

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
November 21, 2013



FINAL BOARD BOOK OUTLINE

IHL Board Meeting

November 21, 2013 9:00 a.m.

IHL Boardroom

CALL TO ORDER

PRAYER

Trustee Ford Dye

INTRODUCTION OF GUESTS

MINUTES

October 8, 2013 Special Called Board Meeting

October 17, 2013 Regular Board Meeting

November 7, 2013 Emergency Teleconference Meeting

PRESENTATIONS

Diversity Reports from:

Delta State University – Mr. William LaForge, President

Mississippi State University – Dr. Mark Keenum, President

Mississippi Valley State University – Dr. William Bynum, President

University of Mississippi Medical Center – Dr. James Keeton, President

University of Southern Mississippi – Dr. Rodney Bennett, President

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Trustee Bob Owens

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 - b. UM – Approval to Delete the Child Development Center and the Institute for Advanced Education in Geospatial Sciences.....8

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MISSISSIPPI
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OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

October 8, 2013 Special Called Board Meeting Minutes

October 17, 2013 Regular Board Meeting Minutes

November 7, 2013 Emergency Teleconference Meeting

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
October 8, 2013**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special called meeting in room 113 of the Business Education Building at Mississippi Valley State University in Itta Bena, Mississippi, at 12:00 p.m. and pursuant to notice in writing to each and every member of said Board, said date being at least five days prior to this October 8, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee (by phone), Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson (by phone), Mr. Alan Perry, Ms. Christine Pickering (by phone), Dr. Douglas Rouse, and Mr. C.D. Smith. Ms. Robin J. Robinson was absent. The meeting was called to order by Mr. Bob Owens, President.

EXECUTIVE SESSION

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

Discussion of state university personnel matters.

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

On motion by Trustee Dye, seconded by Trustee Smith, with Trustees Blakeslee, Patterson and Pickering participating by phone and with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to hire Dr. William Bynum, Jr. as the next President of the Mississippi Valley State University at a state base salary of \$205,000 and to authorize Commissioner Bounds to negotiate a possible foundation and/or alumni association salary supplement and the start date of a standard four-year contract.

On motion by Trustee Smith, seconded by Trustee Hooper, with Trustees Patterson and Pickering participating by phone and with Trustees Blakeslee and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to increase the state base salary for the other three regional universities, Alcorn State University, Delta State University, and Mississippi University for Women, from \$192,937.50 to \$205,000.

On motion by Trustee Rouse, seconded by Trustee Smith, with Trustees Blakeslee, Patterson, Pickering, and Robinson absent and not voting, all Committee members legally present and participating voted unanimously to return to Open Session.

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ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

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BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session in Ballrooms A and B at the Jackson State University Student Center in Jackson, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2012, to each and every member of said Board, said date being at least five days prior to this October 17, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee (by phone), Mrs. Karen L. Cummins (by phone), Dr. Ford Dye, Mr. Shane Hooper, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Robin J. Robinson, Dr. Douglas Rouse, and Mr. C.D. Smith. Mr. Bob Owens and Ms. Christine Pickering were absent. The meeting was called to order by Mr. Aubrey Patterson, Vice President, and opened with prayer by Reverend C. J. Edward Rhodes.

INTRODUCTION OF GUESTS

- Vice President Aubrey Patterson welcomed the Student Government Association Officers: Avery Ford, SGA President at Alcorn State University; Sydney Hodnett, SGA President at Delta State University; Charles Cathey, SGA President at Jackson State University; Michael Hogan, SGA President at Mississippi State University; Timothy Mbogo, SGA President at the Mississippi University for Women; Gregory Alston, SGA President at the University of Mississippi; and Bradley Deere, SGA President at the University of Mississippi Medical Center.
- Vice President Patterson welcomed the newly appointed President of Mississippi Valley State University, Dr. William Bynum. Dr. Bynum will begin his tenure on November 6, 2013.

APPROVAL OF THE MINUTES

On motion by Trustee Robinson, seconded by Trustee Hooper, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on September 11, 2013, September 16, 2013, September 18, 2013, September 19, 2013, and October 3, 2013.

PRESENTATIONS

- Dr. Carolyn Meyers, President of Jackson State University, welcomed the Board to the campus and shared some of the wonderful events taking place.
- Over two years ago the Board of Trustees asked the universities to place a high priority on campus diversity. To that end, the following university presidents gave a brief update regarding diversity initiatives on their campuses: Dr. M. Christopher Brown, President of Alcorn State

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University; Dr. Carolyn Meyers, President of Jackson State University; Dr. Jim Borsig, President of the Mississippi University for Women; and Dr. Dan Jones, Chancellor of the University of Mississippi. Trustee C.D. Smith, Chair of the Diversity Committee, commended the universities for working with Mr. Marcus Thompson, IHL Chief Administrative Officer, and other IHL staff members in the development and implementation of the diversity plans.

CONSENT AGENDA

On motion by Trustee Blakeslee, seconded by Trustee Dye, with Trustee Cummins participating by phone and with Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

ACADEMIC AFFAIRS

1. **System** – Approved the following new academic units.
 - a. **ASU** – Approval of the Department of Social Work. The Social Work program was awarded initial accreditation by the Council on Social Work Education during the 2013 spring semester. It is anticipated that the number of students majoring in Social Work will increase significantly because of the accreditation and seeks to establish the Department of Social Work independent from the Department of Social Sciences. The anticipated cost will average \$138,400 annually. The proposed Department of Social Work budget will be transferred from the current Department of Social Sciences where the program now exists. No new funds are requested.
 - b. **UMMC** – Approval of the Department of Dermatology. The Department of Dermatology will help meet the acute shortage of dermatologists in the state. Establishing Dermatology as a Department will provide the autonomy necessary to further UMMC’s commitment to research, leadership, and service. Department status will also provide the opportunity to freely experiment with methods of team-based clinical care that will improve the financial strength of UMMC. This will allow for the continuing provision of care to underserved populations in our region. The anticipated cost for the Center will average \$1,993,699 annually. The proposed Department of Dermatology budget will be transferred from the current Division of Dermatology budget with patient revenue providing the primary source of funding. Incremental expenses will not be added until corresponding revenues are generated.
 - c. **UMMC** – Approval of the Department of Health Administration. Establishing the Department of Health Administration moves the program to an independent department, thus making clear that the health administration program is growing to meet the needs of the state. The only cost difference will be the \$3250 difference between the stipend for the program director and department chair. The difference will be covered through tuition revenue.

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- d. **UMMC** – Approval of the Department of Health Informatics and Information Management. The Bachelor of Science in Health Informatics and Information Management has achieved a level of enrollment equal to enrollment in other departments. Establishing the Department of Informatics and Information Management reflects the growth of the degree program. The only cost difference will be the \$3250 difference between the stipend for the program director and department chair. The difference will be covered through tuition revenue.
- e. **UMMC** – Approval of the Department of Medical Laboratory Science. The Bachelor of Science in Medical Laboratory Science has achieved a level of enrollment equal to enrollment in other departments. Establishing the Department of Medical Laboratory Science reflects the growth of the degree program. The only cost difference will be the \$3250 difference between the stipend for the program director and department chair. The difference will be covered through tuition revenue.

Centers and Institutes

- f. **MSU** – Approval of the Center of Excellence for Watershed Management. The Center will integrate its expertise and resources into a comprehensive approach to benefit all water resource stakeholders at the local, state, regional, and national levels. The Center will enhance the ability of both MSU and the MS Department of Environmental Quality to fulfill their individual mission statements, while leveraging resources to jointly address future needs. The anticipated cost for the Center will average \$114,485 annually. Existing facilities are available and adequate, and no new faculty is associated with the Center. It is anticipated that the unit will be self-supporting after Year 1, and external funding will be sought to support additional staffing. External funding will be generated through grant and contract activities with current partners and federal agencies.
- g. **MSU** – Approval of the Global Center for Aquatic Food Security. The Center will serve as the MSU entity that the United Nations Food and Agriculture Organization will recognize as an FAO Center of Excellence. A major function of the proposed Center will be to collaborate with FAO to provide capacity building in developing countries. The Center will actively partner with the FAO to seek funding to support the diagnostic, capacity building, and investigative research programs that will assist developing countries. The anticipated cost for the Center will average \$20,000 annually to cover travel support for participants to meet with FAO scientists and participate in FAO activities internationally. It is anticipated that as the unit matures, the cost for travel and student exchange will be supported through extramural grants and contracts.
- h. **UM** – Approval of the Center for Health and Sports Performance. There is a need for applied practice in all areas of sports medicine, including the clinical application as well as management. The Center will serve as a model for best practices in sports medicine and provide an avenue for students to gain experience in order to be more competitive job applicants. The anticipated cost for the Center will average \$287,900 annually over a six year period. The program will require a full time sports dietitian for which a new

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position has been approved. Funding for the position will come from an existing agreement between the Department of Nutrition and Hospitality Management and UM Athletics.

- i. **UM** – Approval of the Child Advocacy and Play Therapy Institute (CAPTI). The Institute will serve the needs of children throughout north Mississippi and provide research in the area of child and adolescent mental health as well as in the area of child advocacy and the social issues that are inherent for children who experience problems both developmentally and through abuse. The program will provide opportunities for current licensed counselors to obtain a certificate in Play Therapy. As the program will be offered online, mental health clinicians throughout the United States could utilize the program. The anticipated cost for the Institute will average \$325,000 annually over a six year period. CAPTI will include a research protocol that will provide opportunities for grant and research funding.
2. **System** – Approved the academic unit modifications as follows.

Rename

- a. **MSU** – Rename the Forest Products Department the Department of Sustainable Bioproducts. The name change more accurately reflects the contemporary and projected future of the profession. No new funding is requested; minimal cost for signage will be covered with existing funds.
- b. **JSU** – Rename the Department of Mathematics the Department of Mathematics and Statistical Sciences. The name change more appropriately reflects the training, academic, and scholarly activities in the department; provides a platform for statistical related research to be developed; and build strong programs in statistics, biostatistics, social statistics, and the mathematical sciences. No new funding is requested; minimal cost for signage will be covered with existing funds.
- c. **JSU** – Rename the Department of Computer Engineering the Department of Electrical and Computer Engineering. The name reflects the addition of the recently approved Bachelor of Science in Electrical Engineering degree. No new funding is requested; minimal cost for signage will be covered with existing funds.
- d. **UM** – Rename the Sarah Isom Center for Women’s Studies the Sarah Isom Center for Women and Gender Studies. The name change better reflects the expansion of the Center to include broader topics in gender studies. No new funding is requested; minimal cost for signage will be covered with existing funds.
- e. **UMMC** – Rename the Mississippi Institute for Geographic Minority Health the Myrlie Evers-Williams Institute for the Elimination of Health Disparities. The name change better reflects the researched-based focus on three main areas of research: The Social Determinants of Health, Health Literacy and African American Men’s Health. Additionally, Dr. Evers-Williams and her life of tireless work to eliminate disparities of all types symbolizes the importance of interdisciplinary and inter-institutional efforts to

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eliminate health disparities by improving the health of all Mississippians. No new funding is requested; minimal cost for signage will be covered with existing funds.

- f. **USM** – Rename the Marketing and Fashion Merchandising to Marketing and Merchandising. A proposal has been submitted to change the name of Fashion Merchandising and Apparel Studies BS to Merchandising BS/BA. Changing the name of the department will reflect the proposed program name change. No new funding is requested; minimal cost for signage will be covered with existing funds.

Reorganize and Rename

- g. **JSU** – Combine the School of Lifelong Learning and the College of Education and Human Development and to name the combined unit the College of Education and Human Development/School of Lifelong Learning. The restructuring supports the mission of the University by continuing to offer quality teacher education programs and outreach services in the community and throughout the state. No new funding is requested; minimal cost for signage will be covered with existing funds.
- h. **MUW** – Reorganize the Continuing Education and name the unit Office of Outreach and Innovation. The reorganization will provide MUW with a central office to oversee and coordinate non-credit learning activities; provide administrative and logistical support for campus-wide initiatives serving the university, local communities, and the state; and, facilitate interaction between the university and the community. No new funding is requested; minimal cost for signage will be covered with existing funds.

Delete

- i. **UM** – Delete the Research and Training Center for the Handicapped. The Center ceased to exist many years ago following the retirement of a faculty member.
- j. **UM** – Delete the Marine Minerals Technology Center. The Center no longer exists as a separate unit. Its function is now under the Center for Marine Resources and Environmental Technology.
- k. **UM** – Delete the Center for Media Production and Distributed Learning. The Center's function was subsumed under other offices.
- l. **UM** – Delete the Center for Rural Studies. The Center no longer exists, following the retirement of a faculty member.
- m. **UM** – Delete the Center for Science, Engineering, and Mathematics Education. The Center stopped functioning years ago follow a retirement. Many of the functions of the center have been subsumed under the Center for mathematics and Science Education.
- n. **UM** – Delete the Institute for Innovation in Mathematics Education. The Institute, which had been externally funded, ceased to function following the retirement of its director. Some of the functions have been subsumed under the Center for mathematics and Science Education.
- o. **UM** – Delete the Enterprise for Innovative Geospatial Solutions. The activities of this alliance are no longer coordinated by the University. The functions are now controlled by businesses using geospatial technologies.

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- p. **UM** – Delete the Institute for Humanitarian De-Mining. The Institute, which had been externally funded, no longer functions.
3. **System** – Approved the following academic program modifications.

Rename

- a. **MSU** – Rename the Bachelor of Science in Office Systems Technologies (CIP 11.1006) the Bachelor of Science in Information Technology Services (CIP 11.1006) degree. Changing the name from an office focus will allow recruitment of both male and female students. An additional six hours of training (design, implementation, and evaluation) will supply a logical transition from the undergraduate degree in ITS to the master's degree in instructional technology. No new funding is requested; minimal cost for signage will be covered with existing funds.
- b. **MSU** – Rename the Master of Science in Wildlife and Fisheries (CIP 03.0601) the Master of Science in Wildlife, Fisheries and Aquaculture (CIP 03.0601) degree. The name change better reflects the name of the department and the subject matter taught within the MS graduate program. Course content of the major will not change as a result of the name change. No new funding is requested; minimal cost for signage will be covered with existing funds.
- c. **MSU** – Rename the Doctor of Philosophy in Cognitive Science (CIP 03.0601) the Doctor of Philosophy in Applied Psychology (CIP 42.2813) degree. The name change more accurately reflects the degree program's location (the Department of Psychology) and a curriculum that consists largely of Psychology courses. The current CIP code is associated with Systems Science and Theory, not Cognitive Sciences; the new CIP code denotes a more accurate description of the current degree. No new funding is requested; minimal cost for signage will be covered with existing funds.
- d. **UM** – Rename the Bachelor of Arts in Parks and Recreation Management (CIP 31.0301) the Bachelor of Arts in Recreation Administration (CIP 31.0301) degree. The name change better reflects updated accreditation standards from the Council on Accreditation of Parks, Recreation, Tourism and Related Professions (COAPRT) that the program must adhere to during the next –reaccreditation phase in 2015. No new funding is requested; minimal cost for signage will be covered with existing funds.
- e. **UM** – Rename the Master of Arts in Parks and Recreation Management (CIP 31.0301) the Master of Arts in Recreation Administration (CIP 31.0301) degree. The name change better reflects the management and administration focus of the degree with graduates prepared to become front-line supervisors in a variety of recreation, tourism, parks, sport or related area organizations.. No new funding is requested; minimal cost for signage will be covered with existing funds.
- f. **USM** – Rename the Bachelor of Science in Fashion Merchandising and Apparel Studies (CIP 52.1902) the Bachelor of Science/Bachelor of Arts in Merchandising (CIP 52.1902) degree. The name change and repositioning of the degree is requested to better serve the needs of students and the companies that recruit and hire program graduates. It is

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anticipated that expanding the focus to include merchandising and the retail industry in a broader sense will recruit more male students into the program. No new funding is requested; minimal cost for signage will be covered with existing funds.

Consolidate

- g. **JSU** – Consolidate the Specialist Degree in Secondary Education (CIP 13.1205) into the Education Specialist (CIP 13.0101) degree with a concentration in Secondary Education. The degree offers an AAA teacher certification in secondary education and allows teachers to become highly qualified in a content area. No new funding is requested and current education faculty is sufficient to provide instruction.

FINANCE

4. **ASU** – Approved the request to enter into a sponsorship agreement with Coca-Cola Refreshments USA, Inc., d/b/a/ Natchez Coca-Cola Bottling Company (Coca-Cola) who in return will serve as exclusive beverage sponsor to ASU with campus-wide beverage availability rights, on and off campus marketing rights, and the right to operate full-service vending on campus. This sponsorship agreement was originally submitted to the IHL Board for approval at the August 2013 meeting. The form of sponsorship agreement presented to ASU by the vendor was outdated and did not reflect recent corporate entity changes made by Coca-Cola. The vendor acknowledged its error and submitted the correct form of sponsor agreement to ASU, which includes the appropriate vendor party to the contract. No other terms of the proposed original agreement were altered. This is a ten (10) year approximate agreement effective August 16, 2013, through August 1, 2023. Under this agreement, ASU estimates that they will receive \$1,436,290 over the ten (10) year period. This estimate represents a 46.6% increase in comparative revenues versus the most current agreement. Final contract revenues may vary based on actual beverage sales incurred. A breakdown of the estimated total revenues is included in the bound *October 17, 2013 Board Working File*. This is a revenue-generating agreement. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
5. **MSU** – Approved the request to enter into a charter services agreement with Delta Air lines, Inc. for air transportation for the Men's Basketball team during the 2013/2014 basketball season. The contract shall commence upon signing by both parties and terminate on March 30, 2014. The first flight is scheduled for January 7, 2014 and the last flight is scheduled to correspond to the dates of the SEC Conference Basketball Tournament. The total cost for the contract period is estimated to equal \$279,356. This includes air charter for 8 round-trip flights. There could be slight adjustments in final fees, as fuel charges may be adjusted to reflect actual costs paid by the vendor. Funds are available from Athletic revenues (Auxiliary funds). The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
6. **MVSU** – Approved the request to escalate its On-Campus Budget for FY 2014 as shown below. The escalation will be funded by Title III Endowment Matching Funds and will be used to fund academic and talent (band) scholarships.

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Mississippi Valley State University FY 2014 On-Campus Budget			
Category	Original FY 2014 Operating Budget	Revision/ Escalation	Revised FY 2014 Operating Budget
Salaries, Wages, and Fringe Benefits	\$20,543,978	\$-	\$20,543,978
Travel and Subsistence	\$780,719	-	\$780,719
Contractual Services	\$8,482,709	\$700,000	\$9,182,709
Commodities	\$1,026,856	-	\$1,026,856
Capital Outlay: Non-Equipment	\$160,716	-	\$160,716
Capital Outlay: Equipment	\$168,200	-	\$168,200
Mandatory Transfers	\$116,310	-	\$116,310
Non-Mandatory Transfers	\$(516,443)	-	\$(516,443)
Increase in Fund Balance	\$-	-	\$-
Total	\$30,763,045	\$700,000	\$31,463,045

7. **UM** – Approved the request to enter into a charter services agreement with New England Flight Watch, LLC (d/b/a CharterSearch) for air transportation for the Men’s Basketball team during the 2013/2014 basketball season. The contract will begin on November 16, 2013 and end on March 5, 2014. The total cost for the contract period is estimated to equal \$257,783. This includes air charter for 7 round-trip flights and 1 one-way flight. There could be slight adjustments in final fees, as fuel charges may be adjusted to reflect actual costs paid by the vendor. Funds are available from Athletic revenues (Auxiliary funds). The agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office. Confirmation that the vendor has completed the registration process with the Mississippi Secretary of State will be provided by the university.
8. **UMMC** – Approved the request to enter into a three (3) year agreement with Integrated Medical Systems International, Inc. (IMS) to provide on-location surgical instrument repair for UMMC’s hospitals and clinics. An on-location repair service allows for surgical instruments to be repaired and put back into circulation within hours, which helps decrease immediate use sterilization and delays due to lack of instrumentation. Without this type of agreement, UMMC would need to mail out instruments for repair, which significantly lengthens the process and results in surgeons being without instruments for several days or weeks. The contract is for years three (3) years, beginning November 16, 2013, and ending November 15, 2016. The total cost of the contract is \$540,000. The annual costs will be \$180,000. Payment of \$15,000 will be issued on a monthly basis upon receipt of an invoice. The agreement will be funded by patient revenues included in

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UMMC's 2013-2014 Board approved operating budget. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

9. **UMMC** – Approved the request for an amendment to the current software license and service agreement with Corepoint Health, LLC. The amendment will be for the purchase of software licenses and service for use with an additional Corepoint interface engine, connections and related implementation and support services. Under the original agreement, Corepoint provided UMMC with a license for use with the Corepoint interface engine, connection licenses and, implementation and support services. At the amendment, UMMC would purchase software licenses and service for use with an additional Corepoint interface engine, connections and related implementation and support services. The interface engine is used to integrate clinical and business systems at UMMC by directing and transferring data to the Epic system. The term of the amendment is for the remaining two (2) years of the 2010 agreement – November 1, 2013 through October 31, 2015. The total cost of the amendment for the remaining two (2) years of the contract period is \$122,200. The amendment will increase the total contract cost to \$423,270. Costs associated with the amendment include: licenses for the production Corepoint interface engine environment and for 140 production connections - \$78,000; 2 years of continual support service - \$34,200; and 40 hours of implementation service - \$10,000. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
10. **UMMC** – Approved the request to amend the current services agreement with Rotolo Consultants, LLC. The amendment will increase the coverage area to include service at the new Lakeland Drive entrance to the main campus as well as at the roadway which intersects Lakeland Drive. The term of the amendment is for the remainder of the term of the 2012 agreement commencing November 1, 2013 through June 30, 2017. The total cost of the amendment for the remainder of the contract period is \$80,271.40. The amendment will increase the total contract cost to \$2,294,416.36. The agreement will be funded by General Funds. The University of Mississippi will reimburse UMMC \$38,843.04 annually for costs associated with grounds maintenance services for the areas around the School of Pharmacy. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
11. **UMMC** – Approved the request to enter into an agreement with Jackson Medical Mall Foundation (JMMF) for valet services to UMMC patients and visitors at the University Hospital and Blair E. Batson Children's Hospital during the hours of 5:30 AM through 5:30 PM on Monday through Friday. The term of the agreement is for three (5) years – November 1, 2013 through October 31, 2018. The estimated total cost for the three (5) year contract term is \$1,216,800 or \$243,360 annually. UMMC may also request additional staff at a rate of \$13.00 per hour during the term. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
12. **UMMC** – Approved the request to enter into an agreement with Medtronic USA, Inc. for the purchase of proprietary neurological and otolaryngological supplies for use with the Medtronic surgical systems currently owned by UMMC. The supplies and disposables will be purchased on

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an “as needed” basis at a discounted rate. The term of the agreement is for five (5) years beginning on or about January 1, 2014 through December 30, 2018. The total estimated contract cost for the five (5) year agreement is \$1,451,283. Beginning twelve (12) months after the commencement of the agreement, Medtronic may annually adjust the rate for the purchase of supplies and disposables in an amount not to exceed 4% yearly. In addition, UMMC has calculated a 10% increase into the annual cost for years two through five of the agreement in anticipation of an increase in patient volume. Assuming an annual rate increase of 4% , as well as a 10% annual cost increase based on expected increases in patient volume each year after Year 1 of the agreement, UMMC would pay the following annually: Year 1 - \$219,555; Year 2 - \$250,293; Year 3 - \$285,334; Year 4 - \$325,281 and Year 5 - \$370,820. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.

13. **UMMC** – Approved the request to enter into an agreement with NxStage Medical, Inc. for the provision of dialysis systems and supplies to those patients who use the home method of hemodialysis therapy. Qualified patients will be trained on the equipment by a designated UMMC employee prior to use at home. The term of the agreement is for twenty six (26) months, November 1, 2013 through December 31, 2015. The total estimated cost for equipment and supplies is \$1,650,196.80. This amount is based on an estimated number of patients who will participate in the home therapy program and incorporates a contingency to cover a 20% cost increase due to special patient orders, expedited shipping costs, etc. The projected annual costs including the 20% price increase are as follows: Year 1 – \$733,420.80; Year 2 - \$785,808.00 and Months 25 and 26 - \$130,968. Funds are available from patient revenues. The agreement is on file in the Board Office. Approval by the Attorney General’s Office is contingent upon submission of a copy of the Department of Finance and Administration’s certification of sole source.
14. **UMMC** – Approved an amendment to its Master Terms and Conditions Agreement with Infor (US), Inc. formerly Lawson Software Americas, Inc. At its June 2012 meeting the IHL Board approved an upgrade in maintenance from the Bronze Maintenance plan to the Silver Maintenance plan which provided a dedicated Support Account Manager, priority status regarding software issues, and a more rapid response time for repairs. The term of the maintenance agreement is for two (2) years, July 1, 2012 through June 30, 2014 at a cost of \$125,000 which increased the overall contract cost to \$1,773,021.63. The amendment is for specific revisions to the current agreement in order to ensure a successful upgrade to the new Infor platform. The term of the amendment is for the remainder of the term of the current agreement commencing November 1, 2013 through June 30, 2014. The total cost of the amendment for the purchase of additional software licenses and related support service is \$119,350. The cost for the two (2) Infor amendments that have been submitted for October IHL Board approval increases the total cost of the Infor agreement to \$1,905,221.63. Funds are available from general funds. The agreement which has been reviewed and approved by the Attorney General’s Office is on file in the Board Office.

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REAL ESTATE

15. **JSU** – Approved the request to initiate **GS 103-281, Alexander Center Renovation Phase II**, and the appointment of Foil-Wyatt Architects and Planners, PLLC as the design professional. Alexander Hall is a five-story residence hall that houses freshmen students. Upon completion of phase I, the university will realize a total of 264 beds for occupancy, which will include ten (10) ADA accessible rooms. Phase II is a continuation of phase I, which will complete the east side and center portion of the building. The facility will be a turnkey project that will include the replacement of mechanical, electrical, roof, windows, ADA Compliance, interior renovation and all other safety requirements to operate the facility. The construction of phase II of this project is part of the Campus Master Plan. The proposed project budget is \$8.5 million. Funds are available from S.B. 2913, Laws of 2013 (\$8.5 million).
16. **MSU** – Approved the initiation of **GS 113-136, Meat Science Laboratory**, and the appointment of Pryor & Morrow Architects and Engineers, PA as the design professional. This new facility will replace an existing older facility that does not meet current USDA standards. The project will construct a new Meat Science Laboratory building. The building will include a harvest area, demonstration area, freezer space and a classroom. The proposed project budget is \$7.7 million. Funds are available from S.B. 2913, Laws of 2013 (\$7.5 million) and S.B. 3100, Laws of 2011 (\$200,000).
17. **MUW** – Approved the initiation of **IHL 204-132, Fire Sprinklers for Callaway and Grossnickle Halls**, and the appointment of Atherton Consulting Engineers as the design professional. In order to comply with life safety requirements, the university will install fire sprinklers in the residence halls. The project will include design calculations, field investigations, plans, specifications, administration of bidding process, recommendations for award of construction contract, and project inspections for fire sprinklers in both Callaway and Grossnickle Hall. The proposed project budget is \$1,143,866. Funds are available from Unexpended Plant Funds (\$1,143,866). This fund is made up of S.B. 2851, Laws of 2013 appropriation funds designated for facilities and any future FY 2015 appropriation funds that may be needed to complete project.
18. **MSU** – Approved the initiation of **IHL 205-264, MSU Post Office**, and the appointment of Allred Architectural Group as the design professional. This project will relocate the Post Office from the basement of the YMCA building to the space in the Roberts Building currently housing the campus Laundry. The Laundry will close and the Roberts Building will be renovated to house the Post Office. The proposed project budget is \$1,691,040. Funds are available from Student Capital Fee (\$1,691,040).
19. **MSU** – Approved the initiation of **IHL 205-271, Robert L. Jones Circle Road and Utility Completion**, and the appointment of Pritchard Engineering as the design professional. The project will require the paving and extension of utilities and infrastructure to complete Robert L. Jones Circle. This project is necessary to complete the road to service the needed access to the

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new sorority houses. The proposed project budget is (\$1,260,315). Funds are available from Internal R&R Funds (\$1,260,315).

20. **MSU** – Approved the initiation of **IHL 205-272, Campus Services Shop Building Buckner Lane**, the appointment of Michael T. Muzzi, University Architect, as the design professional, and the exterior design of the building. A rendering is included in the bound *October 17, 2013 Board Working File*. With the Mill project moving forward at a rapid pace, facilities for the campus services shop that are presently housed in the Cooley Building will be temporarily relocated to various locations. A new facility must be constructed to house the shops in a single location. The proposed project budget is \$2 million. Funds are available from Land Sale Proceeds and Internal R&R Funds (\$2 million).
21. **ERC** – Approved the request to increase the scope and budget for **GS 111-049, Road Improvements**. The budget will increase from \$2,551,057.07 to \$2,651,057.07 for an increase of \$100,000. The project is currently in the construction phase. This is the third budget escalation/change or scope request made for this project by the Education and Research Center. The project will add \$100,000 from HB 1701, Laws of 2010 and \$20,225.97 from HB 1701, Laws of 2010 BOB Discretionary Funds. The budget increase is due to the need to cover unexpected change orders on the project. Funds are available from H.B. 1701, Laws 2010-BOB Discretionary Funds (\$1,220,225.97); S.B. 3100, Laws of 2011-IHL/Bureau of Building Discretionary Funds (\$750,000); H.B. 1701, Laws of 2010 (\$350,000); S.B. 3100, Laws of 2011 (\$250,000) –from JSU; H.B. 1701, Laws of 2010 Bureau of Building Energy Funds (\$80,000); and H.B. 246, Laws of 2007 IHL Bond Funds (\$21,057.07).
22. **DSU** – Approved the request to grant a temporary, non-exclusive easement and right-of-way to Cleveland Music Foundation for the purpose of installing the easternmost portion of the Statesman Park Boulevard in the property in such places and along such paths as the Foundation has graphically denoted on the plat., along with the right of reasonable pedestrian and vehicular ingress and egress to the property including without limitation, access to all utility easements, trenches, rights of way and common areas for the purposes of constructing the roadway. The agreement shall be temporary and shall remain in effect for the duration of the construction phase. The owner (DSU) will have the right to terminate the easement and rights granted in the agreement should the Cleveland Music Foundation fail to use the easement or the property to complete the construction of the eastern portion of the boulevard within thirty-six (36) months after the granting of the easement. A copy of the legal description of the access easement is on file with the Office of Real Estate and Facilities. The Attorney General’s Office has reviewed and approved this item.
23. **MSU** – Approved the request to advertise, accept, and award the sale to the highest and best bid for timber sales 13-03PT, 13-04PT, and 13-05PT from the John W. Starr Memorial Forest. A copy of the legal description of the timber sales and a description of the timber sale process are included in the bound *October 17, 2013 Board Working File*. The Attorney General’s Office has reviewed and approved this item pending receipt of the final executed agreement.

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24. **UM** – Approved the exterior design of **IHL 207-354 – Approval of the Exterior Design for the Honors College Renovation & Addition**. A copy of the rendering is included in the bound *October 17, 2013 Board Working File*. The project is currently in the design phase. The project was initiated with the Board on November 17, 2011 and consists of two phases, the addition of 15,400 gross square feet and the renovation of the existing structure. The addition will nearly double the size of the facility. It will include offices, support space, conference rooms, and classrooms. The renovation of the existing structure will reconfigure space to better accommodate the needs of the increased Honors College program at the university.
25. **UM** – Approved the exterior design of **IHL 207-369 – Approval of the Exterior Design for the Proposed Parking Garage for the Multi-Purpose Facility**. A copy of the rendering is included in the bound *October 17, 2013 Board Working File*. The approval of the exterior of the parking garage is related to Finance Regular Agenda Item # 2 which seeks approval of a resolution for the ground leases and operational leases that will allow the Foundation to construct a new multi-purpose facility/arena with a seating capacity of approximately 9,500, a multi-level parking structure with approximately 820 stalls, associated west side improvements to Vaught Hemingway stadium, road realignment and other infrastructure improvements, and landscaping. A dedicated food service operation will be included in the multi-purpose facility/arena as an additional campus dining venue. The multi-level garage will adjoin the multi-purpose facility/arena and will be used as parking inventory when not in use for athletics and other special events. These facilities will be constructed in the parking lot adjacent to the west side of Vaught-Hemingway stadium and in the adjacent practice field.
26. **USM** – Approved the request to purchase a residential property located at 3701 and 3702 Pearl Street, Hattiesburg, Mississippi adjacent to the Hattiesburg campus in Forrest County, Mississippi from Dr. Martin H. Baker, Sr. in the amount of \$155,000 (project **IHL 208-306**). The property consists of a single family residence built in 1945 with +/- 2100 square feet of living area. This particular property is located at the edge of the university campus and within the university's primary land acquisition zone. The university received two independent property appraisals. The average of the two appraisals is \$162,000. The university is purchasing the property for \$155,000 which is less than the property's appraised value. The university also has a tentative closing date of on or before December 15, 2013 or upon an earlier or later date as agreed upon by both parties. A Phase I Environmental Site Assessment (ESA) has been conducted on the property. No recognized environmental conditions are evident at the subject property. The EDR report listed no regulatory findings for the subject property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities.
27. **USM** – Approved the request to delete Building 208 (Yelverton House), Building 211 (Center for Community and Civic Engagement), Building 213 (Thomas House), and Building 873 (3401 Morningside Drive) from inventory and demolish them. Yelverton House (208): The house is located at 104 North 31st Avenue in Hattiesburg. The house is currently vacant and in poor condition. The university plans to use the property as space for parking and future expansion.

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Center for Community and Civic Engagement (211): The house is located at 106 North 31st Avenue in Hattiesburg. The house currently serves as the Center for Community and Civic Engagement. The occupants in the building are being relocated. The house is located in a flood zone and is in poor condition. The university plans to use the property as space for parking and future expansion. Thomas House (213): The house is located at 108 North 31st Avenue in Hattiesburg. The house currently serves as the Community Health Services building. The occupants in the building are being relocated. The house is located in a flood zone and is in very poor condition. The property has frequent standing water under the house that has resulted in the sub-flooring being deteriorated significantly. The university plans to use the property as space for future parking. 3401 Morningside Drive (873): The house is located at 3401 Morningside Drive in Hattiesburg. The house has been vacant for four (4) years and is in disrepair. The university plans to use the property as space for future parking and expansion. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

28. **USM** – Approved the request to name the new College of Nursing Building as “Asbury Hall” in recognition of the Asbury Foundation of Hattiesburg, Inc., a longtime and generous benefactor of the university and lead donor for the construction of this facility. The Asbury Foundation of Hattiesburg, Inc. is a private grant making foundation serving Hattiesburg, Mississippi and the surrounding area.

