re-employed position:* GEAR UP MS College Coach; *re-employment period:* July 1, 2011 through June 30, 2012; salary of \$31, 200 (*externally funded grant position*)

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**Rehired Retiree making more than \$20,000 who is ON contracts during Fiscal Year 2012**

**MUW**

Bob Fuller, *former position* – Principal of Armstrong Middle School in Starkville, MS; *re-employment position* – Assistant Professor of Education; *re-employment period* – FY 12; salary of \$25,000

**2. Change of Status**

**JSU**

Marcus Chanay, *from* Associate Vice President for Student Life; salary of \$100,000 per annum, pro rata; E&G Funds; *to* Vice President for Student Life; salary of \$120,000 per annum, pro rata; E&G Funds; effective July 1, 2011

**MVSU**

Jerald Adley, *from* Chief of Staff; salary of \$110,000 per annum, pro rata; *to* Vice President of Student Affairs, Enrollment Management, and Diversity, salary of \$120,000 per annum, pro rata; E&G Funds; effective July 1, 2011

Curressia Brown, *from* Interim Dean of the College of Professional Studies and Education; salary of \$75,000 per annum, pro rata; E&G Funds; *to* Dean of the Graduate College, salary of \$90,000 per annum, pro rata; E&G Funds; effective July 1, 2011

Rickey Hill, *from* Dean of the Graduate College; salary of \$97,855 per annum, pro rata; E&G Funds; *to* Professor of Political Science, Department of Social Science; salary of \$78,284 per annum, pro rata; E&G Funds; effective August 15, 2011

Hareshnarayan Khanna, *from* Part-time Vice President for Business and Finance/Chief Financial Officer; salary of \$29,814 per annum, pro rata; E&G Funds; *to* effective July 1, 2011 through July 15, 2011, Part-time Business and Finance Special Projects Officer; salary of \$14,907, per annum, pro rata; E&G Funds (*Dr. Khanna will be assisting the new CFO, Mr. Washburn, during a two-week transitional period. Dr. Khanna will terminate effective July 15, 2011-see terminations.*)

Tazinski Lee, *from* Interim Dean of the College of Arts and Sciences to Dean, salary of \$90,000 per annum, pro rata; E&G Funds; *to* Dean of the College of Arts and Sciences, salary of \$95,626 per annum, pro rata; E&G Funds; effective July 1, 2011

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Johnny Jones, *from* Vice President of Student Affairs, salary of \$120,000 per annum, pro rata; E&G Funds; *to* faculty in the Health Physical Education and Recreation, salary of \$46,500 per annum, pro rata; E&G Funds; effective August 15, 2011

**USM**

Steven Moser; *from* Senior Associate Dean, College of Arts and Letters and Professor, School of Music, salary of \$106,585 per annum, pro rata; E&G Funds; *to* Interim Dean, College of Arts and Letters and Professor, School of Music, salary of \$137,500 per annum, pro rata; E&G Funds; effective July 1, 2011

**3. Emeritus Status**

**ASU**

Alcorn State University requests that Dr. Thomas D. Bolden be granted the status of Professor Emeritus. The request is made in recognition of Dr. Bolden's years of outstanding contributions to the University in teaching, research and service. He retired as Professor of Chemistry and Physics in June 2009.

- 4. Sabbatical** (DSU requested a correction related to the below referenced item. The item was initially submitted as professional leave *without pay*, when it should be *with pay* for the period noted.)

**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 with pay; effective August 1, 2011 through December 31, 2011; professional development

**5. Termination**

**MVSU**

Hareshnarayan Khanna, Part-time Business and Finance Special Projects Officer; effective July 15, 2011

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

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

Vice President of the Board of Trustees – Ed Blakeslee

Executive Director of the Mississippi Development Authority – Mr. Leland Speed or his Designee

President of the Mississippi Resource Development Corporation – Dr. Jim Borsig

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

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

Dr. David R. Shaw

Vice President for Research & Economic Development

Mississippi State University

Dr. Felix Okojie

Vice President for Research and Federal Relations

Jackson State University

Dr. Alice M. Clark

Vice Chancellor for Research and Sponsored Programs

University of Mississippi

Dr. Denis Wiesenburg

Vice President for Research

University of Southern Mississippi

Appointments are effective July 1, 2011 through June 30, 2012.

# REGULAR AGENDAS

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**1. ASU – REQUEST FOR WAIVER**

**Agenda Item Request:** Alcorn State University requests a waiver of the annual audit requirement applicable to three IHL approved affiliation entities for the fiscal year ending June 30, 2011. The affiliated entities are **ASU National Alumni Association Foundation, Inc., ASU National Alumni Association, and ASU "A" Club.**

**Justification:** Board Policy 301.0806, University Foundation/Affiliated Entity Agreements, requires annual audits for affiliated entities. At the request of the Entity, the IEO of the university, with approval of the IHL Board may grant to waive the requirements of the audit by a CPA firm on showing of adequate grounds. Such request for a waiver must also be accompanied by the most recent audited financial statement. The three ASU affiliated entities request waivers based on cost of audits placing a financial burden on the organizations and the fact that the entities do not believe their fiscal year statements will be materially different than the prior year. Although some financial information was received, no audited financial statements have been received from the three entities for either FY 2009 or FY 2010.

**Staff Recommendation:** Board policy allows that waivers may be conditioned upon such other reviews of the financial records of the Entity in lieu of an audit as the university and the IHL may deem feasible. Board staff recommends that based on this section of Board policy, the Board should waive the audit requirements in lieu of Reviews to be performed by the system internal auditor in compliance with AICPA standards for FY 2011.

**2. JSU – REQUEST FOR APPROVAL OF FOOD SERVICE AGREEMENT**

**Agenda Item Request:** Jackson State University (JSU) requests approval to enter into a professional services agreement with **Aramark Educational Services, LLC (Aramark)** to provide dining and catering management services for its food service operations.

**Contractor's Legal Name:** **Aramark Educational Services, LLC.**

**History of Contract:** This is a new contract. JSU currently self-operates its food service operations.

**Specific type of contract:** Food Services Outsourcing agreement

**Purpose:** The purpose of this agreement is to provide dining and catering management services for JSU's students, faculty, staff and guests. The ten year contract is through June 30, 2021.

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**Scope of Work:** The agreement requires Aramark to:

- Provide comprehensive management of JSU’s dining and catering operations including student meal plans, residential and retail dining, convenience store, franchise outlets, and kiosks
- Provide and operate a dedicated information technology system for the food service operation
- Provide routine cleaning and housekeeping in the food preparation and service areas
- Provide 12-month guaranteed employment for all current JSU Dining Services staff. Each transitioned employee will be given a 5 percent minimum wage increase effective July 1, 2011. Aramark shall retain the right to terminate any of these transitioned employees at any time for performance or other reasons for cause.
- Establish a merit increase pool equivalent to 3.5 percent of the transitioned employee pool of total wages and salaries. The merit increases will be awarded at Aramark’s discretion based upon performance evaluations of such employees after December 31, 2011.
- Credit years of seniority for all transitioned employees for vacation accrual provided by Aramark, and such employees will be eligible for participation in Aramark’s 401(k) retirement program 30 days after transition
- Credit the transitioned employees with all unused vacation time, sick leave, and personal time off accrued during the period employed by JSU
- Pay 100% of the employee-only portion of major medical premiums insurance (excluding dental and vision) for the transitioned employees in accordance with their current eligibility practice and at levels comparable or superior to the health coverage offered to such employees while employed by JSU
- Make a \$3.11 million financial investment in facility renovations to JSU’s dining facilities and for the purchase and installation of dining services equipment. The financial investment will be committed as follows.

| <b>Operating Period</b> | <b>Amount</b>      | <b>Proposed Use(s)</b>              |
|-------------------------|--------------------|-------------------------------------|
| Summer 2011             | \$ 300,000         | Chick-Fil-A Express (franchise)     |
|                         | 50,000             | 34 Payton Place                     |
|                         | 50,000             | Bistro 1877                         |
|                         | 50,000             | Magnolia Kitchen                    |
|                         | 150,000            | Pizza Hut Express/Wings (franchise) |
|                         | 60,000             | P.O. D. Express (franchise)         |
|                         | 50,000             | Java City and Smoothie (franchise)  |
|                         | 200,000            | Fresh Food Company (franchise)      |
|                         |                    |                                     |
| Summer 2011 & Fall 2011 | 400,000            | Burger King (franchise)             |
|                         |                    |                                     |
| Fall 2011 & Spring 2012 | 1,800,000          | Fresh Food Company (residential)    |
|                         |                    |                                     |
| <b>Total</b>            | <b>\$3,110,000</b> |                                     |



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- Provide JSU an annual sales commission calculated on a “Cash Net Receipts” basis. The amount of sales commission can vary depending upon the level of net cash receipts JSU’s dining service generates each year. The guaranteed sales commissions, which are predicated on JSU meeting its minimum guaranteed meal plan sales, are listed below.

| <b>Operating Year</b> | <b>Guaranteed Annual Commission</b> | <b>Guaranteed Annual Rental Commission<sup>1</sup></b> | <b>Minimum Meal Plans Sold</b> |
|-----------------------|-------------------------------------|--|--------------------------------|
| 2011-2012             | \$ 166,689                          | \$ 1,200,000   | 2,450                          |
| 2012-2013             | 211,549                             | 1,200,000  | 2,450                          |
| 2013-2014             | 429,727                             | 1,200,000  | 2,850                          |
| 2014-2015             | 478,075                             | 1,200,000  | 2,850                          |
| 2015-2016             | 529,149                             | 1,200,000  | 2,850                          |
| 2016-2017             | 578,284                             | 1,200,000  | 2,850                          |
| 2017-2018             | 629,778                             | 1,200,000  | 2,850                          |
| 2018-2019             | 683,754                             | 1,200,000  | 2,850                          |
| 2019-2020             | 740,343                             | 1,200,000  | 2,850                          |
| 2020-2021             | 799,682                             | 1,200,000  | 2,850                          |
| <b>Total</b>          | <b>\$5,247,030</b>                  | <b>\$ 12,000,000</b>                                   |                                |

<sup>1</sup> Aramark will pay JSU \$100,000 per month as a guaranteed rental commission. The guarantee is contingent upon JSU meeting its minimum number of meal plans sold.

JSU will receive commissions based on a guaranteed commission or receive commissions based on volume of sales, whichever is greater. The commission percentages based on volume of sales are shown below.

| <b>Cash Net Receipts (CNR)</b> | <b>Commission</b> |
|--------------------------------|-------------------|
| \$0-\$7,500,000                | -- <sup>1</sup>   |
| \$7,500,001-\$8,500,000        | 10%               |
| \$8,500,001-above              | 15%               |

<sup>1</sup> JSU will receive only the guaranteed portions of the sales commission (see \$5.2 million on the first chart on this page) for the first \$7.5 million of annual Cash Net Receipts.

Based on the predicted sales of at least the minimum meal plans, JSU anticipates a total of \$17.25 million in sales commission revenues to be earned during the ten years.

- ARAMARK will make a \$150,000 annual payment to JSU in each operating year in which comprehensive Cash Net Receipts (CNR) exceeds \$10 million. The cash grant will be unrestricted in nature and may be used by JSU to further their general educational mission.
- ARAMARK will provide JSU with additional financial incentives throughout the term of the agreement. These incentives include catering credits, scholarships, maintenance and repairs funds, marketing support, and other miscellaneous incentives. A summary of the incentives is provided below.