LEGAL

29. **MSU** – Approved the request to modify a contract with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones Walker L.L.P., located at 190 E. Capitol Street, Suite 800, Jackson, MS 39201, to provide services necessary in connection with the issuance of bonds for the financing of the construction and acquisition of buildings for Mississippi State University. The initial contract entered into on August 25, 2010 was modified by Modifications #1 and #2 to extend the term until August 24, 2012 and August 24, 2013, respectively. Proposed Modification #3 will extend the term until August 24, 2014. All other provisions of the Agreement for Legal Services dated August 25, 2010 shall remain in effect. As such, the fees to be charged as bond counsel will be \$1.15 for every \$1,000 of bonds issued by the EBC, plus any out of pocket expenses not to exceed \$4,000. The Attorney General has approved this item.
30. **MSU** – Approved the request to renew the contract for legal services between Mississippi State University and Butler Snow O’Mara Stevens & Cannada PLLC located at Suite 1400, 1020 Highland Colony Parkway, Ridgeland, MS 39157, to provide services necessary in the practice areas of intellectual property and commercial matters; this representation does not and is not intended to include any representation by the law firm for or on behalf of the university as bond counsel or in any related role in connection with any financing transaction undertaken by or for the university, including any other matters which may concern advice in connection with indebtedness of the university. The firm will provide legal representation on a single, blended hourly rate which will apply to any attorney in the firm that works on an Intellectual Property or

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Commercial matter at a rate of \$240 per hour and any legal assistant at a rate of \$95 per hour. The term of the contractual agreement will be for one (1) year and the total amount payable, pursuant to the contract, shall not exceed \$75,000. The Attorney General has approved this item.

31. **UMMC** – Approved the request to employ Stites and Harbison, PLLC to perform services necessary for obtaining patents for designs, processes, products and other patentable materials developed in connection with the University of MS Medical Center as well as copyright and tech transfer matters. The contract period will be November 1, 2013 through October 31, 2014. The hourly rate would be \$320 for the partner and \$175 to \$195.00 for associates. The maximum amount payable under the contract would be \$100,000. The Attorney General has approved this item.
32. **UMMC** – Approved the request to employ Baker, Donelson, Bearman, Caldwell and Berkowitz, PC to advise on environmental related issues. The contract period will be November 1, 2013 through October 31, 2014. The hourly rate would be \$210. The maximum amount payable under the contract would be \$50,000. The Attorney General has approved this item.
33. **USM** – Approved the request to hire George Estes III, of Estes and Estes, PA, located in Gulfport, MS, as outside counsel to perform real estate services for multiple real estate closings. It is anticipated that the university will have a minimum of two closings with the possibility of a maximum of five closings during this fiscal year ending June 30, 2014. The closings will be for purchases of property near the Gulf Park, Long Beach campus and the Gulf Coast Research Laboratory, Ocean Springs campus. An additional closing may be the sale of surplus university property located in Jackson County, MS. It is expected that each closing will cost the University approximately \$1,000. The maximum amount budgeted for payment under the contract is \$5,000. The attorney's average hourly rate, depending on services rendered, is \$150. The Attorney General has approved this item.
34. **USM** – Approved the request to hire Stephen K. Thomas, of Hattiesburg, MS, as outside counsel to perform real estate services for multiple real estate closings. It is anticipated that the university will have a minimum of two closings with the possibility of a maximum of five closings during this fiscal year ending June 30, 2014. The closings will be for purchases of property near the Hattiesburg campus. It is expected that each closing will cost the university approximately \$1,000. The maximum amount budgeted for payment under the contract is \$5,000. The attorney's average hourly rate, depending on services rendered, is \$150. The Attorney General has approved this item.
35. **UMMC** – By law, the HIPAA Privacy Rule applies only to covered entities (i.e. hospitals, insurers, etc.). However, most covered entities do not carry out all of their health care activities and functions by themselves. Instead, they often use the services of a variety of other persons or businesses. The Privacy Rule allows covered entities to disclose protected health information to these "business associates" if they obtain satisfactory assurances that the business associate will use the information only for the purposes for which it was engaged by the covered entity, will safeguard the information from misuse, and will help the covered entity comply with some of the covered entity's duties under the Privacy Rule. The requisite satisfactory assurances are

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documented through business associate agreements (BAAs). The Health Information Technology for Economic and Clinical Health (HITECH) Act Omnibus Rule (“Omnibus Rule”) expanded the definition of "business associate" to include many new entities. UMMC is considered a covered entity and under the Omnibus Rule needed to update its BAAs with new and existing business associates. In addition to previous requisites, BAAs must now also require business associates to: 1) Comply with the Security Rule (administrative, technical, and physical safeguards for electronic PHI); 2) Execute BAAs with their subcontractors (i.e. outside counsel hiring an expert); 3) To the extent the business associate will carry out an obligation of a covered entity, agree to comply with any Health Insurance Portability and Accountability Act (HIPAA) rule applicable to that obligation; and 4) Timely report breaches of unsecured PHI to the covered entity. The Board approved the request to amend all contracts which it had previously approved that required a BAA to now include a revised BAA pursuant to the Omnibus Rule published in the Federal Register on January 25, 2013 at 78 Fed. Reg. 5566.

36. PERSONNEL REPORT

EMPLOYMENT

Delta State University

Mr. Steve McClellan; Chief Financial Officer and Vice President of Finance & Administration; salary of \$131,000, per annum, pro rata; E&G funds; effective August 1, 2013

SABBATICAL

Jackson State University

(Nine-month appointment)

Safiya R. Omari, Associate Professor of Social Work; *from* salary of \$58,719, per annum, pro rata; E&G Funds; *to* salary of \$29,359.50 for sabbatical period; E&G Funds; effective August 15, 2013 to May 5, 2014; professional development.

EMERITUS STATUS

University of Southern Mississippi

- Richard L. Conville; Professor Emeritus of Communication Studies and Service Learning
- Francis D. Glamser; Professor Emeritus of Sociology
- Mabel Jane Hudson; Professor Emerita of Medical Laboratory Science
- Charles E. Jordan; Professor Emeritus of Accounting
- Vladimir Kamenkovich; Professor Emeritus of Marine Science
- Patricia P. Munn; Instructor Emerita of Accounting
- Roderick B. Posey; Professor Emeritus of Accounting

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ACADEMIC AFFAIRS

Presented by Trustee Robin Robinson, Chair

On motion by Trustee Robinson, seconded by Trustee Blakeslee, with Trustee Cummins participating by phone and with Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1a-c as submitted on the Academic Affairs Agenda. On motion by Trustee Robinson, seconded by Trustee Rouse, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **System** – Approved the academic program productivity reviews. Academic productivity reviews are triggered when cumulative graduates over the past 3 academic years for a single degree program are <15 for baccalaureate-level degrees, <9 for master-level degrees, and <5 for doctorate and specialist-level degrees. Twenty-eight academic programs were evaluated to assess need, potential to grow enrollment, productivity potential, and unnecessary duplication. Based on institution-prepared proposals and subsequent review by the Office of Academic and Student Affairs (OASA), the Board approved the following recommendation.

- a. DELETE the following 7 academic programs

JSU	Education Specialist in Secondary Education (CIP 13.1205)
MSU	Master of Science in Business Administration (MSBA) (CIP 52.0801)
MSU	Master of Science in Computer Engineering (CIP 14.0901)
MSU	Doctor of Philosophy in Computer Engineering (CIP 14.0901)
USM	Master of Education in Adult Education (CIP 13.0403)
USM	Doctor of Philosophy in Counseling Psychology (CIP 42.2803)
USM	Doctor of Music Education (CIP 413.1312)

- b. SUSPEND the following 4 academic programs

Although students may earn degrees from suspended academic programs, no additional students will be accepted into these majors. If the institution does not request that a suspended program be deleted or removed from suspension within 3 academic years, OASA will recommend to the Board that the program be deleted from the academic program inventory.

USM	Bachelor of Science in Business Technology Education (CIP13.1301)
USM	Master of Arts in Philosophy (CIP 38.0101)
UMMC	Master of Science in Clinical Health Sciences (CIP 51.1399)
UMMC	Doctor of Philosophy in Clinical Health Sciences (CIP 51.1399)

- c. CONTINUE WITH STIPULATION the following 17 academic programs (these programs will be subjected to additional review by OASA for two years to assess progress toward future productivity)

ASU	Bachelor of Science in Agribusiness Management (CIP 01.0101)
ASU	Bachelor of Science in Robotics and Automation (CIP 15.0405)
DSU	Bachelor of Science in Environmental Science (CIP 30.0101)

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DSU	Master of Science in Natural Sciences (CIP 30.0101)
JSU	Bachelor of Music Performance (CIP 50.0903)
MSU	Bachelor of Science in General Science (CIP 24.0101)
MSU	Bachelor of Science in Environmental Economics and Management (CIP 03.0202)
MSU	Master of Arts in Economics (CIP 052.0601)
MSU	Doctor of Philosophy in Cognitive Sciences (CIP 30.0601)
MUW	Bachelor of Arts in Music (CIP 50.0901)
MVSU	Bachelor of Arts in Political Science (CIP 45.1001)
MVSU	Bachelor of Science in Public Administration (CIP 44.0401)
UM	Bachelor of Arts in Secondary Education – Biology, Chemistry, and Physics (CIP 13.1316)
UMMC	Master of Science in Biomedical Materials Science (CIP 14.1801)
USM	Master of Science in Human Performance (CIP31.0505)
USM	Doctor of Philosophy in Geography (CIP 45.0701)
USM	Doctor of Philosophy in Music Education (CIP 13.1312)

2. **System** – Approved for first reading the proposed changes to Board Policy 201.0507 Subsection E as follows.

E. OFF-CAMPUS CONFLICTS

~~Whenever one institution desires or is requested to offer programs or courses in close proximity to another state university, such instruction may be offered providing an agreement is made with the closest institution. Any exceptions shall be mediated by the Institutional Executive Officers and reported to the Commissioner. If necessary, the Commissioner shall mediate any remaining conflicts and make recommendations as to a resolution to the Board as needed.~~

Whenever one institution desires or is requested to offer a program/course within 50 miles of the main and/or branch campuses of another state university that currently does not offer that program/course, state universities should first explore offering the program/course collaboratively.

If attempts for collaborative program/course delivery have been exhausted, the program/course may be offered by the requesting institution providing an agreement is made with the closest institution.

- i. The IEO at the institution requesting to offer a program/course within the area/region of another IHL institution(s) must notify (in writing) the IEO(s) at the closest IHL institution(s) of that intent at least one full semester prior to the anticipated date of enrolling students, and copy the Commissioner. IEO notification is required, regardless of the program/course availability at the closest institution(s).
- ii. The IEO(s) at the closest institution(s) must respond (opposing or not opposing the intent in writing) to the IEO at the requesting institution within 30 days of receiving the request and copy the Commissioner.
- iii. If the IEO(s) at the closest institution(s) does not oppose the intent of the requesting institution, then the requesting institution has satisfied Board policy 201.0607 E.
- iv. Opposition by the closest institution(s) to the requesting institution delivering a program/course in the area/region of the closest institution(s) should be based on program/course duplication or future plans of the closest institution(s) to deliver said program/course.

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- v. If the closest institution(s) plans to offer said program/course in the near future, that institution(s) must provide the IEO at the requesting institution and the Commissioner documentation of current efforts to offer said program/course, a reasonable timeline for implementation, and the institution must adhere to that timeline.
 - vi. Following written opposition from the IEO(s) at the closest institution(s), the IEO from the requesting institution may request that the Commissioner mediate the conflict.
 - vii. If mediation from the Commissioner is necessary to resolve a conflict, the Commissioner will inform the IEOs of his/her decision to resolve the conflict and report his/her decision to the Board.
3. **Other Business** – Trustee Robinson reported that given the importance of preparing teachers, Commissioner Bounds and Dr. Susan Lee, IHL Director of Academic Affairs, have worked on creating five initiatives to improve the quality of teachers in Mississippi. Dr. Bounds noted that to impact teacher quality and teacher shortage, you must also look at teacher compensation. The latest statistics from the Mississippi Department of Education indicates that Mississippi has a shortage of well over 1,000 teachers. This shortage will probably increase over time. There are several short-term and long-term strategies that have been created to address this shortage.

FINANCE AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Robinson, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1a-c as submitted on the Finance Agenda. On motion by Trustee Perry, seconded by Trustee Robinson, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #2a-c. On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #3a. On motion by Trustee Perry, seconded by Trustee Robinson, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #3b-d. On motion by Trustee Perry, seconded by Trustee Robinson, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #3e. On motion by Trustee Perry, seconded by Trustee Robinson, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #3f. On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #4a. On motion by Trustee Perry, seconded by

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Trustee Robinson, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #4b. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Cummins voting by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #5.

1. **MSU** – Approved the request to enter into two contracts with Cooley Center, LLC related to the renovation of the Cooley Building as described below and authorized the Commissioner and Board President to approve any changes to the contract which are required by the project lenders and which do not change the substantive terms of the contract without further Board approval. Any changes which do impact the substantive terms of the contract will be submitted to the Board for consideration.

- a. Pending approval by the Attorney General’s Office, MSU will lease the Cooley Building to Cooley Center, LLC for the purpose of renovating the Cooley Building to the university’s approved specifications. The renovated building will consist of 72,000 usable square feet of which approximately 22,000 will be developed into a conference center and operated by Cooley Center Hotel, LLC; 36,000 will be leased back to the university for use as office space, and 14,000 will be available for other university approved subleases. The contract provides for three contract terms: a construction term, an initial term, and optional terms. The construction term is for up to two years in order to provide Cooley Center, LLC with access to complete renovations of the Cooley Building. The initial term is for 41 years and begins upon expiration of the construction term. The optional terms provide for two 5-year extensions of the lease agreement after the expiration of the initial term. The university will provide Cooley Center, LLC access to the Cooley Building during the construction term for the purpose of renovating the Cooley Building. During the initial and optional terms, the Cooley Center, LLC will use the renovated Cooley Building to sublease office space, operate a conference center, and other uses approved by the university. The proposed contract provides for the following rent payments from Cooley Center, LLC to the university. There will be no rent paid during the construction term. During the initial term, Cooley Center, LLC shall pay the university \$100,000 per year for a total of \$4.1 million. Should the optional terms be exercised, Cooley Center, LLC will pay an additional \$100,000 per year for a maximum contract payment of \$5.1 million over 51 years. A copy of the contract is on file in the Board Office.
- b. MSU will lease back approximately 36,000 square feet in the Cooley Building from Cooley Center, LLC to be used as office space by the university. The contract provides for two term types: an initial term and optional terms. The initial term is for 15 years. In addition, there are 4 optional terms of 5 years and a final optional term of 6 years for a total potential term of 41 years including all optional terms. A breakdown of leaseback provisions is included in the bound *October 17, 2013 Board Working File*. Funds are

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available from E&G funds. A copy of the agreement with has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

- c. MSU will lease the bottom floor of the proposed parking garage to be constructed by the city of Starkville. In August 2013, the Board approved the lease of 1.677 acres to the city of Starkville to allow the city to construct a 450-space parking garage. Also in August 2013, the Board approved a lease back of the parking garage to MSU once construction is completed. MSU will operate the parking garage at its own expense for 10 years. After 10 years, the garage will become the property of the university. The contract runs for 41 years and has a provision for an optional, additional 41 year term. The university will provide exclusive use of the 110 parking spaces on the first floor of the proposed parking garage to be constructed by the city of Starkville and operated by the university. The university will receive payment of one-fourth of the operations and maintenance costs of the parking garage for years 1 through 15. Beginning in lease year 15, the university will receive an annual fee of \$15,155 in year 15 for a five year period. The annual fee will be escalated by 10 percent each five years thereafter for a total fee received of \$487,000. The university will continue to receive one-fourth of the maintenance and operation costs. Maintenance costs include electricity, water, sewer, landscaping, lawn care, janitorial, exterior maintenance, structural maintenance, and elevator maintenance. A breakdown of fees is included in the bound *October 17, 2013 Board Working File*. The contract which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
2. **UM** – Approved a resolution to enter into two ground leases and two operating leases with the Ole Miss Athletic Foundation for the construction and operation of an arena and parking garage. The four (4) leases are presented as Exhibits “A-1”, “A-2”, “B-1” and “B-2” to the Resolution and are described below. The Attorney General's office has reviewed and approved the resolution and the form of the ground leases and operating leases.
 - a. Approved the request to enter into two (2) ground leases (Exhibits “A-1” and “A-2”, respectively) with the Ole Miss Athletics Foundation for the purpose of constructing a parking structure and for the purpose of constructing a multi-purpose arena. The university will lease the property to the Foundation, which will facilitate the construction, financing, and delivery of a new multi-use facility/arena, adjoining parking structure, and related improvements, to be financed by the Foundation and paid back, in-part, by private gifts to the Foundation, and will lease such improvements back to the university for its general use. The exterior designs are presented today on the Real Estate Consent Agenda for approval. The ground leases will allow the Foundation to construct a new multi-purpose facility/arena with a seating capacity of approximately 9,500, a multi-level parking structure with approximately 820 stalls, associated west side improvements to Vaught Hemingway stadium, road realignment and other infrastructure improvements, and landscaping. A dedicated food service operation will be included in the multi-purpose facility/arena as an additional campus dining venue. The multi-level garage will

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adjoin the multi-purpose facility/arena and will be used as parking inventory when not in use for athletics and other special events. These facilities will be constructed in the parking lot adjacent to the west side of Vaught-Hemingway stadium and in the adjacent practice field. The Lease, unless earlier terminated by an event of default hereunder or mutual agreement of the parties, shall be for a primary term of five (5) years, and shall automatically renew for successive one (1) year terms, unless either party shall provide one hundred eighty (180) days written notice of termination prior to the expiration of the then-current term. The Attorney General's office has reviewed and approved the form of the ground leases. A copy of the ground leases and property description are on file in the Board Office.

- b. Approved the request to enter into an operating lease (Exhibit "B-1") with the Ole Miss Athletics Foundation (OMAF) to operate a parking garage. The OMAF will lease the parking garage constructed after execution of a ground lease of university property. The garage will have approximately 820 stalls and be located near Vaught-Hemingway Stadium. The exterior designs are presented today on the Real Estate Consent Agenda for approval. The lease contract provides for a primary lease term of five (5) years and will automatically renew for a successive one (1) year term unless either party submits an advance written notice of termination 180 days prior to the then-current term. At the end of the lease, the parking garage will become the property of the university. The university will lease the parking garage from the OMAF and have beneficial possession. The university will operate the parking garage. To finance the parking garage, the OMAF has requested the Mississippi Business Finance Corporation ("MBFC") to issue bonds which will be purchased by Regions Bank and Regions Capital Advantage, Inc. The proceeds of the Bonds will then be loaned by MBFC to OMAF and used by OMAF for the construction of the proposed parking garage. Pursuant to the Lease, the university will make rental payments equal to the debt service associated with the issuance of Bonds. Currently, the estimated debt finance portion of the parking garage is \$14 million which will have an average annual principal and interest obligation of \$1.1 million beginning in the Fall of 2014 and ending in fifteen years in the Fall of 2028. Total estimated principal and interest payments are \$17.4 million. The university will use revenues generated from parking garage operations, contributions from the athletic department, and other university transportation operations revenues. The Attorney General's office has recommended approval of the form of the operating leases. A copy of the operating lease and the property description are on file in the Board Office.
- c. Approved the request to enter into an operating lease (Exhibit "B-2") with the Ole Miss Athletics Foundation (OMAF) to operate an arena. The OMAF will lease the arena constructed after execution of a ground lease of University property. The arena will contain a seating capacity of approximately 9,500. The exterior designs are presented today on the Real Estate Consent Agenda for approval. The lease contract provides for a primary lease term of five (5) years and will automatically renew for a successive one (1)

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year term unless either party submits an advance written notice of termination 180 days prior to the then-current term. At the end of the lease, the arena will become the property of the university. The university will lease the arena from the OMAF and have beneficial possession. The university will operate the arena. To finance the arena, the OMAF has requested the Mississippi Business Finance Corporation (“MBFC”) to issue bonds which will be purchased by Regions Bank and Regions Capital Advantage, Inc. The proceeds of the Bonds will then be loaned by MBFC to OMAF and used by OMAF for the construction of the proposed parking garage. Pursuant to the Lease, the university will make rental payments equal to the debt service associated with the issuance of Bonds. Currently, the estimated debt finance portion of the arena is \$64.8 million which will have an average annual principal and interest obligation of \$4.48 million beginning in the Fall of 2017 and ending in twenty years in the Fall of 2036. Total estimated principal and interest payments are \$89.4 million. The university proposes to use funds generated from the Forward Together fundraising campaign, which includes football and basketball seating priority plans and philanthropic gifts, as well as university cash flows becoming available from expiring debt amortization on other Athletic debt obligations. The Attorney General’s office has recommended approval of the form of the operating leases.

A copy of the operating lease and the property description are on file in the Board Office.

3. **UMMC** – Approved the following agreements with AutoMed Technologies, Inc. (1) an Equipment Purchase and Software License Agreement for automated pharmacy dispensing cabinets and related software, and (2) a System Maintenance Agreement for support services for both existing and newly purchased equipment and technology. The AutoMed equipment and technology has the ability to secure and dispense Schedule II-V narcotics without requiring the healthcare provider to access more than one medication dose at a time thus greatly reducing the risk of theft. The new equipment will be used in UMMC’s new Cardiovascular Unit. The term of the agreement is for five (5) years, November 1, 2013 through October 31, 2018. The total estimated contract cost is \$2,733,543.67. The agreements which have been reviewed and approved by the Attorney General’s Office are on file in the Board Office.
4. **UMMC** – Approved the request to enter into an agreement with Edwards Lifesciences, LLC (Edwards) for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve repair and replacement procedures, at prices locked-in for two (2) years at a discounted rate. The initial term of the agreement is for two (2) years with the option to renew for three (3) additional one (1) year terms. The total maximum term of the agreement is five (5) years, approximately December 1, 2013 through November 30, 2018. UMMC is requesting approval for the maximum five (5) year term. The total estimated contract cost for the maximum five (5) year contract term and is \$2,289,749.00. The estimated total cost breakdown by year is as follows: Year 1 \$307,696; Year 2 \$369,235; Year 3 \$443,082; Year 4 \$531,698; and Year 5 \$638,038. Prices are fixed for the first two years of the agreement. The first year estimate is based on historical numbers plus a 20% growth factor. There *may* be an annual rate adjustment in an amount not to exceed the increase in the Hospital and Related

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Services component of the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC has factored in a 20% growth, beginning in year two, for increases in patient volume and addition of physician staff due to the new cardiovascular unit will open soon. In years three through five, UMMC continued to factor in 20% growth to account for increases in pricing and patient volume. Funds are available from patient revenues. The contract 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 St. Jude Medical S.C., Inc. d/b/a/ St. Jude Medical, U.S. Division for the purchase of mechanical heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve repair and replacement procedures, at prices locked-in for two (2) years at a discounted rate. The initial term of the agreement is for two (2) years with the option to renew for three (3) additional one (1) year terms. The total maximum term of the agreement is five (5) years, approximately December 1, 2013 through November 30, 2018. UMMC is requesting approval for the maximum five (5) year term. The total estimated contract cost for the maximum five (5) year contract term and is \$2,289,749.00. The estimated total cost breakdown by year is as follows: Year 1 \$307,696; Year 2 \$369,235; Year 3 \$443,082; Year 4 \$531,698; and Year 5 \$638,038. Prices are fixed for the first two years of the agreement. The first year estimate is based on historical numbers plus a 20% growth factor. There may be an annual rate adjustment in an amount not to exceed the increase in the Hospital and Related Services component of the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC has factored in a 20% growth, beginning in year two, for increases in patient volume and addition of physician staff due to the new cardiovascular unit will open soon. In years three through five, UMMC continued to factor in 20% growth to account for increases in pricing and patient volume. Funds are available from patient revenues. The contract 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 enter into an agreement with St. Jude Medical S.C., Inc. d/b/a/ St. Jude Medical, U.S. Division for the purchase of tissue heart valves, rings, bands, and other cardiac surgery accessories needed to perform heart valve repair and replacement procedures, at prices locked-in for two (2) years at a discounted rate. The initial term of the agreement is for two (2) years with the option to renew for three (3) additional one (1) year terms. The total maximum term of the agreement is five (5) years, approximately December 1, 2013 through November 30, 2018. UMMC is requesting approval for the maximum five (5) year term. The total estimated contract cost for the maximum five (5) year contract term and is \$2,289,749.00. The estimated total cost breakdown by year is as follows: Year 1 \$307,696; Year 2 \$369,235; Year 3 \$443,082; Year 4 \$531,698; and Year 5 \$638,038. Prices are fixed for the first two years of the agreement. The first year estimate is based on historical numbers plus a 20% growth factor. There *may* be an annual rate adjustment in an amount not to exceed the increase in the Hospital and Related Services component of the Consumer Price Index for All

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Urban Consumers (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC has factored in a 20% growth, beginning in year two, for increases in patient volume and addition of physician staff due to the new cardiovascular unit will open soon. In years three through five, UMMC continued to factor in 20% growth to account for increases in pricing and patient volume. Funds are available from patient revenues. The contract which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

7. **UMMC** – Approved the following related to the agreement with Philips Healthcare, a division of Philips Electronics North America Corporation: (1) renewal of the eCare Manager system and service agreement which currently will expire on October 31, 2013, (2) amendment to the renewed eCare Manager system and service agreement to include the Epic 2012 Upgrade Services Addendum, and (3) amendment to the renewed eCare Manager system and service agreement to include the Orion Addendum. The purpose of the agreements is to extend service and support for the eCare Manager system through the Service and Support Agreement; to provide service and support during the Epic 2012 upgrade through the Epic 2012 Upgrade Services Addendum, and to provide Orion software licensing through the Orion Addendum. The term of the agreement is for three years, November 1, 2013 through October 31, 2016. The total estimated cost for the three terms is \$1,615,960 and is based on the following: service and support fees for the eCare Manager system - \$1,558,960; service and support fees for the Epic 2012 system upgrade - \$25,000; and licensing for the Orion interface engine - \$32,000. Funds are available from patient revenues. The renewal agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office. The Board also granted retroactive approval of two amendments to the original 2008 system and services agreement with VISICU, Inc. In October 2009 UMMC entered into an amendment for an additional fifteen software license at a cost of \$96,120 as well as a November 2011 amendment for an additional nine software licenses at a cost of \$80,740. Because the cost associated with the October 2009 amendment was included in the original contract cost, the two amendments only increased the overall contract cost by \$80,740 to \$13,096,480. The contract amendment increased the 2008 contract cost *from* \$13,015,740 *to* \$13,096,480. The Attorney General's Office could not issue a formal approval of these retroactive items.
8. **UMMC** – Granted retroactive approval of the amendment to the Master Terms and Conditions Agreement with Infor (US), Inc. formerly Lawson Software Americas, Inc. for the purchase of Micro Focus servicers and for the provision of an upgrade of the current operating system or platform on which the Infor system resides. At its June 2012 meeting the IHL Board approved an upgrade in maintenance from the Bronze Maintenance plan to the Silver Maintenance plan which provided a dedicated Support Account Manager, priority status regarding software issues, and a more rapid response time for repairs. The term of the maintenance agreement was for two (2) years, July 1, 2012 through June 30, 2014 at a cost of \$125,000 which increased the overall contract cost to \$1,773,021.63. The term of this amendment is for the remainder of the term of the current agreement or through June 30, 2014. Retroactive approval is for the October 2012

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purchase of \$12,840 for Micro Focus servers. There is no cost associated with the platform upgrade. The cost for the two (2) Infor amendments that have been submitted for October IHL Board approval increases the total cost of the Infor agreement to \$1,905,221.63. Funds are available from general funds. The Attorney General's Office could not issue a formal approval of this retroactive item.

9. **USM** – Granted retroactive approval for the original agreement with Elsevier B.V. for subscription products and services for library materials, including books and journals, as well as all subsequent amendments to the original since its inception. The original agreement began on January 1, 2011. The agreement has been amended on five separate occasions since. Neither the original agreements, nor the amendments have ever been brought to the IHL Board for approval as there was a misunderstanding as to whether-or-not library subscription contracts should follow the IHL Contract approval process. The original agreement is scheduled to expire on December 31, 2015. The Board approved the ratification of the Fifth Amendment which alters the fees for annual payment periods 2013, 2014, and 2015. The purpose of the Fifth Amendment modification is to mitigate against sharp increases in costs for library materials by providing predictability and stability in pricing as well as securing discounted pricing for scientific journals. The name of the package of journals supported by this agreement is “Science Direct ® online”, and it provides access to 203 e-journals. In addition, this subscription provides access to the journals dating back to 1995. The term of the agreement, as amended remains the same and will continue until December 31, 2015. The agreement will be automatically be renewed for successive one-year terms, unless either party gives notice to the other by August 1st prior to the end of then current term. A breakdown of the fees under this agreement since its inception in January 2011 is included in the bound *October 17, 2011 Board Working File*. The total cost of the agreement from inception is estimated to equal \$2,258,556. Funds are available from Educational & General (E&G) funds. The Attorney General's Office could not issue a formal approval of this retroactive item.
10. **USM** – Granted retroactive approval of the original agreement with EBSCO Information Services for print and electronic subscription resources. This is a three-year agreement that began on January 1, 2012 and is slated to end on December 31, 2014. The agreement has an automatic one-year extension through December 31, 2015, unless notice of termination is provided by USM prior to September 30, 2014. The original agreement was not brought to the IHL Board for approval as there was a misunderstanding as to whether-or-not library subscription contracts should follow the IHL Contract approval process. The purpose of the agreement is to allow EBSCO to serve as USM's information service interface to handle many thousands of invoices to obtain individual journal subscriptions and electronic resources with publishers. Without these services, USM would have to individually deal with dozens of publishers to correct issues of misplaced journal volumes, failed software platforms, changes in line-up and similar issues. EBSCO also provides statistical information for USM's use. EBSCO collaborates with large international publishers and software vendors to help USM obtain better pricing and discounts. The term of the original agreement began on January 1, 2012 and is slated

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to end on December 31, 2014. The agreement will automatically extend one additional year through December 31, 2015, unless USM formally cancels that extension by giving's its intent by September 30, 2014. A breakdown of the fees that have been expended or are expected to be expended is included in the bound *October 17, 2013 Board Working File*. Included in this breakdown are expected additional fees for the one-year extension. Should that extension be exercised, total expected costs are estimated to equal \$4,299,001. Funds are available from Educational & General (E&G) funds. The Attorney General's Office could not issue a formal approval of this retroactive item.

11. **System** – Approved the proposed multi-year tuition rates for resident and non-resident students effective FY 2015 and FY 2016 for first reading. In compliance with Board Policy 702.04 (C) Consideration of Request, final approval of the tuition rates will be considered in 30 days. **(See Exhibits 1 and 2.)**

REAL ESTATE AGENDA

Presented by Trustee Hal Parker, Chair

On motion by Trustee Parker, seconded by Trustee Hooper, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1a as submitted on the Real Estate Agenda. On motion by Trustee Parker, seconded by Trustee Hooper, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1b.

1. **MSU** –Mill Development at MSU Conference Center related items as follows.
 - a. **MSU** - Approved the sale of 1.63 acres of land (Lot 2) to Cooley Center Hotel, LLC and the sale of 1.30 (Lot 3) and .59 acres (Parcel 2) of land to Russell Street Development, LLC as part of the Mill at MSU Conference Center. The Board also granted the Commissioner and Board President the authority to approve any changes to the contract which are required by the project lenders and which do not change the essential terms of the contract without further Board approval. Any changes which do impact the essential terms of the contract will be submitted to the Board for consideration. Lot 2 which will be sold to the Cooley Center Hotel, LLC is limited to the development of a Marriot Courtyard. Lot 3 and Parcel 2 which will be sold to Russell Street Development, LLC is limited to the development of restaurants or retail use approved by MSU. The land is not needed by the university, is not located on campus, and is not part of the campus master plan. The legal description of the land (Lot 2, Lot 3 and Parcel 2) to be sold along with a plat is included in the *October 17, 2013 Board Working File*. The hotel parcel (Lot 2) must close on or before November 30, 2013. The 2 outparcels (Parcel 2 and Lot 3) must close on or before April 30, 2014. MSU does have the option to grant up to six (6) months extension for the sale of any parcel upon good cause shown. Cooley Center, LLC

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shall have the option not to purchase the property if it is not satisfied with the inspections or if it is unable to obtain the necessary approvals to develop a hotel on the property. Should Cooley Center Hotel, LLC or Russell Street Development, LLC fail to develop the property as agreed to or fail to adhere to the terms of the Master Lease Agreement regarding the Cooley Building, MSU shall have the right to repurchase the property for the purchase price as well as any actual costs incurred in construction less \$25,000 or for the average of two appraisals, whichever is less. Mississippi State University has received two independent property appraisals for the property. The first appraisal of the property reflected a total property value of \$1,430,000. The second appraisal of the property reflected a total property value of \$2,080,000. The university is selling the Hotel property (1.63 acres) to Cooley Center Hotel, LLC for \$665,000.00 (Lot 2) and the Outparcels to Russell Street Development for \$1,090,000.00. The sale price of the Outparcels is broken down as follows: \$355,000 for the 0.59 acres (Parcel 2) + \$735,000 for the 1.30 acres (Lot 3). The total sale price for all 3 pieces of property is \$1,755,000.00 which is the average of the two appraisals and complies with Board Policy for the sale of property. A Phase I Environmental Site Assessment (ESA) is not required for the sale of property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved this item.

- b. **MSU** - Approved a temporary construction easement to Cooley Center, LLC; Cooley Center Hotel, LLC; and Russell Street Development, LLC allowing the access to the remaining property Mississippi State University owns surrounding the Cooley Building in order for these entities to construct a road on a portion of the property and to grade a portion of the property as well as run utilities to it as described in the Agreement for the Purchase, Sale, and Redevelopment of Real Estate. In the event construction of the improvement is not commenced within six (6) months from the date in signed agreement, the rights and privileges in the agreement shall at once revert to the Grantor, its successors, and assigns. The easement includes the rights of ingress or egress at any time over and upon the property. There is reserved to the Grantor, its successors and assigns the right and privilege to use the property at any time, in any manner, and for any purpose not inconsistent with the full use and enjoyment by the Grantees, their successors and assigns, of the rights and privileges granted in agreement. The Grantees are responsible, at their expense, for constructing, operating, and maintaining improvements. All rights granted by this instrument from the Grantor to the Grantees are temporary and terminate upon the completion of the Construction of Improvements described above. Grantor may terminate this easement and all rights granted herein at any time after six (6) months of continuous non-use of the easement by Grantees. Upon completion of the above construction of Improvements, the Grantees shall relinquish all rights granted herein, and any and all interest in the Grantor's property conveyed in this easement shall

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automatically revert to the Grantor or its successors or assigns. The Attorney General's Office has reviewed and approved this item.

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

FINANCE

1. **System** - Mississippi Department of Information Technology Services is acting as contracting agent for the Mississippi Institutions of Higher Learning (IHL) and is entering into an agreement with Ellucian Company, L.P. This agreement will afford the institutions that utilize Banner Enterprise Resource Planning Systems a pool of consulting hours available for consulting and training services on an as needed basis. The institutions that use Banner are ASU, DSU, JSU, MSU, MUW, MVSU. The contract will be two-years in length and provides for 5,000 hours of consulting and training services at a rate of \$180 per hour. The 5,000 hour work order is time and materials bases. There is no obligation to consume the hours and member institutions are only billed for hours consumed. The total contract cost will not exceed \$900,000.
2. **System** - In accordance with the *JAKE AYERS, JR. ET.AL. and United States of America v RONNIE MUSGROVE, GOVERNOR, STATE OF MISSISSIPPI, ET.AL.* Settlement (aka: *Ayers Settlement Agreement*), the Board, through its counsel, shall provide to lead counsel for the private plaintiffs and counsel for the United States an annual disclosure report reflecting specified line-item information. This document is due October 1 of each year and has been presented to the court. A copy of the document is on file in the Board Office.

REAL ESTATE

3. **System** – The Board received the Real Estate items that were approved by the Board staff subsequent to the August 15, 2013 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 3.)