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| <b>Financial Incentive</b>               | <b>Annual Amount</b> | <b>Cumulative Amount<br/>(10-Year Period)</b> |
|--|----------------------|---|
| Presidential Catering Fund               | \$ 50,000            | \$ 500,000                                    |
| Dining Sponsorship Credits               | 10,000               | 100,000                                       |
| Student Scholarship                      | 5,000                | 50,000  |
| Maintenance and Repair Fund <sup>1</sup> | 30,000               | 377,337                                       |
| Small Expendable Equipment Fund          | 10,000               | 100,000                                       |
| Marketing Support Fund                   | 8,000                | 80,000  |
| Utilities Fund <sup>1</sup>              | 150,000              | 1,886,683                                     |
| Point-of-Sale Fee Fund <sup>1</sup>      | 24,000               | 301,869                                       |
| Brand Refresh Fund                       | Paid segmental basis | 225,000                                       |
| Year 1 Technology Infusion               | Paid only in year 1  | 5,000   |
| <b>Total</b>                             |                      | <b>\$3,625,889</b>                            |

<sup>1</sup> The annual contribution to this fund increases 5% each year above the previous year's level.

The agreement requires JSU to:

- Request a 4 percent increase in meal plans effective for fall 2012 academic term, and request a 6 percent increase in meal plans beginning with the fall 2013 academic term, both of which are contingent upon Board approval.
- Require all undergraduate students living in resident housing to purchase a 7-day or 5-day 'All Access' meal plan. JSU began this practice effective fall 2001.
- Guarantee 2,450 meal plans will be sold for the fiscal years 2012 and 2013 operating years. The agreement calls for a minimum of 2,850 plans per year for the remaining eight years of the agreement. If the minimum targeted Meal Plans Sold is not met, JSU will pay Aramark an amount equivalent to 40 percent of the average meal plan rate in effect, multiplied by the number of under-targeted plans sold.
- Furnish building maintenance services for the food service facilities. This includes routine trash and garbage removal and extermination services.
- Furnish an initial inventory of Servicewares and Small Expendable Equipment.

**Term of contract:** The contract length is ten (10) years – July 1, 2011 through June 30, 2021.

**Termination Options:** Either party may terminate the agreement with or without cause upon ninety (90) days written notice. If early termination by JSU, the institution will be responsible to reimburse Aramark within 45 days the unamortized portion of their cash investment plus interest. A straight-line amortization of the financial investment will be recognized over the ten (10) year period.

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**Contract Amount:** This revenue contract is projected to generate \$23,982,919 over the ten-year life of the contract. The revenue elements are \$3,110,000 from *facility investments*, \$5,247,030 from *sales commissions*, \$12 million *rental income*, and \$3,625,889 in *other incentives*. Other incentives include: Dining Sponsorship Catering \$100,000, Scholarships \$50,000, Maintenance Fund \$377,337, Utilities Funds, \$1,886,683, Presidential Catering \$500,000, Small Expendable Equipment Replacement \$100,000, Marketing Support Fund \$80,000 Point of Sale and Maintenance Fund \$306,869 (which includes a \$5,000 one-time technology investment in the first year, and \$225,000 *Brand Refresh Fund*).

**Funding Source for Contract:** This is a revenue contract.

**Contractor Selection Process:** An Invitation to Negotiate (ITN) for Campus Dining/Catering Management Services was issued and published in the *Clarion-Ledger*/Public Notice for two consecutive weeks beginning February 7, 2011. On February 14th, contractors from six firms attended a pre-bid question and answer session addressing faculty, staff and students' questions and concerns.

Following the question and answer session, four proposals were received. The selection committee evaluated the proposals based on established priorities. The priorities incorporated as part of the ITN were:

1. Food Quality,
2. Innovative Facilities,
3. Financial Package - Capital Investments and Commissions to the University, and
4. Employee Retention and Benefits.

Each priority was assigned an equal weight factor of 0.25x.

Based on preliminary evaluations, the list was narrowed to Aramark and Sodexo. On March 23, 2011, the committee visited dining operations at the University of Southern Mississippi to evaluate Aramark's dining operation and visited Tulane, Xavier University and Loyola University in New Orleans to evaluate Sodexo's campus dining operations. The committee was impressed with Aramark's dining experience and their friendly and attractive facilities and most importantly, the transparency of the Aramark operation on the campus. The committee was not as impressed with the Sodexo dining operations on any campus.

The committee interviewed the proposed management teams from each company and discussed the site visit experiences. Members were asked to evaluate the visits based on food quality (Priority number 1) and submit final composite scores, which supported Aramark operations. The University began final negotiations and requested 'best and final' offers from each of the Contractors.

The final financial offers made by the two firms were as follows:

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- Aramark - \$23,982,919 in proposed revenues to JSU, and
- Sodexo - \$30,711,644 in proposed revenues to JSU.

JSU's evaluation committee for the Campus Dining/Catering Management Services contract overwhelmingly recommended Aramark as the vendor of first choice. While Aramark's proposed financial package was not as lucrative as the competition's, the committee's qualitative evaluation considers Aramark as the 'best final' offer. The primary reasons cited for this selection included a better dining experience for the students, better benefits for transitioned employees, including a potential signing bonus, along with desired branded concepts for on-campus late-night eateries. These qualitative factors outweighed the proposed financial packages.

**Staff Recommendation: Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all food service contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.**

**3. MSU – REQUEST FOR APPROVAL OF AMENDMENT AND RELATED CONTRACT AND BOND RESOLUTION**

- a. **Agenda Item Request:** Mississippi State University (MSU) requests permission to amend an original agreement with **ARAMARK Educational Services, LLC** and to enter a related agreement with **Panda Express, Inc.** Together, these agreements will increase both meal service capacity and meal service diversity on MSU's campus in Starkville.

**Contractor's Legal Name:** **ARAMARK Educational Services, LLC and Panda Express, Inc.**

**History of Contract:** The Board approved the MSU/ARAMARK Food Services Management Agreement on March 14, 2007 for a ten-year period (July 1, 2007 to June 30, 2017). Under terms of the agreement, ARAMARK operates the Campus Food Service Program on MSU's campus in Starkville.

**Specific type of contract:** Amendment to an existing Food Services Management Agreement (Aramark) and New Agreement (Panda)

**Purpose:** Continued growth of the student population on MSU's campus in Starkville has made additional meal service capacity necessary. The purpose of these agreements is to secure additional investments to increase meal service capacity and meal service diversity in Perry Cafeteria and Colvard Student Union Food Court.

**Scope of Work:** ARAMARK will make a financial commitment of \$260,000 to be invested in food service facility construction or renovations and in the purchase and

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installation of food service equipment, area treatment, and signage and marketing materials and other project-specific costs associated with the Campus Food Service Program. This investment will increase the capacity of the Perry Cafeteria.

ARAMARK and Panda have agreed for Panda to use certain agreed upon space in the Student Union as part of ARAMARK's Food Services Management Agreement with MSU. As part of the agreement with ARAMARK, Panda will also make a financial commitment to MSU in the amount of \$550,000 for food service facility construction or renovations and in the purchase and installation of food service equipment, area treatment, and signage and marketing materials and other project-specific costs associated with the installation of a Panda Express retail concept in the Student Union. This investment will increase the capacity of the Colvard Student Union Food Court.

Contingent upon Panda's expenditure of its financial commitment, MSU will grant Panda the right of continued use and occupation of the agreed upon space in the Student Union until March 31, 2017.

**Term of contract:** The ARAMARK amendment and the Panda agreement will begin upon their signing after Board approval. The ARAMARK amendment will end concurrent with the existing Food Services Management Agreement on June 30, 2017. The Panda agreement will end on March 31, 2017.

**Termination Options:** Any party may terminate the agreements at any time. Should MSU terminate either agreement prior to the end of the agreement period, MSU will be required to reimburse the affected contractor for the unamortized balance of their investment plus interest.

**Contract Amount:** This revenue contract is projected to generate an additional \$980,523 over the remaining six years of the original life of the contract. The revenues elements are \$170,523 in additional sales commissions and \$810,000 in facilities and equipment investments. No other incentives are included within this contract amendment.

**Funding Source for Contract:** This is a revenue generating contract.

**Contractor Selection Process:** Not applicable as this is an amendment to a current Food Services Management Agreement with ARAMARK.

**Staff Recommendation:** Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all food service contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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- b. Agenda Item Request:** Mississippi State University requests approval of the bond counsel, lead underwriter, and the bond resolution authorizing the **Mississippi State University Educational Building Corporation (MSUEBC)** to issue bonds for a new residence hall.

**Contractor's Legal Name: Watkins Ludlam Winter & Stennis, P.A. – Bond Counsel; Morgan Keegan –Lead Underwriter**

**History of Project/Contract:** MSU and MSU's Education Building Corporation wish to issue bonds in one or more series for the purpose of constructing, furnishing, and equipping a new residence hall, demolishing existing facilities, and refinancing Revenue Bond Series 2001.

- The Board approved the initiation of this project (IHL 205-255) in November 2010 as a new residence hall with 388 beds and a total project budget of \$23.7 million.
- The Board approved the demolition of Building 144 (Arbor Acres #3) and Building 145 (Arbor Acres #4) as a part of the project (IHL 205-255) in March 2011.
- At the April 2011 meeting, the Board approved a change in scope for the residence hall from 388 beds to 776 with a total project budget of \$46.8 million.
- The university also proposes the refinancing of Revenue Bonds Series 2001 with an outstanding principal amount of \$8,940,000 to achieve net present value savings.

**Specific Type of Contract:** Bond Resolution

**Purpose:** Request approval of a bond resolution for the constructing, furnishing, and equipping of a new residence hall, demolishing existing facilities, and refinancing Revenue Bond Series 2001 up to a maximum of \$58 million.

**Scope of Work:** Morgan Keegan will serve as the lead underwriter and Watkins, Ludlum, Winter, & Stennis, P.A. will serve as bond counsel. First Southwest is the financial advisor.

**Term of Contract:** 30-year bonds

**Termination Options:** The bond issue documents contain redemption provisions which can be used in case of market changes.

**Contract Amount:** Up to a maximum of \$58 million in bonds

**Funding Source for Contract:** Education Building Corporation revenues

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**Contractor Selection Process:** State law does not require a competitive process for services. Due to familiarity with past debt structures, the university chose Watkins, Ludlum, Winter, & Stennis, P.A. as the bond counsel and Morgan Keegan as the lead underwriter.

**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 Attorney General's Office has approved the bond resolution. Board staff recommends approval of this item.

**4. MVSU – REQUEST FOR APPROVAL TO AMEND FOOD SERVICES AGREEMENT**

**Agenda Item Request:** Mississippi Valley State University (MVSU) requests approval to amend its professional services agreement with **Thompson Hospitality Services, LLC (THS)**.

**Contractor's Legal Name:** **Thompson Hospitality Services, LLC.**

**History of Contract:** MVSU is requesting approval of Amendment number three (3) to the existing food services agreement between MVSU and THS. The original agreement was approved by the Board in May 1999. The contract has been amended twice since inception – April 2003 and October 2008. Both amendments extended the contract dates of the agreement. The current agreement is scheduled to expire on June 30, 2015.

**Specific type of contract:** Food Services Outsourcing agreement

**Purpose:** The purpose of this amendment is to amend the terms of the current contract to include a planned financial investment by the vendor, the establishment of a fund for repairs and maintenance, additional catering allowances by the vendor, and a new pricing schedule. MVSU is proposing to extend the current agreement an additional six years through June 30, 2021.

**Scope of Work:** The amended agreement requires THS to:

- Provide a \$2.1 million financial investment for renovations to MVSU's dining facilities. The financial investment includes:
  - \$460,000 for roof replacement,
  - \$735,000 for mechanical upgrades,
  - \$550,000 for food service equipment replacements/upgrades,
  - \$202,000 for renovations to facility door and window treatments, and
  - \$153,000 for miscellaneous related repairs and renovations.