LEGAL

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

ADMINISTRATION/POLICY

5. **System** – The following items have been approved by the Commissioner on behalf of the Board and are available for inspection at the Board Office.
 - a. **UM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On September 25, 2013, the Commissioner approved the request for budget

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revisions to the Center for Manufacturing Excellence for the University of Mississippi. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the *October 17, 2013 Board Working File*.

- b. **USM** - In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On September 25, 2013, the Commissioner approved the request for final revisions to the On Campus Budget, Gulf Coast Campus Budget, and Gulf Coast Research Lab Budget for Fiscal Year 2013 for the University of Southern Mississippi. The Executive Office financial staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents are included in the *October 17, 2013 Board Working File*.
- c. **UM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On September 30, 2013, the Commissioner approved the request by the University of Mississippi to amend a lease agreement between The Board of Trustees of State Institutions of Higher Learning and The Tau House Corporation of Chi Omega Sorority (Lessee). This is a no-cost amendment that will allow Lessee to extend the northern property line of Lot 256 on the Oxford campus of UM by twenty (20) feet beyond the current lot line. Extending the property line will enable Lessee to construct an addition to the northeast corner of the present sorority house in order to house additional students. The current lease was executed in August 2009 and runs for a thirty (30) year term, expiring on or about July 31, 2039. The Executive Office legal staff have reviewed and approved the contract documents.
- d. **UMMC** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On September 30, 2013, the Commissioner approved the request for the University of Mississippi Medical Center to enter into a lease agreement with the Mississippi Fair Commission (Commission). The agreement is for the lease of booth space at the Mississippi State Fairgrounds during the 2013 Mississippi State Fair. The space will be used by UMMC to offer community health education and screenings to patrons of this year’s fair. The total cost of the agreement is \$1,300. The agreement will be funded by general funds. The Executive Office legal staff have reviewed and approved the contract documents.

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

LEGAL AGENDA

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Dye, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to move agenda items #1 through #4 to the Executive Session Agenda.

1. **MSU – Settlement of IHL Self-Insured Workers’ Compensation Claim No. 55-34088-1. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
2. **UMMC – Settlement of Tort Claim No. 1797 Johnnie Stuart. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
3. **UMMC – Settlement of Tort Claim No. 1878 David McBride. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
4. **UMMC – Settlement of Tort Claim No. 1877 Edward Murphy. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

ANNOUNCEMENTS

- Vice President Patterson announced the next Board meeting will be in Jackson on November 21, 2013.
- Trustee Rouse commended Dr. Carolyn Meyers, President of Jackson State University, who indicated in her earlier presentation that the student athletes and all the students are involved in community service now.

**FINANCE COMMITTEE
MEETING REPORT**

Wednesday, October 16, 2013

The committee was brought to order by Chairman Alan Perry at approximately 2:40 p.m.

1. The Committee received information regarding Regular Finance Agenda items to be presented to the Board for approval on October 17, 2013. No action was taken.
2. The Committee received a presentation regarding the proposed housing development at Jackson State University through the Jackson State Development Foundation. No action was taken.
3. On motion by Trustee Patterson, seconded by Trustee Rouse, with Trustees Cummins and Pickering absent and not voting, all Committee members legally present and participating voted unanimously to adjourn the meeting.

The following Committee members were present: Mr. Alan Perry (Chair), Mr. Aubrey Patterson, Ms. Robin Robinson, and Dr. Doug Rouse. Committee members Ms. Karen Cummins and Ms. Christy Pickering were absent. Other Trustees attending were Dr. Ford Dye, Mr. Shane Hooper and Mr. Hal Parker.

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

**ACADEMIC AFFAIRS COMMITTEE
MEETING REPORT**

Wednesday, October 16, 2013

The committee was brought to order by Chairman Robin Robinson at 4:00 p.m.

1. The Committee discussed the Academic Affairs Regular Agenda items to be acted upon at the October 17, 2013 Board meeting. No action was taken.
2. The Committee received an update on Teacher Education Preparedness by Dr. Susan Lee, IHL Director of Academic Affairs.
3. On motion by Trustee Hooper, seconded by Trustee Dye, with Trustees Blakeslee and Smith absent and not voting, all Committee members present and participating voted unanimously to adjourn the meeting.

The following Committee members attended the meeting: Ms. Robin Robinson (Chair), Dr. Ford Dye, Mr. Shane Hooper. Committee members Mr. Ed Blakeslee and Mr. C. D. Smith were absent. Others Trustees attending the meeting were: Mr. Hal Parker, Mr. Aubrey Patterson, Mr. Alan Perry, and Dr. Doug Rouse.

**HEALTH AFFAIRS COMMITTEE
MEETING REPORT**

Wednesday, October 16, 2013

The committee was brought to order by Chairman Aubrey Patterson at 4:30 p.m. Chairman Patterson noted this is the first meeting of this committee since its inception.

1. **Executive Session**

On motion by Trustee Perry, with Trustee Blakeslee absent and not voting, all Committee members legally present and participating voted unanimously to close the meeting to determine whether or not is should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Blakeslee absent and not voting, all Committee members 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 possible land transactions at the University of Mississippi Medical Center

During Executive Session, the following matters were discussed:

The Board received updates regarding three possible land transactions. No action was taken.

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Blakeslee participating by phone, all Committee members legally present and participating voted unanimously to return to Open Session.

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

2. Chairman Patterson indicated that this committee will be meeting monthly for the near future. The next meeting will be Wednesday, November 20, 2013.
3. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Blakeslee participating by phone, all Committee members legally present and participating voted unanimously to adjourn the meeting.

The following Committee members were present: Mr. Aubrey Patterson (Chair), Mr. Ed Blakeslee (by phone), Dr. Ford Dye, Mr. Shane Hooper, Mr. Alan Perry, and Dr. Doug Rouse. Other Trustees attending included Mr. Hal Parker and Ms. Robin Robinson.

EXECUTIVE SESSION

Thursday, October 17, 2013

On motion by Trustee Perry, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not is should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens, and Pickering 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 four litigation matters, one at one public university and three at another public university,
Discussion of a personnel matter at one of the public universities, 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 Dye, seconded by Trustee Hooper, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1797, styled as *Johnnie Stuart vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Rouse, seconded by Trustee Hooper, with Trustee Cummins participating by phone and Trustees Blakeslee, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1878, styled as *David McBride vs. UMMC, et al.*, as recommended by counsel.

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

On motion by Trustee Perry, seconded by Trustee Dye, with Trustees Blakeslee, Cummins, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the proposed settlement of Tort Claim No. 1877, styled as *Edward Murphy vs. UMMC, et al.*, as recommended by counsel.

On motion by Trustee Dye, seconded by Trustee Hooper, with Trustees Blakeslee, Cummins, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the proposed settlement of IHL Self-Insured Workers' Compensation Claim No. 55-34088-1, styled as *Helen Jean Virgil vs. MSU, et al.*, as recommended by counsel.

On motion by Trustee Hooper, seconded by Trustee Dye, with Trustee Blakeslee, Cummins, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to give Dr. Jim Borsig, President of the Mississippi University for Women, a new four-year employment contract.

The Board discussed a personnel matter at the Board Office.

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustees Blakeslee and Robinson participating by phone and with Trustees Cummins, Owens, and Pickering absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.

ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

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

EXHIBITS

- Exhibits 1 Proposed multi-year tuition rates for **resident** students effective FY 2015 and FY 2016 for first reading.
- Exhibit 2 Proposed multi-year tuition rates for **non-resident** students effective FY 2015 and FY 2016 for first reading.
- Exhibit 3 Real Estate items that were approved by the IHL Board staff subsequent to the August 15, 2013 Board meeting.
- Exhibit 4 Report of the payment of legal fees to outside counsel.

EXHIBIT 1



Resident Tuition Proposed Rate Increases Summary Slide

FY 2015

	Approved	Proposed	\$ Change	% Change
ASU	\$ 6,108	\$ 6,200	\$ 92	1.5%
DSU	6,012	6,012	-	0.0%
JSU	6,348	6,602	254	4.0%
MSU	6,672	7,040	368	5.5%
MUW	5,640	5,540	(100)	-1.8%
MVSU	5,916	5,916	-	0.0%
UM	6,660	6,996	336	5.0%
USM	6,744	6,980	236	3.5%
UMMC	6,660	6,996	336	5.0%

FY 2016

	Proposed	\$ Change	% Change
ASU	\$ 6,386	\$ 186	3.0%
DSU	6,012	-	0.0%
JSU	6,866	264	4.0%
MSU	7,392	352	5.0%
MUW	5,540	-	0.0%
MVSU	5,916	-	0.0%
UM	7,344	348	5.0%
USM	7,224	244	3.5%
UMMC	7,344	348	5.0%

EXHIBIT 2



Non-Resident Tuition Proposed Rate Increases Summary Slide

FY 2015

FY 2016

	Approved	Proposed	\$ Change	% Change		Proposed	\$ Change	% Change
ASU	\$ 15,108	\$ 15,433	\$ 325	2.2%	ASU	\$ 16,205	\$ 772	5.0%
DSU	N/A	N/A			DSU	N/A	N/A	
JSU	15,552	16,174	622	4.0%	JSU	16,821	647	4.0%
MSU	16,860	18,378	1,518	9.0%	MSU	20,032	1,654	9.0%
MUW	15,360	15,260	(100)	-0.7%	MUW	15,260	-	0.0%
MVSU	N/A	N/A			MVSU	N/A	N/A	
UM	17,628	19,044	1,416	8.0%	UM	20,574	1,530	8.0%
USM	15,024	15,550	526	3.5%	USM	16,094	544	3.5%
UMMC	17,628	19,044	1,416	8.0%	UMMC	20,574	1,530	8.0%

EXHIBIT 3

October 17, 2013

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE August 15, 2013 BOARD MEETING SUBMISSION DEADLINE

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

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

1. ASU – GS 101-291 – Rowan Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$7,706.40 and fourteen (14) additional days to the contract of Barnard & Sons Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 6, 2013

Change Order Justification: **Change Order #3** is necessary to provide repairs to the undocumented waterline uncovered during the excavation at the front entry plaza.

Total Project Change Orders and Amount: Three (3) change order for a total amount of \$212,874.40.

Project Initiation Date: August 18, 2011

Design Professional: Duvall Decker Architects, P.A.

General Contractor: Barnard & Sons Construction

Project Budget: \$2,338,928.00

2. ASU– GS 101-294 – Utility Infrastructure

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

Staff Approval Date: August 8, 2013

Project Initiation Date: March 21, 2013

Design Professional: Atherton Consulting Engineers

General Contractor: TBD

Project Budget: \$1,292,079.00

3. JSU– GS 103-268 – Capitol Centre Improvement

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by M3A Architects. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 10, 2013

EXHIBIT 3

October 17, 2013

Project Initiation Date: November 17, 2011

Design Professional: M3A Architects

General Contractor: TBD

Project Budget: \$3,065,842.00

4. **JSU – GS 103-275 – Administration Tower Exterior Waterproofing**

Interim Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on August 2, 2013 **approving a budget increase** for the Administration Tower Exterior Waterproofing project. The project budget was increased from \$2,000,000.00 to \$2,804,452.00 for an increase in the amount of \$804,452.00. In addition, **approving the addition of a funding source** to the project. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Interim Approval Date: August 2, 2013

Project Initiation Date: April 18, 2013

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

General Contractor: Coleman Hammons Construction Company, Inc.

Project Budget: \$2,804,452.00

5. **JSU– GS 103-275 – Administration Tower Exterior Waterproofing**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Coleman Hammons Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 6, 2013

Project Initiation Date: April 18, 2013

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

General Contractor: Coleman Hammons Construction Company, Inc.

Project Budget: \$2,804,452.00

6. **MSU– GS 105-345 (GC02) – Classroom Building with Parking (Mechanical)**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Upchurch Plumbing, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: June 26, 2013

Project Initiation Date: August 19, 2010

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: Upchurch Plumbing, P.A.

Project Budget: \$37,509,471.00

7. **MSU– GS 113-130 – Necropsy Renovation**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$22,045.58 and thirty-one (31) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 1, 2013

EXHIBIT 3

October 17, 2013

Change Order Justification: **Change Order #10** is necessary to add a hot water line to the hose reel located near the large animal coolers, to furnish & install a sink and components in the sample receiving room, to provide & install a drain for the incinerator and to add 11 days due to rain delays.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$787,604.63.

Project Initiation Date: October 21, 2010

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

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

Project Budget: \$12,197,791.22

8. **MSU– IHL 205-260 – Expansion and Renovation to Davis Wade Stadium (Signage)**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Mitchell Signs, Inc.

Staff Approval Date: July 3, 2013

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects, P.A.

General Contractor: Mitchell Signs, Inc.

Project Budget: \$80,000,000.00

9. **MSU– IHL 205-260 – Expansion and Renovation to Davis Wade Stadium**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$556,251.16 and zero (0) additional days to the contract of Harrell Contracting Group, LLC.

Staff Approval Date: August 7, 2013

Change Order Justification: **Change Order #2** is necessary for removal & replacement of soil, removal of concrete obstruction, additional steel beams for support, relocation of the existing storm drain, re-routing of east stadium medium voltage conduit, to provide increase width of grade beams GB5-GB9, northwest site sanitary sewer revisions, to re-route 6” water main for east stadium, to re-feed M-Club power from Lloyd Ricks,, modifications made to rigid conduit requirements, relocation of generator, north ramp modifications at west concourse, additional 4” domestic water piping, capping of 4” water line discovered at the northwest corner of the site, re-design of the southwest elevator tower, to re-route existing west side rain leaders, to re-route existing west concourse feeds, relocation of an unknown 42” storm drain, additional A/V conduits from west concourse to M-Club and revision to the west concourse south ramp.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$704,677.71.

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects

General Contractor: Harrell Contracting Group, LLC

Project Budget: \$80,000,000.00

EXHIBIT 3

October 17, 2013

10. MVSU– GS 106-218 – New President’s Home

Interim Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on August 2, 2013 **approving a budget increase** for the New President’s Home project. The project budget was increased from \$993,696.00 to \$1,292,696.00 for an increase in the amount of \$299,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Interim Approval Date: August 2, 2013

Project Initiation Date: March 20, 2009

Design Professional: Shafer & Associates, Office of Architecture

General Contractor: David Smith Construction, Inc.

Project Budget: \$1,292,696.00

11. MVSU– GS 106-240 – Leflore Hall Bath Renovation

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

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

Staff Approval Date: July 1, 2013

Project Initiation Date: January 17, 2013

Design Professional: Atherton Consulting Engineers

General Contractor: TBD

Project Budget: \$1,617,079.00

12. UM – GS 107-308 – Student Union Addition and Renovation

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

Staff Approval Date: July 17, 2013

Project Initiation Date: August 18, 2011

Design Professional: Eley Guild Hardy Architects

General Contractor: TBD

Project Budget: \$50,000,000.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #12** in the **credit amount** of \$10,500.00 and zero (0) additional days to the contract of Panola Construction Co., Inc.

Staff Approval Date: July 17, 2013

Change Order Justification: **Change Order #12** is necessary to deduct for assessment of liquidated damages.

EXHIBIT 3

October 17, 2013

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A.
Total Project Change Orders and Amount: Twelve (12) change orders for a total amount of \$337,896.25.
Project Initiation Date: November 15, 2007
General Contractor: Panola Construction Co., Inc.
Project Budget: \$17,700,000.00

14. UM– IHL 207-346 – Stockard Hall & Martin Hall Brick Veneer Replacement

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$1,909.36 and two (2) additional days to the contract of Evan Johnson & Sons Construction, Inc.

Staff Approval Date: July 17, 2013

Change Order Justification: **Change Order #4** is necessary for removal of existing exhaust fans and infill and to replace two window sashes.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$35,812.01.

Project Initiation Date: February 17, 2011

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

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$8,000,000.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$183,864.96 and zero (0) additional days to the contract of Zellner Construction.

Staff Approval Date: July 17, 2013

Change Order Justification: **Change Order #6** is necessary for additional plumbing & electrical work specified for the food service equipment, to modify the glass canopy & glass wall systems, to add a new door to replace the existing door 104b, and to modify the opening to accommodate access hardware, to replace the vanities in restrooms 112 & 113 as the existing units could not be salvaged, to replace the existing damaged louvers, for miscellaneous steel modifications & additions for market diffusers & furrdowns and to install blocking for POS and needed electrical for POS systems.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$1,216,905.25.

Project Initiation Date: May 19, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: Zellner Construction

Project Budget: \$14,500,000.00

16. UM – IHL 207-353 – Coulter Hall Addition and Renovation

Interim Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on August 2, 2013 **approving sole source** of the Building Energy

EXHIBIT 3

October 17, 2013

Management & Control System (Johnson Controls) and the Laboratory Airflow Control System (Phoenix Controls).

Interim Approval Date: August 2, 2013

Project Initiation Date: February 16, 2012

Design Professional: CDFL & BEJ - A Professional Association

General Contractor: N/A

Project Budget: \$18,000,000.00

17. UM– IHL 207-358 – Lewis Hall Academic Heating Modifications

Staff Approval #1 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$6,310.63 and zero (0) additional days to the contract of Acy Mechanical.

Staff Approval #2 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the **credit amount** of \$1,827.00 and five (5) additional days to the contract of Acy Mechanical.

Staff Approval Date: (#1) July 3, 2013; (#2) August 8, 2013

Change Order Justification: **Change Order #2** is necessary to add additional light fixtures in storage room 110, venetian blinds in room 109 & 212, window boxes in room 110 and to deduct for a laptop computer. **Change Order #3** is necessary for changes to modify 21 windows installed in the 1930's and the hardware required for repair is no longer available.

Total Project Change Orders and Amount: Three (3) change orders for a total **credit amount** of \$4,684.17.

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group

General Contractor: Acy Mechanical

Project Budget: \$1,600,000

18. UM– IHL 207-363 – Library Cooling Tower Replacement

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

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

Staff Approval Date: July 29, 2013

Project Initiation Date: October 18, 2012

Design Professional: The CGM Group, Inc.

General Contractor: TBD

Project Budget: \$1,500,000.00

19. UM– IHL 207-365 – Kinard Hall Water Storage Tank Replacement at Rebel Drive

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

EXHIBIT 3

October 17, 2013

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

Staff Approval Date: June 25, 2013

Project Initiation Date: October 18, 2012

Design Professional: Engineering Solutions, Inc.

General Contractor: TBD

Project Budget: \$2,500,000.00

20. UMMC – GS 109-195 – AED (Adult Emergency Department Renovations)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$20,134.00 and thirty-five (35) additional days to the contract of Flagstar Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property

Staff Approval Date: July 30, 2013

Change Order Justification: **Change Order #8** is necessary to omit replacement of the ceiling grid & removal of existing abandoned ducts, to add new lights & other electrical devices, branch ducts & grilles, and to install new 2x2 ceiling panels, to add tv outlets for six treatment rooms and change fluorescent 2x4 fixtures to 2x2 fixtures in the x-ray diagnostic room, provide changes to the HVAC serving Comm Room E009 to provide adequate cooling based on actual heat loads of equipment selected & being installed under the separate MITS project for the Adult Emergency Renovation, to extend the fiber cable connection point for the new fire alarm panel installed to Comm Room #5 on the first floor of the South wing & make connections in that space where directed by DIS, to provide smoke detectors tied to the new fire alarm system on both sides of Door E080-C in order to comply with code requirements, and to change casework in the treatment rooms from stainless steel to phenolic core construction panels with solid surface tops.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$840,224.94.

Project Initiation Date: November 14, 2007

Design Professional: Dale/Morris Architects, PLLC

General Contractor: Flagstar Construction Company, Inc.

Project Budget: \$11,755,000.00

21. UMMC– GS 109-204 – Boiler Room Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$70,652.00 and zero (0) additional days to the contract of McLain Plumbing and Electrical Service, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 3, 2013

Change Order Justification: **Change Order #1** is necessary to revise the roof hatch & the roof opening size and location, and to change the main electrical breaker to a 300 amp and feed from a new emergency motor control center in the boiler plant.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$70,652.00.

Project Initiation Date: February 16, 2012

EXHIBIT 3

October 17, 2013

Design Professional: Eldridge and Associates Consulting Engineers

General Contractor: McLain Plumbing and Electrical Service, Inc.

Project Budget: \$1,200,000.00

22. UMMC – GS 109-210 – School of Medicine (GC-001)

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

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

Staff Approval Date: July 25, 2013

Project Initiation Date: June 16, 2011

Design Professional: CDFL + ELEY, A Joint Venture

General Contractor: TBD

Project Budget: \$14,500,000.00

23. UMMC – GS 109-210 – School of Medicine (GC-003)

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

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

Staff Approval Date: July 25, 2013

Project Initiation Date: June 16, 2011

Design Professional: CDFL + ELEY, A Joint Venture

General Contractor: TBD

Project Budget: \$14,500,000.00

24. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$33,927.84 and seven (7) additional days to the contract of Fountain Construction Company.

Staff Approval Date: August 7, 2013

Change Order Justification: **Change Order #9** is necessary to credit for 21 recessed trash cans not needed, due to a change in the plumbing supplemental drawing the supports for the main storm drain piping will be changed to allow for more useable shelled basement space, and to remove the dated ceiling grid & tile in the main hospital corridor and install a ceiling system & lighting.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$259,568.84.

Project Initiation Date: February 18, 2010

EXHIBIT 3

October 17, 2013

Design Professional: Cooke Douglas Farr Lemons Architects & Engineers, PA
General Contractor: Fountain Construction Company
Project Budget: \$20,182,526.00

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$13,572.00 and zero (0) additional days to the contract of W. G. Yates & Sons Construction Company. 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 #5** in the amount of \$24,781.00 and forty-three (43) additional days to the contract of W. G. Yates & Sons Construction Company. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: July 18, 2013

Change Order Justification: **Change Order #4** is necessary to replace type x basement drywall with gold bond xp drywall, to use steel in lieu of aluminum for connector rails, to add pro cyc base in the photo studio and change the finishes to flat white paint and delete the wall base. **Change Order #5** is necessary to add a fire transfer switch to the fire pump controller panel and to add electrical service for security.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$126,495.00.

Project Initiation Date: October 21, 2004

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

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

Project Budget: \$6,252,302.68

26. USM– GS 108-267 – College of Business Building

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$21,770.00 and twenty (20) additional days to the contract of Hanco Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$61,518.02 and zero (0) additional days to the contract of Hanco Corporation.

Staff Approval Date: July 18, 2013

Change Order Justification: **Change Order #3** is necessary for work related to structural concrete modifications as required and to add 20 additional days to complete this work. **Change Order #4** is necessary for work related to modifying the roofing system and work related to changing all door closers from Sargent to LCN.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$68,423.98.

Project Initiation Date: March 2, 2005

Design Professional: Eley Guild Hardy Architects-Jackson, P.A./Studio South Architects, PLLC – A Joint Venture.

General Contractor: Hanco Corporation

Project Budget: \$34,000,000.00

EXHIBIT 3

October 17, 2013

27. USM – IHL 208-313 – Fine Arts Complex Tornado Repairs and Renovations

Interim Approval: In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, Chair of the Real Estate and Facilities Committee on June 4, 2013 **approving initiation** of the Fine Arts Complex Tornado Repairs and Renovations project.

Interim Approval Date: June 4, 2013

Project Initiation Date: June 4, 2013

Design Professional: Allred Architectural Group

General Contractor: TBD

Project Budget: \$4,664,516.57

28. USM– Gulf Park - IHL 214-016 – Elizabeth Hall Storm Damage Repair

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$29,633.00 and seventy-two (72) additional days to the contract of Starks Contracting Company, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$0.00 and ten (10) additional days to the contract of Starks Contracting Company, Inc.

Staff Approval Date: (#1) June 3, 2013; (#2) July 25, 2013

Change Order Justification: **Change Order #2** is necessary to furnish all labor & materials to provide clear anodized class II in lieu of the originally specified painted finish for all aluminum storefront windows & door framing due to the existing window openings being approximately 1'-0" wider than indicated on plans, to provide new aluminum sill flashing at windows there was no existing flashing, and to add ten days to complete this work. **Change Order #3** is necessary to furnish all labor & materials to furr out and sheetrock the West wall of the production room to accommodate the installation of the Green Screen Cove Base system to include installing 3-5/8" metal stud framing with new 5/8" gypsum wallboard along the West wall over the existing masonry surface, installing 5/8" plywood nailer strips as required to attach the Green Screen Cove Base system to the new wall & installing a 6' wide section of Pro Matte III Virtual Green flooring in front of the Green Screen Cove Base.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$99,535.00.

Project Initiation Date: August 21, 2008

Design Professional: Klee Odom + Klee

General Contractor: Starks Contracting Company, Inc.

Project Budget: \$2,000,000.00

29. USM– Gulf Coast - IHL 214-018 – Central Mechanical Plant Expansion

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$5,260.35 and zero (0) additional days to the contract of J. F. Pate and Associates Contractors, Inc.

Staff Approval Date: July 25, 2013

EXHIBIT 3

October 17, 2013

Change Order Justification: **Change Order #2** is necessary to furnish all labor, materials, equipment & services to add treated blocking covered with a prefinished metal cap to match other elevations in lieu of the top masonry wall being open, to lower the main chill water header in order to clear the existing coiling doors opening header/lintel construction and services needed to change the fan coil power to 120 volts.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$8,860.35.

Project Initiation Date: October 18, 2012

Design Professional: Studio South Architects, PLLC

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

Project Budget: \$1,500,000.00

30. ERC- GS 111-049 – Road Improvements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the **credit amount** of \$5,867.33 and twenty (20) additional days to the contract of Southern Rock, LLC. 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 #5** in the **credit amount** of \$787.74 and zero (0) additional days to the contract of Southern Rock, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) June 10, 2013; (2) June 18, 2013

Change Order Justification: **Change Order #4** is necessary to deduct for deletion of concrete stairs at the maintenance building, deletion of the sidewalk at stations 21+00 to 22+80, and to add for over-excavation of one additional foot of depth, full width of road, and to replace with sand-clay grave, underlain by Tensar TriAx TX-160 from stations 32+80 to 34+85, installation of four light fixtures and additional 15 days due to adverse weather conditions. **Change Order #5** is necessary to deduct for deletion of 50% of the budget for crepe myrtle trees, deletion of the concrete cap over the fiber optic line at station 34+75, to add for over-excavation of one additional foot of depth, full width of road, and replace with sand-clay gravel, underlain by Tensar TriAx TX-160 from stations 31+50 to 32+80, adjustments made to RCI-13 and RCI-14, installation of 6% lime stabilization mixed 6" deep from stations 27+50 to 31+50 full width of road, excavation of existing soil & installation of select fill above new 24" RCP between RCI-13 and RCI-14.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$183,655.88.

Project Initiation Date: October 20, 2011

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

General Contractor: Southern Rock, LLC

Project Budget: \$2,551,057.07

EXHIBIT 4

October 17, 2013

SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by Ware/Gasparian (statements dated 9/1/13) from the funds of Mississippi State University. (These statements, in the amounts of \$2,000.00 and \$1,500.00, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 3,500.00

Payment of legal fees for professional services rendered by Evans Petree (statement dated 9/4/13) from the funds of the University of Mississippi. (This statement, in the amount of \$2,507.50, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 2,507.50

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell and Berkowitz (statement dated 9/6/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$399.00, represents services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 399.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/26/13, 8/26/13 and 8/28/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,140.00, \$5,180.00 and \$1,280.00, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 10,600.00

Payment of legal fees for professional services rendered by Jones Walker (statements dated 5/31/13, 6/27/13, 7/25/13 and 8/27/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$6,427.80, \$227.44, \$205.00 and \$389.50, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 7,249.44

EXHIBIT 4

October 17, 2013

Payment of legal fees for professional services rendered by Kitchens, Hardwick & Ray (statements dated 9/5/13, 9/5/13, 9/5/13 and 9/6/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$9,594.50, \$2,754.50, \$685.50 and \$3,184.50, respectively, represent services and expenses in connection with general legal advice and litigation matters.)

TOTAL DUE.....\$ 16,219.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/7/13 and 8/15/13) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$4,907.00 and \$924.50, respectively, represent services and expenses in connection with general legal advice - J.L. Scott Marine Education Center.)

TOTAL DUE.....\$ 5,831.50

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 8/22/13, 8/22/13, 8/22/13, 8/22/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13, 9/12/13 and 9/12/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Esterification and Bio Oil Upgrading" - \$585.00; "Live Attenuated Catfish Vaccine" - \$1,905.50; "Srinivasan - Elusieve Processing CIP Application" - \$830.00; "Klink - Glycine Max Resistance" - \$42.50; "Fully Scalable Computer Architecture for Parallel Discrete Event" - \$1,070.00; "Live Attenuated Catfish Vaccine" - \$610.00; "Srinivasan - Elusieve Processing CIP Application" - \$42.50; "PCT Appl. for Thermal Transfer Mech. for Auger Pyrolysis" - \$42.50; "Klink - Glycine Max Resistance" - \$42.50; "Steele - Provisional-Upgrading of Bio-Oil Using Synthesis Gas" - \$87.50; "Esterification and Bio-Oil Upgrading" - \$200.00 and "Live Attenuated Catfish Vaccine" - \$229.50, respectively.)

TOTAL DUE.....\$ 5,687.50

Payment of legal fees for professional services rendered by Stites & Harbison (statement dated 8/19/13) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Enhancers of Paraoxanase 1 (PON1) Activity Toward Degrading Organophosphates" - \$630.00.)

TOTAL DUE.....\$ 630.00

EXHIBIT 4

October 17, 2013

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statement dated 9/5/13) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: "Highly Selective Sigma Receptor Ligands" - \$1,615.00.)

TOTAL DUE.....\$ 1,615.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 8/19/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Gas Separating Membranes" - \$180.00; "Methods for Detecting Humans" - \$2,726.03 and "Methods for Detecting Humans" - \$261.66.)

TOTAL DUE.....\$ 3,167.69

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/16/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 6/20/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13, 7/15/13 and 7/15/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,360.90, \$528.00, \$3,251.30, \$346.10, \$91.50, \$132.90, \$434.00, \$443.50, \$71.00, \$78.00, \$350.00, \$2,091.00, \$4,167.58, \$713.00, \$913.00, \$839.10, \$431.50, \$3,999.50 and \$1,286.10, respectively, represent services and expenses in connection with intellectual property/patents.)

TOTAL DUE.....\$ 23,527.98

Payment of legal fees for professional services rendered by Watkins & Eager (statement dated 8/27/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$15,103.20, represents services and expenses in connection with intellectual property/patents.)

TOTAL DUE.....\$ 15,103.20

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 7/12/13, 7/15/13, 7/23/13 and 7/26/13) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: "Trademark Application for the Centennial Anniversary" - \$1,827.50; "Lockhead - Oil Dispersant Patent" - \$1,277.50; "Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks" - \$4,837.50 and "Photocurable Thiol-Ene Gas Permeability Membranes" - \$1,050.00, respectively.)

TOTAL DUE.....\$ 8,992.50

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
November 7, 2013**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in an emergency teleconference meeting held at the Board Office in Jackson, Mississippi, at 4:30 p.m. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee (by phone), Mrs. Karen L. Cummins (by phone), Dr. Ford Dye (by phone), Mr. Shane Hooper (by phone), Mr. Bob Owens, Mr. Hal Parker (by phone), Mr. Aubrey B. Patterson (by phone), Mr. Alan Perry (by phone), Dr. Douglas Rouse (by phone), and Mr. C.D. Smith (by phone). Ms. Christine Pickering and Ms. Robin J. Robinson were absent. The meeting was called to order by Mr. Bob Owens, President.

In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The teleconference meeting was held to discuss personnel issues at one of the public universities.

EXECUTIVE SESSION

On motion by Trustee Perry, with Trustees Pickering and Robinson absent and not voting, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not is should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Rouse, with Trustees Pickering and Robinson absent and not voting, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reason reported to the public and stated in these minutes, as follows: Discussion of personnel issues at one of the public universities.

During Executive Session, the following matter was discussed:

The Board discussed personnel issues at one of the public universities. **No action was taken.**

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

ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 ACADEMIC AFFAIRS
 NOVEMBER 21, 2013
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1. SYSTEM – APPROVAL OF DEGREES TO BE CONFERRED IN DECEMBER 2013

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

In accordance with Board policy, the institutions below requests permission to award degrees at the following levels in December 2013 provided each candidate has met all requirements for the degree.

Institution	Degree to be Conferred	Number	Subtotal	Total
Delta State University				
<i>College of Arts and Sciences</i>				
	Bachelor of Arts	8		
	Bachelor of Fine Arts	4		
	Bachelor of Music	1		
	Bachelor of Music Education	1		
	Bachelor of Science	17		
	Bachelor of Science in Education	3		
	Bachelor of Science in Social Justice and Criminology	7		
	Bachelor of Science in Interdisciplinary Studies	10		
			51	
<i>College of Business</i>				
	Bachelor of Business Administration	24		
	Bachelor of Commercial Aviation	4		
			28	
<i>College of Education</i>				
	Bachelor of Arts	3		
	Bachelor of Science	25		
	Bachelor of Science in Education	24		
			52	
<i>School of Nursing</i>				
	Bachelor of Science in Nursing	18		
			18	
<i>School of Graduate Studies</i>				
	Master of Applied Science	8		
	Master of Business Administration	61		
	Master of Commercial Aviation	10		
	Master of Education	49		
	Master of Arts in Teaching	9		

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 ACADEMIC AFFAIRS
 NOVEMBER 21, 2013
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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Professional Accountancy	3			
	Master of Science in Community Development	2			
	Master of Social Justice and Criminology	5			
	Master of Science in Sport and Human Performance	5			
	Master of Science in Natural Sciences	3			
	Educational Specialist	14			
	Doctor of Education	7			
			176		
				325	
Jackson State University					
	<i>Undergraduate</i>				
	Bachelor of Arts	30			
	Bachelor of Business Administration	87			
	Bachelor of Music	4			
	Bachelor of Music Education	3			
	Bachelor of Science	307			
	Bachelor of Science Education	27			
	Bachelor of Social Work	45			
			503		
	<i>Graduate</i>				
	Doctor of Education	5			
	Doctor of Philosophy	42			
	Specialist in Education	7			
	Master of Arts	21			
	Master of Arts in Teaching	5			
	Master of Business Administration	14			
	Master of Music Education	1			
	Master of Professional Accountancy	7			
	Master of Public Health	13			
	Master of Public Policy and Administration	13			
	Master of Science	70			
	Master of Science in Education	33			
	Master of Science in Teaching	1			
	Master of Social Work	7			
			239		
				742	
Mississippi State University					
	<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	2			

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
ACADEMIC AFFAIRS
NOVEMBER 21, 2013
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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science	90			
	Master of Agribusiness Management	2			
	Master of Landscape Architecture	2			
	Master of Science	29			
	Doctor of Philosophy	7			
			132		
	<i>College of Architecture, Art, and Design</i>				
	Bachelor of Fine Arts	29			
	Bachelor of Science	2			
			31		
	<i>College of Arts and Sciences</i>				
	Bachelor of Arts	157			
	Bachelor of Science	147			
	Bachelor of Social Work	7			
	Master of Arts	7			
	Master of Public Policy and Administration	12			
	Master of Science	27			
	Doctor of Philosophy	11			
			368		
	<i>College of Business</i>				
	Bachelor of Business Administration	188			
	Master of Arts	1			
	Master of Business Administration	41			
	Master of Science Information Systems	2			
	Doctor of Philosophy	1			
			233		
	<i>College of Education</i>				
	Bachelor of Science	189			
	Bachelor of Music Education	3			
	Master of Arts in Teaching	6			
	Master of Arts in Teaching Secondary	8			
	Master of Science	38			
	Master of Science Instructional Technology	2			
	Educational Specialist	4			
	Doctor of Philosophy	11			
			261		
	<i>College of Engineering</i>				
	Bachelor of Science	142			
	Master of Engineering	32			
	Master of Science	6			
	Doctor of Philosophy	23			

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 ACADEMIC AFFAIRS
 NOVEMBER 21, 2013
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Institution	Degree to be Conferred	Number	Subtotal	Total	
			203		
	<i>College of Forest Resources</i>				
	Bachelor of Science	16			
	Master of Science	9			
	Doctor of Philosophy	1			
			26		
	<i>College of Veterinary Medicine</i>				
	Master of Science	3			
	Doctor of Philosophy	3			
			6		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	24			
	Master of Professional Accountancy	7			
	Master of Taxation	1			
			32		
				1292	
Mississippi University for Women					
	<i>Undergraduate</i>				
	Bachelor of Arts	16			
	Bachelor of Fine Arts	7			
	Bachelor of Science	93			
	Bachelor of Science in Nursing	57			
	Bachelor of Technology	4			
			177		
	<i>Graduate</i>				
	Master of Education	7			
	Master of Fine Arts	4			
	Master of Science	8			
	Doctor of Nurse Practitioner	5			
			24		
				201	
University of Mississippi					
	<i>College of Liberal Arts</i>				
	Bachelor of Arts	120			
	Bachelor of Science	8			
	Bachelor of Fine Arts	4			
	Bachelor of Music	1			
			133		
	<i>School of Engineering</i>				

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 ACADEMIC AFFAIRS
 NOVEMBER 21, 2013
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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science in Chemical Engineering	4			
	Bachelor of Science in Civil Engineering	2			
	Bachelor of Science in Computer Science	7			
	Bachelor of Science in Electrical Engineering	1			
	Bachelor of Science in Mechanical Engineering	4			
	Bachelor of Science in Geological Engineering	5			
	Bachelor of Engineering	4			
	Bachelor of Science	1			
			28		
	<i>School of Education</i>				
	Bachelor of Arts in Education	20			
			20		
	<i>School of Business</i>				
	Bachelor of Business Administration	152			
			152		
	<i>School of Accountancy</i>				
	Bachelor of Accountancy	37			
			37		
	<i>School of Applied Sciences</i>				
	Bachelor of Science in Criminal Justice	36			
	Bachelor of Science in Exercise Science	37			
	Bachelor of Science	31			
	Bachelor of Social Work	15			
	Bachelor of Arts in Parks and Recreation Management	4			
	Bachelor of Paralegal Studies	3			
			126		
	<i>School of Journalism and New Media</i>				
	Bachelor of Arts in Journalism	34			
	Bachelor of Science (IMC)	11			
			45		
	<i>General Studies</i>				
	Bachelor of General Studies	49			
			49		
	<i>Graduate School</i>				
	Master of Arts	25			
	Master of Criminal Justice	5			
	Master of Science	45			
	Master of Social Work	4			
	Master of Accountancy	13			
	Master of Business Administration	31			
	Master of Taxation	2			

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 ACADEMIC AFFAIRS
 NOVEMBER 21, 2013
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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Education	15			
	Master of Music	1			
	Specialist in Education	22			
	Doctor of Education	1			
	Doctor of Philosophy	37			
	Certificate in TESL	1			
			202		
	<i>Law School</i>				
	Juris Doctor	25			
			25		
				817	
University of Mississippi Medical Center					
	Bachelor of Science in Nursing	50			
	Bachelor of Science in Dental Hygiene	4			
	Bachelor of Science in Health Sciences	15			
	Bachelor of Science in Medical Laboratory Science	2			
			71		
	Master of Health Science	10			
	Master of Health Information and Information Mgmt.	1			
	Master of Science in Nursing	4			
	Master of Science	2			
	Doctor of Philosophy	11			
	Doctor of Nursing Practice	1			
			29		
				100	
University of Southern Mississippi					
	<i>College of Arts and Letters</i>				
	Bachelor of Arts	120			
	Bachelor of Fine Arts	15			
	Bachelor of Interdisciplinary Studies	37			
	Bachelor of Music	1			
	Bachelor of Music Education	17			
	Bachelor of Science	15			
	Master of Arts	4			
	Master of the Arts in Teaching of Language	7			
	Master of Music	3			
	Master of Music Education	2			
	Master of Science	11			
	Doctor of Musical Arts	4			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Doctor of Philosophy	9			
			245		
	<i>College of Business</i>				
	Bachelor of Science	9			
	Bachelor of Science in Business Administration	148			
	Master of Business Administration	3			
	Master of Professional Accountancy	3			
	Master of Science	3			
			166		
	<i>College of Education and Psychology</i>				
	Bachelor of Arts	10			
	Bachelor of Science	186			
	Master of Arts	6			
	Master of Education	8			
	Master of Library and Information Science	24			
	Master of Science	5			
	Specialist in Education	1			
	Doctor of Education	1			
	Doctor of Philosophy	17			
			258		
	<i>College of Health</i>				
	Bachelor of Arts	22			
	Bachelor of Science	72			
	Bachelor of Social Work	19			
	Master of Public Health	13			
	Master of Science	32			
	Master of Social Work	22			
	Doctor of Audiology	1			
	Doctor of Philosophy	1			
			182		
	<i>School of Nursing</i>				
	Bachelor of Science in Nursing	70			
	Doctor of Nursing Practice	3			
	Doctor of Philosophy	2			
			75		
	<i>College of Science and Technology</i>				
	Bachelor of Arts	29			
	Bachelor of Science	112			
	Master of Arts	1			
	Master of Science	50			
	Doctor of Philosophy	15			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
			207		
				1133	
System Total					
					4610

Staff Recommendation: Board staff recommends approval of this item.

2. SYSTEM – APPROVAL OF ACADEMIC UNIT MODIFICATIONS

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

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

a. REORGANIZE and RENAME

Delta State University requests permission to reorganize the *Division of Biological and Physical Sciences* by moving the Biological Sciences and the Physical Sciences into separate departments. As a result of this reorganization, the *Division of Biological and Physical Sciences* will be renamed the *Department of Biological Sciences* and the *Department of Physical Sciences*. The requested change to a two-departmental system is supported by both science faculty who believe that the separation will better meet the needs of students, and the new visibility will result in a positive increase in enrollment. The only anticipated cost to the university will be an additional \$15,000 annually for a Physical Sciences Chair and will be covered with existing funds.

b. DELETE

University of Mississippi requests permission to delete the *Child Development Center*.

University of Mississippi requests permission to delete the *Institute for Advanced Education in Geospatial Sciences*.

Staff Recommendation: Board staff recommends approval of items a and b.

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1. ASU-REQUESTS FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** Alcorn State University requests approval to enter into a five (5) year agreement with **North American Cable Equipment, Inc. as an agent for DirecTV®** of Westchester, PA to provide satellite television services.

Contractor's Legal Name: North American Cable Equipment, Inc. as agent for DirecTV® of Westchester, PA.

History of Contract: In 2009, Alcorn State University executed an agreement with Millennium Satellite and Video of Locust Fork, AL, for provision of equipment, installation, service (satellite signals and transporting of Dish cable services to the campus. The agreement was for three years with automatic monthly renewal thereafter unless notified of cancellation. The annual cost was \$64,500.

In May 2011, provisions of services were added for the Natchez campus at a cost of \$7,000. In August 2011, because of numerous complaints about programming, a switch was made to North American Equipment, Inc. for DirecTV®, with realignment of channel offerings for the Lorman campus. The Dish Agreement for the Natchez campus remained intact.

The North American Equipment Cable Inc., agreement was set at a one year term with automatic monthly renewal, unless cancelled. The University chooses to discontinue service under the existing agreement, as an opportunity was seen to reduce the cost of cable services for the campus by structuring an agreement with a five year term. A *Request for Proposal was issued for the Provision of Satellite Reception Television for Alcorn State University* in seeking to obtain improved cable pricing. The current monthly agreement with North American Cable Equipment, as successful proposal respondent, would be replaced with a 5 year agreement if Board approval is granted to enter into this agreement.

Specific Type of Contract: Professional Services agreement.

Purpose: Alcorn State University (ASU) currently provide satellite reception television services on both the Lorman and Natchez campuses at the residential housing facilities, student center, dining halls, athletic venues, and select offices. North American Cable Equipment, Inc. provides services for 1150 units at the Lorman campus and Dish Network provides the service for 51 units at the Natchez campus at a combined annual cost of \$173,331.

The objective in issuing the RFP was two-fold: (1) reduce costs and (2) ensure continued student satisfaction with campus life.

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Scope of Work: Under this agreement, North American Equipment, Inc. will provide 117 total channels through DirecTV® service, (6 local channels, 106 Entertainment channels and 5 Showtime channels), to the 1150 units at the Lorman campus and the 51 units at the Natchez campus. North American Equipment, Inc. will also remove and replace DISH Network equipment at the Natchez campus and install DirecTV® dishes, receivers and customized equipment.

Term of Contract: The term of the agreement is for five (5) years from November 21, 2013 through November 20, 2018.

Termination Options: The agreement may be terminated for the following:

- At any time subject to an early cancellation fee,
- should there be no funds available for any succeeding funding period, the agreement will be cancelled as of the end of the funding period with no further obligation on the part of ASU,
- failure by North American Cable Equipment, Inc. to comply with the federal E-Verify Program, and
- Force Majeure.

Contract Amount: The total estimated contract cost for the five (5) year contract term and is \$761,770.66 for the Lorman and Natchez campuses, including all applicable Federal and State assessments.

	Lorman Campus (1150 Units)	Natchez Campus (51 Units)	Total
Year 1 - service ⁽¹⁾	\$ 108,083.88	\$ 5,067.36	\$ 113,151.24
Year 2 - service	\$ 142,583.88	\$ 6,597.36	\$ 149,181.24
Year 3 - service	\$ 142,583.88	\$ 6,597.36	\$ 149,181.24
Year 4 - service	\$ 142,583.88	\$ 6,597.36	\$ 149,181.24
Year 5 - service	\$ 142,583.88	\$ 6,597.36	\$ 149,181.24
One-time Showtime Rebate	\$ (10,350.00)	\$ (459.00)	\$ (10,809.00)
Installation Costs		\$ 12,868.00	\$ 12,868.00
	\$ 668,069.40	\$ 43,865.80	\$ 711,935.20
Includes estimated 7% fees and assessments			\$ 761,770.66

(1) First year discount of \$2.50 per unit/month = \$36,030 ; (Lorman \$34,500, Natchez \$1,530)

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The overall cost includes the following channel packages and rates:

	per unit/ month	Lorman (1150 units)	Natchez (51 units)
Local Channels (Lorman flat rate of \$59.99/mo)	\$ 0.50	\$ 59.99	\$ 25.50
Entertainment line-up	\$ 6.64	\$ 7,636.00	\$ 338.64
CBS College Sports	\$ 0.15	\$ 172.50	\$ 7.65
SportsNet South	\$ 0.99	\$ 1,138.50	\$ 50.49
Showtime package	\$ 2.50	\$ 2,875.00	\$ 127.50
Total per month		\$ 11,881.99	\$ 549.78
Total per year		\$ 142,583.88	\$ 6,597.36

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

Contractor Selection Process: A formal request for proposal was advertised in October 2013. Three companies submitted responses: North American Cable Equipment, Starvision Satellite Technology and Campus Televideo. Satellite programming providers, such as DirecTV®, employ a nation-wide network of sales agents and installation/maintenance firms to deliver their programming. All three of the respondents are authored agents for DirecTV®. Each proposal offered to continue DirecTV® programming at Lorman and to convert Natchez programming to DirecTV® from Dish Network.

The selection of North American Equipment was based on the following benefits to ASU:

1. North American Cable Equipment's offer is approximately \$62,000 less than Starvision's bid for both campuses and approximately \$89,000 less than Campus Televideo's bid for both campuses. In addition, the new agreement will offer approximately \$105,000 in savings during the next five years compared with current costs at the Lorman and Natchez Campuses.
2. North American Cable Equipment's offers more channels in its entertainment package; 106 channels compared to 74 channels from Starvision and 88 channels from Campus Televideo.

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 by the Attorney General's Office and approved pending the certificate of good standing by the vendor. Board staff recommends approval of this item pending the certificate of good standing by the vendor.

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- b. Agenda Item Request:** Alcorn State University (ASU) requests permission to enter into a lease agreement with **Cellular South Real Estate, Inc.** for space on and under the ASU Drive Water Tower for the installation of telecommunications equipment.
Contractor's Legal Name: Cellular South Real Estate, Inc. (Cellular South)

History of Contract: New Agreement

Specific type of contract: Revenue Lease Agreement

Purpose: The purpose of the agreement is to lease space on and under the ASU Drive Water Tower to Cellular South. Cellular South proposes to use this space to install, operate, maintain, repair, and/or replace telecommunications equipment.

During large campus events, wireless users on campus experience declines in service. The installation of such equipment closer to the center of campus will improve wireless coverage both on the campus as well as between the campus and Lorman.

Scope of Work: ASU leases the following to Cellular South:

- space on the ASU Drive Water Tower for equipment;
- 450 square feet of space under the water tank for an equipment cabinet;
- rights of way and easements necessary for operation of transmission facility.

ASU will maintain and repair the leased space whereas Cellular South will maintain and repair the equipment. Further, Cellular South will pay for all utility charges it incurs.

Term of contract: The term of the agreement is fifteen years beginning either on the date Cellular South begins operation of its equipment or forty-five days after the date of the agreement – whichever happens first.

The agreement includes an initial five-year term and two five-year renewal terms. Cellular South has the right to enter into a renewal term by providing sixty days written notice to ASU prior to the end of the then current term.

Termination Options: The agreement can be terminated:

- by either party in the event of default by giving notice to the defaulting party provided that the party so notified remains in default after any applicable cure periods;
- by ASU at the end of any five-year term by giving Cellular South one years notice;

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- by Cellular South upon ten days written notice if a) any license, permit, or other governmental approval is canceled or otherwise withdrawn or terminated; b) Cellular South is unable to use the leased space due to any action of the FCC or any other regulatory body having jurisdiction; c) technological changes render either the equipment or the space unsuitable in Cellular South’s judgment for its needs; or d) Cellular South terminates the agreement as of any anniversary of the commencement date provided that Cellular South pays ASU an amount equal to three months rent.

Contract Amount: The total revenue generated by the agreement will be \$198,600.

ASU will receive a monthly rental payment of \$1,000.00 for each month of the initial term of the agreement. For each succeeding term of the agreement, the monthly rental payment will increase by ten percent over the monthly rental payment for the preceding term. Monthly rental payments, yearly rental payments, and term rental payments are shown in the table below.

Term of Agreement	Monthly Rental Payment	Yearly Rental Payment	Term Rental Payment
Initial Term – 5 years	\$ 1,000	\$ 12,000	\$ 60,000
Renewal Term 1 – 5 years	1,100	13,200	66,000
Renewal Term 2 – 5 years	1,210	14,520	72,600
Total Revenue			\$ 198,600

Funding Source for Contract: Revenue lease agreement

Contractor Selection Process: Cellular South Real Estate, Inc. is the sole-source provider of wireless service for the ASU campus.

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. This agreement has been reviewed and approved by the Attorney General’s Office. Board staff recommends approval of this item.

2. JSU – REQUESTS FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. **Agenda Item Request:** Jackson State University (JSU) requests approval of lease, maintenance and service agreements with **Enterprise FM Trust and Enterprise**

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Fleet Management, Inc. for the lease of a vehicles, preventative maintenance and service.

Contractor's Legal Name: Enterprise FM Trust (EFM Trust) and Enterprise Fleet Management, Inc. (EFM)

History of Contract: This is a new agreement.

Specific Type of Contract: Fleet leasing, management and maintenance agreements

Purpose: The purpose of the agreements is to enable JSU to assemble a fleet of forty six (46) new vehicles via Open-Ended Lease Schedules that will all receive routine preventative maintenance service. The new fleet will be used for administrative, maintenance and service purposes for JSU and will consist of the following:

- 4 Full-Sized Passenger Vans
- 14 Mid-Sized Sedans
- 9 Passenger Minivans
- 5 Half Ton Pickup Trucks Reg
- 1 Two Ton Pickup Truck
- 8 Half Ton Cargo Vans
- 2 Three Quarter Ton Cargo Vans
- 3 SUVs

Scope of Work: Enterprise will provide JSU with the following:

- delivery of vehicles to JSU campus,
- handling of vehicle registration and licensing processes,
- a dedicated, local Account Team for fleet management,
- monthly management reports, and
- a Full Maintenance program for the handling of all preventative maintenance services per a prescribed schedule.

Term of Contract: The terms of the agreements are as follows:

1. **Master Equity Lease Agreement:** The lease agreement, under which JSU may order vehicles, is for a five (5) year period, on or about November 22, 2013 through November 21, 2018.
2. **Service Agreement:** The term of the service agreement will correlate with the term of the Master Equity Lease Agreement.
3. **Maintenance Agreement:** This agreement is for a five (5) year period which will commence on the delivery date of each vehicle leased pursuant

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to the Master Equity Lease Agreement and continue on through the lease term.

Termination Options: The agreement may be terminated for the following reasons:

- reduction of funds,
- failure by Enterprise to comply with the federal E-Verify program,
- default by JSU of the terms of the Master Equity Lease Agreement, or
- either party may terminate the Maintenance Agreement with respect to any or all Covered Vehicles on the last day of any calendar month upon at least sixty (60) days written notice.

Contract Amount: The estimated cost for the five (5) year contract term is \$1,170,000 for lease, maintenance, and title and registration expenses. The annual cost will vary depending upon the current cost for vehicles incorporated into the fleet for a particular year.

Funding Source of Contract: The agreement will be funded by E&G Funds.

Contractor Selection Process: JSU issued a Request for Proposals (RFP) in March 2013. Enterprise was the only vendor to respond.

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

- b. Agenda Item Request:** Jackson State University (JSU) requests approval to enter into a lease agreement **CP Jackson, LLC d/b/a Jackson Marriott** for the lease of hotel rooms for the housing of students enrolled in its Executive PH.D. program during various program dates.

Contractor's Legal Name: CP Jackson, LLC d/b/a Jackson Marriott (Hotel)

History of Contract: This is a new agreement.

Specific Type of Contract: Lease agreement

Purpose: The purpose of the agreement is for the lease of hotel rooms monthly for those students who participate in JSU's Executive Ph.D. program. The program runs from January 2014 through June 2015.

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Scope of Work: Under the current agreement, Hotel will provide up to 50 rooms monthly beginning in January 2014 and extending through June 2015. In addition, Hotel will provide a meeting room, a complimentary room for program-related participants, internet service, parking, and complimentary breakfast buffet.

Term of Contract: The term of the contract is for approximately one and one-half (1.5) years, January 8, 2014 through June 13, 2015.

Termination Options: The agreement may be terminated for the following:

- reduction of funds,
- by JSU upon ninety (90) days notice,
- by either party due to Force Majeure,
- by either party for a breach of the terms of the agreement.

Contract Amount: The total estimated cost of the agreement is \$359,136. This cost is based on the use of approximately 172 room nights at a rate of \$116 per night.

Funding Source of Contract: The agreement will be funded by E&G Funds.

Contractor Selection Process: JSU issued a Request for Proposals (RFP) in January 2013. Hotel was the only vendor to respond.

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

3. UMMC-REQUESTS FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to modify the total expenditure amount applicable to its agreement with **National Marrow Donor Program**, a Colorado nonprofit corporation, for bone marrow transplant services.

Contractor's Legal Name: **National Marrow Donor Program (NMPD)**

History of Contract: The Board approved a five (5) year agreement in August 2010 for the term, October 1, 2010 through September 30, 2015. Total costs were estimated at \$2,892,131 and based on the performance of 16 transplants per year, an annual cost increase of 8% and, a fee of \$45,000 for research associated with donor matching.

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Specific Type of Contract: Services agreement.

Purpose: The purpose of this request is to increase the total expenditure amount applicable to the contract which is for bone marrow transplant services.

Scope of Work: The terms of the original agreement remain the same and include the following: the matching of volunteer marrow donors throughout the world with patients at transplant centers; arranging for the collection and transportation of marrow; and, management of patient support and research programs.

Term of Contract: The contract term remains at five (5) years, October 1, 2010 through September 30, 2015.

Termination Options: The agreement may be terminated for the following:

- by written agreement of the parties,
- by either party upon sixty (60) days written notice,
- by NMPD upon thirty (30) days written notice should its funding from the U.S. Government be terminated or materially reduced,
- by NMPD should any license, permit, certification or accreditation status of UMMC be suspended or revoked,
- by either party for a breach of the agreement upon thirty (30) days notice of opportunity to cure,
- by either party upon insolvency or bankruptcy of the other party,
- by NMPD should UMMC not satisfactorily respond to a summary suspension caused by a UMMC activity that constitutes an immediate threat to the health or safety of the donor, and
- reduction of funds.

Contract Amount: The total estimated cost for the contract period is being increased from \$2,892,131 to \$5,007,304.24. The request to spend an additional \$2,115,173.24 is due to an increase in the *actual* numbers of transplant patients and transplant costs. It was originally estimated that UMMC would perform an average of 16 transplants per year at an average cost of \$30,000 per transplant however UMMC now estimates that an average 24 transplants will be performed per year at an average cost of \$50,000 per transplant.

Funding Source of Contract: The agreement will be funded by patient revenues.

Contractor Selection Process: N/A. This is a modification to an existing agreement.

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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. Board staff recommends approval of this item. (As the Board is being asked to provide approval to modify the total expenditure amount for the agreement, The Attorney General's Office has chosen not to issue a formal approval.)

- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests permission to enter into an agreement with **Nova Biomedical Corporation** to purchase equipment and products for a point-of-care blood glucose testing system.

Contractor's Legal Name: Nova Biomedical Corporation (Nova)

History of Contract: This is a new agreement.

UMMC previously contracted with LifeScan, Inc. to purchase equipment and products for a point-of-care blood glucose testing system. However, this manufacturer will exit the hospital point-of-care blood glucose testing market in December 2013. UMMC has purchased a sufficient number of products from LifeScan, Inc. for patient care needs through the end of the year.

Specific type of contract: Commitment Agreement

Purpose: The purpose of the agreement is for UMMC to replace its current point-of-care blood glucose testing system. The current manufacturer, LifeScan, Inc., will discontinue support of its system in December 2013. The agreement will enable UMMC to purchase equipment and products from Nova in order to continue to perform bedside glucose testing.

The agreement will serve the entire patient population of the main-campus hospitals and their clinics, the Lexington Hospital and its clinics, the University Physician Clinics, and the College of Dentistry.

Scope of Work: UMMC will purchase 740 cases of StatStrip Glucose Strips from Nova over the five-year term of the agreement. This equates to an annual case commitment of 148 cases. In addition, UMMC will purchase StatStrip Glucose Hospital Meters (and associated equipment) through a surcharge included in the case price of the strips.

Term of contract: The term of the agreement is five years starting on December 1, 2013 and ending on November 30, 2018.

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Termination Options: Termination options include the following:

- by either party upon thirty days written notice once UMMC has met its purchase commitment;
- by UMMC in the event of a reduction in funds;
- by UMMC if Nova improperly discloses protected health information; and
- by UMMC if Nova fails to comply with applicable e-verify provisions.

Contract Amount: The estimated cost of the five-year agreement is \$724,006.59.

The estimated annual totals shown below include an annual purchase commitment of \$134,807.28 as well as a projected overage amount of seven percent of the previous year's estimated annual total. The projected overage amount for Year 1 is seven percent of the purchase commitment.

	Case Commitment	Case Price ¹	Purchase Commitment	Projected Overage ²	Total
Year 1	148	\$910.86	\$134,807.28	\$9,436.51	\$144,243.79
Year 2	148	\$910.86	\$134,807.28	\$10,097.07	\$144,904.35
Year 3	148	\$910.86	\$134,807.28	\$10,143.30	\$144,950.58
Year 4	148	\$910.86	\$134,807.28	\$10,146.54	\$144,953.82
Year 5	148	\$910.86	\$134,807.28	\$10,146.77	\$144,954.05
Total			\$674,036.40	\$49,970.19	\$724,006.59

¹ Includes finance charges.

² Seven percent of the previous year's estimated annual total.

Funding Source for Contract: Patient revenues

Contractor Selection Process: Nova Biomedical Corporation is an approved vendor contracted with Novation, UMMC's primary group purchasing organization pursuant to Miss. Code Ann. § 31-7-13(m)(x). In addition, Nova Biomedical Corporation provides the only FDA-approved glucose testing products for use in hospitals.

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

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- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests permission to enter into an agreement with **Vital Records Control of Mississippi, LLC** to provide off-site storage and retrieval services for medical records.

Contractor's Legal Name: Vital Records Control of Mississippi, LLC (VRC)

History of Contract: This is a new agreement.

UMMC previously contracted with RecordMax, Inc. and RecordMax Imaging, LLC (collectively RecordMax) to provide off-site storage and retrieval services for medical records before RecordMax was acquired by VRC. This agreement was approved by the Board of Trustees on October 14, 2009. The term of the agreement was November 1, 2009 to October 31, 2012 with a total cost of \$2,000,000. Shortly before the end of the agreement, UMMC initiated an RFP process to solicit proposals for similar services. However, the RFP was not completed until March 2013 and was not awarded until June 2013.

Since the end of the RecordMax/VRC agreement on October 31, 2012, VRC has provided off-site storage and retrieval services via a purchase order.

Specific type of contract: Service/Lease Agreement

Purpose: The purpose of the agreement is for VRC to provide off-site storage and retrieval services for UMMC's medical records.

Scope of Work: VRC will provide the following to UMMC:

- off-site storage of records;
- regular pick-up and delivery of records;
- retrieval and delivery of archived records;
- priority and emergency delivery for expedited record requests;
- supplies for indexing and archiving of records;
- repacking of boxes;
- indexing and re-indexing of records;
- scanning and faxing of records on request; and
- scanning of records for electronic archiving.

Term of contract: The term of the agreement is five years starting on December 1, 2013 and ending on November 30, 2018.

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Termination Options: Termination options include the following:

- by either party upon thirty days written notice;
- by UMMC in the event of a reduction in funds;
- by UMMC if VRC improperly discloses protected health information; and
- by UMMC if VRC fails to comply with applicable e-verify provisions.

Contract Amount: The estimated cost of the five-year agreement is \$3,600,000.

This equates to an estimated annual cost of \$720,000.

Funding Source for Contract: Patient revenues

Contractor Selection Process: Vital Records Control of Mississippi, LLC was the only vendor to submit a proposal to RFP 1183 – Storage Retention.

Staff Recommendation: Based on Board Policy 707.01, *Land, Property, and Service Contracts*, Board approval is required prior to execution of contracts for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. This 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 enter into an agreement with **Wechem, Inc.** for a water treatment services program.

Contractor's Legal Name: Wechem, Inc. (Wechem)

History of Contract: This is a new contract for a water treatment services program.

Wechem, Inc. was originally awarded a contract to provide a water treatment services program to UMMC through a Request for Proposal (RFP) in 2005. The original agreement was a one (1) year term from July 1, 2005 through June 30, 2006 totaling \$82,871.00. After the expiration of initial agreement, Wechem, Inc. has provided services through multiple one (1) year renewal agreements from July 1, 2006 through June 30, 2013 as outlined in the table below.

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Description	Term	Amount
Original Agreement	7/1/2005 - 6/30/2006	\$ 82,871.00
Renewal- increase due to increase in cost of raw materials	7/1/2006 - 6/30/2007	\$ 85,357.00
Renewal- increase due to increase in cost of raw materials	7/1/2007 - 6/30/2008	\$ 87,557.00
Renewal- no rate increase	7/1/2008 - 6/30/2009	\$ 87,557.00
Renewal- increase due to additional equipment required for the water treatment services program	7/1/2009 - 6/30/2010	\$ 94,032.00
Renewal- no rate increase	7/1/2010 - 6/30/2011	\$ 94,032.00
Renewal- increase due to the addition of boilers and chillers to the water treatment services program	7/1/2011 - 6/30/2012	\$ 107,310.00
Renewal- no rate increase	7/1/2012 - 6/30/2013	\$ 107,310.00
Amendment to renewal agreement to encompass an additional service area; increase of \$1,380 bringing the one year amount to \$108,690.	1/1/2013 - 6/30/2013	\$ 1,380.00
Month-to-Month services during RFP process	7/1/2013 - 11/30/2013	\$ 54,345.00
Accumulated cost under prior Request for Proposal		\$ 801,751.00

As indicated in the table above, UMMC has utilized Wechem, Inc.'s services on a month-to-month basis since the expiration of the agreement while a Request for Proposals (RFP) was conducted. The cost for the services after expiration of the agreement is \$54,345.00. Wechem, Inc. was selected as the vendor to be awarded a five (5) year agreement for a water treatment services program from RFP #1188.

Specific Type of Contract: Water Treatment Service Contract.

Purpose: The purpose of the agreement is to provide water treatment service to UMMC. The agreement will ensure continued patient health and safety at UMMC.

Scope of Work: Wechem will provide the following services to UMMC:

- Provide all chemicals required for general control of scale, corrosion, and microbiological fouling, and/or oxygen pitting in the cooling and heating systems;
- Provide weekly service visits to test and record conductivity, pH, inhibitor, calcium, bromine, and cycles of concentration on the cooling tower;

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- Provide weekly testing for conductivity, sludge conditioner, alkalinity, and sulfite in boilers;
- Safety and technical training will be provided to UMMC staff as needed; and
- Provide on-site microbiological testing as needed.

UMMC will provide the following:

- Notifying the vendor of any water problems with the chemical treatments within UMMC locations; and
- Providing proper notification to vendor for a representative to be present at all scheduled inspections.

Term of Contract: The term of the agreement is for five (5) years from December 1, 2013 through November 30, 2018.

Termination Options: The agreement may be terminated for the following:

- by either party at any time upon thirty (30) days written notice,
- a breach by Wechem, Inc. of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- in the event of any reduction of funds in available funds to UMMC, the contract may be terminated without penalty to UMMC,
- failure by Wechem, Inc. to comply with the federal E-Verify Program, and

Contract Amount: The total committed cost of the agreement for the five (5) year term is \$470,697.00. Due to expanding operations, UMMC potentially may require additional service locations during the term of the agreement. The total estimated cost including the potential of additional service locations is \$670,697.00.

The breakdown of the cost is as follows:

	Committed Costs	Estimated Costs for Additional Service Locations	Total Costs
Year 1	\$84,262.00	\$0.00	\$84,262.00
Year 2	\$88,580.00	\$50,000.00	\$138,580.00
Year 3	\$93,119.00	\$50,000.00	\$143,119.00
Year 4	\$98,847.00	\$50,000.00	\$148,847.00
Year 5	\$105,889.00	\$50,000.00	\$155,889.00
Total Cost	\$470,697.00	\$200,000.00	\$670,697.00

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

Contractor Selection Process: Wechem, Inc. was selected based upon the results of RFP #1188. The lowest submitted proposal was by Nashville Chemical, which was \$61,947 less than Wechem, Inc.'s proposals over a five (5) year period. The selection committee had concerns related to Nashville Chemical's ability to perform the services requested. Nashville did not provide adequate references or list any experiences that were similar to the scope and complexity as requested by 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.*

- e. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with with **Depuy Synthes Sales, Inc.** for the purchase of lower extremity joint components as needed to perform knee and hip repair and replacement procedures.

Contractor's Legal Name: **Depuy Synthes Sales, Inc. (Depuy)**

History of Contract: This is a new agreement. UMMC previously purchased the items through Novation, its Group Purchasing Organization. However, due to some recent changes with Novation, UMMC is no longer able to purchase through its GPO.

Specific Type of Contract: Purchase agreement.

Purpose: The purpose of this agreement is for the purchase of component parts used specifically in the replacement or revision of hip and knee joints. The products will be purchased on an "as needed" basis.

Scope of Work: Under the agreement, Depuy will provide lower extremity joint components needed to perform knee and hip repair and replacement procedures. UMMC will directly order the products covered in the agreement from Depuy on an "as needed" basis for patient care.

Term of Contract: The initial term of the agreement is for three (3) years beginning on or about December 1, 2013. Prior to the end of the initial term, the agreement may

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be amended to extend the agreement for up to two (2) additional one (1) year periods. Should UMMC opt to extend the agreement, UMMC will submit its request to the Board for approval. UMMC is seeking approval of the three (3) year initial term.

Termination Options: Either party may terminate the agreement upon thirty (30) days notice.

Contract Amount: The total estimated contract cost for the three (3) year agreement is \$8,250,000. UMMC has calculated a 10% increase into the annual cost for years two and three of the agreement in anticipation of an increase in patient volume. Assuming an annual 10% annual cost increase based on expected increases in patient volume each year after Year 1 of the agreement, UMMC would pay the following annually:

- Year 1 - \$2,500,000
- Year 2 - \$2,750,000
- Year 3 - \$3,000,000

Funding Source of Contract: The agreement will be funded by patient revenues.

Contractor Selection Process: UMMC sought proposals through Information for Bid (IFB) 3528 in xxx, 2013. Three (3) vendors responded all of which met the specifications outlined in the bid documents. This was a multi-award in which Depuy,

Zimmer and Smith and Nephew were all awarded contracts. At this time, Smith and Nephew has not responsive to UMMC's attempts to negotiate a contract.

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

- f. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval approval to enter into an agreement with **Zimmer US, Inc.** for the purchase of lower extremity joint components as needed to perform knee and hip repair and replacement procedures.

Contractor's Legal Name: **Zimmer US, Inc. (Zimmer)**

History of Contract: This is a new agreement. UMMC previously purchased the items through Novation, its Group Purchasing Organization. However, due to some recent changes with Novation, UMMC is no longer able to purchase through its GPO.

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Specific Type of Contract: Purchase agreement.

Purpose: The purpose of this agreement is for the purchase of component parts used specifically in the replacement or revision of hip and knee joints. The products will be purchased on an “as needed” basis.

Scope of Work: Under the agreement, Zimmer will provide lower extremity joint components needed to perform knee and hip repair and replacement procedures. UMMC will directly order the products covered in the agreement from Zimmer on an “as needed” basis for patient care.

Term of Contract: The initial term of the agreement is for three (3) years beginning on or about December 1, 2013. Prior to the end of the initial term, the agreement may be amended to extend the agreement for up to two (2) additional one (1) year periods.

Should UMMC opt to extend the agreement, UMMC will submit its request to the Board for approval. UMMC is seeking approval of the three (3) year initial term.

Termination Options: The agreement may be terminated for the following;

- by either party upon ninety (90) days written notice,
- for a breach of the agreement upon thirty (30) days notice of opportunity to cure,
- reduction of funds,
- Force Majeure,
- failure by Zimmer to comply with the federal E-Verify program,
- by Zimmer in the event UMMC discontinues use of the products, and
- by either party for insolvency, bankruptcy or debarment.

Contract Amount: The total estimated contract cost for the three (3) year agreement is \$8,250,000.

UMMC has calculated a 10% increase into the annual cost for years two and three of the agreement in anticipation of an increase in patient volume. Assuming an annual 10% annual cost increase based on expected increases in patient volume each year after Year 1 of the agreement, UMMC would pay the following annually:

Year 1 - \$2,500,000

Year 2 - \$2,750,000

Year 3 - \$3,000,000

Funding Source of Contract: The agreement will be funded by patient revenues.