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- Provide an annual repairs and maintenance fund for the dining facility. The first year contribution from THS will be \$75,000. Subsequent contributions will be mutually agreed upon but in no case will it be less than \$75,000 annually.
- Provide increased annual catering allowances to the university. Currently, MVSU receives approximately \$55,000 annually in catering allowances or credits. Upon execution, the amendment will raise the annual allowance to \$70,000.
- Provide \$25,000 annually for scholarship purposes
- Provide two meal plan options for students. One plan offers the option of obtaining flex dollars as part of the plan.
- Increase hours of operation to allow students more flexibility in selection of meal times
- Establish a Food Service Committee to include student representation to monitor overall quality of food service experience

The amended agreement requires MVSU to:

- Guarantee 800 meal plans will be sold each semester. The institution will pay THS \$8.85 per day for each of these guaranteed plans sold. The daily payments to THS for meal plans will decrease substantially for all plans sold above the 800 minimum. The tiered payment schedule is summarized below.

| Total Meal Plans Sold                | 19 Meal Plan | 14 Meal Plan Plus \$50 Flex |
|--------------------------------------|--------------|-----------------------------|
| 1,151-1,200                          | \$5.25       | \$5.25                      |
| 1,101-1,150                          | \$4.75       | \$4.75                      |
| 1,051-1,100                          | \$4.25       | \$4.25                      |
| 1,001-1,050                          | \$3.55       | \$3.55                      |
| 801-1,000                            | \$3.35       | \$3.35                      |
| 800*                                 | \$8.85       | \$8.85                      |
| <b>*Guaranteed by the university</b> |              |                             |

**Term of contract:** Amendment number three (3) extends the current contract an additional six (6) years. The additional six years brings the total remaining contract length to a ten-year period – July 1, 2011 through June 30, 2021.

**Termination Options:** Either party may terminate the agreement with or without cause upon ninety (90) days written notice. If early termination by MVSU, the institution will be responsible to reimburse THS the unamortized portion of their cash investment plus interest payable within ninety (90) days. The straight-line amortization of the \$2.1 million investment would be recognized over a ten (10) year period.

**Contract Amount:** Although this is a fixed cost contract for food purchases, MVSU expects to also generate revenues to include \$3,480,000 (inflation adjusted) over the 10 year life. The vendor agreed to make initial investment of \$2,100,000, during FY 2012, in facilities and equipment. Additional annual incentives include: (1) \$70,000 catering allowance for Special Events, (2) \$75,000 for repair and maintenance fund, and (3) \$25,000 for student scholarships. These amounts will be adjusted for inflation. Total food service revenues



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generated in excess of cost of meals paid to the vendor are expected to be just under \$3.8 million over the life of the contract. Additionally, the unamortized balance from prior facilities investments of \$230,000 has been waived by Thompson.

**Funding Source for Contract** The contract will be funded using revenues from student meal plans and daily commuters such as students, faculty, staff, and visitors. The Board approved a 14.4% rate increase for the institution's FY 2012 meal plans (equating to \$1,400 per semester, per student). Financial analysis indicates that these approved meal plan rates will be sufficient to fund the daily rates for ARAMARK services.

**Contractor Selection Process:** Not-applicable - This is an amendment to an existing contract.

**Staff Recommendation:** Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all food service contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. The Attorney General's Office has reviewed and approved this contract. Board staff recommends approval of this item.

**5. UM – REQUEST FOR APPROVAL OF BOND RESOLUTION**

**Agenda Item Request:** The University of Mississippi requests approval of a resolution authorizing the **University of Mississippi Educational Building Corporation (UMEBC)** to issue up to a maximum aggregate principal amount of \$38 million of fixed rate bonds to partially finance construction of a new residence hall.

**History of Project/Contract:** UM and UMEBC request approval to issue bonds in one or more series for the purpose of constructing a new residence hall.

- The Board approved the initiation of the project (IHL 207-345) in November 2010 at an estimated total cost of \$32 million.
- At its April 2011 meeting, the Board approved an escalation of the total project budget to \$39,314,500 and naming the professional team of Butler, Snow, O'Mara, & Cannada, PLLC as bond counsel, Morgan Keegan as the lead underwriter, and Stephens and Edward Jones as underwriting co-manager.
- Of the \$39,314,500 total project cost, \$38 million will be funded via the bond issue with the remaining \$1,314,500 being funded with "self-generated" funds including student housing R&R reserves and contributions from the university food service partner.

**Specific Type of Contract:** Bond resolution for the construction of a new residence hall up to a maximum of \$38 million

**Purpose:** Request approval of a bond resolution for the construction of a new residence hall up to a maximum of \$38 million

**Scope of Work:** Butler, Snow, O'Mara, & Cannada, PLLC will serve as bond counsel, Morgan Keegan will serve as the lead underwriter, and Stephens and Edward Jones will serve

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as underwriting co-managers. First Southwest serves as financial advisor. The professional staff was approved at the April 2011 Board meeting.

**Term of Contract:** 30-year bonds

**Termination Options:** The bond documents contain redemption provisions which can be used in case of market changes.

**Contract Amount:** Up to a maximum of \$38 million in bonds

**Funding Source for Contract:** Education Building Corporation revenues

**Contractor Selection Process:** State law does not require a competitive process for services. Due to familiarity with past debt structures, the university chose Butler, Snow, O'Mara, & Cannada, PLLC as bond counsel and Stephens and Edward Jones as co-underwriters. First Southwest serves as UM's financial advisor.

**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. 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. The Attorney General's Office has approved the bond resolution. Board staff recommends approval of this item.

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**6. UM – REQUEST FOR APPROVAL TO ESCALATE EDUCATION AND GENERAL BUDGETS**

- a. The University of Mississippi requests approval to escalate its On-Campus Education and General budget and seeks spending authority approval for the budget shown below. The escalation is requested to increase scholarship costs due to greater than anticipated enrollment. The On Campus budget was originally escalated by the Board at the March 2011 meeting.

| Category  | Revised FY 2011 Budget <sup>1</sup> | Revision/<br>Escalation | New Revised FY 2011 Budget |
|---|-------------------------------------|-------------------------|----------------------------|
| Salaries  | \$ 86,835,612                       | \$ -                    | \$ 86,835,612              |
| Wages   | 22,223,805                          | -                       | 22,223,805                 |
| Fringe Benefits                                     | 40,407,253                          | -                       | 40,407,253                 |
| <b>Total Salaries, Wages, &amp; Fringe Benefits</b> | <b>149,466,670</b>                  | <b>-</b>                | <b>149,466,670</b>         |
| Travel and Subsistence                              | 1,636,689                           | -                       | 1,636,689                  |
| Contractual Services                                | 39,885,582                          | <b>3,502,910</b>        | 43,388,492                 |
| Commodities   | 5,575,581                           | -                       | 5,575,581                  |
| Capital Outlay:                                     |                                     |                         | -                          |
| Non Equipment                                       | 4,045,477                           | -                       | 4,045,477                  |
| Equipment   | 2,870,310                           | -                       | 2,870,310                  |
| <b>Total Capital Outlay</b>                         | <b>6,915,787</b>                    | <b>-</b>                | <b>6,915,787</b>           |
| Transfers   |                                     |                         | -                          |
| Mandatory Transfers                                 | 1,111,067                           | -                       | 1,111,067                  |
| Non-Mandatory Transfers                             | 5,595,309                           | -                       | 5,595,309                  |
| <b>Total Transfers</b>                              | <b>6,706,376</b>                    | <b>-</b>                | <b>6,706,376</b>           |
| <b>Total Off Campus Budget</b>                      | <b>\$ 210,186,685</b>               | <b>\$ 3,502,910</b>     | <b>\$ 213,689,595</b>      |

<sup>1</sup> As approved by the Board at the March 2011 meeting.

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- b. The University of Mississippi requests approval to escalate its Off-Campus Education and General budget and seeks spending authority approval for the budget shown below. The escalation is requested to increase operating and personnel costs due to greater than anticipated enrollment. The Off Campus budget was originally escalated by the Board at the March 2011 meeting.

| Category  | Revised FY 2011 Budget <sup>1</sup> | Revision/<br>Escalation | New Revised FY 2011 Budget |
|---|-------------------------------------|-------------------------|----------------------------|
| Salaries  | \$ 5,101,159                        | \$ 292,308              | \$ 5,393,467               |
| Wages   | 784,050                             | -                       | 784,050                    |
| Fringe Benefits                                     | 1,763,952                           | 87,692                  | 1,851,644                  |
| <b>Total Salaries, Wages, &amp; Fringe Benefits</b> | <b>7,649,161</b>                    | <b>380,000</b>          | <b>8,029,161</b>           |
| Travel and Subsistence                              | 102,779                             | -                       | 102,779                    |
| Contractual Services                                | 1,463,458                           | <b>100,000</b>          | 1,563,458                  |
| Commodities   | 239,604                             | -                       | 239,604                    |
| Capital Outlay:                                     |                                     |                         | -                          |
| Non Equipment                                       | -                                   | -                       | -                          |
| Equipment   | 158,582                             | -                       | 158,582                    |
| <b>Total Capital Outlay</b>                         | <b>158,582</b>                      | <b>-</b>                | <b>158,582</b>             |
| Transfers   |                                     |                         | -                          |
| Mandatory Transfers                                 | 103,484                             | -                       | 103,484                    |
| Non-Mandatory Transfers                             | 131,094                             | -                       | 131,094                    |
| <b>Total Transfers</b>                              | <b>234,578</b>                      | <b>-</b>                | <b>234,578</b>             |
| <b>Total Off Campus Budget</b>                      | <b>\$ 9,848,162</b>                 | <b>\$480,000</b>        | <b>\$ 10,328,162</b>       |

<sup>1</sup>As approved by the Board at the March 2011 Board meeting.

**Funding Source for Budget Escalation:** The budget increase will be funded through tuition revenue.

**Staff Recommendation:** Based on Board Policy 701.06, Budget Escalations and Revisions, all escalations of the several institutions and separately budgeted units must be submitted through the Commissioner to the Board of Trustees for approval prior to implementation. Board staff recommends approval of items 6.a. and 6.b.

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**7. UM – REQUEST FOR APPROVAL OF AMENDMENTS TO PROFESSIONAL SERVICES AGREEMENTS**

- a. Agenda Item Request:** The University of Mississippi (UM) requests approval to amend its professional services agreement with **Aramark Educational Services, LLC. (Aramark).**

**Contractor’s Legal Name: Aramark Educational Services, LLC.**

**History of Contract:** This is Amendment number five (5) to the existing food service agreement between UM and Aramark. The original agreement was approved by the Board in July 2007. Prior amendments changed the scope of contract by providing \$2.05 million of additional financial investment for UM’s dining operations in return for exclusive rights to provide catering services for The Inn at Ole Miss facilities. The current agreement is scheduled to expire on June 30, 2012.

**Specific type of contract:** Food Services Outsourcing agreement

**Purpose:** Due to growth in UM’s student population, immediate expansion and enhancement of the dining facilities is necessary. During fiscal year 2011, UM experienced a 20 percent growth in their freshman class and an increase in the overall student body in excess of 7 percent. This has resulted in difficulty being able to accommodate the dining needs of students during peak dining hours. This amendment provides financial investment by the vendor along with a new guaranteed sales commission structure. In exchange, UM will extend the current agreement an additional nine (9) years through June 30, 2021.

**Scope of Work:** The amended agreement requires Aramark to:

- Provide a \$1.485 million financial investment to renovate UM’s dining facilities. Proposed usages are construction of a Starbucks in the library (\$760,000) and a Subway in the Old Athletic facility (\$725,000).
- Provide \$5 million in financial guarantees that will primarily be used for renovation of the University Commons facility as well as an addition of a new restaurant-style dining concept. The commission’s structure follows.

| Operating Year | Enhanced Commissions |
|----------------|----------------------|
| FY 2012        | \$ 75,000            |
| FY 2013        | 75,000               |
| FY 2014        | 150,000              |
| FY 2015        | 200,000              |
| FY 2016        | 350,000              |
| FY 2017        | 550,000              |
| FY 2018        | 900,000              |
| FY 2019        | 900,000              |
| FY 2020        | 900,000              |
| FY 2021        | 900,000              |
| <b>Total</b>   | <b>\$ 5,000,000</b>  |

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Planned usages include a Freshii franchise housed within the University Commons, a P.O.D. Market franchise at Lamar Hall, and a Pizza Hut/Wing Street franchise at the newly planned residence hall. Additional investments include:

- Two (2) 'All Access' meal plan scholarships annually beginning with the 2011-12 operating year. In fiscal years 2017-2018, the number of meal plan scholarships will increase to four (4) annually.
- \$16,000 of in-kind catering services annually for the University Chancellor's fund beginning with the 2011-12 operating year. The annual catering in-kind service will increase to \$25,000 beginning with the 2017-18 operating year.
- An annual sales commissions calculated on a Cash Net Receipts (gross sales less sales taxes) basis. Sales commissions will depend on the amount of net cash receipts generated each year. Below is a sliding scale to be used to calculate commissions.

| Cash Net Receipts (CNR)  | Commission  |
|--|-------------|
| Baseline CNR* (\$10,000,000)   | \$1,000,000 |
| Increment from Baseline CNR to \$18,000,000  | 4%          |
| Increment from Baseline CNR in excess of \$18,000,000  | 7%          |
| <i>*Beginning with the 2013-14 operating year, the Baseline CNR shall be increased by a percentage equivalent to the percentage increase in the Board meal plan rates.</i> |             |

UM estimates it will realize approximately \$19.707 million in sales commission revenues over the ten year term of the contract.

The amended agreement requires UM to:

- Request annual increases in board plans. The UM meal plans rates for FY 2012 are based on the IHL Board approved amounts. The institution agrees to incorporate an increase in these meal plan rates beginning with the fall 2012 academic term. That increase will be determined at a later date and is contingent upon IHL Board approval.
- Guarantee 3,143 meal plans for the 2011-12 operating year. If the minimum number of meal plans are not sold, UM will pay Aramark an amount equivalent to 40% of the average meal plan rate in effect, multiplied by the number of under-targeted plans sold.

**Term of contract:** Amendment number five (5) will extend the current contract an additional nine (9) years. The amended contract length is ten (10) years – July 1, 2011 through June 30, 2021.

**Termination Options:** Either party may terminate the agreement with or without cause upon 90 days written notice. If early termination by UM, the institution will be responsible to reimburse Aramark the unamortized portion of their cash investment and interest within 45 days. The straight-line amortization of the financial investment would be recognized over a ten (10) year period.

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**Contract Amount:** The total value of this ten-year contract for the University of Mississippi is \$27,138,000. Estimated commissions are \$19,707,000. The contract will also include \$1,485,000 in capital investment dollars, \$5,000,000 in enhanced commission payments which will be use for renovations, \$750,000 in brand re-fresh dollars, and \$196,000 of in-kind catering services.

**Funding Source for Contract:** This is a revenue contract.

**Contractor Selection Process:** Not-applicable - This is an amendment to an existing contract.

**Staff Recommendation:** Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all food service contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. 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 (UM) requests approval to amend its professional services agreement with **Barnes and Noble College Booksellers, LLC.**

**Contractor's Legal Name:** Barnes and Noble College Booksellers, LLC. (B&N)

**History of Contract:** This contract is a renewal of an existing bookstore services agreement between UM and B&N. The original agreement was approved by the Board in August of 2006. The current agreement is scheduled to expire on December 14, 2011.

**Specific type of contract:** Bookstore Management Services Outsourcing agreement

**Purpose:** The purpose of this agreement is to operate and provide services for the bookstore at the University of Mississippi. B&N is currently the institution's exclusive buyer and seller of all required, recommended, or suggested course materials and supplies, including books, course packs, computer software, textbook rentals, and materials published or distributed electronically. This exclusive right includes all educational supplies, notebooks, stationery, desk and room accessories, etc.

The contract renewal will extend the current contract an additional ten (10) years, through December 14, 2021, with an option to renew for an additional five (5) years, subject to mutual agreement.

**Scope of Work:** The agreement requires B&N to:

- Provide a \$500,000 financial investment for renovation, fixtures, and equipment for the UM bookstore.
- Buy back books from students at fifty percent (50%) of the original purchase price for textbooks that have been adopted for an ensuing term until the Bookstore has

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filled its quota. B&N will also buy back textbooks that have not been adopted for an ensuing term at the current wholesale price.

- Sell new textbooks at no greater than (1) the publisher’s list price or (2) a 25% gross margin on net priced books. Used textbooks in good condition will be sold at 25% less than the new selling price. Course packs and textbooks purchased from publishers with restrictive or non-returnable text policies will be priced at up to a 30% gross margin. eTextbooks will be priced up to 60% off the new print book selling price.
- Provide UM an annual sales commission payment which will be calculated on a Gross Sales basis. The sales commission percentages will vary depending upon the level of gross sales generated each year.

The proposed commission rates are show below.

| Gross Sales  | Commission <sup>1</sup> |
|--|-------------------------|
| \$0 - \$5,000,000  | 10%                     |
| \$5,000,000 - \$8,000,000  | 12%                     |
| \$8,000,001-above  | 14%                     |
| <i><sup>1</sup> UM is guaranteed a minimum annual commission of \$500,000.</i> |                         |

UM estimates that they will realize approximately \$6.2 million in sales commission revenues over the ten years of the contract.

- B&N shall provide UM additional financial incentives to include a one-time signing bonus that will be used for future bookstore repairs and renovations and textbook scholarships. A summary of the incentives is provided below.

| Financial Incentive  | Annual Incentive | Cumulative Incentives |
|--|------------------|-----------------------|
| Signing Bonus <sup>1</sup>   | One-time payment | \$250,000             |
| Textbook Scholarships  | \$7,000          | 70,000                |
| <b>Total</b>   |                  | <b>\$320,000</b>      |
| <i><sup>1</sup> The signing bonus can be used at the discretion of UM. B&amp;N will depreciate the bonus over the ten-year term.</i> |                  |                       |

This agreement requires UM to:

- Provide associated utilities and garbage service, and
- Provide repairs and maintenance for the building and the physical structure in which the bookstore is located.

**Term of contract:** The contract renewal period is ten (10) years in length – December 15, 2011 through December 14, 2021. There is an option to renew for an additional five (5) years, subject to mutual agreement.

**Termination Options:** Either party may terminate the agreement with or without cause upon 120 days written notice. If early termination by UM, the institution will be responsible for reimbursement to B&N for the unamortized portion of their Financial



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Investment and Signing Bonus plus interest. A straight-line amortization for these investments will be recognized over the remaining years of the contract.

**Contract Amount:** The total value of this ten-year revenue contract is \$7,020,000. The University will receive commission revenue of \$620,000 in the first year along with a signing bonus of \$250,000 and renovation dollars of \$500,000 for a total first year of revenues of \$1,370,000. The other nine years the University will receive commissions from the contract which are estimated at approximately \$620,000 per year. In addition, the institution will receive \$70,000 from B&N for textbook scholarships over the ten years of the agreement.

**Funding Source for Contract:** The contract is a revenue contract.

**Contractor Selection Process:** This is a renewal contract with the existing Bookstore operator. Under the current contract, B&N received a Right of First Negotiation which allowed them 90 days to exclusively negotiate with the university. During this negotiation period, both parties were able to reach a mutually beneficial agreement to renew their association an additional 10 years.

**Staff Recommendation:** Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all bookstore contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

**8. USM – REQUEST FOR APPROVAL OF AMENDMENTS TO PROFESSIONAL SERVICES AGREEMENT**

**Agenda Item Request:** The University of Southern Mississippi (USM) requests approval to amend its professional services agreement with **Barnes and Noble College Booksellers, LLC (B&N)**.

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

**History of Contract:** The original agreement was approved by the IHL Board in May of 2004. This amendment represents the first amendment to this contract. The current agreement is scheduled to expire on June 30, 2014.

**Specific type of contract:** Bookstore Management Services Outsourcing agreement

**Purpose:** The purpose of this contract is to outsource the operation of the bookstore at the University of Southern Mississippi. The amendment is to change certain terms from the original contract to include an additional financial investment by the vendor, initiation of a textbook rental system, and additional financial incentives to the

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institution. In exchange, USM will extend the current agreement an additional five (5) years though June 30, 2019.

**Scope of Work:** The amended agreement requires B&N to:

- Provide \$600,000 for bookstore renovations. The proposed financial investment will be used as follows:

| Operating Period            | Amount of Segment | Proposed Uses                                |
|-----------------------------|-------------------|--|
| Fall 2011                   | \$ 50,000         | Temporary bookstore facility at Gulf Park    |
| No later than June 30, 2013 | 250,000           | Permanent bookstore facility at Gulf Park    |
| Fall 2011                   | 200,000           | Hattiesburg Campus facility - Computer Store |
| FY 2012                     | 100,000           | Technology at bookstore facilities           |
| <b>TOTAL</b>                | <b>\$ 600,000</b> |  |

- Provide a comprehensive Textbook Rental Program at each bookstore location upon signing of the contract extension. Rental textbooks will be rented at no higher than fifty percent (50%) of the current new textbook price.
- Operate a Computer Products 'store within a store' concept on the second floor of the Hattiesburg Bookstore at USM, beginning November 1, 2011.
- Buy back books from students at fifty percent (50%) of the original purchase price for textbooks that have been adopted for an ensuing term up to 75% of anticipated enrollment as defined by USM. B&N will also buy back textbooks that have not been adopted for an ensuing term at a minimum of the current wholesale price, established by national used book wholesalers and published in one of the national used book wholesale buying guides.
- Provide no change in the current annual sales commission payment structure that USM benefits from. Currently, sales commissions are calculated on a gross sales basis. The amount of sales commission varies depending upon the level of gross sales USM's bookstore generates each year. Below is a summary of the sales commission scale used to determine commission revenues:

| Gross Sales   | Commission <sup>1</sup> |
|---|-------------------------|
| \$0 - \$10,000,000  | 11%                     |
| \$10,000,001 - \$12,500,000                                   | 13%                     |
| Over \$12,500,001   | 14%                     |
| <sup>1</sup> USM's minimum guarantee is \$1,000,000 annually. |                         |

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USM estimates that they will realize approximately \$6.0 million in sales commission revenues over the extended five years of the amended contract.

- Provide USM with additional financial incentives throughout the remaining length of the agreement. These incentives include a utilities offset, bookstore scholarships, a student retention payment fund to offset a portion of the bookstore bad debts incurred by students, and other miscellaneous incentives. A summary of these benefits is provided below.

| Financial Incentives   | Current Amount | Amended Amount    | Cumulative Amended Additional Incentives |
|--|----------------|-------------------|--|
| Utilities Fund   | \$ 10,000      | \$ 20,000         | \$ 80,000                                |
| Alumni Affinity Program  | -              | 10,000            | 80,000                                   |
| Student Retention Payment <sup>1</sup>   | -              | 50,000            | 400,000                                  |
| Foundation Fund  | -              | 2,500             | 20,000                                   |
| Marketing Fund   | -              | 13,000            | 104,000                                  |
| Student Textbook Scholarship Program <sup>2</sup>  | -              | over time payment | 400,000                                  |
| Total  |                |                   | \$ 1,084,000                             |
| <sup>1</sup> The student retention Payment is intended to offset approximately 50% of annual bad debt incurred by USM as a result of the Student Charge Program. |                |                   |  |
| <sup>2</sup> These scholarships are valid only in the campus bookstore.  |                |                   |  |

**Term of contract:** Amendment number one will extend the current contract an additional five (5) years through June 30, 2019.