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Contractor Selection Process: UMMC sought proposals through Information for Bid (IFB) 3528 in xxx, 2013. Three (3) vendors responded all of which met the specifications outlined in the bid documents. This was a multi-award in which Depuy, Zimmer and Smith and Nephew were all awarded contracts. At this time, Smith and Nephew has not responsive to UMMC’s attempts to negotiate a contract.

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

4. USM – REQUESTS FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. **Agenda Item Request:** The University of Southern Mississippi requests approval of two additional renewal periods to an existing contract with **Perceptive Software, LLC** for ImageNow Software Support and Maintenance.

Contractor’s Legal Name: Perceptive Software, LLC

History of Contract: The University has been using the software, ImageNow, since approximately 1999 primarily for financial aid documentation and student transcripts. Over the past several years, the University had evolved into two separate imaging software products. Both products provided more or less the same functions; however, ImageNow became the more widely used product and therefore became the *de facto* standard. In 2010, a project was initiated to combine the two products into one. ImageNow was the predominate choice due to its integration ability with the University’s ERP system. In June 2011, a new Perceptive Software Master Agreement was signed. The University submitted and received the ITS Exemption request for the CP1 for this renewal. No CP1 has been needed until this renewal.

Year	Contract Amount	Payment Amount
2011	\$229,580.00	\$115,932.54
2012	\$44,024.01	\$44,024.01
2013	\$41,624.00	\$41,624.00
Total	\$315,228.01	\$201,580.55

Note: Actual expenditures are less than contract because USM did not implement some services/licensing that were initially anticipated.

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Specific Type of Contract: Renewal of annual contract for provision of ImageNow software licensing, maintenance and support.

Purpose: The purpose of the contract is for annual licensing, support and maintenance for ImageNow which includes these products and/or services:

- ImageNow Client/ WebNow Combo
- CaptureNow Adrenaline
- ImageNow Mail Agent
- ImageNow Conversion Module
- ImageNow iScript
- Test-CaptureNow Adrenaline
- Test-ImageNow Client Seat License
- Test-ImageNow iScript
- Test-WebNow
- ImageNow eForms-T2
- ImageNow Document Control Suite – T2
- ImageNow Worksheets-Free
- ImageNow Server – T1
- Test –ImageNow Server-Legacy T1

Scope of Work: This contract provides licensing for the above mentioned ImageNow products as well as support services. The maintenance provides upgrades, enhancements, and new releases of the software. Professional Services were in the original contract during the transition from two imaging products to one comprehensive software solution. These services have been completed. Annual renewals include ongoing licensing, support services and maintenance.

Term of Contract: Terms under requested approval: (1) 2014 Renewal Term: January 1, 2014 through December 31, 2014; and (2) 2015 Renewal Term: January 1, 2015 through December 31, 2015. The original contract term was June 8, 2011 through December 31, 2011 with two renewals that occurred in 2012 and 2013.

Termination Options: Contract renews for additional terms of one (1) year upon USM's timely payment of the annual fee for Software Maintenance and Support for the next successive renewal term. The contract is terminated upon the following:

- by user's non-renewal,
- at any time USM discontinues using the software and user documentation, along with any media associated with it, and returns all the software and user documentation to the Licensor.

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- in the event of breach of a material term of the agreement by either party, unless such breach is remedied within the thirty (30) day period between notification of termination and the effective date of termination,
- immediately upon bankruptcy under any applicable Bankruptcy Code

Contract Amount: The total expenditure amount of this contract is not anticipated to exceed \$301,580.55. This amount is based on an estimated cost of \$50,000 for 2014 and \$50,000 for 2015.

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

Contractor Selection Process: The original purchase made in 1999 was solicited through an RFP. The most recently executed contract was sole sourced based on requirements gathered from multiple departments. The University was utilizing two different imaging systems throughout many different departments. There was a need to streamline processing, implement cross checking for accuracy and institute a work-flow process to assure optimal business processing. In addition, there was a need to increase the security of documents, safeguard the confidential information submitted, service vendors and associates more efficiently, and assist other departments with timely reporting. In a comparison of the existing products, ImageNow was selected based on the following requirements defined by the departments in need of the imaging software:

- Provide quicker search, archive and retrieval of documents.
- Provide an electronic content management solution integrated with the PeopleSoft application suite.
- Provide direct access to documents from the displayed PeopleSoft screens.
- Provide users with simple and simultaneous electronic access to documents, records and information.
- Streamline the process of documents and information.
- Provide a system capable of running on current and future versions of PC operating systems.

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 by the Attorney General's Office and approved pending the certificate of good standing by the vendor. Board staff recommends approval of this item pending the certificate of good standing by the vendor.*

- b. **Agenda Item Request:** The University of Southern Mississippi Research Foundation, Inc. requests approval to engage the CPA firm of **Nicholson and**

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Company, PLLC to conduct an annual audit for fiscal year end December 31, 2013.

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

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

5. SYSTEM– REQUEST FOR FINAL APPROVAL OF TUITION MULTI-YEAR RATES

Agenda Item Request: Final approval is requested for the multi-year tuition rates effective for fiscal years 2015 and 2016. The Board was presented the multi-year tuition rates for first review at its October 17, 2013 meeting.

Tuition rates will be submitted to the Board under separate cover.

Staff Recommendation: **Based on Board Policy 702.04C – Consideration of Requests: Requests to establish tuition, and room and board charges shall not be considered until at least thirty days after they have been submitted to provide an opportunity for review by the Board and the Commissioner. The Board reserves the right to waive the thirty-day review requirement during periods of extreme time constraint. Board Staff recommends approval of the proposed multi-year tuition rates.**

6. SYSTEM – REQUEST FOR APPROVAL TO RENEW EXCESS WORKERS' COMPENSATION INSURANCE POLICY

Agenda Item Request: The Mississippi Institution of Higher Learning's Executive Office requests approval to renew the excess workers' compensation insurance policy with **Safety National Casualty Corporation** for the IHL system.

Contractor's Legal Name: Safety National Casualty Corporation

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History of Contract: The IHL Workers' Compensation Plan is required by the Mississippi Workers' Compensation Commission to purchase coverage for workers' compensation claims in excess of \$1,000,000. An excess workers' compensation insurance policy has been purchased since the inception of the IHL Workers' Compensation Plan.

Specific type of contract: This is a renewal of insurance coverage.

Purpose: The purpose of the agreement is to provide required excess workers' compensation insurance coverage, with statutory limits, in excess of the primary self-insured retention of \$1,000,000 per occurrence.

Scope of Work: N/A

Term of contract: The term of the renewal is for one (1) year, December 1, 2013 through November 30, 2014.

Termination Options: The insurance policy will have standard cancellation language allowing the policy to be terminated at any time by either party upon ninety (90) days notice; however, the insurer may terminate upon thirty (30) days notice for non-payment of premium.

Contract Amount: The estimated premium for the one (1) year term is \$404,612.

Funding Source for Contract: The insurance policy is funded by the IHL Workers' Compensation Plan.

Contractor Selection Process: Two ads appeared in *The Clarion-Ledger* in July and letters were sent to twenty-two (22) agencies that had previously indicated an interest in this process. The following five (5) agencies responded requesting market assignments.

- Alliant Insurance Services, Inc.,
- AmFed Companies, LLC (Safety National Casualty Corp.),
- Arthur J. Gallagher & Co., Inc.,
- Beecher Carlson, and
- Swett & Crawford.

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Alliant Insurance Services, Inc., AmFed Companies, LLC and Arthur J. Gallagher & Co., Inc. met the qualifications and were assigned markets. Quotes were received from Alliant and AmFed.

The annual rates per \$100 of payroll and premium quotes for the two quotes received were:

Name <i>*The rates and premiums below include the Terrorism coverage charge</i>	Rate	Estimated Annual Premium
Safety National Casualty Corporation (AmFed Companies, LLC)	.0315	\$404,612
New York Marine & General Insurance Company (Alliant Insurance Services, Inc.)	.0366	\$470,121

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. 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.

Board Policy §905(B), Real Estate Management

Prior to Board consideration of the purchase or acceptance of real estate from any source, a Phase I or more detail Environmental Report shall be completed by qualified personnel and submitted to the Board's Real Estate and Facilities Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a "no further action" letter from the State's Department of Environmental Quality.

Board Policy §917, Naming Buildings and Facilities

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

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

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

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. ASU – GS 101-296 – Campus Safety Building Renovations

Project Request: Alcorn State University requests approval to initiate a project, Campus Safety Building Renovations, and to appoint Durrell Design Group as the design professional.

Proposed Design Professional: Durrell Design Group

Purpose: Alcorn State University is seeking approval to initiate the project in order to renovate two buildings on campus that will improve space for campus safety and emergency operations. The university intends to modernize the current Campus Safety building to accommodate the Campus' Police operations. The university also desires to renovate a second building known as the Parker Building and is located at the entrance of the Lorman campus. The Parker Building will house the Fire and EMT operations.

Alcorn State University is seeking 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: November 21, 2013

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Date of Original Construction: The existing Police Station was constructed in 1996. The Parker Building was purchased by ASU. The original date of construction is unknown.

Date of Last Renovation: First Major Renovation

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,020,000.00
Architectural and Engineering Fees:	84,000.00
Miscellaneous Project Costs:	36,000.00
Contingency:	<u>60,000.00</u>
Total Project Budget	\$ 1,200,000.00

Proposed Funding Source(s): S.B. 2851, Laws of 2013 (\$1,200,000)

Staff Recommendation: Board staff recommends approval of this item.

2. DSU – GS 102-255 – Central Mechanical Plant Phase II

Project Request: Delta State University requests approval to appoint Eldridge & Associates, P.A. Consulting Engineers as the design professional.

Proposed Design Professional: Eldridge & Associates, P.A. Consulting Engineers

Purpose: This project is intended to add the second chiller to the Central Mechanical Plant which will allow the university to complete the second phase of the project. The project will include one (1) chilled water pump, one (1) condenser water pump, and one (1) cooling tower. This project also includes extending piping, controls, and electrical systems as required for a complete and operational 2,500 ton central plant. The project will provide final testing and balancing of the central plant and the existing campus chilled water loop. Phase II will complete the DSU Chiller Plant/Loop in its entirety.

Delta State University is seeking 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

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a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: August 15, 2013

Date of Original Construction: Not applicable

Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,600,000.00
Architectural and Engineering Fees:	115,000.00
Miscellaneous Project Costs:	25,000.00
Contingency:	<u>260,000.00</u>
Total Project Budget	\$ 2,000,000.00

Proposed Funding Source(s): S.B. 2913, Laws of 2013 (\$2,000,000)

Staff Recommendation: Board staff recommends approval of this item.

3. ERC – GS 111-052 – Structural & Subsurface Repair

Project Request: The Education and Research Center requests approval to initiate a project, Structural & Subsurface Repair, and to appoint JBHM Architects P.A. as the design professional.

Proposed Design Professional: JBHM Architects P.A.

Purpose: *Note: The project budget reflects design fees only. The remainder of the project cost is being sought as Priority #1 in the 2014 Legislative Session.* The project is intended to allow for the repair of structural damage to the Paul B. Johnson Building caused by the expansive soils on the site and repair the water infiltration into the basement level. The scope and budget will be determined in the design phase of the project.

Recent years have seen an increase in the amount of water infiltration in the basement level of the Paul B. Johnson Building. Investigations during the Mechanical Modifications project (GS 111-044) have indicated serious structural damage to the building caused by expansive soils under the building which is consequently causing

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water penetration into the basement. These deficiencies urgently need correcting in order to insure the safety of the occupants and prevent continued structural damage to the building which may result in vacating all state employees currently housed in the structure.

The Education and Research Center 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: November 21, 2013

Date of Original Construction: 1969

Date of Last Renovation: First Renovation

Proposed Project Budget: (*Design Fees Only*)

	<u>Estimated</u>	
Construction Cost:	\$	0.00
Architectural and Engineering Fees:		619,000.00
Miscellaneous Project Costs:		0.00
Contingency:		<u>0.00</u>
Total Project Budget	\$	619,000.00

Proposed Funding Source(s): SB 3100, Laws of 2011 (\$500,000); HB 1701, Laws of 2010 (\$119,000)

Staff Recommendation: Board staff recommends approval of this item.

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IHL PROJECTS

4. ASU – IHL 201-245 – Student/Employee Housing

Project Request: Alcorn State University requests approval to initiate a project, Student/Employee Housing, and to appoint the design professional using the “Request for Qualifications” process.

Proposed Design Professional: TBD through RFQ process

Purpose: Alcorn State University desires to pursue an Educational Building Corporation (EBC) project to construct new on-campus student/employee housing. The university’s need for both student and staff housing is due to the age and poor condition of the current facilities. Alcorn State University’s older residence halls and staff housing has outlived its useful life and requires a steady stream of maintenance funds to meet minimum levels of quality. Therefore, Alcorn State University plans to replace two residence halls with a new 400 bed student housing complex. Alcorn State University will also replace the outdated current staff housing with 50 new staff housing units.

Alcorn State University is seeking 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: November 21, 2013

Date of Original Construction: New Building

Date of Last Renovation: New Building

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 20,640,000.00
Architectural and Engineering Fees:	1,680,000.00
Miscellaneous Project Costs:	480,000.00
Contingency:	<u>1,200,000.00</u>
Total Project Budget	\$ 24,000,000.00

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Proposed Funding Source(s): EBC Bond Funds –*Pending Approval* (\$24,000,000)

Staff Recommendation: Board staff recommends approval of this item.

5. UM – IHL 207-375 – Student Housing Phase II

Project Request: The University of Mississippi requests approval to initiate a project, Student Housing Phase II, and to appoint the design professional using the “Request for Qualifications” process.

Proposed Design Professional: TBD through RFQ process

Purpose: As student enrollment increases, the demand for on-campus housing follows. The University of Mississippi must provide additional housing on campus to satisfy the demand. The university intends to construct one or more new residence halls to provide additional beds for on-campus, student housing. The exact number of beds, scope of work and location is not known at this time. The intention of this request is to initiate the project and to release a Request for Qualifications to select a design professional. The design professional will assist the university in determining the project scope, site, and budget; and finally produce design/construction documents for the scope determined. The University of Mississippi will submit a subsequent agenda item to request approval of the design professional after the selection process and to seek permission to increase the budget as required in order to reflect the established scope of work.

The University of Mississippi is seeking to initiate the project and appoint the design professional through the RFQ process 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: November 21, 2013

Date of Original Construction: New Building

Date of Last Renovation: New Building

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Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	2,000,000.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 2,000,000.00

Proposed Funding Source(s): Student Housing R&R Reserves (\$2,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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

IHL PROJECTS

6. UMMC – IHL 209-539 – Lexington Hospital Renovations

Project Request: The University of Mississippi Medical Center requests approval to increase the budget for the Lexington Hospital Renovations project. The budget will increase from \$3,790,477.00 to \$ 4,479,107.00, an increase of \$688,630.00.

Project Phase: Design Phase

Design Professional: The McCarty Company

General Contractor: TBD

Purpose/Justification: The project is currently in the design phase. This is the first budget escalation/change request made for this project by the University of Mississippi Medical Center. During the design phase, it was realized that additional renovation costs would be involved to provide for minor renovations of existing space/areas required for the relocation of existing services during the construction period. It was also realized that additional support functions had to be incorporated into the renovation project. The size of the project has been increased after re-design options were reviewed and adjusted by the users to provide for the most economical

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and efficient solution. Bidding alternates are identified to insure award of the project at bid day. The base bid now is based on approx. 14,114 square feet compared to the original 16,425 square feet. Potential award of bid alternates could allow for an additional 3300 square feet to be included into the contract. UMMC requests approval of the escalated budget due to revisions in the phasing plans, the needed additional support space and increases in construction costs from the original project estimates. Additional funding is available from hospital patient revenues.

The project will include the renovation of approximately 13,800 square feet of existing first floor areas in order to provide a more functional and appropriately sized Emergency Department, increase utilization of the Outpatient/Specialty Clinic and provide better traffic control. Existing utility service, HVAC, plumbing, Fire Protection and medical gas systems will all be upgraded.

The 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: January 20, 2011

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 2,775,180.00	\$ 3,319,804.00	\$ 544,624.00
Architectural and Engineering Fees	\$ 269,138.00	\$ 477,113.00	\$ 207,975.00
Miscellaneous Project Costs	\$ 407,985.00	\$ 275,000.00	\$ (132,985.00)
Contingency	\$ 338,174.00	\$ 407,190.00	\$ 69,016.00
Total Project Budget	\$ 3,790,477 .00	\$ 4,479,107.00	\$ 688,630.00

Funding Source(s): Hospital Patient Revenues (\$4,479,107)

Staff Recommendation: Board staff recommends approval of this item.

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APPROVAL OF OTHER REAL ESTATE REQUESTS

7. DSU- Granting of a Permanent Easement and Right-of-Way to Cleveland Music Foundation

Project Request: Delta State University requests approval grant a permanent easement and right-of-way to Cleveland Music Foundation to construct the easternmost portion of the Statesman Park Boulevard.

Purpose: Delta State University is requesting approval of the easement for the purpose of installing the easternmost portion of the Statesman Park Boulevard in the property in such places and along such paths as the Foundation has graphically denoted on the plat., along with the right of reasonable pedestrian and vehicular ingress and egress to the property including without limitation, access to all utility easements, trenches, rights of way and common areas for the purposes of constructing the roadway.

History: Approximately one year ago, Grammy Music at LA Live notified the City of Cleveland MS that it had been selected as the site of the Grammy Museum Mississippi. The Cleveland Music Foundation, Inc. was established to organize, fund, construct, and administer the museum. The Foundation has selected an exhibit design firm and is in the process of selecting a project architect. The Foundation has secured \$10M in commitments for this \$15M project.

Property Description: The permanent easement is being granted to Cleveland Music Foundation to provide reasonable access for the area geographically denoted as Tracts 1-5 on the plat. The descriptions are as follows:

Tracts 1-5: Part of the southeast quarter of the southwest quarter of Section 17, Township 22 North, Range 5 West, Bolivar County, Mississippi,

Terms: The agreement shall be permanent and shall remain in effect for the duration of the land lease. The agreement shall terminate not later than October 31, 2111, unless terminated sooner as a result of the termination of the “Ground Lease Agreement” between Delta State University and the Cleveland Music Foundation (CMF) dated February 1, 2013. Grantor/DSU may terminate this easement and all the rights incorporated herein at any time after eighteen (18) months of continuous non-use of the easement by Grantee/CMF unless extended by written agreement signed by the parties.

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The permanent easement is granted to CMF to operate and maintain a roadway and any appurtenances thereto, all over, under, across, and through the above described property owned by the Grantor/DSU. Grantor/DSU also grants the Grantee/CMF the right of ingress and egress at all times across and on all of the above described property while maintaining the said roadway.

Delta 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 legal description of the access easement is on file with the Office of Real Estate and Facilities.

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

8. MSU – Delete from Inventory and Demolish Buildings 1468, 1471, 1472, 1616, 1617, 1601, 1638, 1475, 1487,1488, 1476, 1494, 1495 1512, 1513, 1523, 1481,1652, 1662, 1196, 1170, 1152, 1271, 1158, 1205, 1206, 1207, 1208, 1244, 1204, and 1443

Project Request: Mississippi State University requests approval to delete the Buildings 1468, 1471, 1472, 1616, 1617, 1601, 1638, 1475, 1487,1488, 1476, 1494, 1495 1512, 1513, 1523, 1481,1652, 1662, 1196, 1170, 1152, 1271, 1158, 1205, 1206, 1207, 1208, 1244, 1204, and 1443 from inventory and demolish them.

Purpose: The buildings are located in various counties all over the state and are in poor condition and no longer serve the mission of the MSU Experiment Station. The project will demolish and dispose of the remains of the buildings. Any usable material will be salvaged. Table 1 on page 13 provides a breakdown of the buildings by location scheduled to be demolished by the university.

The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

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Table 1:

Building Number	Building Name	Location	Year Built
1158	ARC Agr Forage Lab/Shed	Campus	1960
1244	ARC Agronomy Forage Lab Quonset	Campus	1981
1205	ARC Agronomy Quonset 1	Campus	1961
1206	ARC Agronomy Quonset 2	Campus	1961
1207	ARC Agronomy Quonset 3	Campus	1961
1208	ARC Agronomy Quonset 4	Campus	1961
1196	DRC Portable Building	Campus	1976
1170	Breeders Coop Equipment Shed	Campus	1951
1152	ARC Sheep Shelter	Campus	1976
1271	PSRC Motor Pool Storage	Campus	1983
1204	ARC RIA Physiology Lab	Campus	1977
1443	Quonset Hut	Brooksville	1959
1601	Hay Shed	Holly Springs	1961
1616	Lab and Storage	Verona	1948
1617	Machinery Shed and Shop	Verona	1949
1468	Equipment Storage	Prairie	1943
1471	Storage Bin	Prairie	1974
1472	Grain Bin	Prairie	1974
1512	Dairy Milking Parlor	Newton	1972
1513	Free Stall	Newton	1977
1523	Dairy/Beef Feed Stor. Sh	Newton	1988
1475	Two-Car Garage	Raymond	1947
1476	Residence	Raymond	1947
1481	Farm Shop	Raymond	1947
1487	Residence	Raymond	1976
1488	Residence	Raymond	1953
1494	Silo Tower	Raymond	1969
1495	Silo Tower	Raymond	1969
1652	Residence	Crystal Springs	1940
1662	Barn	Crystal Springs	1950
1638	Quonset	McNeill	1959

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9. MSU – Delete from Inventory and Demolish Building 0215, known as Longest House

Project Request: Mississippi State University requests approval to delete Building 0215, Longest House, from inventory and demolish it.

Purpose: This structure is an unoccupied residential house that is in very poor condition. The Longest House no longer serves the mission of MSU and is recommended for demolition.

The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

10. UM – IHL 207-370 – Turner Center Basement Renovation – Sole Source of HVAC Controls System

Project Request: The University of Mississippi requests approval to sole source the HVAC control system in the Turner Center Basement Renovation project.

Design Professional: The McCarty Company

General Contractor: TBD

Proposed Sole Source: Mechanical Automated Control Systems, Inc. with Andover Controls System.

Purpose: The University of Mississippi requests sole source the HVAC control system in Turner Center Basement Renovation project. This project will involve renovating parts of the locker room facilities located in the basement of the building. The extent of the work is likely to include removing old lockers and replacing them with new ones, renovating showers, evaluating and updating the interior air quality, proving new finishes and lighting, and upgrading electrical and plumbing.

The current building controls system is Andover and is serviced by MACS, Inc. from Memphis, TN. Based on the current inventory of HVAC equipment serving this

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building, the building controls system is estimated to cost \$320,800. The proposed renovations will require the installation of additional HVAC equipment which will need to be supported by the building controls system. The estimated value of the building controls system to serve the new equipment is \$37,500. Since the new equipment is less than 25% of the value of the existing building controls, it is recommended that this equipment be sole sourced to Andover to insure connectivity and continuity with the existing building control equipment.

Project Initiation Date: March 21, 2013

Date of Original Construction: 1982

Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,161,433.00
Architectural and Engineering Fees:	105,898.00
Miscellaneous Project Costs:	37,016.00
Contingency:	<u>195,653.00</u>
Total Project Budget	\$ 1,500,000.00

Proposed Funding Source(s): Internal R&R (\$1,500,000)

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

11. UM – Naming of Indoor Practice Facility as the “Olivia and Archie Manning Athletic Performance Center”

Project Request: The University of Mississippi requests approval to name the Indoor Practice Facility as the “Olivia and Archie Manning Athletic Performance Center”.

Purpose: In honor of their extraordinary contributions to the University of Mississippi, Ole Miss Athletics would like to name the newly renovated indoor practice facility the *Olivia and Archie Manning Athletic Performance Center* when it re-opens in early 2014.

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The renovation and expansion of the facility has been made possible by gifts to the Forward Together Campaign. In partnership with Ole Miss Athletics, the Manning family and others have made significant contributions to the campaign in order to honor Olivia and Archie Manning in this special way.

Olivia and Archie Manning have been a part of Ole Miss since they met as students on campus. Olivia was active at Ole Miss as a member of Delta Gamma sorority and was selected as Homecoming Queen her senior year. She received the Legacy Award from the Ole Miss Women's Council for Philanthropy in 2011. The Legacy Award recognizes the contributions of a person who epitomizes the Council's goals of philanthropy, leadership and mentorship.

While serving as the Ole Miss quarterback, Archie received All-SEC honors, All-America honors and was voted fourth and third, respectively, for the Heisman Trophy Award in 1969 and 1970. He held the SEC record for total yards in a game from 1969 until 2012. His Ole Miss football jersey, number 18, was the first of only two to be retired by the university. Archie was selected 2nd overall in the 1971 NFL draft by the New Orleans Saints. He was inducted into the Mississippi Sports Hall of Fame and College Football Hall of Fame in 1989 and currently serves as the chairman of the National Football Foundation and College Hall of Fame. Being highly respected by the University of Mississippi administration, Archie served as co-chair of the search committees for the Ole Miss head football coach in 2011 and the Director of Athletics in 2012.

The Mannings have three children: Cooper, Peyton, and Eli, with Cooper and Eli having attended Ole Miss. The Mannings are currently recognized on campus with the speed limit of 18 mph in honor of Archie's number, Hollingsworth/Manning Hall in the Michael S. Starnes Athletic Training Center and Manning Way which encompasses the roadway around several athletic facilities on campus.

The University of Mississippi is acting in accordance with Board Policy §917, Naming Buildings and Facilities, that requires Board approval be obtained prior to naming or re-naming any institutional building or facility.

Staff Recommendation: Board staff recommends approval of this item.

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1. MSU – APPROVAL OF MODIFICATION OF CONTRACT WITH VALAUSKAS CORDER, LLC AS OUTSIDE COUNSEL

MSU requests approval to modify a contract with the firm of VALAUSKAS CORDER, LLC, 150 South Wacker Drive, Suite 620, Chicago, IL 60606, to provide services necessary in assisting the University with various patent applications, identification and forensic analysis of intellectual property, prosecution of patent applications, trademark registration applications, copyright registration applications, preparing and negotiating agreements and other related intellectual property and commercialization issues. The initial contract entered into on November 17, 2011 was modified by Modification #1 to extend contract term for one (1) year or until November 16, 2013. Modification #2 will extend the term until November 16, 2014. All provisions of the Agreement for Legal Services dated November 17, 2011 shall remain in effect, with hourly rates ranging from \$250 - \$425 and the total amount payable not to exceed \$100,000.

BOARD RECOMMENDATION: The Attorney General has approved this request. Board staff recommends approval of this item.

2. MSU – APPROVAL OF MODIFICATION OF CONTRACT WITH SHULMAN, ROGERS, GANDAL, PORDY & ECKER, P.A. AS OUTSIDE COUNSEL AND RETROACTIVE APPROVAL OF SERVICES AND PAYMENTS

MSU requests approval to amend a contract with the firm of Shulman, Rogers, Gandal, Pordy & Ecker, P.A., located at 11921 Rockville Pike, Rockville, MD 20852-2743, to provide services necessary in connection with re-banding negotiations with Nextel Communications. Under this Agreement, the Firm will continue to provide to MSU the following services: (1) Planning Funding Negotiation; (2) Re-Banding Negotiations (Nextel & Transition Administrator) for all phases of the project; and (3) New Frequency Evaluation with regard to co-channel and adjacent channel spacing. The previous contract with Shulman, Rogers was approved by the Board in 2006 and expired on October 5, 2007. Accordingly, MSU requests retroactive approval from October 5, 2007 through the present for using the firm of Shulman, Rogers, as well as approval to continue using Shulman, Rogers until the re-banding is complete, for up to one year.

The Firm's compensation for all matters that are allowable reimbursements by Nextel or the FCC Transition Administrator shall be paid by Nextel or the Transition Administrator. The University will pay the Law Firm \$180/hour for paralegals/FCC filing specialists, \$435/hour for Alan Tilles, and \$385/hour for Jeffrey Rubin for additional services which are not covered by Nextel to upgrade the system. The total amount of all fees and costs for which the University is responsible shall not exceed \$40,000.

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BOARD RECOMMENDATION: The Attorney General has approved the request to use this firm. Board staff recommends approval of this item.

3. UMMC – APPROVAL TO CONTRACT WITH BUTLER, SNOW, O’MARA, STEVENS & CANNADA, PLLC AS OUTSIDE COUNSEL

The University of Mississippi Medical Center requests permission to contract with Butler, Snow, O’Mara, Stevens and Cannada, PLLC to advise on intellectual property matters, healthcare regulatory and compliance matters, healthcare administrative hearings, human resource issues and commercial and general matter. The contract period will be from December 1, 2013 to November 30, 2014. The maximum amount payable under the contract will be \$150,000. The proposed hourly rates are \$225 - \$245 for attorneys and \$85 for paralegals.

STAFF RECOMMENDATION: Board staff recommends approval contingent upon approval by the Attorney General.

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

MSU (Hire with Tenure – also reported under Tenure Section below)

Margaret L. Khaitsa; Professor, College of Veterinary Medicine, Pathobiology and Population Medicine; salary of \$140,000, per annum, pro rata; E&G funds; effective December 1, 2013

2. Tenure

MSU – Twelve-month contracts with an effective date of December 1, 2013

Margaret L. Khaitsa; Professor, College of Veterinary Medicine, Pathobiology and Population Medicine (*New hire with tenure; twelve-month contract*)

UMMC – Twelve-month contract with an effective date of July 1, 2013

William Little, M.D., Professor of Medicine

3. Sabbatical

MSU – Correction of sabbatical dates and salary (approved at the April 2013 Board Meeting)

Original

Adele L. Crudden, Professor, Sociology, *from* salary of \$83,905 per annum, pro rata; E&G Funds; *to* salary of \$41,953 for sabbatical period; effective August 16, 2013 to May 15, 2014; professional development

Corrected

Adele L. Crudden, Professor, Sociology, *from* salary of \$83,905, per annum, pro rata: E&G Funds *to* salary of \$41,952.50 for sabbatical period; effective August 16, 2013 to December 31, 2013; professional development

MUW

Bryan Hilliard, Professor of Philosophy, *from* salary of \$53,410 per annum, pro rata; E&G Funds; *to* salary of \$26,705 for sabbatical period; E&G Funds; effective August 13, 2014 to December 15, 2014; professional development

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4. Emeritus Status

USM (Effective November 2013)

Harriet Perry; Assistant Professor Emeritus of Coastal Sciences

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1. **JSU – APPROVAL TO AWARD ONE HONORARY DEGREE**

The university requests approval to bestow one honorary degree at its December 13, 2013 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

REGULAR AGENDAS

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1. SYSTEM – APPROVAL OF NEW ACADEMIC PROGRAMS

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

- a. *Mississippi State University* requests permission to offer the *Bachelor of Science in Environmental Science in Agricultural Systems* degree.
- **CIP:** 03.0101
 - **Hours to Degree:** 124 credit hours
 - **State Need:** A survey of peer institutions in the Midwest and Southeast found that many already have degree programs similar to the one being proposed. University of Arkansas, Auburn, University of Georgia, Louisiana State University, Purdue University, Virginia Polytechnical Institute, and Oklahoma State University have similar programs located in their College of Agriculture or equivalent that are have curricula very similar to this degree proposal.
 - **Employment:** Employment statistics from those universities who monitored them showed that graduates from the programs found careers in private consulting and state agencies or continued their education at the graduate level. Employment ranged from 75% to 95% in the chosen area. The presence and success of these programs suggest that Mississippi also has a need for a similar program.
 - **Funding:** No additional funding, faculty, or space is requested. Cost of implementation will be minimal, as resources are already in place for this degree.
 - **Enrollment:** An estimate of 112 students is projected to enroll with a total of 34 students expected to graduate within the first six years.
 - **Duplication:** No other institutions within the state offer a similar program.

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- b. *Mississippi State University* requests permission to offer the *Bachelor of Science* in *Natural Resource and Environmental Conservation* degree.
- **CIP**: 03.0101
 - **Hours to Degree**: 124 credit hours
 - **State Need**: The proposed Natural Resource and Environmental Conservation degree is designed to address the societal and work place needs for natural resource based sectors such as federal, state, and local departments of environmental quality; natural resource businesses dealing with regulatory and compliance issues; and other similar entities. Currently, students who wish to major in the natural resource and environmental science area must go out of state. Alternatively, Mississippi organizations and agencies need to go out of state to find employees with this type of expertise and ability.
 - **Employment**: Students graduating with this degree will be trained and employable by many organizations and agencies looking for qualified workers. Letters of support have been received from the Mississippi Department of Environmental Quality and the Environmental Protection Agency as potential employers for this degree.
 - **Funding**: No additional funding is requested. Cost of implementation will be minimal, as physical and monetary resources are already in place for this degree.
 - **Enrollment**: An estimate of 145 students is projected to enroll with a total of 60 students expected to graduate within the first six years.
 - **Duplication**: No other institutions within the state offer a similar program.

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- c. *The University of Mississippi* requests permission to offer the *Master of Arts* or the *Master of Science* in *Interdisciplinary Studies* degree.
- **CIP**: 30.0000
 - **Hours to Degree**: 36 credit hours
 - **State Need**: The Master's degree in Interdisciplinary Studies will be either an MA or MS program, depending on whether the field is a non-science or science/technical field. The program will enable students to pursue a graduate degree in emerging and interdisciplinary fields for which the University does not have an existing degree program.
 - **Employment**: Many of the fastest growing employment opportunities that require a master's degree are in interdisciplinary fields. The *Bureau of Labor Statistics Office of Occupational Statistics* shows that among 13 occupations requiring a master's degree, UM offers a standard master's degree in only 2 or 3 of these fields. The proposed interdisciplinary master's program would be a route for a student to obtain a master's degree appropriate for several occupations.
 - **Funding**: No additional funding, faculty, or space is requested.
 - **Enrollment**: An estimate of 18-30 students is projected to enroll with a total of 15 students expected to graduate within the first six years.
 - **Duplication**: DSU and MSU have an MS in Interdisciplinary Sciences.

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d. *The University of Mississippi Medical Center* requests permission to offer the *Master of Science* in *Clinical Anatomy* degree.

- **CIP**: 26.0403
- **Hours to Degree**: 40 credit hours minimum
- **State Need**: Mississippi's Occupational Employment Projections predict that the need for medical and health professionals will grow by 20% between 2008 and 2018. This estimate was made prior to passage of the *Patient Protection and Affordable Care Act*, which a report from the *Association of American Medical Colleges* expects to exacerbate the shortage of physicians. The report predicts a national shortage of nearly 63,000 doctors in 2015. This shortage is likely to affect Mississippi, particularly rural Mississippi, more severely than many other states because most of Mississippi lies within a full or partial Primary Care Health Professional Shortage Area. The *Federal Bureau of Labor and Statistics* predicts that registered nurses will be one of the thirty fastest growing occupations between 2010 and 2020. Both the need for professionals in the health care industry and those capable of training them can be expected to increase dramatically in the coming years.
- **Employment**: The program will provide graduates with a distinctive background that will position them well for application to professional schools, application to PhD programs, for positions in the health industry, or for governmental service in oversight agencies.
- **Funding**: An administrative supplement of \$5000 is for the Program Director, who will oversee the program and will also serve as Instructor for specialized pedagogical courses. Initially, UMMC will support the program, but as the number of students grows, the expenses will largely be covered by tuition.
- **Enrollment**: An estimate of 20 students is projected to enroll with a total of 16 students expected to graduate within the first six years.
- **Duplication**: No other institutions within the state offer a similar program.