**Termination Options:** Either party may terminate the agreement with or without cause upon 120 days written notice. If early termination by USM, the institution will be responsible to reimburse B&N the unamortized portion of their Financial Investment and Signing Bonus (Student Textbook Scholarships). A straight-line amortization of these investments would be recognized over the remaining years of the contract.

**Contract Amount:** This is a revenue contract. This revenue contract is projected to generate \$7,759,000 over the revised length of the contract. The revenue elements include \$6 million in estimated *sales commissions*, \$500,000 in *facilities and equipment investments*, and \$1,259,000 in *other incentives*. Other incentives include: \$100,000 technology investment, \$400,000 Student Textbook Scholarships, \$400,000 of Student Retention Payments, \$130,000 in Utilities Payments, \$104,000 in Marketing and Promotions Payments, \$80,000 in Alumni Affinity Program Payments to be paid to the

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USM Alumni Association, \$20,000 in Foundation Fund Payments, and \$25,000 in Education Fund Payments.

**Funding Source for Contract:** This is a revenue contract to USM.

**Contractor Selection Process:** This is an amendment to an existing contract. An ITN (Intent to Negotiate) was issued by USM during FY 2003. Three vendor proposals were received in response. The top three proposals were Barnes and Noble, Follett Bookstores and Valadis/Greater Nebraska. The proposal submitted by Barnes and Noble was judged to be the best proposal by the evaluation committee.

**Staff Recommendation:** Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval prior to execution of all bookstore contracts projected to generate aggregate total revenues for a university of more than \$250,000 is required. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

**9. SYSTEM – REQUEST FOR APPROVAL TO RENEW AUTOMOBILE INSURANCE COVERAGE**

**Agenda Item Request:** The Mississippi Institutions of Higher Learning requests approval to renew its automobile insurance coverage with **Union Standard Insurance Company and American Empire Surplus Lines Insurance Company** for the system.

**Contractor's Legal Name:** **Union Standard Insurance Company and American Empire Surplus Lines Insurance Company**

**History of Contract:** The Board approved the original policies with the above named insurance companies in June 2009.

**Specific type of contract:** This is an insurance policy.

**Purpose:** The purpose of the contract is to insure the system automobile liability exposure in the most cost-effective method. The IHL Tort Plan funds all third party claims as outlined in the Mississippi Tort Claims Act (§11-46-1, et seq.) including automobile liability coverage. There is significant exposure to loss through usage of 1,713 university and Executive Office vehicles which includes fire trucks, ambulances, police cars, passenger vans, and buses. Even more significant is coverage for the use of personal and rental vehicles in the performance of official business by its employees and volunteers.

**Scope of Work:** The universities pay a premium in exchange for the insurance coverage provided by the policies.

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**Term of contract:** The insurance policy is for three years - July 1, 2011 to July 1, 2014.

**Termination Options:** Insurance policies have standard cancellation language allowing the policy to be cancelled at any time at the request of the insured or by the company by giving the insured a five days written notice of cancellation with or without tender of the excess of paid premium above the pro rata premium for the expired time, which excess, if not tendered, shall be refunded on demand.

**Contract Amount:** To limit its exposure, the IHL Tort Plan currently purchases liability insurance coverage of \$500,000 in-state and \$5,000,000 out-of-state through Union Standard Insurance Company and American Empire Surplus Lines Insurance Company.

The quoted rate of \$295.55 per vehicle has remained the same since July 1, 2009. Based on the current number of vehicles, the premium quoted by Union Standard for FY 2012 is \$505,391. The current premium is \$506,277. The current quoted rate per vehicle is subject to a three-year guarantee by Union Standard Insurance Company contingent on loss ratio. The premium quoted by American Empire Surplus Lines Insurance Company for FY 2012 is \$121,972.50, which is the same amount as the current premium.

**Funding Source for Contract:** The universities are billed directly for their share of the premium.

**Contractor Selection Process:** On March 7 and March 14, 2011, advertisements announcing the release of the Request for Quotes (RFQ) on IHL's website appeared in *The Clarion-Ledger*. On March 15, 2011, a letter was sent to 18 vendors advising that the RFQ was going to be available on IHL's website March 21, 2011. On March 21, 2011, the RFQ was posted to IHL's website. By April 4, 2011, IHL received notification from six (6) vendors of their intention to bid. On May 6, 2011, a proposal was received from an agent representing the two insurance companies named above. No other bids were received.

**Staff Recommendation:** IHL Executive Office recommends purchase of insurance policies through Union Standard Insurance Company and American Empire Surplus Lines Insurance Company.

**10. SYSTEM – REQUEST FOR APPROVAL OF FISCAL YEAR 2012 OPERATING BUDGETS**

Approval is requested for the fiscal year ending 2012 Operating Budgets of \$3.5 billion for the Institutions, their separately budgeted units, UMMC and the executive office.

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Included as supplemental information are the following:

Fiscal Year 2011-2012 *Ayers* Budgets

Fiscal Year 2011-2012 Athletic Budgets

Fiscal Year 2011-2012 E&G Scholarships, Fellowships & Tuition Waivers

**STAFF RECOMMENDATION: Based on Board Policy 701.05 - Budgets, 703.04 E. Policy Guidelines, and 704.02 – Athletic Budget Approval and Reporting, the Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit for approval by the Board annual budgets for the several institutions and separately budgeted units. Board staff recommends approval of the above-mentioned items.**

**11. SYSTEM – REQUEST FOR APPROVAL OF FY 2013 PROPOSED FUNDING PRIORITIES**

Proposed funding priorities are required for the FY 2013 Legislative Budget Request (LBR). The proposed funding priorities for FY 2013 will be submitted under separate cover.

**STAFF RECOMMENDATION: Based on Board Policy 701.02, Budget and Planning Priorities, the Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit an annual statement of system planning and budget priorities for consideration and approval by the Board. 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 §905(A), Real Estate Management**

*Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price. Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Request for approval of land contracts shall include property descriptions, terms of purchase, lease, or sale and intended use of the property. An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.*

**APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS**

**BUREAU OF BUILDING PROJECTS**

**1. UMMC – GS 109-210 – School of Medicine**

**Project Request:** The University of Mississippi Medical Center requests approval to initiate a project, School of Medicine, and to appoint Cooke Douglass Farr Lemons + Eley & Associates, A Joint Venture, as design professional.

**Proposed Design Professional: Cooke Douglass Farr Lemons + Eley & Associates-A Joint Venture**

**Purpose:** The University of Mississippi Medical Center plans to construct a new School of Medicine facility. Board approval is requested of the project initiation through construction documents. A short list of three architectural firms was considered and interviews conducted with Bureau of Building on May 20, 2011.



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Cooke Douglass Farr Lemons + Eley & Associates, A Joint Venture, was selected as the design professional of choice. UMMC requests Board approval for the professional selection.

The project will include planning and construction of a new 138,000 GSF classroom building to house the School of Medicine. The facility will include lecture halls, classrooms, clinical skills area, training center, teaching labs, offices and student support spaces. The proposed location is immediately north of and connected to, the existing Learning Resources Center. It is anticipated that the proposed project site will require substantial realignment of campus roadways, utilities, and infrastructure to accommodate the new building. The initial project budget is expected to be expanded in subsequent funding cycles to complete the project. The current estimate of total costs is \$65,000,000 for the School of Medicine. In order to maintain continued progress with current funds, phased construction may be a project consideration. Funds (\$4,500,000) are presently available from state bond funds and Bureau of Building sources to begin the design process and proceed through the construction document phase. Subsequent funding will come from future bond funds and/or UMMC sources. The University of Mississippi Medical Center is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

**Project Initiation Date:** June 16, 2011

**Date of Original Construction:** New Building

**Date of Last Renovation:** New Building

**Proposed Project Budget:**

|                                     |                        |
|-------------------------------------|------------------------|
|                                     | <i>Estimated</i>       |
| Construction Cost:                  | \$ 0.00                |
| Architectural and Engineering Fees: | 3,440,000.00           |
| Miscellaneous Project Costs:        | 1,060,000.00           |
| Contingency:                        | <u>0.00</u>            |
| <b>Total Project Budget</b>         | <b>\$ 4,500,000.00</b> |

**Proposed Funding Source(s):** SB 3100, Laws of 2011 (\$4,500,000)

**Staff Recommendation:** Board staff recommends approval of this item.

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**APPROVAL OF OTHER REAL ESTATE REQUESTS**

**2. JSU – Mississippi Department of Finance and Administration Land Conveyance  
As Stated in HB 1158, Laws of 2011**

**Project Request:** Jackson State University requests approval to take all necessary actions and execute all documents on advice of counsel to accomplish the transactions and conveyances contemplated to fulfill the provisions of House Bill 1158, Laws of 2011.

**Purpose:** The Mississippi Legislature passed HB 1158 in the 2011 Legislative Session which was signed by the Governor on March 16, 2011. HB 1158 deals with “real property located in Hinds County, Mississippi, generally known as the ‘Mississippi Veterans Memorial Stadium Property’, being any property under the jurisdiction of the Department of Finance and Administration as of July 1, 2008 , and any other state-owned property located in the area bounded on the north by Taylor Street, on the west by North West Street, on the south by Woodrow Wilson Avenue and on the east by North State Street used as part of or in connection with the Mississippi Veterans Memorial Stadium.”

Under the bill, the stadium property goes to Jackson State University (JSU) and the surrounding property goes to UMMC. The remainder of the Mississippi Veterans Memorial Stadium property shall be transferred from the Department of Finance and Administration to Jackson State University, until such time as Jackson State University relocates its home football games to another venue. At the time of relocation by Jackson State University of its home football games, the portion of Mississippi Veteran’s Memorial Stadium property conveyed to Jackson State University under HB 1158, Laws of 2011 shall be transferred to the University of Mississippi Medical Center. Jackson State University is working with the DFA to do all such actions necessary to deal with the current lease holders and to clear title to the property.

**Project Budget:** N/A

**Funding Source(s):** N/A

**Staff Recommendation:** Board staff recommends approval of this item.

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**3. UMMC – Mississippi Department of Finance and Administration Land Conveyance As Stated in HB 1158, Laws of 2011**

**Project Request:** The University of Mississippi Medical Center requests approval to take all necessary actions and execute all documents on advice of counsel to accomplish the transactions and conveyances contemplated to fulfill the provisions of House Bill 1158, Laws of 2011.

**Purpose:** The Mississippi Legislature passed HB 1158 in the 2011 Legislative Session which was signed by the Governor on March 16, 2011. HB 1158 deals with “real property located in Hinds County, Mississippi, generally known as the ‘Mississippi Veterans Memorial Stadium Property’, being any property under the jurisdiction of the Department of Finance and Administration as of July 1, 2008 , and any other state-owned property located in the area bounded on the north by Taylor Street, on the west by North West Street, on the south by Woodrow Wilson Avenue and on the east by North State Street used as part of or in connection with the Mississippi Veterans Memorial Stadium.”

Under the bill, the stadium property goes to Jackson State University (JSU) and the surrounding property goes to UMMC. The University of Mississippi Medical Center is working with the DFA to do all such actions necessary to deal with the current lease holders and to clear title to the property. UMMC will use the property for future campus expansion.

**Project Budget:** N/A

**Funding Source(s):** N/A

**Staff Recommendation:** Board staff recommends approval of this item.

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**1. JSU - APPROVAL OF PROPOSED AFFILIATION AGREEMENT BETWEEN JACKSON STATE UNIVERSITY AND THE MISSISSIPPI E-CENTER FOUNDATION**

JSU requests Board approval of the below proposed affiliation agreement between JSU and the Mississippi e-Center Foundation. The proposed affiliation agreement meets the requirements of Board policy 301.0806 University Foundation/Affiliated Entity Activities.

THIS AGREEMENT is entered into as of this first day of July, 2011, by and between the Jackson State University (the "University") and the Mississippi e-Center Foundation (e-Center). This Agreement must be approved by the Board of the Mississippi Institutions of Higher Learning (IHL), and must be reviewed for approval by IHL, at a minimum, once every 5 years, and prior to any substantive changes.

The provisions of this Agreement shall apply to any and all entities owned or controlled by the e-Center, with the exception of a special purpose entity created for the sole and specific purpose of utilization as a financing vehicle for the private financing of university auxiliary facilities by a private developer using the alternate dual-phase design-build privately financed construction method, as specially authorized by Miss. Code Ann. Section 37-101-41, et seq. (1972), as amended. If the use/purpose of any such special purpose entity ever changes, the special purpose entity would then be required to comply with any and all provisions of the Agreement between the University and e-Center which owns the special purpose entity.

**PREAMBLE**

The e-Center was organized and incorporated on December 8, 2000 for the purpose of providing physical and fiscal support from renters, corporations, foundations, and others for the benefit of Jackson State University.

The e-Center exists to manage the Mississippi e-Center (1230 Raymond Road, Jackson Mississippi 39204) and raise private resources to support the mission and priorities of Jackson State University (JSU), and provide a margin of institutional excellence unavailable with state funds to JSU faculty and students.

The e-Center is dedicated to assisting the University in the building of its endowment and in addressing, through financial support, the long-term academic and other priorities of the university.

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As stated in its articles of incorporation, the e-Center is a separately incorporated 501 (c) (3) organization and is responsible for identifying and nurturing relationships with tenants and potential donors and other friends of the University; soliciting cash, securities, real and intellectual property, and other private resources for the support of the University; and acknowledging and stewarding such resources and gifts in accordance with supporter's intent and its fiduciary responsibilities.

Furthermore, in connection with its asset-management activities, the e-Center employs or retains personnel experienced in managing the e-Center.

In consideration of the mutual commitments herein contained, and other good and valuable consideration, receipt of which is hereby acknowledged, the parties agree as follows:

**ARTICLE 1: Use of Name, Seal, and Logotype**

1.1 Name and Trademarks of the University. The University's name and registered marks and logos have great economic and public relations value to the University, its faculty, staff, alumni and students. To assist the e-Center in discharging its obligations under this Agreement and in soliciting, developing and generating private and corporate support for the University, the University grants the e-Center the following rights:

- (a) A non-exclusive, non-transferable license to use the name "Jackson State University" and "JSU" consistent with University policy. The e-Center shall not assign or delegate the authority to use University's name to any person or entity without the written approval of the President of the University or the JSU Office of Contractual Services, if delegated from the President; and
- (b) The designation of the e-Center as a University affiliated entity.
- (c) Such other rights, privileges or benefits as the University President, in his/her sole discretion, may determine will assist the e-Center in discharging its obligations under this Agreement.

1.2 Name and Trademarks of the e-Center. The e-Center will operate under its own seal and logotype and shall not use the University seal or other identifying marks in the promotion of its business and activities. The e-Center does not transfer ownership to its name and marks by virtue of this Agreement.

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**ARTICLE 2: Governance**

2.1 The Mississippi e-Center Foundation Governing Board (e-Center Board) is responsible for overseeing the mission, leadership, and operations of the e-Center.

2.2 The e-Center Board is responsible for setting priorities and long-term plans for the e-Center.

2.3 The e-Center Board is legally responsible for the performance and oversight of all aspects of e-Center operations.

2.4 The e-Center Governing Board is responsible for the employment, compensation, and evaluation of all e-Center employees, including the executive director.

2.5 To ensure the independence of the e-Center, no member or employee of the Board of Trustees of State Institutions of Higher Learning (IHL Board) shall hold a voting position on the e-Center's Board. The IHL Board may allow exceptions to this restriction if needed to comply with NCAA requirements or other proper purposes. Senior administrators of the institution will only participate on the e-Center's board in an ex-officio capacity.

**ARTICLE 3: Relationship Between Jackson State University  
and the e-Center**

3.1 The e-Center is a separately incorporated 501 (c) (3) nonprofit organization created to raise, manage, distribute, and steward resources to support the various missions of the University.

3.2 The e-Center Board is responsible for the control and management of all assets of the e-Center. JSU recognizes that the e-Center is a private corporation with the authority to keep all records and data confidential to the extent permitted by law. The e-Center's records shall be maintained separately from the records of the University.

3.3 The e-Center is responsible for the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws that clearly address the e-Center Board's fiduciary responsibilities, including expectations of individual board members based upon ethical guidelines and policies.

3.4 The e-Center is responsible for the employment, compensation, and evaluation of all its employees, including its chief executive.

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3.5 The President of the University is responsible for communicating University needs, priorities, and long-term plans to the e-Center. The e-Center, in concert with donor intent or directives, if any, agrees to consider and communicate to the University its ability and plans to fund University needs and priorities. JSU shall include the e-Center as an active and prominent participant in the strategic planning for the University.

3.6 In consideration for the e-Center services including but not limited to management of the e-Center, JSU will provide the e-Center with fair and reasonable compensation or payment for services including the leasing of space at the e-Center for use by the University. The amount of compensation will be negotiated on an annual basis by December 15th of the preceding year. In consideration of e-Center services, JSU will also provide in-kind support as is consistent with the terms of this Agreement.

**ARTICLE 4: The Mississippi e-Center's Responsibilities**

4.1 The e-Center in consultation with the University President, is responsible for planning and executing comprehensive revenue-raising programs in support of the institution's mission.

4.2 The e-Center will receive, hold, manage, invest, and disperse funds. The e-Center will establish, adhere to, and periodically audit revenue-management policies. It will promptly acknowledge and issue receipts for all support on behalf of the e-Center and provide appropriate recognition and stewardship of such funds. The e-Center will establish asset-allocation, disbursement, and spending policies that adhere to applicable federal and state laws including the Uniform Prudent Investor Act (UPIA) and the Uniform Management of Institutional Funds Act (UMIFA). The e-Center shall manage all funds in its control in a fiscally sound and prudent manner;

4.3 The e-Center shall receipt, acknowledge and express appreciation for all contributions of donors made on behalf of the University or of the e-Center, and shall keep accurate and current records of all such contributions made directly to the University or to the e-Center. The University shall have rights of inspection of e-Center records. Such rights shall be afforded to the IHL, if so desired. To the extent that information is inspected, reviewed or received by the President of the University or his/her designees with respect to the identity of donors who have expressly stated they wish to remain anonymous, or with respect to any information relating to the identification, cultivation and solicitation of donors, or with respect to personal, commercial, or proprietary information relating to a donor or his/her family or business, such information shall be treated as confidential by the President and any designee who may acquire such information. The University is expected to take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances. Such inspection rights are also extended to the IHL

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acting upon its minutes, however, it is understood that the appropriate extent of any disclosure or other use of the information is in the discretion of the IHL and, further, any decision to release any personal, commercial, or proprietary information or to release any information that would identify any particular donor shall only be made by the IHL acting upon its minutes. The e-Center will develop methods and procedures, with the approval of the University President, will be utilized in determining how the income related to its assets is to be computed and distributed to the University, and the terms and conditions under which any portion of such assets or the income related thereto may be used for the operating or other expenses of the e-Center. These procedures will delineate the terms upon which the e-Center is authorized to accept gifts, restricted and unrestricted, on behalf of or for the benefit of the University, and such terms will not conflict with, and shall be subject to, the terms in this Agreement. The e-Center may only accept gifts for the benefit of the University that are consistent with the University's mission, goals, or objectives;

4.4 The e-Center shall immediately deposit into the appropriate University account, or at a minimum notify the chief financial officer of the University in regard to, any funds which are sent to the e-Center but which are clearly intended to be funds designated for a University account. All gifts made to the University shall be accounted for and ownership maintained by the University, even though they may be managed by the e-Center. To the extent the assets of the University itself are to be managed by the e-Center, such management must only be in a sound and prudent manner as authorized by the express permission of the University President.

4.5 The e-Center will engage an independent accounting firm annually to conduct an audit of the e-Center's financial and operational records and will provide the e-Center's Board with a copy of the annual audited financial statements, including management letters.

4.6 The financial and accounting records of the e-Center shall be maintained separately from the University and shall be in accordance with generally accepted accounting principles applicable for its industry. The e-Center must cause to be prepared annual financial statements of the condition of the e-Center, which shall include such detail as the IHL Board may from time to time require. The e-Center must also engage a Certified Public Accounting (CPA) firm to perform annual audits of its annual financial statements. The e-Center shall submit the audited financial statements, along with a list of its officers, directors or trustees, not later than five months following the completion of the e-Center's fiscal year, to the University's President and to IHL. However, the annual audited financial statements may be required for inclusion in the State of Mississippi's Comprehensive Annual Financial Report (CAFR). If required to submit the annual audited financial statements for inclusion in the CAFR, as determined by the IHL Board's Deputy Commissioner of Finance and Administration and the external auditing firm hired



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to perform the annual IHL system audit, the e-Center must submit the annual audited financial statements to the President and IHL, along with a list of its officers, directors or trustees, by October 15 of each year. The IHL Board's Deputy Commissioner of Finance and Administration shall notify the e-Center of the applicability of the October 15 deadline as far in advance of the deadline as possible each year. The CPA firm to be utilized 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 e-Center's fiscal year for which the audit will be conducted. Unless approval is specifically granted for multiple years, approval of a firm by the IHL Board for one year does not constitute approval for other years, and requests for approval of the CPA firm must be submitted on an annual basis. However, at the request of the e-Center, the President of the University, with the approval of the IHL Board, may grant a request of the e-Center to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds, such as a showing that the assets of the e-Center are so limited as to make the expense of engaging a CPA firm to perform an audit financially burdensome and unnecessary. Such a waiver may be conditioned upon such other review of the financial records of the e-Center in lieu of an audit as the University and the IHL may deem feasible. Such a request for a waiver must be accompanied by (a) the most recent annual audited financial statements of the e-Center (if any exist), (b) the financial statements of the most recently completed fiscal year, (c) a written description of how the e-Center anticipates that the year-end financial statements for the current year will differ from the financial statements as of the end of the most recently completed fiscal year, and (d) a good faith estimate of the cost of engaging an auditor with respect to the statements. The granting of any request to waive the requirement of an annual audit by a CPA firm approved by the IHL is within the sole discretion of the University and the IHL Board. Any waiver of the audit requirement will apply only for one year, and any request to waive the requirement for the next year should be submitted as outlined above.

4.7 No form of additional compensation for a University executive officer any IHL system office employee will be underwritten or increased by the e-Center without the prior approval of the Board; The request for approval shall come through the Commissioner to the IHL Board; As to other university employees, no form of additional compensation may be provided or paid by the e-Center without the prior approval by the University President; All such approvals by the University President must be reported to the Board of Trustees at its next official meeting; This provision does not apply to transfers from the e-Center to the University for items such as professorships, chairs, and other programmatic support that are paid directly to the University and included in its annual budget;

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4.8 The e-Center's disbursements on behalf of the University must be reasonable business expenses that support the University and do not conflict with the law.

4.9 The e-Center will comply with all state and federal laws applicable to its organization.

4.10 The e-Center may enter into contracts for professional, advisory, or other personal services, although the term for such contracts shall not exceed two years. The exception to this contracting limitation is this Agreement, which must be approved at least every 5 years by IHL, or before any substantive amendments or changes.

**ARTICLE 5: The e-Center Funding and Administration**

5.1 The e-Center has the right to use a reasonable percentage of the annual unrestricted funds to support its operations.