STAFF RECOMMENDATION: Board staff recommends approval of items a-d.

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2. SYSTEM – REQUEST FOR APPROVAL OF PROPOSED CHANGES TO BOARD POLICY 201.0507 SUBSECTION E. FOR FINAL APPROVAL

E. OFF-CAMPUS CONFLICTS

~~Whenever one institution desires or is requested to offer programs or courses in close proximity to another state university, such instruction may be offered providing an agreement is made with the closest institution. Any exceptions shall be mediated by the Institutional Executive Officers and reported to the Commissioner. If necessary, the Commissioner shall mediate any remaining conflicts and make recommendations as to a resolution to the Board as needed.~~

Whenever one institution desires or is requested to offer a program/course within 50 miles of the main and/or branch campuses of another state university that currently does not offer that program/course, state universities should first explore offering the program/course collaboratively.

If attempts for collaborative program/course delivery have been exhausted, the program/course may be offered by the requesting institution providing an agreement is made with the closest institution.

- i. The IEO at the institution requesting to offer a program/course within the area/region of another IHL institution(s) must notify (in writing) the IEO(s) at the closest IHL institution(s) of that intent at least one full semester prior to the anticipated date of enrolling students, and copy the Commissioner. IEO notification is required, regardless of the program/course availability at the closest institution(s).
- ii. The IEO(s) at the closest institution(s) must respond (opposing or not opposing the intent in writing) to the IEO at the requesting institution within 30 days of receiving the request and copy the Commissioner.
- iii. If the IEO(s) at the closest institution(s) does not oppose the intent of the requesting institution, then the requesting institution has satisfied Board policy 201.0607 E.
- iv. Opposition by the closest institution(s) to the requesting institution delivering a program/course in the area/region of the closest institution(s) should be based on program/course duplication or future plans of the closest institution(s) to deliver said program/course.

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- v. If the closest institution(s) plans to offer said program/course in the near future, that institution(s) must provide the IEO at the requesting institution and the Commissioner documentation of current efforts to offer said program/course, a reasonable timeline for implementation, and the institution must adhere to that timeline.

- vi. Following written opposition from the IEO(s) at the closest institution(s), the IEO from the requesting institution may request that the Commissioner mediate the conflict.

- vii. If mediation from the Commissioner is necessary to resolve a conflict, the Commissioner will inform the IEOs of his/her decision to resolve the conflict and report his/her decision to the Board.

(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2008; 3/2011)

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. JSU-REQUEST PERMISSION TO ENTER INTO A MANAGEMENT AGREEMENT BETWEEN UNIVERSITY PARK OF JACKSON I, LLC AND JACKSON STATE UNIVERSITY

Agenda Item Request: Jackson State University (“JSU”) requests approval to enter into a Management Agreement with University Park of Jackson I, LLC (“UPJ”), a Mississippi limited liability company and wholly owned affiliate of the Jackson State University Development Foundation, Inc. to govern the management and operation of a residential living-learning community for students.

Contractor’s Legal Name: The legal name of the Contractor is University Park of Jackson I, LLC.

History of Contract: JSU expects growth in enrollment and a need for on-campus and near campus housing for students. In order to fulfill this expected need, the Jackson State University Development Foundation, Inc., through its wholly owned affiliate, UPJ will develop and construct a six hundred (600) bed living-learning community for students, a dining facility and an Event Center (“Project”). UPJ will be responsible for land purchase, design and construction of the Project. The management and operation of the Project will be provided by JSU pursuant to the terms and conditions of the Management Agreement.

Specific type of contract: This is a Management Agreement.

Purpose: The purpose of this Management Agreement is to set forth the duties and obligations of the parties for management and operation of its student Project.

Scope of Work: Scope of work entails management of the housing Project through JSU’s Division of Auxiliary Enterprises (Residential Life Office).

UPJ will enter into lease contracts with students for occupancy of the Project. JSU shall use its best efforts in obtaining occupancy of the Project. JSU, through its Division of Auxiliary Enterprises (Residential Life Office) will operate, manage and assist with leasing of the Project in the same manner as is customary and usual in the operation and management of comparable student residential and complexes, including rendering the services set forth in the Management Agreement.

Term of contract: Five (5) year term, with automatic renewal for successive one (1) year terms.

Termination Options: This Management Agreement may be terminated for the following reasons:

Default by either party, upon written notice; and

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Upon sale, destruction, seizure or foreclosure on the property.

Contract Amount: This is a revenue contract. The university will receive a management fee of \$25,000 per semester, excluding Summer terms. After the initial 5 year term, the university management fee will be an amount agreed to by JSU and the Foundation.

Year	Semesters	Fee Per Semester	Annual Fee
FY 2015	2	\$ 25,000	\$ 50,000
FY 2016	2	\$ 25,000	\$ 50,000
FY 2017	2	\$ 25,000	\$ 50,000
FY 2018	2	\$ 25,000	\$ 50,000
FY 2019	2	\$ 25,000	\$ 50,000
Total Fee			\$ 250,000

Funding Source for Contract: This is a revenue contract.

Contractor Selection Process: This is a Foundation project constructed on Foundation land. This project has not been initiated by the Board Real Estate Committee. Board staff has not reviewed the selection of the design professional or general contractor. All selections were made by the Foundation.

STAFF RECOMMENDATION: Board Policy 707.01, Land, Property and Service Contracts, governs approval of revenue contracts. Board staff recommendation is pending.

2. MSU- REQUESTS FOR APPROVAL TO ENTER INTO CONTRACTUAL AGREEMENTS

a. Permission to Enter into a Frequency Reconfiguration Agreement

Agenda Item Request: Mississippi State University (MSU) requests permission to enter into an agreement with **Nextel South Corp.** for reconfiguration and rebanding of its public safety radio system. MSU and Sprint (parent company of Nextel South Corp.) have submitted two agreements to the FCC for consideration. MSU requests Board approval of both agreements with the understanding that only one agreement will be executed.

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MSU also requests authority to approve change orders that include no cost increases and that IHL staff be given authority to approve change orders that include cost increases of less than 10%. These requests are due to the urgency to comply with an FCC order.

Contractor's Legal Name: Nextel South Corp. (Nextel)

History of Contract: This is a new agreement.

Public safety radio systems and commercial wireless systems both operate in portions of the 800 MHz band. In July 2004, the FCC adopted a comprehensive plan to reconfigure this band to address harmful interference to public safety radio systems caused by commercial wireless systems in the band. MSU and Nextel are currently licensed on frequency allocations subject to reconfiguration.

The FCC has now ordered Nextel to reconfigure and reband MSU's public safety radio system. In addition, the FCC has ordered both parties to enter into a Frequency Reconfiguration Agreement to facilitate this work.

MSU and Sprint (parent company of Nextel South Corp.) have submitted two agreements to the FCC for consideration – a Traditional Frequency Reconfiguration Agreement (Traditional Agreement) and an Upgrade Frequency Reconfiguration Agreement (Upgrade Agreement). Although MSU believes it better to enter into the Upgrade Agreement, the FCC will ultimately select the agreement both parties will enter.

Specific type of contract: Frequency Reconfiguration Agreement

Purpose: The purpose of the agreement is to bring MSU and Nextel into compliance with an FCC order. If the FCC selects the Upgrade Agreement, the Upgrade Agreement will automatically initiate an agreement with Harris Corporation for equipment, software, and services necessary both for compliance with the FCC order and for upgrades to MSU's existing radio system. This automatic agreement appears as Item 2.b. on the Regular Agenda for Finance.

Scope of Work: Under the Traditional Agreement, Nextel will pay MSU and its vendors for costs associated with reconfiguration and rebanding of MSU's public safety radio system. Although MSU will incur no costs under this agreement, MSU's radio system relies on outdated equipment and software. The other agreement – the Upgrade Agreement – will allow MSU both to reconfigure and reband its radio

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system as required by the FCC order as well as to upgrade its radio system to a P25 system. Such an upgraded system will allow radios from any P25-compliant manufacturer to be used on the system.

Although upgrades are not required for compliance with the FCC order, MSU will incur much greater costs for such upgrades at a later date. It is expected that such upgrades will soon be necessary. Therefore, MSU believes it better to enter into the Upgrade Agreement based on the need to provide greater safety-related communication capabilities, the need to enhance interoperability, and the ability to avoid increased costs in future years.

Under the Upgrade Agreement, Nextel will pay MSU and its vendors a flat fee of \$1,218,312 as well as certain equipment and other services.

Term of contract: The selected agreement will begin on the date it is signed by all parties and will end on the date work has been completed. It is expected that work will be completed by June 15, 2014 as required by the FCC order.

Termination Options: The agreement can be terminated by mutual consent of both parties; for cause by either party upon material breach by the other party following a thirty-day cure period following written notification of the breach; by the incumbent in the event that a proposed amendment is not approved; by Nextel prior to closing in the event of any adverse decision affecting the FCC order.

Contract Amount: Under the Traditional Agreement, Nextel will pay MSU and its vendors for costs associated with reconfiguration and rebanding of MSU's public safety radio system. Under the Upgrade Agreement, Nextel will pay MSU and its vendors a flat fee of \$1,218,312.

Funding Source for Contract: Nextel South Corp.

Contractor Selection Process: The FCC has ordered Nextel South Corp. to reconfigure and reband MSU's public safety radio system.

Staff Recommendation: *Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of contracts for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. These agreements have been reviewed by the Attorney General's Office. The Attorney General's Office recommends for approval the Traditional Frequency Reconfiguration Agreement or, alternatively, the Upgrade Frequency Reconfiguration Agreement, whichever is authorized and approved by the FCC. In the event the FCC authorizes the Upgrade Frequency Reconfiguration Agreement, the Attorney General's Office*

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also recommends for approval the System Purchase Contract with Harris Corporation. These recommendations are contingent upon MSU receiving approval of these agreements from the Mississippi Department of Information Technology Services. Board staff recommends approval of this item.

b. MSU – Permission To Enter Into A Purchase/Service Agreement

Agenda Item Request: Mississippi State University (MSU) requests permission to enter into an agreement with **Harris Corporation** for equipment, software, and services necessary for compliance with the FCC order and for upgrades to MSU's existing radio system. MSU will only enter into this agreement if the FCC selects – and the Board of Trustees approves – the Upgrade Agreement that appears as Item 2.a. on the Regular Agenda for Finance.

MSU also requests authority to approve change orders that include no cost increases and that IHL staff be given authority to approve change orders that include cost increases of less than 10%. These requests are due to the urgency to comply with an FCC order.

MSU has submitted this agreement to the Mississippi Department of Information Technology Services and the Wireless Communication Commission for approval.

Contractor's Legal Name: Harris Corporation (Harris)

History of Contract: This is a new agreement.

Public safety radio systems and commercial wireless systems both operate in portions of the 800 MHz band. In July 2004, the FCC adopted a comprehensive plan to reconfigure this band to address harmful interference to public safety radio systems caused by commercial wireless systems in the band. MSU and Nextel are currently licensed on frequency allocations subject to reconfiguration.

The FCC has now ordered Nextel to reconfigure and reband MSU's public safety radio system. In addition, the FCC has ordered both parties to enter into a Frequency Reconfiguration Agreement to facilitate this work. MSU and Sprint (parent company of Nextel South Corp.) have submitted two agreements to the FCC for consideration – a Traditional Frequency Reconfiguration Agreement (Traditional Agreement) and an Upgrade Frequency Reconfiguration Agreement (Upgrade Agreement). Please see Item 2.a. on the Regular Agenda for Finance.

If the FCC selects the Upgrade Agreement, the Upgrade Agreement will initiate this agreement with Harris Corporation for equipment, software, and services.

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Specific type of contract: System Purchase Agreement

Purpose: The purpose of the agreement is to provide equipment, software, and services to bring MSU and Nextel into compliance with an FCC order as well as to upgrade MSU's existing radio system. Such upgrades will provide greater safety-related communication capabilities, will enhance interoperability, and will avoid increased costs in future years.

Scope of Work: If the FCC selects the Upgrade Agreement, the Upgrade Agreement will initiate this agreement with Harris Corporation for equipment, software, and services necessary both for compliance with the FCC order and for upgrades to MSU's existing radio system.

Term of contract: The agreement will start on the date it is signed by all parties and will end on the date work has been completed. It is expected that work will be completed by August 15, 2014.

Termination Options: The agreement can be terminated if Harris substantially fails to perform upon notice and a right to cure, becomes insolvent, or is subject to bankruptcy.

Contract Amount: The estimated cost of the agreement is \$1,477,564.

Funding Source for Contract: \$1,090,812 will come from Nextel South Corp. and the balance will come from university funds from radio system subscriber fees.

Contractor Selection Process: Since MSU's existing equipment and software are proprietary to Harris Corporation, this vendor is the only one capable of making the necessary changes to comply with the reconfiguration/upgrade. Further, since Nextel South Corp. is providing certain equipment and services to Harris for the reconfiguration/upgrade as well as a cash payment, it is not possible to use a different vendor for the reconfiguration/upgrade.

Staff Recommendation: Based on Board Policy 707.01, Land, Property, and Service Contracts, Board approval is required prior to execution of contracts for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. These agreements have been reviewed by the Attorney General's Office. The Attorney General's Office recommends for approval the Traditional Frequency Reconfiguration Agreement or, alternatively, the Upgrade Frequency Reconfiguration Agreement, whichever is authorized and approved by the FCC. In the event the FCC authorizes the Upgrade Frequency Reconfiguration Agreement, the

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Attorney General's Office also recommends for approval the System Purchase Contract with Harris Corporation. These recommendations are contingent upon MSU receiving approval of these agreements from the Mississippi Department of Information Technology Services. Board staff recommends approval of this item.

3. UMMC-REQUESTS FOR APPROVAL TO ENTER INTO CONTRACTUAL AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **HHA Services, Inc. an ABM Company** for housekeeping management services.

Contractor's Legal Name: **HHA Services, Inc. an ABM Company (HHA Services)**

History of Contract: New agreement. UMMC has previously contracted with separate vendors for housekeeping services at its hospitals, clinics and outpatient ambulatory areas. An RFP was conducted in July 2013 to solicit proposals for one vendor to service all of UMMC's clinical areas both on and off campus.

Specific Type of Contract: Services agreement.

Purpose: The purpose of this agreement is to provide UMMC with professional management services for its Environmental Services Department (housekeeping). HHA Services will provide the management, supervisory and hourly paid staff to accomplish the services.

Scope of Work: Under the agreement, HHA Services will:

- manage housekeeping services at UMMC's Adult and Children's Hospitals, the Blake Clinic, the North Jackson Pediatric Clinic, the Medical Pavilion, the Face & Skin Clinic and the Mirror Lake Clinic,
- provide a dedicated area representative to oversee department organization and employee training,
- provide management personnel and other staff to be employed by HHA Services and assigned to UMMC,
- provide employee uniforms,
- pay all wages, payroll taxes, insurance, and benefits for HHA Services employees,
- follow the policies and procedures of both UMMC and HHA Services

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- oversee the housekeeping department and provide complete housekeeping services using best practices in accordance with federal, state and local quality performance standards,
- provide all housekeeping chemicals and cleaning supplies,
- follow recommended safety procedures in the use of cleaning supplies and equipment, and
- train housekeeping department personnel and provide training materials.

UMMC will:

- furnish housekeeping equipment and expendable supplies such as wet and dry mop systems, paper towels, soap, disinfectant wipes, air freshener and trashcan liners,
- provide office and storage space on the premises, and
- provide any pre-employment and/or post-employment physicals, screenings or preventative treatments as required by UMMC or other governing authority.

Term of Contract: The term of the agreement is for five (5) years – December 29, 2013 through December 28, 2018.

Termination Options: The agreement may be terminated for the following:

- default by either party under the agreement upon ninety (90) days written notice of opportunity to cure by the non-defaulting party,
- in the event either party becomes insolvent or becomes the subject of bankruptcy or receivership,
- at any time upon thirty (30) days written notice,
- reduction of funds,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- failure by HAA Services to comply with the federal E-Verify Program,
- a breach by HAA Services of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum, and,
- a material violation by HAA Services of the Business Associate Addendum (HIPAA Addendum).

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Contract Amount: The total contract cost for the five (5) year contract term is \$27,750.584. See a breakdown of costs below.

HHA Services	Year 1	Year 2	Year 3	Year 4	Year 5	Total Costs
Mgt Salary w/ 2% annual increase	\$725,200.00	\$739,704.00	\$754,498.08	\$769,588.05	\$784,979.82	\$3,773,969.95
Labor Expense w/ 2% annual increase	\$3,998,646.81	\$4,078,619.75	\$4,160,192.15	\$4,243,396.00	\$4,328,263.92	\$20,809,118.63
Operating Expense	\$207,717.00	\$207,717.00	\$207,717.00	\$207,717.00	\$207,717.00	\$1,038,585.00
Admin/ Corp Support	\$250,781.95	\$250,781.95	\$250,781.95	\$250,781.95	\$250,781.50	\$1,253,909.75
Mgt Fee	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00	\$175,000.00	\$875,000.00
Total Costs	\$5,357,346	\$5,451,823	\$5,548,189	\$5,646,483	\$5,746,743	\$27,750,584

Funding Source of Contract: The agreement will be funded by patient revenues.

Contractor Selection Process: UMMC issued Request for Proposal (RFP) 1189 in July 2013. Five vendors submitted price proposals as follow.

1. HHA Services, Inc. - \$27,750,584.00
2. Hospital Housekeeping Systems - \$28,631,361.36
3. Jani-King - \$29,818,739.82
4. Service Management Systems, Inc.- \$28,583,712.81
5. ServiceMaster Management Services - \$40,522,636.00

The vendor with the lowest bid, HHA Services, Inc., was selected.

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

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

- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Kurt Salmon US, Inc.** for the purchase of developing an institution wide Strategic Plan.

Contractor's Legal Name: Kurt Salmon US, Inc. (Kurt Salmon)

History of Contract: This is a new agreement for the provision of strategic plan development. However, Kurt Salmon was approved by the Board in June 2013 as a consultant for the preplanning phase of the Batson Children's Hospital Master

Planning project and in April 2009 as a project professional for **IHL 209-522, Campus Master Plan.**

Academic Medical Centers across the nation are constantly evolving to meet the changing needs of our patients and students, and to advance research. The majority of the changes are promulgated by external forces, for example:

- Changes in healthcare law, such as with the Affordable Care Act;
- Potential expansion of Medicaid coverage,
- Transition to a value based reimbursement strategy by Medicare; and
- Transition to new coding methodologies, namely the inception of ICD-10.

In order to ensure that Mississippi's Academic Medical Center is prepared for these challenges, UMMC has found it necessary to develop a strategic plan that will guide us through these challenges. Kurt Salmon has been chosen to provide guidance, analyze data, facilitate discussion, educate UMMC staff and benchmark changes so that UMMC can develop a strategic plan that will work for Mississippi's Academic Medical Center.

Specific Type of Contract: Professional Services agreement.

Purpose: The purpose of this agreement is to provide the professional services needed to help UMMC develop a comprehensive and implementable strategic plan that will guide UMMC through challenges that will be faced by the healthcare industry, including the areas of academia and research in the coming years.

Scope of Work: Under the agreement, Kurt Salmon will provide to UMMC professional services, which will include four major steps:

- 1) Strategic Situation Assessment** – This step will include interviews with stakeholders and the UMMC steering committee that lead the project from an

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internal prospective, review of current strategies, review of future, current competitor and market analysis and internal assessment.

- 2) **Goal and Strategy Formulation** – This step will facilitate the establishment of goals for UMMC in the areas of clinical academics, operations and finance.
- 3) **Sensitivity Planning and Institutional Implications** – This step will include sensitivity planning, setting strategic metrics, assessment of operation impact, assessment of capital impact, and strategic prioritization.
- 4) **Implementation Planning** – This will include development of implementation tasks (resource requirements, timeframes, key milestones and responsibilities), high-level financial assessment and a final report.

UMMC will ensure that the necessary stakeholders are involved where needed.

Term of Contract: The term of the agreement is for one (1) year from December 1, 2013 through November 30, 2014.

Termination Options: The agreement may be terminated for the following:

- by either party at any time upon thirty (30) days written notice,
- a breach by Kurt Salmon of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum,
- an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- in the event of any reduction of funds in available funds to UMMC, the contract may be terminated without penalty to UMMC,
- failure by Kurt Salmon to comply with the federal E-Verify Program, and

Contract Amount: The total estimated contract cost for one (1) year contract term and is \$510,000. The overall cost includes the following:

- Professional fees not to exceed \$425,000;
- Allocated charges (communications, document preparation, use of market intelligence center) of \$27,625; and
- Travel of \$57,375.

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

Contractor Selection Process: A formal request for proposal was not advertised for this service; however, UMMC did compare vendors. UMMC sought input as to which firms other academic medical centers had utilized for strategic planning guidance. The response from this inquiry produced the names of four firms: Health Strategies & Solutions, Kurt Salmon, AMC Strategies and Altshuler Gray. UMMC solicited

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proposals for strategic planning from these firms. After onsite presentations by the respondents, UMMC selected Kurt Salmon. There was only a \$50,000 cost difference between the proposals and the proposals were assigned scores by members of a selection team. Kurt Salmon was selected based on several factors, including:

- Vast experience working with other academic medical centers of similar size and structure;
- Commitment to ensure the institution creates a document that can be implemented with measureable goals and objectives, and
- Responses from references

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

c. **UMMC –Approval of Purchase of Landmark Center, 175 East Capitol Street**

Project Request: The University of Mississippi Medical Center (UMMC) requests approval of a Purchase and Sale Agreement for the Landmark Center, 175 East Capitol Street in the amount of \$6,250,000. UMMC will purchase the property from Capitol Street Associates.

Purpose: Landmark Center is a building containing approximately 366,500 square feet in seven floors. The first floor is approximately 49,100 square feet and floors two (2) through seven (7) contain approximately 52,900 square feet each. A central atrium extends from the ground floor lobby to the top of the seventh floor. The building is located at 175 East Capitol Street in downtown Jackson on a parcel of approximately 1.79 acres.

UMMC wishes to purchase the building as UMMC is in need of additional space with the projected increase in the size of the medical school class and other growing needs. The purchase of this building will offer space for activities currently on campus or in rental space and will free up more on-campus space for clinical, academic and research facilities. The space will be assessed and used for support services that do not need clinical space and do not provide direct patient care. UMMC reserves the right to use some space for limited patient care such as an urgent care center or dental clinic or for meeting or educational space. This building is located near the Medical Center.

UMMC has need for additional space and this project fulfills that need. UMMC became aware of the building through a Bureau of Buildings assessment report for the

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Mississippi Department of Revenue dated March 1, 2013 which included possible layouts for offices and a Property Condition Assessment Report dated Feb. 29, 2012. UMMC has also checked with two architects to get an estimate of the cost to build a new building of that size. The estimates are from \$175 to \$275 per square foot for a total of approximately \$59,500,000 to \$93,500,000.

Property Description: Commencing at the SW Corner of Lot 12 of the Joseph F. Robinson Subdivision, a subdivision according to a map or plat thereof on file and of record in Plat Book 2, at page 54, of the records in the office of the Chancery Clerk of Hinds County, at Jackson, Mississippi, said SW corner being located at the intersection of the north right-of-way line of Pearl Street, in the City of Jackson, Mississippi; and the east right-of-way line of Farish Street as they are presently laid out.

Termination Options: Section 3.3 provides: **Termination of Agreement.** If the results of the inspections performed by or on behalf of the Purchaser pursuant to Section 3.1 shall be unsatisfactory to the Purchaser for any reason or no reason in the Purchaser's sole and absolute discretion or the Purchaser is unsatisfied with the matters disclosed on the Title Commitment and/or Survey in accordance with Section 3.2, the Purchaser shall have the right to terminate this Agreement at any time prior to the expiration of the Inspection Period by the giving of written notice thereof to, and receipt by, the Seller.

Purchase Price: The University of Mississippi Medical Center has received two independent property appraisals for the property. The first appraisal of the property reflected a total property value of \$11,000,000. The second appraisal of the property reflected a total property value of \$9,500,000. The total purchase price for the property is \$6,250,000 which is below the average of the two appraisals and complies with Board Policy for the purchase of property.

Environmental Phase I Report Findings: A Phase I Environmental Site Assessment (ESA) was conducted and the following was noted: Recognized Environmental Conditions and Historical Recognized Environmental Conditions were identified in connection with the site and include the following:

- Location of an Underground Storage Tank (UST) associated with the on-site generator
- Historical Recognized Environmental Condition (HREC) associated with historical site operation of UST system and at least two off-site UST systems located within 500 feet of the site.

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Terracon recommended that a Limited Site Investigation (LSI) be completed to determine if impacts exist at the site relative to the on-site Underground Storage Tank (UST).

Upon Board Staff's review of the Limited Site Investigation (LSI), Asbestos Survey, and the Lead-Based Paint Survey as received from UMMC, Board Staff has the following comments:

- The Limited Site Investigation (LSI), in regards to the 2500 gallon diesel Underground Storage Tank (UST) shows some minor ground contamination from the soil borings. However, these contaminants are all well below Mississippi Department of Environmental Quality (MDEQ) limits that require mitigation. IHL staff has also spoken with MDEQ and has a copy of their latest inspection report (January 2013) on the tank, which passed inspection. If UMMC purchases the building the university will need to transfer ownership and register the tank with MDEQ to continue these inspections on an annual basis or remove the tank. Should UMMC plan on using the tank for the emergency generator the university will need to maintain the tank in accordance with UST Regulations and have it inspected annually by MDEQ.
- No asbestos was shown to be present in the building.
- There is a minor amount of lead-based paint in the building as indicated by the report. However, since it is not in high traffic areas and is intact, MDEQ does not require this to be removed. UMMC may want to consider removing this paint after purchasing the building as it may become an issue in the future.

A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The University Mississippi Medical Center is acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent appraisals. The purchase price of property shall not exceed the average of the two appraisals.

Staff Recommendation: The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item. Pending review of financial plan.

- d. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval of a Parking License Agreement for parking spaces in the facility located at 100 East Capitol Street in Jackson, Mississippi. These spaces are needed for UMMC's use in connection with the purchase of the Landmark Center property located at 175 East Capitol.

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Contractor's Legal Name: Hertz Jackson Three, LLC (Hertz)

History of Contract: This is a new contract. The Jackson Redevelopment Authority, landlord under the Master Lease, has approved this agreement.

Specific Type of Contract: This is a Parking License Lease Agreement with Hertz who holds a lease agreement on the facility with the Jackson Redevelopment Authority as successor by assignment from Parkway Properties, L.P..

Purpose: To lease parking spaces for UMMC's use in connection with the purchase and use of the Landmark Center located at 175 East Capitol.

Scope of Work: UMMC wishes to license those parking spaces to secure parking use in connection with the Landmark Center. UMMC notes that it will continue to follow its current parking policies. UMMC employees will still be able to park for free at Memorial Stadium. It is anticipated that a shuttle stop will be added for the Landmark Center. Parking on the main UMMC campus cost the Medical Center employee \$30 per month for surface space parking and \$75 per month for garage space parking. It is anticipated that the parking fee that will be charged at the 100 East Capitol Street facility will be set at \$35 per month. UMMC expects a demand for these spaces.

UMMC will lease up to 400 parking spots in year 1 of the agreement (phased in by quarter years). After the initial year, UMMC agrees to lease a minimum of 400 spaces per month thereafter, but the Medical Center has the ability under this agreement to lease up to 700 spaces per month. This maximum is the target UMMC intends to reach.

Security will be provided by the Lessor. The security service provider will be a qualified, recognizable provider in the area where the Parking Facility is located. Lessor shall maintain and operate the Parking Facility, including the grounds surrounding the Facility. Lessor shall have an on-site staffed office to supervise the operation of the Facility.

Term of Contract: The Parking License Lease Agreement will be set at twenty (20) years. Depending on the closing date of the Landmark Center building purchase, UMMC estimates that the parking agreement will begin sometime during the second half of December 2013.

Termination Options: Termination options include the following:

- By mutual written agreement of the parties;
- If Parking Facility suffers a material casualty, and Lessor's repairs and renovations are anticipated to take more than ninety (90) days after the date of the material casualty, UMMC may terminate the agreement by giving ten (10) days advance written notice;

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- If Parking Facility suffers a material condemnation, and Lessor reasonable determines that it is unable to operate the Facility as a result thereof, the Lessor shall notify UMMC in writing and the agreement will terminate; and
- The agreement is contingent upon UMMC's entering into a Purchase and Sale Agreement for the Landmark Center property.

Contract Amount: At a minimum, UMMC will pay a total of \$3,835,800 for 400 parking spaces over the 20 year period. If the maximum 700 parking spaces are utilized, that cost could grow to \$6,696,900 over the entire period. A schedule of possible parking fees as noted in the agreement are as follows:

Rate Periods	Per Space Monthly Parking Fee *	Parking Spaces		Costs per Each Rate Period	
		Min.	Max.	Min.	Max.
Year 1 - Qtr 1	35.00	100	400	10,500	42,000
Year 1 - Qtr 2	35.00	200	400	21,000	42,000
Year 1 - Qtr 3	35.00	300	400	31,500	42,000
Year 1 - Qtr 4	35.00	400	400	42,000	42,000
Years 2 - 5	35.00	400	700	672,000	1,176,000
Years 6 - 10	38.50	400	700	924,000	1,617,000
Years 11 - 15	42.35	400	700	1,016,400	1,778,700
Years 16 - 20	46.60	400	700	1,118,400	1,957,200
Total 20-year commitment				\$ 3,835,800	\$ 6,696,900

* every 5 year segment after the initial segment includes a 10% inflationary adjustment

Funding Source for Contract: Self-generated funds – employees will be charged parking rates in line with general on-campus parking rates.

Contractor Selection Process: Other properties were considered, but this particular parking facility was the closest to the Landmark Center property. On-site security being provided by the landlord, as well as the number of parking spaces being made available to UMMC were also deciding factors in choosing this option. The other parking facility options close to the Landmark property did not have sufficient quantities of parking spaces available to lease.

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. This agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item. This recommendation is also contingent upon the final approval of the

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Landmark Center property purchase occurring prior to the execution of the Parking License Agreement.

4. SYSTEM – REQUEST FOR APPROVAL FOR FIRST READING OF PROPOSED AMENDMENTS TO BOARD POLICY 906 EDUCATIONAL BUILDING CORPORATIONS

Board approval for first reading is requested of the below proposed changes to Policy 906 Educational Building Corporations. These changes are proposed in order to make the policy reflect actual practice regarding the Board's approval of a senior underwriter, as opposed to approval of an underwriter generally. Further, since Mississippi law does not require approval of a financial institution to serve as a trustee under a trust indenture, as an escrow agent under an escrow agreement, or as a lender to an educational building corporation, changes to the policy are proposed to make policy language consistent with Mississippi law, and for clarification and consistency. Lastly, changes are proposed to clarify which types of bond documents are to require Board approval and which types are to be provided to Board staff for informational purposes.

906 EDUCATIONAL BUILDING CORPORATIONS

Miss. Code Ann., Section 37-101-61, (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring or constructing facilities for use by the institution. These educational building corporations are granted the authority to issue bonds or other forms of debt obligations (if required for the type of debt to be issued) for the construction and renovation of facilities.

Prior to Board consideration of an institution's request to issue debt by the educational building corporation, Board staff, in conjunction with institutional staff, must select a financial advisor(s) to represent the interests of the Board, the educational building corporation and the institution to provide the Board with an independent analysis of the institution's financial condition, to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the project's viability. If the educational building corporation will issue commercial paper, the financial advisor shall also calculate an opinion of the breakeven interest rate to long term bond to justify the use of commercial paper. The financial advisor(s) shall meet such qualifications and perform such services as may be prescribed by the institution, the Board or its staff.

Payment to the financial advisor(s) shall be made by the institution, or the institution's educational building corporation, without regard for whether the Board approves the construction or renovation or whether the institution or educational building corporation constructs the project.

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The institution shall submit the report of the financial advisor(s) and the request for a project initiation to the Board for approval. The request must state the institution's intent, justify the need for the project and give an estimate of the total construction budget. The request must also include naming the design professionals, bond counsel and ~~underwriter~~ the senior underwriter(s) selected by the board of the educational building corporation.

Any selection of a financial institution to serve as trustee under a trust indenture, as escrow agent under an escrow agreement, or as a lender to an educational building corporation, either directly or through the purchase of obligations of the educational building corporation, shall be made by the educational building corporation in its sole discretion and shall not be subject to approval by the Board.

Following the Board's approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations for the specific project and for approval of the following documents to which the Board will be a party: the lease, the ground lease, the preliminary official statement (if required for the type of debt to be issued), ~~the trust indenture,~~ and the continuing disclosure agreement (if required for the type of debt to be issued) ~~and the bond purchase agreement or dealer agreement, as applicable.~~ The resolution also grants permission for the documents to be executed. In no case shall the educational building corporation issue bonds or other forms of debt obligations without specific approval of the debt obligations from the Board for specific projects. Unless the Board approves otherwise, obligations shall be offered and sold through a competitive sale process or, alternatively, on a negotiated basis to an underwriter, in the case of bonds, or a dealer, in the case of commercial paper.

Prior to the approval of the resolution by the Board, the educational building corporation should submit to the Board staff, for informational purposes only, the form of any documents to be entered into by the educational building corporation in connection with the issuance of bonds or other debt, but to which the Board is not a party.

STAFF RECOMMENDATION: Board staff recommends approval for first read of this item.

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1. UMMC – APPROVAL TO HIRE MISSISSIPPI LEGISLATIVE CONSULTING GROUP

The University of Mississippi Medical Center requests retroactive approval of a contract with Mississippi Legislative Consulting Group for the provision of business development consulting services and government relations services. The contract was for the period January 2, 2013 to June 30, 2013. The maximum amount payable under the contract was \$48,000.00. State funds were used for the payment of this contract. The contract is compliant with state law, but it does not include some of the Board policy requirements for such contracts, such as the inclusion of a duty to disclose all new clients to IHL through the Commissioner, the inclusion of a provision requiring the lobbyist to apprise the Commissioner of lobbying activities related to IHL or any IHL institution, and to coordinate those activities within IHL system strategies, nor the inclusion of a provision making the contract terminable at will, or that it may be terminated by IHL or UMMC if IHL or UMMC determines that a new client list of the lobbyist creates a conflict. The letter agreement for which retroactive approval is sought is set out below.

December 5, 2012

University of Mississippi Medical Center
Dr. James E. Keeton – Vice Chancellor for Health Affairs and Dean, School of
Medicine

SUBJECT: ENGAGEMENT LETTER

Dear Dr. Keeton,

We are pleased that you have asked Mississippi Legislative and Consulting Group, LLC (MSLC Group) to provide business development consulting services and/or government relations for your company. This letter will confirm our discussions with you regarding engagement of our firm and will describe the basis upon which our firm will provide business development consulting services and/or government relations to University of Mississippi Medical Center, (the "Company or UMMC"). Accordingly, we submit for your approval the following provisions governing our engagement. If you are in agreement, please sign the enclosed copy of this letter in the space provided below. If you have any questions, do not hesitate to call.

Client; Scope of Representation. Our client in this matter will be the Company. We will be engaged to provide strategic counsel and tactical guidance on legislative, political and financial (revenue generation) matters relating to the UMMC Master Facilities Implementation Initiative, MS Healthcare Corridor Plan, MS Medical Zone

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Legislation Implementation, and the implementation of the research technology transfer and commercialization strategy. All resources of MSLC Group will be available to UMMC as MSLC Group undertakes to work for and represent UMMC. Mr. Matthew K. Armstrong and Mrs. Mary Ann Moon will be the day to day point of contact for this work.