5.2 The e-Center, at its own expense, will provide office space, computer and telephone systems, utilities, adequate personnel, office supplies, and other such services that may be necessary or required to fulfill its responsibilities and obligations.

5.4 The e-Center shall establish and maintain a conflict-of-interest policy that complies with all requirements of Miss. Code Ann. §79-11-269 (1972) as amended.

5.5 The e-Center shall submit to the IHL an annual report providing a detailed list of supplemental compensation provided to administrators, faculty, athletic staff, and other employees. Additionally, the e-Center's CEO/Executive Director shall promptly notify the University President and the IHL, in writing, if any of the following events ("Reportable Events") occur:

(a) The e-Center has materially breached any of its contractual obligations under the Agreement;

(b) The e-Center has materially failed to properly receive, apply, manage or disburse any funds or has materially failed to properly comply with any binding instructions from donors relating to those funds;

(c) The e-Center has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;

(d) There has been a failure by the e-Center or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the e-Center;

(e) Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the e-Center or upon its status as a tax exempt organization; or

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(f) The e-Center has contracted with or entered into any business or pecuniary relationship with any of its board members, other than a full time employee of the e-Center, or any entity controlled directly or indirectly by the e-Center board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of \$50,000 in any calendar year; the previous sentence creates a duty for the e-Center to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.

5.6 The chief executive officer of the e-Center shall submit to the University President and the IHL a signed certification statement annually, before January 31 of each year, which affirmatively states that the Entity has examined its donor records and business transactions occurring during its fiscal year ending within the prior calendar year, and that to the best of its knowledge, there is no evidence that any Reportable Events occurred, other than those which have been duly reported to the University President and the IHL as required above. The chief executive officer of the e-Center shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the chief executive officer will immediately notify, in writing, the President of the University.

5.7 The e-Center, through its CEO, will furnish to the University President, or such person as the University President may designate, any and all information relating to the operation or management of the e-Center or any funds contributed to, received by, expended by, or managed by the e-Center. As with the University, the Board shall have the right to require information from the e-Center, or to examine its records.

Ordinarily, the Board will not request information from an affiliated entity and will allow the University President to oversee the compliance by such entity with the Affiliation Agreement and to determine that funds are being appropriately received, managed, and expended. In some circumstances, however, the Board may determine it to be necessary to secure additional information from the e-Center or to review appropriate records of that entity. Because the e-Center holds funds that are intended to benefit the University, the Board has an interest in the proper administration of those funds. Thus, this Agreement provides that the Board may require the e-Center to provide information or allow inspection of its records as required by the Board to determine that the e-Center is in compliance with this Agreement and that the funds held for the institution or for its benefit are appropriately utilized and protected. No such request for information will be made by individual Board members to the e-Center or to the University President.

As a matter of general policy, the Board will attempt, when appropriate, to resolve any issues or concerns about the activities of the e-Center informally. Examples of such informal methods include responses by the e-Center to requests from the auditors employed by the Board or a report from an accounting firm approved by the Board to review records related to the matters at issue. The decision of the e-Center as to whether

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and how to comply with such informal requests is within the discretion of the governing authorities of the e-Center. The Board anticipates that, normally, any questions related to the e-Center can be resolved through such informal procedures.

As noted above, it is the policy of the IHL Board that it will not unnecessarily disclose or disseminate any information relating to the e-Center, and in particular, any information related to donors to the e-Center. However, the final determination as to the appropriate extent of any disclosure or other use of the information is in the discretion of the Board. No individual Board member or employee of the IHL will release information which identifies any particular donor without authorization from the Board.

**ARTICLE 6: Termination and Irreconcilable Differences**

6.1 This Agreement may be terminated by the University President, with the prior approval of the IHL, for cause with no notice or without cause upon thirty days notice. Upon termination, (1) the e-Center shall cease to use and shall not assign or delegate the authority to use the respective university's name or registered marks or logos to any person or entity without the written approval of the University President, (2) the e-Center shall remit any and all unrestricted funds held for the benefit of the University to the University as designated in writing by the University President on behalf of the University, (3) the e-Center shall work in concert with its donors, to the extent practicable and allowed by law, to move any restricted funds held for the benefit of the University to such entity as designated in writing by the University President on behalf of the University, (4) the e-Center shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to the University as designated by the University President; and (5) the e-Center shall work in concert with the University to provide the University or its designee with records and materials of the e-Center as are necessary to continue the business and/or wind up the affairs of the e-Center. Because the e-Center may hold assets intended to benefit the University, the e-Center may not terminate this Agreement without the consent of the President and the IHL Board, as required by IHL Bylaw 301.0806 (H).

6.2 Consistent with provisions appearing in the e-Center's bylaws and its articles of incorporation, should the e-Center cease to exist or cease to be an Internal Revenue Code §501(c)(3) organization, the e-Center will transfer its assets and property to JSU to be reincorporated in a successor e-Center, or for such purpose as is in accordance with the law and donor intent.

6.3 The IHL Board, the University and the e-Center expect there to exist a cooperative relationship between them. In the event that the University President determines that such cooperation is not in place and is thus, in the President's view, detrimental to the well being of the University, the President shall notify the IHL to allow the IHL to

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intervene to reconcile the parties. However, if the IHL determines and notifies the President that it is in the best interest of the University to substitute new members of the Board of Directors of the e-Center, the President may direct that at the expiration of a ninety-day period, the terms of office of 100% of the total number of Directors shall be deemed to have expired. Upon such event, a five-person Commission shall be selected as follows: (1) one member appointed by the University President, (2) one member appointed by the IHL, (3) one member appointed by the Board of Directors of the e-Center, (4) one member appointed by the JSU Development Foundation, and (5) one member appointed within and by the group of donors to the University whose lifetime total giving to the University exceeds \$25,000; however, this donor group may not appoint as a member of the Commission anyone who at the time of such appointment is serving as (i) a University employee or (ii) an employee, officer, trustee, or director of any University affiliated support organization or e-Center. The Commission shall during the ninety day period appoint, by majority vote, members to the Board of Directors of the e-Center to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the e-Center.

6.4 In the unlikely event that the Commission, as described in 6.3 above, shall appoint a new Board of Directors for the e-Center, it is expressly understood that any, or all, of the previous e-Center board members may be reelected by this Commission to serve. However, if the e-Center qualifies as a university research foundation formed pursuant to Miss. Code § 37-147-15, the new e-Center board members would be selected by the University President in accordance with Mississippi law. In the event of a potential conflict between 37-147-15 and any provision of this Agreement, the parties agree that this Agreement should be construed so as to not conflict with such statute, or the Agreement shall be amended accordingly.

**ARTICLE 7. MISCELLANEOUS PROVISIONS**

7.1 This Agreement shall be construed, governed, interpreted and applied in accordance with the laws of the State of Mississippi.

7.2 The parties agree that the e-Center is not the agent or employee of the University, and nothing in this Agreement creates an employment or other agency relationship between the parties.

7.3 The parties agree that the e-Center is a private, independent entity and, as such, is not governed by the IHL, but rather has its own governing Board of Directors. Accordingly, to the extent permitted by the laws of the State of Mississippi applicable to a public institution of higher learning, each party to this Agreement shall be responsible for its own obligations, acts or omissions.

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7.4 The University and e-Center agree that the e-Center's donor and giving records and any other financial or commercial information possessed by the e-Center or provided by the e-Center to the University concerning individuals or corporations that provide e-Center financial support are confidential and proprietary. Notwithstanding Section 2.12 above, unless required to disclose such information by applicable law, the University and e-Center agree not to disclose to third parties and to keep confidential the giving records, giving history and financial or commercial information of individuals and corporations that provide financial support to the e-Center.

7.5 In the performance of this Agreement, the e-Center shall not deny employment opportunities to any person on the basis of race, color, religion, ethnic group identification, sex, age, physical or mental disability, medical condition, or veteran's status. The e-Center agrees to comply with all non-discriminatory laws and related policies.

7.6 The parties hereto acknowledge that this Agreement sets forth the entire agreement and understanding of the parties hereto as to the subject matter hereof, and shall not be subject to any change or modification except by the execution of a written instrument subscribed to by the parties hereto.

7.7 The provisions of this Agreement are severable, and in the event that any provisions of the Agreement shall be determined to be invalid or non-enforceable under any controlling body of the law, such invalidity or non-enforceability shall not in any way affect the validity or enforceable nature of the remaining provisions hereof.

7.8 The failure of either party to assert a right hereunder or to insist upon compliance with any term or condition of the Agreement shall not constitute a waiver of that right or excuse a similar subsequent failure to perform any such term or condition by the other party.

7.9 This Agreement shall not be assigned or otherwise transferred by either party without the prior written consent of the other, which consent shall not be unreasonably withheld.

7.10 The e-Center's obligations pursuant to this Agreement shall also extend, as applicable, to any entity it owns or controls, including any subsidiary entities to the e-Center.

7.11 The parties agree to amend their Bylaws or policies as necessary to conform with the requirements of this Agreement.

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**ARTICLE 8. NOTICE**

8.1 Any notice to either party hereunder shall be in writing signed by the party given it, and shall be deemed given when mailed postage prepaid by U.S. Postal Service first class, certified or overnight mail, or when sent by Federal Express or a comparable service, or hand-delivered, when addressed as follows:

To the University:

Dr. Carolyn Meyers  
President  
Jackson State University  
P.O. Box 17390  
Jackson, MS 39217

To the e-Center:

Dr. William McHenry  
Executive Director  
Mississippi e-Center Foundation  
1230 Raymond Road  
Jackson, MS 39204

or to such other addressee as may be hereafter designated by written notice.

IN WITNESS WHEREOF, the parties have caused this Affiliation Agreement to be executed by their duly authorized officers as of the day and date first above written.

\_\_\_\_\_  
Dr. Carolyn Meyers  
President  
Jackson State University

\_\_\_\_\_  
Dr. William McHenry  
Executive Director,  
The Mississippi e-Center Foundation

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

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

The IHL Self-Insured Workers' Compensation Program is seeking Board approval for settlement of claim number 875167.

**STAFF RECOMMENDATION: Board staff recommends approval of this item.**

# **INFORMATION AGENDAS**



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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE  
MAY 19, 2011 BOARD MEETING SUBMISSION DEADLINE**

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

**Board Policy §904(A), Board Approval**

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

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

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

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

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

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

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$86,311.00 and seventy-seven (77) additional days to the contract of Paul Jackson & Sons. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 16, 2011

**Change Order Justification:** **Change Order #1** is necessary to meet safety regulations and to correct latent job conditions involving the communication lines. The existing steam tunnel was not accessible prior to construction. The pipes were discovered after excavation. The existing fiber optic line was discovered to deviate from the survey. Due to the standing water in the communications vault and very shallow existing fiber optic line, water had collected in the existing soil making it unstable below the grade beams at the hub building location.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$86,311.00

**Project Initiation Date:** January 31, 2008

**Design Professional:** Duval Decker

**General Contractor:** Paul Jackson & Sons

**Contract Award Date:** December 7, 2010

**Project Budget:** \$7,000,000

**Funding Source(s):** HB 246, L'07 (\$2,057,735); HB 1641, L'08 (\$368,847.64); SB 2988, L'03 (\$300,000); SB 2010, L'04 (\$4,273,417.36)

**2. JSU – GS 103-255 – Fire Suppression System Phase I (Alexander Center)**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Flagstar Construction Company, Inc., the lower of three (3) bidders, for a total contract amount of \$1,757,200. Approval is requested from the Bureau of Building, Grounds, and Real Property.