You may limit or expand the scope of our representation from time to time, provided that any substantial expansion must be acknowledged and agreed upon by us. While we would be interested in assisting you in other matters, unless we are specifically engaged for some other future project, this will confirm that our representation of you is limited to the foregoing business development consulting services and government relations matter.

Fees. Our fee for an initial service period of 6 months (January 1, 2013 through June 30, 2013) shall be U.S. \$48,000. The first payment of \$8,000 for one month of service is due on February 1, 2013 and client will be billed monthly for remainder of term. The term of this engagement will be six months and shall be renewable thereafter at a mutually agreeable rate. Additionally, UMMC agrees to reimburse MSLC Group for ordinary and out-of-pocket expenses, including items such as telecommunications services, printing, photocopying, local transportation and other incidental expenses. MSLC Group will also be reimbursed for all non-local transportation, meals and activities; however these will be authorized by UMMC in advance.

Potential Conflicts. As we have discussed, you are aware that our firm represents many other companies and individuals. This can create situations where work for one client on a matter might preclude us from assisting other clients on unrelated matters. It is possible that during the time that we are representing the Company, some of our present or future clients will have disputes or transactions with the Company or engage in similar business activities. To avoid undue restriction on our practice, the Company agrees that we may continue to represent or may undertake in the future to represent existing or new clients in any matter that is not substantially related to matters concerning which we represent, or adverse to, the Company.

Specifically, however, we will not undertake a U.S. government or private services representation for any enterprise directly competing with the Company. Moreover, we do not intend for you to waive your right to have our firm maintain confidences or secrets that you transmit to our firm; and we agree not to disclose such confidential information to any third party without your consent. We would, of course, take commercially reasonable steps to keep such information confidential.

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Compliance with Law. We represent to you that the terms of this engagement comply with applicable State of Mississippi law.

We appreciate the opportunity to represent you. If these terms of our engagement are acceptable to you, please return a signed copy of this letter to MSLC Group. Our representation of you will commence on January 1, 2013.

Sincerely,



Matthew K. Armstrong
Mississippi Legislative and Consulting Group, LLC

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER
STANDARD TERMS AND CONDITIONS ADDENDUM

This Addendum (“Addendum”) constitutes an amendment or supplement and is hereby incorporated into the _____, by and between the University of Mississippi Medical Center (“UMMC”) a governmental entity and the following party:

MISSISSIPPI LEGISLATIVE & CONSULTING GROUP, LLC
Name
1037 LAKE VILLAGE CIRCLE, BRANDON, MS 39047
Address City State Zip

(the above party is hereinafter referred to as “Vendor”).

Notwithstanding anything contained in Vendor’s terms and conditions, in any agreement by and between Vendor and UMMC, or in any quotation, voucher, or purchase order which this Addendum accompanies or to which it is attached (hereinafter collectively referred to as the “Agreement”), in the event of any conflict between the terms of the Agreement and this Addendum, the terms of this Addendum shall control. Any terms in the Agreement which purport to modify or are in conflict with the terms of this Addendum are hereby deleted, and replaced with the terms in this Addendum. By executing this Addendum, and/or by accepting UMMC’s purchase order and/or by supplying the goods and services which are the subject matter of the Agreement without objection, Vendor expressly agrees to be bound by the terms of this

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Addendum; expressly acknowledges that the terms of this Addendum supersede the terms of any Agreement which this Addendum accompanies or to which it is attached; and expressly acknowledges that no agreement, or understanding, oral or written, which purports to modify the terms of this Addendum, whether such be contained in any of Vendor's prior or subsequent receipts, invoices, quotations, order confirmations, purchase orders, shipping forms or any other documents, shall be binding on UMMC. The terms of this Addendum may only be amended by a writing which specifically references this Addendum, and is signed by a duly authorized officer of Vendor and an authorized signatory of UMMC.

1. **Term; No Automatic Renewals.**

The term of the Agreement shall be for the term stated in the Agreement itself. However, if no term is stated in the Agreement, the Agreement shall expire one (1) year from the date of the Agreement or purchase order, whichever is later. Any reference to any automatic renewals in the Agreement is hereby deleted in its entirety, and the parties expressly acknowledge that the Agreement is for one term only, and does not automatically renew itself for successive terms. All renewals must be in writing and agreed to by both parties. Notwithstanding anything contained in the Agreement to the contrary, either party may terminate the Agreement upon thirty (30) days written notice to the other. Any reference to early termination charges, fees, or penalties, is hereby deleted in its entirety, and the parties expressly acknowledge that no early termination charges, fees, or penalties will apply.

2. **Price Term.** The price term is FOB UMMC's Destination.

3. **Delivery Address.** The proper delivery address is the address stated on the purchase order.

4. **Payment.** Unless the Agreement provides for periodic invoicing, payment of all fees for services shall not occur until all services to be provided, and/or deliverables, if any, under the Agreement have been fully provided to UMMC's satisfaction. Continuance of any UMMC contract is based upon the availability of funds. Should there be no funds available for any succeeding funding period, the contract will be cancelled as of the end of the funding period with no further obligation on the part of UMMC. Any property covered by a lease shall be returned to the lessor. In the event of any reduction of available funds, this contract shall be funded as priority. No invoice shall be considered past due or late until the 45th day after receipt and no late payment fees or penalties shall apply in excess of those prescribed by law.

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5. **Assignment; No Third-Party Beneficiaries.** Neither party may assign its rights under the Agreement or delegate its duties under the Agreement, voluntarily or involuntarily, whether by merger, consolidation, dissolution, operation of law or another manner, without the prior written consent of the other party, such consent to not be unreasonably withheld. Any purported assignment of rights in violation of this Section is void. This Agreement does not and is not intended to confer any rights or remedies upon any persons other than the parties hereto.

representatives in the minimum amounts of \$1 Million per occurrence/ \$3 Million aggregate annually. In addition, if the Agreement requires Vendor to provide on-site services to UMMC, Vendor shall maintain Workers' Compensation coverage of its employees, if any, and said coverage shall be in compliance with applicable law. Upon request, Vendor shall provide proof of insurance to UMMC. UMMC is self-insured under the Mississippi Tort Claims Act. Any provisions of the Agreement which require UMMC to obtain or maintain insurance are hereby deleted in their entirety. Any provisions of the Agreement which require UMMC to name Vendor as an additional insured are hereby deleted in their entirety.
6. **Non-Solicitation.** Each party agrees that, during the term of the Agreement and for a period of one year after termination, it will not solicit the employment of any employee or contractor of the other party without such other party's prior written consent thereto (other than through general solicitations not targeted at such persons).
7. **Insurance.** Vendor shall maintain commercial general liability insurance in a commercially reasonable amount sufficient and necessary to cover the scope of services of the Agreement. If the Agreement requires Vendor to provide professional services, Vendor shall also maintain professional liability insurance covering itself, its employees, agents, professional employees and
8. **Governing Law; Venue.** This contract is governed and controlled by all applicable laws, ordinances, rules and regulations of the State of Mississippi. All suits, claims, cases, controversies, actions, disputes, complaints and/or orders to show cause related to; arising from; in connection with; or to construe or enforce the terms of the Agreement (hereinafter "Suits") shall be governed by the laws of the State of Mississippi, without regard to its conflicts of law principles. Any provision contained in the Agreement which purports to set venue outside of the State of

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Mississippi is hereby deleted in its entirety.

UMMC upon delivery to the location specified by UMMC

9. **Returns/Cancellations.** Notwithstanding anything contained in the Agreement to the contrary, UMMC may cancel the order for any goods, equipment, products or materials prior to shipment or after shipment, without any liability to Vendor for such cancellation other than the actual direct cost incurred by Vendor in beginning to process and/or ship such Order, which is evidenced by documentation satisfactory to UMMC. In no event, however, shall such cancellation cost charged by Vendor exceed 15% of the purchase price of the cancelled goods, equipment, products or materials.
10. **Delay.** In the event of any delay in shipment of goods and/or the provision of services in excess of 30 days for which Vendor is responsible, UMMC shall have the right to cancel the Agreement or any order without any liability to Vendor whatsoever. In the event of any delay in shipment for which UMMC is responsible, the time for delivery shall be extended without additional cost or penalty to UMMC, provided that if such delay should exceed 30 days, Vendor shall provide UMMC with the option to either cancel the Agreement or order, or accept delivery to an alternate location, with risk of loss and title to such goods to pass to
11. **Attorneys Fees, Collection Costs and Damages.** Any provisions of the Agreement which require the prevailing party, and/or require UMMC to pay Vendor any attorney fees and/or collection costs are hereby deleted in their entirety. Any provisions of the Agreement which require payment of liquidated damages by UMMC are hereby deleted in their entirety.
12. **Waiver of Subrogation.** Any provisions of the Agreement which require UMMC to waive any cause of action it may have against Vendor or any other party on account of any loss/damage insured by an insurance policy are hereby deleted in their entirety.
13. **Use of Trademarks:** Vendor shall not use any UMMC trademark, service mark, logo, symbol, design, device, name or other mark without the express written consent of UMMC which has been executed by a duly authorized UMMC officer and which specifically details the permitted uses of such by Vendor.
14. **Publicity.** Vendor may not publicize the fact of the Agreement; UMMC's relationship with Vendor as its customer; include UMMC on any Customer lists, or use UMMC as a referral source without UMMC's prior written consent.

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Vendor shall submit, for UMMC's review and approval, all press releases or any other publicity materials mentioning UMMC by name, and Vendor shall not publish such without UMMC's written approval, which may be withheld at UMMC's sole discretion.

15. **Expenses.** If the Agreement provides for UMMC to reimburse Vendor for expenses, in no event shall the sum of all such expenses exceed 20% of the entire amount paid to Vendor under the Agreement. All expenses in excess of \$500 must be pre-approved in writing by UMMC, and reimbursement requests must be accompanied by receipts or documentation satisfactory to UMMC evidencing such expense. If any expenses in excess of \$500 are not pre-approved by UMMC, or if any of the documentation of any such expenses is not satisfactory to UMMC, UMMC shall not be responsible to reimburse Vendor for the same. Notwithstanding anything to the contrary, Vendor must abide by the University of Mississippi Medical Center's current Travel and Expense Policy, a copy of which shall be provided upon request.
16. **Audit Requests.** Vendor must give reasonable prior notice to the Office of Integrity and Compliance in order to obtain approval from the Chief Compliance Officer to review compliance records at Vendor's expense, such authorization shall not be unreasonably withheld.
17. **Indemnification.** If Vendor's employees shall be performing any services whatsoever on or at any UMMC site, Vendor shall indemnify and hold UMMC harmless from any and all claims, actions, suits, proceedings, costs, expenses, damages and liabilities, including attorney's fees, resulting from or arising out of Vendor's breach of the Agreement and/or the negligence or willful misconduct of Vendor or its employees or agents.
18. **Education About False Claims Recovery Act.** Vendor acknowledges receipt of the attached document "Education About False Claims Recovery Act"; agrees to abide by same in its business with UMMC; and to provide same to its employees performing services under the Agreement.
19. **Discounts; Rebates.** If Vendor is providing UMMC any discounts or rebates which are required to be reported to Medicaid, Medicare or any other federal or state health care program, all discounts and/or rebates must be earned based on purchases of that same good or service bought within a single UMMC fiscal year July 1 to June 30. Vendor shall fully and accurately report such discount on all invoices, coupons or statements

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submitted to UMMC. Where the value of the discount is unknown at the time of sale, Vendor will fully and accurately report the existence of a discount program on all invoices, coupons or statements submitted to UMMC. When the value of the discount becomes known, Vendor will provide UMMC with documentation of the calculation of the discount identifying the specific goods or services purchased to which the discount will be applied. Vendor will refrain from doing anything which would impede UMMC from meeting its discount reporting obligations, and will indemnify and hold UMMC harmless from any claim asserted against UMMC by Medicaid, Medicare or any other federal or state health care program, or any state or the federal government related to, connected to, or arising from Vendor's failure to abide by the terms of this paragraph. If a party carries out any of the duties of this Agreement through a subcontract, with a value or cost of Ten Thousand Dollars (\$10,000.00) or more over a twelve (12) month period, with a related organization, such subcontract will contain a clause to the effect that, until the expiration of four (4) years after the furnishing of such services pursuant to such subcontract, the related organization will make available, upon written request of the Secretary of HHS, or upon request of the Comptroller General of the

United States, or any of their duly authorized representatives, the subcontract, and books, documents, and records of such organization that are necessary to verify the nature and extent of such costs.

20. **Representations of Vendor.**

Vendor represents and warrants that Vendor, its officers, directors and employees (a) are not currently excluded, debarred, or otherwise ineligible to participate in any federal health care programs or any state healthcare programs; (b) have not been convicted of a criminal offense related to the provision of healthcare items or services and have not been excluded, debarred, or otherwise declared ineligible to participate in the Federal Healthcare Programs or any state healthcare programs, (c) are not, nor have ever been included on the Office of Foreign Assets Control, Specially Designated Nationals and Blocked Persons list; (d) are not, to the best of its knowledge, under investigation or otherwise aware of any circumstances which may result in Vendor being excluded from participation in the Federal Healthcare Programs or any state healthcare programs and (e) if Vendor is to receive any patients' personal health information, Vendor represents and warrants that it has implemented safeguards to ensure that the privacy and confidentiality of patients' personal health information is protected. These shall

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be ongoing representations and warranties during the term of this Agreement and Vendor shall immediately notify UMMC of any change in the status of the representations and warranty set forth in this section. Any breach of this section shall give UMMC the right to terminate this Agreement immediately for cause.

21. **Compliance with Applicable Healthcare Laws.** The parties believe this Agreement avoids any element of inappropriate reimbursement for services as currently provided under federal or state law. Nothing in this Agreement shall be construed as a promise or obligation on the part of either party to refer patients or business to the other party.

22. **Change in Law.** (i) Notwithstanding any other provisions of this Agreement, if during the term hereof any Change of Law (defined below) results in an Adverse Consequence (defined below), the parties agree to make reasonable revisions to this Agreement to avoid such Adverse Consequences while seeking to maintain the parties as close as possible to their original positions despite such revisions. Upon notice by one party to another of such Change of Law, the parties agree that they shall attempt to resolve the matter within thirty (30) days of such notice. If the parties cannot

agree upon renegotiated terms hereunder within such 30-day period, then this Agreement will terminate immediately upon written notice by one party to the other of an inability to agree. (ii) As used herein, "Change of Law" shall mean: (A) any new legislation enacted by the federal government or the government of Mississippi; (B) any new third party payor or governmental agency law, rule, regulation or guideline; or (C) any judicial order or decree. (iii) As used herein, "Adverse Consequence" shall mean a Change of Law that prohibits, restricts, limits or otherwise affects either party's rights or obligations hereunder in a material manner or otherwise makes it desirable to restructure the relationship established hereunder because of material legal consequences, including loss of tax exempt status, expected to result from such Change of Law.

23. **HIPAA.** Vendor agrees to fully comply with the Health Insurance Portability and Accountability Act of 1996 and its associated regulations and, more specifically, in 45 C.F.R. §§ 160 and 164, *Standards for Privacy of Individually Identifiable Health Information, Final Rule* (the "Final Privacy Rule"), and in 45 C.F.R. §§ 160, 162 and 164, *Health Insurance Reform: Security Standards, Final Rule* (the "Final Security Rule")

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collectively referred to as (“HIPAA”) (as amended), as they may be applicable to Vendor. Vendor agrees to execute, upon UMMC’s request, a Business Associate Agreement (“BAA”) in form satisfactory to UMMC.

24. **Patient Confidentiality.** In the event Vendor is provided with access to patient medical records, Vendor agrees that all patient medical records shall be maintained in accordance with UMMC’s policies and procedures and shall be treated as confidential so as to comply with all state and federal laws and regulations regarding the confidentiality of medical records, including, but not limited to HIPAA. All medical records and materials relating to patients shall be and remain the property of UMMC during the term of the Agreement and upon the termination of the Agreement.

25. **Confidentiality.** All Confidential Information is and will be the exclusive property of UMMC or its affiliates, as the case may be. Vendor agrees not to use Confidential Information for any purposes other than the performance of the Services under the Agreement. Vendor agrees not to disclose Confidential Information to third parties except as necessary for the performance of the Agreement provided that Vendor will have executed or shall execute

appropriate written agreements with such third parties sufficient to enable Vendor to comply with all the provisions of the Agreement. Vendor agrees to use the same level of care in safeguarding Confidential Information that is used with Vendor's own confidential information of a similar nature, but in no event less than reasonable care. Upon the termination of the Agreement for any reason, or at any time upon request by UMMC, all originals, copies and reprints of Confidential Information in Vendor's possession, custody, or control shall be promptly surrendered and/or delivered to UMMC or, at UMMC's option, destroyed, and Vendor shall thereafter make no further use, either directly or indirectly, of any such Confidential Information. The confidentiality provisions of the Agreement shall remain in full force and effect following termination of the Agreement. As used herein, Confidential Information means any non-public information of a party or its Affiliate (hereinafter defined), including, without limitation, the terms of any negotiations or agreements between the parties in connection with the aforementioned business opportunity, trade secrets, technical information, business information, sales information, marketing information, customer-buying patterns, algorithms, customer and potential customer lists and identities, product sales

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plans, inventions, developments, discoveries, software, know-how, methods, techniques, formulae, data, processes and other trade secrets and proprietary ideas, whether or not protectable under patent, trademark, copyright or other areas of the law, and any other information marked or disclosed as being Confidential Information, which is shared between the parties in writing or orally. For purposes of this Agreement, "Affiliate" shall mean any person, corporation, firm, partnership or other entity, whether de jure or de facto, which directly or indirectly owns, controls, is owned by or is under common ownership or control with a party to this Agreement, to the extent that such ownership or control constitutes at least fifty percent (50%) of the equity having the power to vote on or direct the affairs of the entity. Notwithstanding this foregoing paragraph, however, in the event the parties have executed a Confidentiality and Nondisclosure Agreement, ("NDA"), the terms of such NDA shall entirely supersede this paragraph. Notwithstanding anything to the contrary in this Agreement or otherwise, the parties acknowledge that Mississippi state law as to public records and transparency governs this Agreement.

26. **No Joint Venture.** It is the intention of the parties that in carrying out its obligations under

the Agreement, that Vendor and its employees shall at all times be acting as and deemed to be independent contractors. Nothing contained in the Agreement shall be construed to create a partnership, joint venture, agency or employment relationship between Vendor and UMMC. UMMC shall have no responsibility for any of Vendor's debts, liabilities or other obligations or for the intentional, reckless, negligent or unlawful acts or omissions of Vendor or Vendor's employees or agents. In addition, Vendor may not bind UMMC in any way whatsoever with respect to third parties.

27. **Independent Contractor.** It is understood by the parties that Vendor is an independent contractor and not an employee or agent of UMMC. Vendor retains sole and absolute discretion, control and judgment in the manner and means of carrying out its assignments. If the Agreement requires Vendor to provide on-site services to UMMC, Vendor shall comply with UMMC's Human Resource Department's applicable policies and procedures including pre-employment screening for any persons performing services on-site at UMMC. Vendor understands and agrees that neither it nor its employees performing services hereunder shall be entitled to any of the rights, fringe benefits and privileges established for UMMC's

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- employees, if any, including, but not limited to, the following: retirement benefits, medical insurance coverage, life insurance coverage, health insurance, disability insurance coverage, severance pay benefits, PTO, overtime pay, etc. Vendor understands and agrees that UMMC will not pay or withhold from the compensation paid to Vendor pursuant to the Agreement any sums customarily paid or withheld for or on behalf of employees for income tax, unemployment insurance, social security, or payment pursuant to any law or governmental requirement, and all such payments as may be required by law are the sole responsibility of Vendor. Vendor agrees to indemnify and hold UMMC harmless from and against any such payments or liabilities for which Vendor may become liable with respect to such matters.
28. **Tax-Exempt Status.** Pursuant to Mississippi law, UMMC is exempt from state sales and use taxes. UMMC will not pay excise, personal property, income, value added, or other similar taxes. If the Vendor is liable for such taxes, Vendor shall take such into consideration in pricing. It is Vendor's responsibility to contact local taxing authorities in the state and county where equipment will be located to determine possible tax liabilities in connection therewith.
29. **Equal Opportunity Employer.** During the performance of any contract with UMMC, Vendor agrees to be bound by provisions of Civil Rights Act of 1964 (as amended), the Rehabilitation Act of 1973 (as amended), and the Veterans Readjustment Act of 1972 (as amended).
30. **Employment Protection Act.** Vendor represents and warrants that it will ensure its compliance with the Mississippi Employment Protection Act, Section 71-11-1, et seq. of the Mississippi Code of 1972 (as amended) and will register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work within the State of Mississippi. As used herein, "status verification system" means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Vendor agrees to maintain records of such compliance and, upon request of the State and approval of the Social Security Administration or Department of Homeland Security, where required, to provide a copy of each such verification to the State. Vendor further represents

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and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Mississippi. Vendor understands and agrees that any breach of these warranties may subject Vendor to the following: (a) termination of this Agreement and ineligibility for any state or public contract in Mississippi for up to three (3) years, with notice of such cancellation/termination being made public, or (b) the loss of any license, permit, certification or other document granted to Vendor by an agency, department or governmental entity for the right to do business in Mississippi for up to one (1) year, or (c) both. In the event of such termination/cancellation, Vendor would also be liable for any additional costs incurred by the State due to contract cancellation or loss of license or permit.

31. **Force Majeure**. “Force Majeure Event” means any act or event, whether foreseen or unforeseen, that meets all three of the following tests: (a) The act or event prevents a party in whole or in part from performing its obligations under this Addendum; or satisfying any conditions to the performing party’s obligations under this Addendum; (b) The act or event is beyond the reasonable control of and not the fault of the non-performing party; and (c) The non-performing party

has been unable to avoid or overcome the act or event by the exercise of due diligence. Notwithstanding anything to the contrary in this Addendum or otherwise, a Force Majeure Event excludes economic hardship, changes in market conditions, or insufficiency of funds. If a Force Majeure Event occurs, the non-performing party is excused from whatever performance is prevented by the Force Majeure Event to the extent prevented and satisfying whatever conditions precedent that cannot be satisfied. When the non-performing party is able to resume performance of its obligations under this Addendum or satisfy the conditions precedent to the performing party’s obligations, it shall immediately give the performing party written notice to that effect and shall resume performance under this Addendum no later than five (5) working days after the notice is delivered. This provision is the exclusive remedy available to the non-performing party with respect to a Force Majeure Event.

32. **Notice**. Copies of all notices to UMMC shall also be sent to: University of Mississippi Medical Center, Office of the General Counsel, 2500 North State Street, Jackson, MS, 39216, via certified and regular mail, return receipt requested, or overnight courier.

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33. **Waiver.** No failure on the part of any party hereto to exercise, and no delay in exercising any right, power or remedy hereunder shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or remedy hereunder preclude any further or other exercise thereof or the exercise of any other right, power or remedy.
34. **Counterparts.** The Agreement may be executed in counterparts, each of which shall be deemed an original, but together shall constitute one and the same instrument.
35. **Governmental Entity.** Vendor recognizes and acknowledges that UMMC, as a political subdivision of the State of Mississippi, is entering this Agreement, including the provisions thereof, only to the extent authorized by Mississippi law, including the opinions of the Mississippi Attorney General. Any provision of the Agreement that is in any respect not authorized by or is inconsistent with Mississippi law, including the opinions of the Mississippi Attorney General, is invalid.
36. **Severability.** If any provision of the Agreement shall be deemed to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of the Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
37. **Entire Agreement.** This Addendum; any other documents or writings which it accompanies, or to which it is attached (as amended by this Addendum); and any other documents which may be incorporated therein by reference, constitute the entire agreement of the parties with respect to the subject matter herein. Any other agreements or understandings, whether written or oral, are hereby superseded, with the exception of an NDA or BAA, if any. The terms of this Addendum; any other documents or writings which it accompanies or to which it is attached (as amended by this Addendum), shall solely govern the rights and obligations of the parties with respect to the subject matter herein. Any modification to the agreement shall only be effective if it is in writing and signed by a duly authorized representative of Vendor, and an authorized signatory of UMMC.
- SPECIAL TERMS**
APPLICABLE TO SOFTWARE:
38. **Software License.** Notwithstanding anything contained in the Agreement to the contrary, Vendor grants to UMMC a perpetual, royalty-free, irrevocable

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license to use for UMMC's internal business only any software which may be installed in the equipment and/or other software provided by Vendor and any associated documentation provided by Vendor to UMMC. UMMC may permit its employees, agents and independent contractors to use the software and any associated Documentation (as defined below).

39. Software Warranty.

Notwithstanding anything contained in the Agreement to the contrary, Vendor warrants that (i) the licensed software will perform substantially in accordance with the applicable Documentation (as defined herein) or as represented by Vendor, (ii) it has not inserted any Disabling Code (as defined herein) into the licensed software and (iii) it will use reasonable commercial efforts consistent with industry standards to scan for and remove any software viruses before installation of the equipment purchased hereunder. Vendor warrants that it has the right to license or sublicense the Software to UMMC for the purposes and subject to the terms and conditions set forth herein. As used in this warranty statement, (i) "Disabling Code" means computer code that is designed to delete, interfere with, or disable the normal operation of the purchased product; provided, however, that code included in the licensed software that prevents use outside of the license scope

purchased for the software will not be deemed to be Disabling Code and (ii) "Documentation" means the Vendor user manuals, on-line help functions, technical specifications and user instructions regarding the operation, installation and use of the software as made available by Vendor to UMMC.

40. **Infringement.** (A) Vendor represents that it has full right to sell or license to UMMC the software, the products or the use thereof, and that all such software or products are delivered free of any liens, encumbrances or rightful claim for any infringement of any United States copyright, patent, trade secret or trademark. Vendor further warrants that the licensed software or product will not infringe any patent, copyright, trade secret or trademark. Vendor agrees to indemnify and hold UMMC harmless from any and all third party claims of infringement relating to UMMC's use of the products sold hereunder, including but not limited to paying all defense costs and attorney's fees, and any judgments. (B) If the use of any element of the licensed software is enjoined as a result of any claim arising out of a breach of this warranty, Vendor will, at its option and expense, either secure for UMMC the right to continue to use the allegedly infringing product, or to replace or modify the product so that it is no longer infringing,

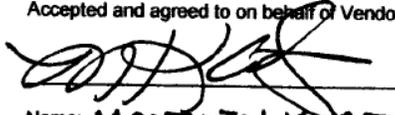
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provided the product continues to materially perform the same function(s) as originally desired by UMMC and otherwise conforms to the warranty hereunder. In the event Vendor fails to do either of the foregoing, Vendor shall refund to UMMC the full purchase price of all products purchased hereunder.

Agreement, Vendor agrees to allow UMMC to migrate any stored UMMC data from Vendor's software. Upon expiration or earlier termination of the Agreement, Vendor agrees that UMMC may elect to have Vendor migrate the data to a UMMC computer at no cost to UMMC, or for Vendor to provide the data to UMMC in another form which is acceptable to UMMC at no cost to UMMC.

41. **Data Extraction.** Within ninety (90) days of the termination of the

Accepted and agreed to on behalf of Vendor:

 Date: 11/28/12

Name: MATTHEW K. ARMSTRONG

Title: MEMBER/MANAGER

EDUCATION ABOUT FALSE CLAIMS RECOVERY ACT

I. Policy. It is the policy of UMMC to provide detailed information to its employees – and those of its contractors and agents – about the role of the federal False Claims Act, the federal Program Fraud Civil Remedies Act, and applicable state false claims laws in preventing fraud, waste, and abuse in federal health care programs, including the Medicaid program.

II. Purpose. The purpose of this policy is to comply with certain requirements set forth in the federal Deficit Reduction Act of 2005 (the “DRA”), and sections 6031 and 6032 of the DRA in particular, with regard to educating employees

about federal and state false claims laws.

III. General. False claims laws seek to prevent fraud, waste, and abuse in government health care programs in two significant ways. First, they permit the government to bring civil lawsuits to recover damages and penalties against health care providers that submit false claims. Second, these laws often permit private persons, including current or former employees of such providers, to bring legal actions against the providers on the government's behalf.

There are both federal and state false claims laws.

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A. Federal False Claims Laws. The federal False Claims Act (“FCA”) makes any person or entity that knowingly submits a false or fraudulent claim for payment of United States government funds liable for significant penalties and fines. These sanctions include a penalty of up to three times the government’s damages, civil penalties ranging from \$5,500 to \$11,000 per false claim, and the costs of the civil action against the entity that submitted the false claims. This law applies generally to federally-funded programs, including health care programs such as Medicaid and Medicare.

The federal FCA also provides that a private person with knowledge of a false claim may bring a civil action on behalf of the United States government to recover funds it has paid as a result of that false claim. The government will investigate the individual’s allegations and may or may not choose to join in the lawsuit. If the government chooses to participate, it assumes responsibility for all of the expenses associated with the lawsuit. If the lawsuit is ultimately successful, the court may award the individual who initially brought the suit a

percentage of the funds recovered. That percentage is lower when the government joins in the action. Regardless of whether the government participates, the court may reduce the individual’s share of the proceeds if it finds that s/he planned and initiated the false claim violation. If the individual is convicted of criminal conduct related to his or her role in the preparation or submission of the false claim, the individual will be dismissed from the civil action without receiving any portion of the proceeds.

The federal FCA also contains a provision that protects a private person from retaliation by his or her employer for participation in a false claims action. That provision applies to any employee who is discharged, demoted, suspended, threatened, harassed, or discriminated against because of the employee’s lawful conduct in furtherance of a false claim action.

Like the federal FCA, the federal Program Fraud Civil Remedies Act (“PFCRA”) provides for administrative remedies against those who knowingly submit false claims and statements. Under the PFCRA, a false claim or statement includes submitting

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a claim or making a written statement that is for services that were not provided, that assert a material fact that is false, or that omits a material fact. A violation of the statute may result in a maximum civil penalty of \$5,500 per claim, plus an assessment of up to twice the amount of each false or fraudulent claim.

B. State False Claims Law. Mississippi has not adopted a state False Claims Act that contains a whistleblower provision and the like. Mississippi does, however, have a generally applicable Medicaid Fraud Control Act that makes it unlawful to submit a false and/or fraudulent claim. Violations of this Act are punishable by civil penalties or imprisonment, or both. See §§ 43-13-209, - 211, -213, and - 215 of the Mississippi Code.

IV. Procedure. UMMC takes compliance with the federal and state false claims laws seriously. Any employee who becomes aware of a violation or potential violation of such laws, or any fraudulent or potentially fraudulent conduct, is expected to report the same immediately.

Employees, including UMMC management, contractors,

and agents, should review, understand, and follow Section IV of UMMC's Compliance Plan, which sets forth general procedures for reporting and investigating suspected fraud. Employees may direct questions regarding the policy to their immediate supervisors or to UMMC's Chief Compliance Officer.

UMMC encourages employees initially to report compliance concerns to their immediate supervisors, when appropriate. In the alternative, reports may be made to UMMC's Compliance Hotline (at 601-953-1761) or to the Chief Compliance Officer. UMMC will internally address any compliance issues brought to its attention to the fullest extent possible.

Any information that employees provide to their supervisors, or any member of the administration or the Chief Compliance Officer, will be kept in confidence to the extent feasible and legal. In the event of a government investigation or lawsuit, or if the need otherwise arises for UMMC to disclose the information, such information may be disclosed at the direction of legal counsel.

UMMC will not take adverse action against an employee for reasonably requesting assistance from, or reporting potential violations of law or

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UMMC policy to, a supervisor, the Compliance Hotline, or the Chief Compliance Officer. By reporting his or her own misconduct, however, an employee will not insulate himself or herself from potential disciplinary action for such a violation. Employees should report concerns about possible retaliation or harassment to the Chief Compliance Officer.

UMMC will not tolerate abuse of the reporting process. Any employee who makes an intentionally false statement, or makes a report of alleged misconduct in bad faith, shall be subject to appropriate disciplinary action.

V. Websites for Obtaining Additional Information:

Deficit Reduction Act – Public Law 109-171

www.gpoaccess.gov/plaws/index.html

Mississippi Code of 1972 (as amended)

<http://www.lexisnexis.com/hottopic/s/mscode/>

U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services, Deficit Reduction Act

<http://www.cms.hhs.gov/DeficitReductionAct/>

VI. References.

31 U.S.C. §§ 3729-3733

31 U.S.C. §§ 3801-3812

STAFF RECOMMENDATION:

2. SYSTEM – REQUEST FOR FINAL APPROVAL OF NEW POLICY 1105.01 INSTITUTIONAL REAL PROPERTY

Board final approval is requested regarding the below indicated proposed new Board Policy 1105.01 Institutional Real Property. The following new policy is proposed in order to clarify that all campus grounds and facilities are dedicated for the specific purpose of furthering the missions of the institutions, and that all persons on such institutional property must abide by all applicable laws and regulations, as well as the policies of the Board and the institution, or be removed from same. Proposed new Board Policy 1105.01 was presented for approval for first reading on September 19, 2013, and following Board member and institutional requests for minor edits thereto, the below is submitted for final approval.

1105.01. INSTITUTIONAL REAL PROPERTY

All real property on the campus of any institution of higher learning (which includes the Education and Research Center housing the Board’s Executive Offices, Mississippi Public Broadcasting and the Universities Center, as well as our eight state

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universities), including without limitation all campus grounds, buildings, facilities, stadiums or other improvements, that is owned, leased, used, or otherwise controlled by an institution (“Institutional Property”), is dedicated for the specific purpose of furthering the educational, research, and/or service missions of the institution. Accordingly, access to Institutional Property is limited to those persons with the specific and exclusive purpose of furthering the institutions’ missions. Institutional Property is not open for general public use. Institutional Property is routinely utilized for institutional activities and events which can present safety and security issues for the institution and the Board. Therefore, all persons on Institutional Property must abide by all applicable laws and regulations as well as policies of the institution and the Board in order to further the missions of the institution and for the protection of the students, employees and guests of the institution.

Thus, an institution may deny or condition entrance onto or into Institutional Property or remove from the same, any person whose presence interferes with or does not advance the institution’s missions or any person who violates or refuses to comply with any Board or institutional policy or applicable law or regulation. Under no circumstances shall Institutional Property be utilized to carry out unlawful activity.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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1. **SYSTEM – APPROVAL OF DATES AND LOCATIONS FOR JANUARY THROUGH DECEMBER 2014 BOARD MEETINGS**

Thursday, January 16, 2014	Board Office
Thursday, February 20, 2014	Board Office
Thursday, March 20, 2014	Board Office
Thursday, April 17, 2014	Board Office
Thursday, May 15, 2014	Board Office
Thursday, June 19, 2014	Alcorn State University
Thursday, July 17, 2014	Subject to Call
Thursday, August 21, 2014	Board Office
Thursday, September 18, 2014	(Board Retreat)
Thursday, October 16, 2014	University of Southern Mississippi
Thursday, November 20, 2014	Board Office
Thursday, December 18, 2014	Subject to Call

Staff recommendation: Board staff recommends approval of this item.