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**Staff Approval Date:** May 6, 2011

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

**Design Professional:** CGM Group

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

**Contract Award Date:** May 6, 2011

**Project Budget:** \$7,360,000

**Funding Source(s):** HB 1722, L'09 (\$1,200,000); HB 1701, L'10 (\$6,160,000)

**3. JSU – GS 103-255 – Fire Suppression Phase I (McAllister/Whiteside)**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$80,620.80 and zero (0) additional days to the contract of Metro Mechanical, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$80,962.80 and zero (0) additional days to the contract of Metro Mechanical, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 5, 2011

**Change Order Justification:** **Change Order #1** is necessary to provide and to install the 20 gauge sheet metal flashing to be painted to match the new fan coil unit between the units and walls, extend electrical power to new unit location and patch and seal new sheet metal flashing joints at unit and wall junctures. **Change Order #2** is necessary because once the chase was opened up to modify the existing sanitary waste/vent piping for the project plumbing renovations, it was discovered pipe was badly deteriorated and required replacement, as a latent condition.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$161,583.60

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

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**Design Professional:** The CGM Group, Inc

**General Contractor:** Metro Mechanical, Inc.

**Contract Award Date:** January 6, 2011

**Project Budget:** \$7,360,000

**Funding Source(s):**

**4. MSU – GS 105-314 – Middleton Hall Renovation Phase II**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$92,331.78 and zero (0) additional days to the contract of Weathers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 18, 2011

**Change Order Justification:** **Change Order #4** is necessary to address structural remediation, additional insulation behind new gypsum board walls, insulation of basement ceiling, water repellant on exterior masonry surfaces, replacement of underground primary electrical conduit, additional door to the attic, and the replacement of relief angles in the new masonry walls.

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$280,119.03

**Project Initiation Date:** November 18, 2005

**Design Professional:** Shafer & Associates, PLLC

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

**Contract Award Date:** April 23, 2010

**Project Budget:** \$3,750,000

**Funding Source(s):** HB 246, L'07 (\$3,000,000); SB 2010, L'04 (\$750,000)

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**5. UM – IHL 207-345 – University Housing**

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

**Staff Approval Date:** May 19, 2011

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

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

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$39,314,500

**Funding Source(s):** UM EBC Bonds (\$38,000,000); Self-generated funds (\$1,314,500)

**6. USM – GS 108-217 – Science Building & Recreation Building Repair and Renovation**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Studio South/Allred Architectural Group, design professional.

**Staff Approval Date:** May 3, 2011

**Project Initiation Date:**

**Design Professional:** Studio South/Allred Architectural Group

**General Contractor:** N/A

**Contract Award Date:** N/A

**Project Budget:** \$10,792,109.24

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

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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 5/1/11, 5/1/11, 5/1/11, 5/1/11, 5/1/11 and 5/10/11) from the funds of Mississippi State University. (These statements, in the amounts of \$44.23, \$6.15, \$4.00, \$524.03, \$2,000.00 and \$2,500.00, respectively, represent services and expenses in connection with labor certifications.)

**TOTAL DUE.....\$ 5,078.41**

Payment of legal fees for professional services rendered by Balch & Bingham (statement dated 4/22/11) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$5,342.75, represents services and expenses in connection with General Advice.)

**TOTAL DUE.....\$ 5,342.75**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/21/11) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with North Clinic - General Representation of the Medical School and Facility Practice Plans - \$3,332.50, *Jackson HMA LLC vs. UMMC* - \$1,826.00 and UMMC - North Clinic - General Advice - \$2,012.70.)

**TOTAL DUE.....\$ 7,171.20**

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 4/1/11) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the cases styled *Zeigler/Varnado* - \$835.00; *Kermode* (Federal Case) - \$4,303.04; *Seid* - \$1,320.00; *Jaralah* - \$1,569.50 and *UMMC* (General) - \$885.00, respectively.)

**TOTAL DUE.....\$ 8,912.54**

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/19/10, 4/21/11, 4/21/11, 4/21/11, 4/21/11, 4/21/11, 4/21/11, 4/21/11, 4/21/11, 4/21/11 and 4/30/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Live Attenuated Catfish Vaccine" - \$162.50; "Compact Time-of-Flight Mass Spectrometer - Canada" - \$25.50; "Light Scattering, etc." - \$220.00; "High

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Power Density, Full-Bridge Parallel Loaded Resonant DC” - \$267.50; “Method for Detecting and Managing Nematode Population” - \$575.00; “Alcohol Esterification (Condensor Train)” - \$170.00; “Esterification and Bio Oil Upgrading” - \$85.00; “Srinivasan - Elusieve Processing CIP Application” - \$247.50; “Steele - Solid Heat Carrier Pyrolysis Reactor” - \$1,419.50; “Compact Time-of-Flight Mass Spectrometer - United Kingdom” - \$17.00 and “Methods of Preparation of Live Attenuated Bacterial Vaccines” - \$802.50, respectively.)

**TOTAL DUE.....\$ 3,992.00**

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 4/14/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Consent Agreement with Mahomet-Seymour High School - Interlocking MS Logo” - \$42.50; “Consent Agreement with Signal Mountain Middle/High School - Interlocking SM Logo” - \$106.25; “Self-Aligned Methods of Low Temp Selective” - \$2,370.00; “Change Analyst” - \$3,042.50; “Engine Speed Controller” - \$361.25; “Trademark JUVA” - \$85.00; “St. Augustine Grass Plant Named ‘Eclipse’” - \$255.00; “Delta Jazz Trademark” - \$1,168.75; “Giant Myscanthis Provisional Plant Patent” - \$2,125.00; “Giant Myscanthis Trademark Application” - \$63.75; “Buckscore Trademark” - \$737.50; “Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins” - \$63.75; “System and Method for Recharging Batteries” - \$446.25; “Burmudagrass Plant” - \$2,146.25; “Buckscore Provisional Patent Application & Infringement” - \$3,081.21; “Occidiofungin, a Unique Anti-Fungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$680.00; “Xylo-Oligosaccharides Production by Autohydrolysis of Corn Fiber Separated from DDGS” - \$110.00 and “Production of Densified and Water Repellant Solids by Binding Particles with Bio Oil Combined with a Protein Hydrolyzate” - \$110.00.)

**TOTAL DUE.....\$ 17,314.96**

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 7/15/10, 1/18/11, 1/19/11, 1/19/11, 2/17/11, 2/17/11, 2/17/11, 4/19/11, 4/19/11, 4/21/11 and 4/27/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Chick Separation-Anxiety-Depression (SAD) Model” - \$495.00; “Chick Separation-Anxiety-Depression (SAD) Model” - \$672.50; “Utilizing Tactile Speech Feedback” - \$1,910.00; “Complexes and Compounds for Light Emitting Applications” - \$1,005.00; “Chick Separation-Anxiety-Depression (SAD) Model” - \$1,282.50; “Utilizing Tactile Speech Feedback” - \$765.44; “Complexes and Compounds for Light Emitting Applications” - \$940.00; “Complexes and Compounds for Light Emitting Applications” - \$406.50; “A Device for Demonstrating and Measuring the Components of a Vector in 3-D Space” - \$492.50; “Emerging Models for Wireless



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Communication Systems” - \$1,570.50 and “Chick Separation-Anxiety-Depression (SAD) Model” - \$940.00, respectively.)

**TOTAL DUE.....\$ 10,479.94**

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 12/13/10, 12/15/10, 12/31/10, 12/31/10, 1/11/11, 1/14/11, 1/31/11 and 2/23/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Japan: Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$5,728.09; “Prolylcarboxypeptidase (PRCP) Inhibitor” - \$7,707.50; “Method of Preparing Delta-9 Tetrahydrocannabinol” - \$1,471.35; “Potent Immunostimulatory Component in Microalgae Extract” - \$570.41; “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$760.00; “Novel Sigma Receptor Antagonists” - \$176.50; “Method of Preparing Delta-9 (Tetrahydrocannabinol Esters)” - \$2,359.00 and “Europe: 8-Aminoquinolines” - \$798.88, respectively.)

**TOTAL DUE.....\$ 19,571.73**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 1/26/11, 1/26/11, 1/26/11, 1/26/11, 1/26/11, 1/26/11, 2/15/11, 2/15/11, 2/15/11, 2/15/11, 2/15/11, 2/15/11, 2/15/11, 2/15/11, 4/25/11, 4/25/11, 4/25/11, 4/25/11, 4/25/11 and 4/25/11) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “In-Furnace Reduction of Nitrogen Oxide by a Biomass Derivative” - \$1,372.50; “Highly Purified Amphotericin-B” - \$6,231.00; “Australia: High-Speed Data Compression” - \$96.00; “US: High-Speed Data Compression” - \$96.00; “Australia: Stabilized Formulation of Triamcinolone Acetonide” - \$398.00; “A Corrugated and Ported Prism Engine Nozzle” - \$840.00; “High-Speed Data Compression” - \$493.50; “Stabilized Formulation of Triamcinolone Acetonide” - \$164.50; “Multi-Domain Plate Acoustic Wave Devices” - \$147.00; “Method of Detecting Vibration and Sound Signatures” - \$1,136.00; “China: High-Speed Data Compression” - \$1,563.00; “In-Furnace Reduction of Nitrogen Oxide” - \$1,030.00; “Highly Purified Amphotericin-B” - \$143.00; “Japan: Highly Purified Amphotericin-B” - \$2,516.50; “Delivery of Medicaments to the Nail” - \$2,803.50; “Canada: Delivery of Medicaments to the Nail” - \$1,140.13; “Canada: Highly Purified Amphotericin-B” - \$1,705.52; “Highly Purified Amphotericin-B” - \$929.50; “Canada: High-Speed Data Compression” - \$27.00; “Europe: High-Speed Data Compression” - \$27.00 and “South Africa: High-Speed Data Compression” - \$27.00, respectively.)

**TOTAL DUE.....\$ 22,886.65**

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**1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL**

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

- a. **MSU** – In compliance with Board Policy 707.01 Land, Property and Service Contracts, the Commissioner has the authority “to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On May 10, 2011, the Commissioner approved the request for the MSU Mississippi Child Care Resource & Referral Network to lease office space from Stephen J. Rosenthal. The office space is located in Indianola, MS. The lease agreement will expire on April 30, 2012. MSU has the option to extend the agreement an additional 24 months with a small increase in the monthly lease terms. MSU will pay the vendor \$500 per month for one unit of office space. This equates to \$6,000 of lease cost to the university for the first 12 month term, with an additional \$13,200 in lease fees if the 24-month option is exercised. In addition to these lease costs, the university will be responsible for all utilities, including telephone and internet services. The Executive Office legal staff have reviewed and approved the contract documents.
- b. **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 May 20, 2011, the Commissioner approved the budget revisions to the Mississippi Center for Supercomputing Research and the Center for Manufacturing Excellence. These budget revisions contain no increases in the total budgets but rather reallocations among individual expense categories.
- c. **USM** – On June 1, 2011, the Commissioner approved the 2011-2012 Traffic and Parking Regulations in accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations.

**2. SYSTEM – STANDING COMMITTEE APPOINTMENTS BY BOARD  
PRESIDENT ROBIN ROBINSON**

**Academic Affairs**

1. Doug Rouse, Chair
2. Ed Blakeslee
3. Stacy Davidson

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4. Bettye Neely
5. Christy Pickering
6. C. D. Smith

**Budget**

1. Aubrey Patterson, Chair
2. Stacy Davidson
3. Bob Owens
4. Alan Perry
5. Christy Pickering
6. Amy Whitten

**Legal**

1. Alan Perry, Chair
2. Ed Blakeslee
3. Aubrey Patterson
4. Scott Ross
5. Amy Whitten

**Real Estate**

1. Scott Ross, Chair
2. Bettye Neely
3. Bob Owens
4. Doug Rouse
5. C. D. Smith

\*The President is an Ex-Officio member of all committees