2. **SYSTEM - ELECTION OF VICE PRESIDENT OF THE BOARD OF TRUSTEES FOR THE TERM BEGINNING FEBRUARY 1, 2014 AND ENDING DECEMBER 31, 2014**

Pursuant to the requirements of policy 301.02 Election of Officers, the Board is to elect its officers at the meeting held three months before new officers are to take office, unless no Board meeting is held during that month. The terms of the current Board officers will expire as of January 31, 2014. Therefore, new Board officers will take office as of February 1, 2014. The current Vice President of the Board will automatically succeed to the office of Board President on February 1, 2014. Since the Board does not plan to meet in December 2013, the election of a new Vice President is on this agenda. Applicable Board policies regarding the terms of Board officers and the election of Board officers are as indicated below:

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

There shall be a president elected by the Board from its membership. It is expected that each member of a class of Trustees shall be elected to serve as President, unless a Trustee elects not to serve. A class of Trustees shall consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date.

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

B. VICE PRESIDENT:

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

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

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

301.02 ELECTION OF OFFICERS

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

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1. SYSTEM – THE INSTITUTIONS BELOW ARE OFFERING THE EXISTING ACADEMIC PROGRAMS ONLINE TO EXPAND STUDENT ACCESS BY PROVIDING AN ALTERNATIVE PROGRAM DELIVERY METHOD TO TRADITIONAL CLASSROOM INSTRUCTION.

- a. *Alcorn State University* is offering the *Bachelor of Science in Computer Science*
- b. *Alcorn State University* is offering the *Master of Science in Computer and Information Science*
- c. *Alcorn State University* is offering the *Bachelor of Science in Mathematics*
- d. *Alcorn State University* is offering the *Bachelor of Science in Secondary Education*
- e. *Delta State University* is offering the *Master of Arts in Teaching – Elementary and Secondary Tracks*
- f. *Mississippi State University* is offering the *Master of Science in Secondary Education*
- g. *Mississippi State University* is offering the *Master of Science in Mechanical Engineering*
- h. *Mississippi State University* is offering the *Doctor of Philosophy in Engineering with a concentration in Mechanical Engineering*
- i. *Mississippi Valley State University* is offering the *Master of Business Administration in Professional Masters of Business Administration*
- j. *University of Southern Mississippi* is offering the *Master of Science in Human Performance*
- k. *University of Southern Mississippi* is offering the *Master of Science in Economic Development*

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2. SYSTEM - ANNUAL REPORT ON INSTITUTIONAL ACCREDITATION

In accordance with Board Policy 508 (2): Accreditation Procedures “*The Commissioner of Higher Education shall report to the Board at least annually, through its Academic Affairs Committee, on each accreditation visit or change in accreditation status of each university,*” the table below summarizes system accreditation activity for the period beginning July 1, 2012 and ending June 30, 2013.

Institution/Area	Accreditation Agency	Date of Visit or Notification of Status Change	Reason for Visit or Status Change	Institutional Action	Accreditation Agency Action
Alcorn State University					
School of Business	Accrediting Council for Business Schools and Programs (ACBSP)	April 2013	Initial Accreditation	No action, Institution accepted the imprimatur	Approved Accreditation through 2023; Quality Assurance Report due February 2015 (every two years until 2023 reaffirmation)
School of Agriculture, Research, Extension and Applied Sciences; Nutrition & Dietetics	Accreditation Council for Education in Nutrition and Dietetics, Academy of Nutrition and Dietetics (ACEND)	December 2012	Continuing Accreditation	Self-Study Report submitted September 2012	Probationary Accreditation
School of Agriculture, Research, Extension and Applied Sciences; Robotics & Automation Program	Association of Technology Management & Applied Engineering (ATMAE)	October 2012	Continuing Accreditation	Corrective Action Report submitted	Approved Accreditation through 2016 (last visit April 2010)
School of Arts and Sciences Bachelor of Music	National Association of Schools of Music (NASM)	January 2013	Continuing Accreditation	Self-Study Report submitted	Results Pending after September 2013 visitation
Delta State University					
College of Arts and Sciences Department of Music; Bachelor of Music, Bachelor of Music Education, Bachelor of Arts/Music	National Association of Schools of Music (NASM)	April 2013	Continuing Accreditation	Site Visit Report received; Rejoinder in Progress	Results Pending (initial accreditation 1975)
College of Arts and Sciences Department of Art; BA (General, Teacher Licensure), BFA: Studio Arts (Crafts, Graphic Design, Painting, Photography, Sculpture); BFA Digital Media Arts	National Association of Schools of Art and Design (NASAD)	April 2013 November 2012	Renewal of Continuing Accreditation	Progress Report submitted March 2013	Granted Continuing Accreditation for 10 years; Approved through 2020-2021; Requested Program Report
College of Arts and Sciences Department of Social Work; Bachelor of Social Work	Council on Social Work Accreditation (CSWA)	March 2013	Renewal of Continuing Accreditation	No Changes or Progress Report needed	Granted Continuing Accreditation for 8 years; Approved through 2020-2021
College of Business;	Accreditation Council	August 2012	Continuing	CHEA Standard 12,	Approved Accreditation

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Institution/Area	Accreditation Agency	Date of Visit or Notification of Status Change	Reason for Visit or Status Change	Institutional Action	Accreditation Agency Action
Bachelor of Business Administration (BBA) & Master of Business Administration (MBA)	for Business Schools and Programs (ACBSP)		Accreditation	Paragraph 12(B)(1), 2010 CHEA Recognition Policy and Procedure Report	through 2015
College of Business; Master of Professional Accountancy (MPAC)	Accreditation Council for Business Schools and Programs (ACBSP)	August 2012	Continuing Accreditation	CHEA Standard 12, Paragraph 12(B)(1), 2010 CHEA Recognition Policy and Procedure Report	Approved Accreditation through 2015
College of Education and Human Sciences; Division of Health, Physical Education and Recreation	Commission on Accreditation of Athletic Training Education (CAATE)	August 2012	Continuing Accreditation	Response to the Report of On-Site Evaluation submitted (May 2012)	10-year Accreditation (2022)
College of Education and Human Sciences; Division of Counselor Education & Psychology; Clinical Mental Health Counseling (M.Ed.) & School Counseling (M.Ed)	Council for Accreditation of Counseling and Related Educational Programs (CACREP)	January 2013	Continuing Accreditation	Site Visit (Fall 2012)	8-year Accreditation (October 2020)
College of Education and Human Sciences; Division of Teacher Education, Leadership & Research	Mississippi Department of Education (MDE)	June 2013	Continuing State Department of Education Annual Process and Performance Review	Report submitted electronically	Results Pending
College of Education and Human Sciences; Division of Family & Consumer Sciences	Accreditation Council for Education in Nutrition and Dietetics (ACEND)	June 2013	Continuing Accreditation	Self-Study submitted	Results Pending; Site Visit scheduled (2014)
Robert E. Smith School of Nursing	Southern Association of Colleges and Schools-Commission on Colleges (SACSCOC); Mississippi Institutions of Higher Learning (IHL) Commission on Collegiate Nursing Education (CCNE)]	February 2013	Approval of DNP Program	DNP Prospectus submitted to SACSCOC for approval (March 2012)	DNP Prospectus Approval Letter received from SACSCOC (change approved by IHL March 2011)
Jackson State University					
College of Public Service; Department of Communicative Disorder	Council on Academic Accreditation (CAA) of the American Speech-Language-Hearing Association (ASHA)	February 2013	Review of Accreditation Status	Report submitted after hiring additional faculty	Accredited through August 2013 with an additional review scheduled for that time; removed from probation
College of Science, Engineering & Technology; School of Engineering; Civil, Telecommunications & Computer Engineering (BS)	Accreditation Board for Engineering and Technology (ABET)	July 2012 November 2012	Continuing Accreditation	Self-Study Report submitted; Comprehensive Review visit - Standards met (additional report to ABET July 2013)	Accredited through September 2014

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Institutional	Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC)	June 2013	Notification of Intent	Notification Letter related to the Madison-JSU Site and moving two graduate programs to a new location in downtown Jackson	Notification Accepted
Mississippi State University					
Bagley College of Engineering, 10 undergraduate degree programs: aerospace engineering, biological engineering, chemical engineering, civil engineering, computer engineering, computer science, electrical engineering, industrial engineering, mechanical engineering, and software engineering	Engineering Accreditation Commission of ABET	August 2012	Continuing Accreditation	No Action	Continuing Accreditation for each degree program through September 2018, no additional reporting required before next affirmation.
College of Business	Association to Advance Collegiate Schools of Business (AACSB)	November 2012	Continuing Accreditation during 6 th Year Review	Five-year Accreditation approved after 6 th Year Review completed	Continuing Accreditation for 2017 (initial visit February 2012)
School of Accountancy	Association to Advance Collegiate Schools of Business (AACSB)	November 2012	Continuing Accreditation during 6 th Year Review	Subsequent visit to Meridian Campus due to 6 th Year Review; Five year Accreditation approved after 6 th Year Review completed	Continuing Accreditation for 2017 (initial visit February 2012)
College of Veterinary Medicine Veterinary Medical Technology Program	Committee on Veterinary Technician Education and Activities (CVTEA)	September 2012 March 2013	Initial Accreditation	Interim Report submitted and approved; Annual Report submitted and approved (next annual report due Spring 2014)	Continuing Accreditation; next site visit scheduled for 2017 (initial visit January 2012)
College of Education Teacher Education Program, Starkville and Meridian Campuses	Mississippi Department of Education (MDE) National Council for Accreditation of Teacher Education (NCATE)	May 2013	Continuing Accreditation	No Action	No additional reporting required before next affirmation Approved Accreditation through 2015 (visit March 2007)
College of Architecture, Art and Design	Council for Interior Design Accreditation (CIDA)	April 2013	Continuing Accreditation	Periodic Report	Results Pending
College of Architecture, Art and Design	National Association of Schools of Art and Design (NASAD)	April 2013	Continuing Accreditation	Periodic Report	Results Pending
College of Arts & Sciences	American Chemical Society (ACS)	November 2012	Continuing Accreditation	No Action	Continuing Accreditation; next periodic report due 2016
College of Agriculture and Life Sciences: Didactic Program in Dietetics; Non-Degree Dietetic Internship	Accreditation Council for Education in Nutrition and Dietetics (ACEND)	November 2012	Continuing Accreditation	Progress Report	Continuing Accreditation; next review 2017
Mississippi University for Women					
College of Arts and	National Association of	May 2013	Continuing	Submitted written	Approved

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Sciences Department of Art and Design BA, BFA in Fine Arts	Schools of Art and Design (NASAD)		Accreditation	response to Commission Action Report in March 2013; Received Commission Action Report November 2012	Continuing Accreditation; full accreditation through 2021-2022 academic year (visit March 2012)
College of Education and Human Sciences MUW Educator Preparation Programs	National Council for the Accreditation of Teacher Education (NCATE); now Council for Accreditation of Educator Preparation (CAEP)	November 2012	Continuing Accreditation	Written rejoinder in response to two areas for improvement	Continuing Accreditation, fully accredited until next visit in 2019; annual written report required
College of Nursing and Speech-Language Pathology Doctor of Nursing Practice (DNP)	Southern Association of Colleges and Schools Commission on Colleges (SACSCOC); MS Institutions of Higher Learning, Board of Trustees (IHL)	April 2013 (verbal ongoing accreditation, but awaiting report)	Addition of new doctoral program (DNP)	Verbal Follow-Up Report addressing five recommendations (for the university and program)	Ongoing Accreditation for the University (verbal report at end of visit) Initial Accreditation (May 2012)
College of Nursing and Speech-Language Pathology Master of Science in Nursing Program	MS Institutions of Higher Learning, Board of Trustees (IHL) Commission on Collegiate Nursing Education (CCNE)	Spring 2013	Continuing Accreditation (full compliance)	Routine annual ongoing Compliance Report (October 2012) Routine annual ongoing Compliance Report	Ongoing Full Accreditation Ongoing Full Accreditation for the maximum period allowed (10 years); next visit Spring 2020
College of Nursing and Speech-Language Pathology Master of Science in Speech-Language Pathology	Council of Academic Accreditation (CAA) of the American Speech-Language-Hearing Association (ASHA)	Annually	Continuing Accreditation	Routine annual ongoing Compliance Report	Ongoing Full Accreditation for the maximum period allowed (Spring 2019)
College of Nursing and Speech-Language Pathology Bachelor of Science in Nursing Program	MS Institutions of Higher Learning, Board of Trustees (IHL) Commission on Collegiate Nursing Education (CCNE)	Spring 2013	Continuing Accreditation (full compliance)	Routine annual ongoing Compliance Report (October 2012) Routine annual ongoing Compliance Report	Ongoing Full Accreditation Ongoing Full Accreditation for the maximum period allowed (10 years); next visit Spring 2020
College of Nursing and Speech-Language Pathology Associate of Science in Nursing Program	MS Institutions of Higher Learning, Board of Trustees (IHL) National League for Nursing Accreditation Commission (NLNAC)	Spring 2013	Continuing Accreditation (full compliance)	Routine annual ongoing Compliance Report (October 2012) Routine annual ongoing Compliance Report (November 2012)	Ongoing Full Accreditation; next visit Fall 2013 Ongoing Full Accreditation for maximum period allowed (8 years) at 2005 visit; next visit Fall 2013
College of Business and Professional Studies Legal Studies Department Bachelor of Science in Legal Studies Bachelor of Arts in Legal Studies	American Bar Association (ABA)	March 2013	Continuing Approval <i>(Note: ABA uses the term 'approval' for programs that offer opportunities in paralegal studies.)</i>	Interim Report deemed complete by ABA; no further action required or requested	Approval is until February 2016; no further reporting due until the next Re-Approval Application and Self-Evaluation Report in May 2015; (last site visit- January 2011)

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Mississippi Valley State University					
Institution	Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC)	December 2012	Reaffirmation	Response to On-site Committee	Accredited for 10 years through 2022
English/English Education	National Council of Teachers of English (NCTE)	September 2012	Continuing Accreditation	SPA Report	National Recognition
NSEH/ Environmental Health MS	National Environmental Health Science and Protection Accreditation Council (EHAC)	April 2013	Continuing Accreditation	Rejoinder submitted	Results Pending
Elementary Education	Association for Childhood Education International (ACEI)	September 2012	Continuing Accreditation	SPA Report	National Recognition with Conditions
Social Work	Council on Social Work Education (CSWE)	February 2013	Continuing Accreditation	Self-Study	Accredited for 8 years through 2021
Computer Science	Accreditation Board for Engineering and Technology (ABET)	November 2012	Continuing Accreditation	Rejoinder submitted	Results Pending
University of Mississippi					
College of Liberal Arts Department of Art	National Association of Schools of Art and Design (NASAD)	May 2013	Continue Current Membership Status	Response to six items	Seek further information by April 2014
College of Liberal Arts Department of Music	National Association of Schools of Music (NASM)	December 2012	Continuing Accreditation	No Action necessary	Fully Accredited; next visit in 2020
College of Liberal Arts Department of Psychology	American Psychological Association's Commission on Accreditation (APA)	October 2012	Continuing Accreditation	None	Voted to award Accreditation to Ph.D. in Clinical Psychology; Fully Accredited; next visit in 2019
School of Education Leadership and Counselor Education	Council for the Accreditation of Counselor and Related Educational Programs and the National Council for the Accreditation of Teacher Education (CACREP/NCATE)	July 2012	Continuing Accreditation, State DOE Preprocess and Performance Review	No action necessary	Fully Accredited; no additional reporting required by MS DOE; next review by CACREP in October 2016
School of Law	American Bar Association (ABA)	November 2012	Continuing Accreditation	Received Request for Further Response	Results Pending Review of additional information to be submitted by September 2013
University of Mississippi Medical Center					
School of Health Related Professions Health Informatics and Information Management	Commission on Accreditation for Health Informatics and Information Management Education (CAHIIM)	Annually	Continued Accreditation	None	Continuing Accreditation
School of Health Related Professions Physical Therapy	Commission on Accreditation in Physical Therapy Education, American	November 2012	Continued Accreditation	Compliance Report	Report Accepted

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	Physical Therapy Association (APTA)				
University of Southern Mississippi					
Polymer Science and Engineering BS	Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC)	July 2012	Substantive Change	Notification submitted; no additional information required	Prospectus is not required since the program does not represent a significant departure from the existing approved curriculum
Elementary Education BS	Association for Childhood Education International (ACEI) National Council for Accreditation of Teacher Education (NCATE) - SPA	August 2012	Response to Conditions Report	To retain recognition, another program report must be submitted three years in advance of the next scheduled accreditation visit	Program Nationally Recognized through the semester and year of the institution's next NCATE accreditation decision in 7 years (2019)
Architectural Engineering Technology BS; Construction Engineering Technology BS; Industrial Engineering Technology BS; Computer Engineering Technology BS; Electronics Engineering Technology BS	Engineering Technology Accreditation Commission (ETAC) of Accreditation Board for Engineering and Technology (ABET)	August 2012	Continuing Accreditation	Program to submit a request to ABET by January 2015 to initiate reaccreditation evaluation; Self-Study Report must be submitted by July 2015	Accredited to September 2016
Dance (Dance Education) BFA; Dance (Performance and Choreography) BFA	National Association of Schools of Dance (NASD)	October 2012	Continuing Accreditation	Program to submit a response in August 2013	Commission voted to continue the current Membership status of the institution and to seek further information before completing the application for renewal of Membership
Nursing (Anesthesia) DNP	Council on Accreditation of Nurse Anesthesia Educational Programs (COA)	November 2012	Initial Accreditation	Program to submit faculty and student evaluations of the program in January 2015	Accreditation is awarded to the nurse anesthesia program effective October 2012; next on-site visit Spring 2017
Nursing (RN-BSN) BSN; Nursing BSN; Nursing (Nurse Executive) MSN; Nursing (Family Nurse Practitioner) MSN; Nursing (Psychiatric Nurse Practitioner) MSN; Nursing (Clinical) DNP	Commission on Collegiate Nursing Education (CCNE)	November 2012	Continuing Accreditation (BSN and MSN programs); Initial Accreditation (DNP program)	Baccalaureate and master's programs to submit a Progress Report in December 2017; DNP to submit a Progress Report in June 2015	Granted Accreditation to the baccalaureate and master's degree programs for 10 years; granted accreditation to the DNP program for 5 years
Professional Education Unit	National Council for Accreditation of Teacher Education (NCATE)	November 2012	Continuing Accreditation	Next accreditation visit held under the auspices of the new accrediting body – Council for the Accreditation of Educator Preparation (CAEP) scheduled for Spring 2019	Continue Accreditation of the Professional Education Unit at the initial teacher preparation and advanced preparation levels
Institution	Southern Association of Colleges and Schools, Commission	January 2013	Continuing Accreditation	No Action required	Commission on Colleges reviewed a Referral Report from

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	on Colleges (SACSCOC)				the submission of the institution's Fifth-Year Interim Report. No additional report requested
Library and Information Science MLIS	Committee on Accreditation (COA) of the American Library Association (ALA)	April 2013	Continuing Accreditation	Biennial Narrative Report addressing each Standard due December 2014	Commission acknowledged that the program has satisfactorily responded to the concerns cited in the Decision Document letter of June 2012
Theatre BA Theatre BFA Theatre MFA	National Association of Schools of Theatre (NAST) Commission on Accreditation	April 2013	Continuing Accreditation	Program to submit a response in February 2014	Commission voted to continue the current Membership status of the institution and to seek further information before completing the application for renewal of Membership
Institution	Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC)	June 2013	Notification Received	No Action required	Commission on Colleges received the May 2013 letter notifying the Commission of the appointment of Dr. Rodney D. Bennett as President of The University of Southern Mississippi, effective April 1, 2013
Nursing (Anesthesia) DNP	Southern Association of Colleges and Schools, Commission on Colleges (SACSCOC)	June 2013	Substantive Change	Submitted Prospectus - October 2012, February 2013 - provided information requested in January 2013. No additional action required	Board approved the emphasis and included it in the scope of the current accreditation
Professional Education Unit	Mississippi Department of Education (MDE)	June 2013	Continuing State Department of Education Annual Process and Performance Review	No additional action required	Receipt of Annual Review acknowledged

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3. ANNUAL REPORT OF WINNERS OF THE HALBROOK AWARDS FOR ACADEMIC ACHIEVEMENT AMONG ATHLETES FOR 2012-2013

David C. Halbrook Awards for Academic Achievement Among Athletes^a			
Public University Division – Men		University of Southern Mississippi	
Public University Division – Women		Mississippi State University	
Independent College Division Overall		William Carey University	
Community and Junior College Division Overall		Mississippi Gulf Coast Community College	
John C. and Ernestine McCall Halbrook Improvement Award^b		Itawamba Community College	
David M. Halbrook Certificate Award for Academic Achievement Among Athletes^c			
	Institution	Male Recipient	Female Recipient
Public Division	Alcorn State University	Marti Shelby	Renelle Richmond
	Delta State University	Tyler Aldridge	Kendall Sizemore
	Jackson State University	Antoine D. Guice	Christine Edwards
	Mississippi State University	Samuel T. Frost	Chloe E. Phillips
	Mississippi Valley State University	Daniel Kibet	Joyce Chumo
	University of Mississippi	Adrian Forberg Skogeng	Cornelia Tisher
	University of Southern Mississippi	Brandon Francesconi	Stephanie Ledgerwood
Independent Division	Belhaven University	Daniel Duarte	Ashley Ventura
	Blue Mountain College	Adam Hall	Anna Brooke Page
	Millsaps College	Garrett Coble	Alexis Guice
	Mississippi College	Kyle Blount	Morgan Tynes
	Rust College	J'Hony Salvador	Nakesa Oliver
	Tougaloo College	Marcus Brumfield	Raven Ashley
	William Carey University	Kyle Curtis	Lauren Douglas
Community and Junior College Division	Coahoma Community College	Elias Wells	Breanna Wiley
	Copiah-Lincoln Community College	Jay W. Case	Kaitlin A. Moak
	East Central Community College	Andrew Hannah	Alana Turner
	East Mississippi Community College	Smokey Ethridge	Sarah H. Dudley
	Hinds Community College	Cullen Burnett	Cassandra A. Brown
	Holmes Community College	David Carter	Lauren Tharp
	Itawamba Community College	Matthew T. Peugh	Ragan H. Ostrowski
	Jones County Junior College	Benjamin Stevens	Kimberly Murray
	Meridian Community College	Edward Harrison Warren	Tara-Beth Hall
	Mississippi Delta Community College	Jody Harbour	Jackie Corder
	Mississippi Gulf Coast Community College	Michael Gilbert	Julie Butler
	Northeast Mississippi Community College	Kyle Gregory Stephenson	Julia Kaitlyn Garvin
	Northwest Mississippi Community College	Tim Smith	Kristin Baddley
Pearl River Community College	Michael Cannon	Georgia Whitney Waits	
Southwest Mississippi Community College	Kade Scivicque	Haley Roalson	

^a Trophy award.

^b Cash award to institution with greatest improvement in percentage of student athletes graduating.

^c Certificate awarded to student athletes who have excelled in academics, leadership, and/or service.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
October 17, 2013 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. MSU– GS 105-343 – Lee Hall Renovation

Staff Approval #1 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$318,170.29 and seventeen (17) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$134,647.14 and twenty (20) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) August 15, 2013; (#2) September 20, 2013

Change Order Justification: **Change Order #5** is necessary to change the size of downspouts & add new ones, to omit the new gutter lining, to install a floor leveling product to correct uneven floor locations, to omit the majority of the slate roof replacement, add plywood closure to the rafter ends, replace the existing roof soffit, to replace the existing tapered roof insulation with new insulation, to change the flooring in the lobby, reception, corridor & president's office, to change the third and fourth flooring, and to add electrical & data provisions in the third and fourth floor conference rooms. **Change Order #6** is necessary to replace the primary loop cable with a cable that meets the size requirement, to revise the fourth floor lobby ceiling to remove the conflict with the new fire curtain caused by an existing steel truss, to revise the fourth floor conference room to include the added IT provisions, to add lighting & power in the existing telephone room in the basement, to revise the floor box locations on the fourth floor, to add additional data & power to the two classrooms located in the basement and to install a toilet in the fourth floor west office wing.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$638,453.82.

Project Initiation Date: June 16, 2011

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

General Contractor: West Brothers Construction, Inc.

Project Budget: \$20,700,000.00

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2. MSU– GS 105-345 (GC01) – Classroom Building with Parking

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

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

Staff Approval Date: September 9, 2013

Project Initiation Date: August 19, 2010

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: TBD

Project Budget: \$37,509,471.00

3. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$26,315.23 and twelve (12) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 30, 2013

Change Order Justification: **Change Order #11** is necessary to relocate a temporary fence, add furring to conceal a roof drain pipe, exchange hose reels, to remove existing sidewalk, to pour a new sidewalk and provide handrails.

Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of \$813,919.86.

Project Initiation Date: October 21, 2010

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

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

Project Budget: \$12,197,791.22

4. MVSU– GS 106-237 – Harrison Renovation

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

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

Staff Approval Date: October 2, 2013

Project Initiation Date: January 20, 2011

Design Professional: Pryor & Morrow Architects/Vernell Barnes Architect

General Contractor: TBD

Project Budget: \$17,500,000.00

5. UM – GS 107-305 – Central Mechanical Plant

Staff Approval #1 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$42,573.25 and twenty-seven (27) additional days to the contract of Tri-Star Mechanical Contractors, 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 #6** in the **credit amount** of \$48,160.71 and sixty-two (62) additional days to the contract of Tri-Star Mechanical Contractors, Inc.

Staff Approval Date: September 4, 2013

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Change Order Justification: **Change Order #5** is necessary to install power to two hot water heaters, to install power to one door, to supply & install 110 v power to 30 control valves, to add stairs, handrails and stair nosings to the steps at the south end of the building, to add labor for networking DDC controls for both the chilled & hot water systems, including adding a hot tap flow meter to both systems, programming & wiring and to add picture-frame joints to the building walks. **Change Order #6** is necessary to add six flow switches to the cooling towers, to add anti-climb spikes for the concrete retaining wall, to paint the vertical portion of the equipment pad facing safety yellow, to add a handrail connecting the south end steps to the retaining wall, to add ADA ramps in four locations, to deduct the unused balance of the controls allowance and to add thirty-two days to the contract for rain delays.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$417,165.58.

Project Initiation Date: November 21, 2008

Design Professional: Tri-Star Mechanical Contractors, Inc.

General Contractor: Eley Guild Hardy Architects, P.A.

Project Budget: \$13,200,000.00

6. UM– GS 107-311 – Music Hall Mechanical Upgrade & West Wing Renovation

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

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

Staff Approval Date: September 18, 2013

Project Initiation Date: November 15, 2012

Design Professional: Shafer & Associates

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General Contractor: TBD

Project Budget: \$4,650,000.00

7. UM– IHL 207-346 – Stockard Hall & Martin Hall Brick Veneer Replacement

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$6,679.73 and fifty-six (56) additional days to the contract of Evan Johnson & Sons Construction, Inc.

Staff Approval Date: September 27, 2013

Change Order Justification: **Change Order #5** is necessary to modify the existing exhaust fire sprinkler heads to accommodate the removal of the skylights and maintain life safety requirements in the building.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$42,491.74.

Project Initiation Date: February 17, 2011

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

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$8,000,000.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$45,565.57 and zero (0) additional days to the contract of Zellner Construction.

Staff Approval Date: October 9, 2013

Change Order Justification: **Change Order #7** is necessary to modify fabric ceiling panels to coordinate with approved fire suppression system & sprinkler locations, to remove & replace the existing storm drain & gas pipe that is in conflict with the new construction to allow for installation of the new sanitary sewer, to install three type M

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ceiling fixtures and two XA fixtures in the existing FLP vestibule and south exterior, additional power, data and TV receptacle locations, to install a trench drain at the south exterior Johnson Commons East door, to drain water accumulating in front of the door as the existing concrete slab cannot be modified, and to make revisions to the south terrace masonry retaining wall to accommodate the actual existing and required finish grade.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$1,262,470.82.

Project Initiation Date: May 19, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: Zellner Construction

Project Budget: \$14,500,000.00

9. UM – IHL 207-353 – Coulter Hall Addition and Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Carothers Construction, Inc.

Staff Approval Date: September 4, 2013

Project Initiation Date: February 16, 2012

Design Professional: BEJ-CDFL – A Professional Association

General Contractor: Carothers Construction, Inc.

Project Budget: \$18,000,000.00

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10. UM– IHL 207-354 – Honors College Renovation and Addition

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

Staff Approval Date: August 23, 2013

Project Initiation Date: March 21, 2013

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

General Contractor: TBD

Project Budget: \$6,300,000.02

11. UM– IHL 207-357 – Natural Products 1 – Interior Heating Modification

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$119585.63 and two hundred ninety-two (292) additional days to the contract of South Central Heating & Plumbing Co., Inc..

Staff Approval Date: August 26, 2013

Change Order Justification: **Change Order #1** is necessary to deduct for web base building management system allowance, to modify door access which offers better future service access to the mechanical room, to install new pumps & loop bypass to achieve chilled water design flow conditions, to install a campus loop side pump which will increase delivery pressure of the chilled water, and a price increase from the manufacturer & crane rental to install two boilers that were being deleted from the contract.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$119,585.63.

Project Initiation Date: March 15, 2012

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

General Contractor: South Central Heating & Plumbing Company, Inc.

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Project Budget: \$2,500,000.00

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$323,823.00 and thirty-seven (37) additional days to the contract of D. Carroll Construction, LLC.

Staff Approval Date: September 9, 2013

Change Order Justification: **Change Order #1** is necessary to add for crack injection and pedestrian epoxy waterproofing system at the east monumental stair entrance plaza to stop water infiltration to the classrooms below, to install electrical & data at the writing center, to remove the existing fluted CMU in its entirety and provide new dampproofing (full height), new membrane flashing, mow strip, and reinstall the fluted CMU.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$323,823.00.

Project Initiation Date: August 16, 2012

Design Professional: Barlow Eddy Jenkins Architects, P.A.

General Contractor: D. Carroll Construction, LLC

Project Budget: \$7,500,000.00

13. UM – IHL 207-363 – Library Cooling Tower Replacement

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Shackelford Plumbing Corporation.

Staff Approval Date: September 9, 2013

Project Initiation Date: February 16, 2012

Design Professional: The CGM Group

General Contractor: Shackelford Plumbing Corporation

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Project Budget: \$1,500,000.00

14. UM– IHL 207-365 – Kinard Hall Water Storage Tank Replacement at Rebel Drive

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

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

Staff Approval Date: August 28, 2013

Project Initiation Date: October 18, 2012

Design Professional: Engineering Solutions, Inc.

General Contractor: TBD

Project Budget: \$2,500,000.00

15. UM– IHL 207-370 – Turner Center Basement Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by The McCarty Company Design Group, P.A.

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

Staff Approval Date: August 28, 2013

Project Initiation Date: March 21, 2013

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

General Contractor: TBD

Project Budget: \$1,500,000.00

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16. UM – IHL 207-371 – Stockard Hall Elevator Refurbishment

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Barnes & Brower, Inc.

Staff Approval Date: August 29, 2013

Project Initiation Date: March 21, 2013

Design Professional: Corbett Legge and Associates, PLLC

General Contractor: Barnes & Brower, Inc.

Project Budget: \$1,100,000.00

17. UM– IHL 207-373 – Faser Hall Second Floor Skills Lab

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Cooke Douglass Farr Lemons Architects & Engineers, P.A.

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

Staff Approval Date: (#1) October 2, 2013; (#2 - #3) October 11, 2013

Project Initiation Date: November 17, 2011

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

General Contractor: TBD

Project Budget: \$1,500,000.00

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18. UMMC – IHL 209-526 – Cafeteria/Kitchen Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #15** in the **credit amount** of \$120,071.00 and zero (0) additional days to the contract of Fountain Construction Company, Inc. .

Staff Approval Date: September 18, 2013

Change Order Justification: **Change Order #15** is necessary to credit for unused project allowances

Total Project Change Orders and Amount: Fifteen (15) change orders for a total amount of \$24,529.00.

Project Initiation Date: August 20, 2009

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

General Contractor: Fountain Construction Company, Inc.

Project Budget: \$7,750,000.00

19. UMMC– IHL 209-539 – Lexington Hospital Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by The McCarty Company Design Group, P.A.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by The McCarty Company Design Group, P.A.

Staff Approval Date: (#1) September 25, 2013; (#2) October 3, 2013

Project Initiation Date: February 16, 2012

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

General Contractor: TBD

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Project Budget: \$3,790,477.00

20. UMMC – IHL 209-548 – School of Medicine Utilities

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by CDFL + ELEY, A Joint Venture, design professional.

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

Staff Approval Date: August 26, 2013

Project Initiation Date: August 15, 2013

Design Professional: CDFL + ELEY, A Joint Venture

General Contractor: TBD

Project Budget: \$10,000,000.00

21. UMMC– IHL 209-532 – Cardiovascular Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$74,886.00 and eighty (80) additional days to the contract of Fountain Construction Company.

Staff Approval Date: September 20, 2013

Change Order Justification: **Change Order #10** is necessary due to the redesign of the corridor to incorporate the columns into walls instead of within the corridor. The new design creates five alcoves & five storage rooms which includes doors, metal studs, gypsum board, finishes, can lighting in alcoves, additional 2x2 lighting, HVAC reconfiguration & additions, electrical & communications additions, and additional wall protection.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$334,454.84.

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Project Initiation Date: February 18, 2010

Design Professional: Cooke Douglas Farr Lemons Architects & Engineers, PA

General Contractor: Fountain Construction Company

Project Budget: \$20,182,526.00

22. USM – GS 108-217 and GS 114-015 – Science Building & Recreation Bldg. Repair & Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$22,085.28 and zero (0) additional days to the contract of J. F. Pate and Associates Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: August 29, 2013

Change Order Justification: **Change Order #10** is necessary to modify the existing detention basin to prevent erosion at the detention pond during heavy rain events.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$1,614,500.62.

Project Initiation Date: January 21, 2010

Design Professional: Studio South/Allred Architectural Group

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

Project Budget: \$12,292,109.24

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23. USM– GS 108-267 – College of Business Building

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$38,835.36 and twenty-two (22) additional days to the contract of Hanco Corporation.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$43,152.56 and eighteen (18) additional days to the contract of Hanco Corporation.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$28,756.58 and five (5) additional days to the contract of Hanco Corporation.

Staff Approval Date: (#1) September 9, 2013; (#2 - #3) September 16, 2013

Change Order Justification: **Change Order #5** is necessary for additional structural steel along concrete walls at column lines 7 and 14, additional steel for theatrical equipment, to add an exit device to door 1018A, to modify structural concrete at the roof slab between column lines O and H and to revise the window head framing. **Change Order #6** is necessary to add drapery linings to curtains located in the auditorium and to modify concrete & electrical in the tiered classrooms to allow for a center aisle. **Change Order #7** is necessary for work related to electrical requirements for the selected motorized shades & controls, and modifications to various doors.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$179,168.48.

Project Initiation Date: March 2, 2005

Design Professional: Eley Guild Hardy Architects-Jackson, P.A./Studio South Architects, PLLC – A Joint Venture.

General Contractor: Hanco Corporation

Project Budget: \$34,000,000.00

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24. USM– IHL 208-310 – The Ogletree House Tornado Restoration

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved a **waiver of Design Development Documents**.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Albert and Associates, design professional.

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

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to BW Sullivan.

Staff Approval Date: August 29, 2013

Project Initiation Date: August 29, 2013

Design Professional: Albert and Associates

General Contractor: BW Sullivan – Hattiesburg, MS

Project Budget: \$2,500,000.00

25. USM – IHL 208-313 – Fine Arts Complex Tornado Repairs and Renovations

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

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

Staff Approval Date: September 20, 2013

Project Initiation Date: June 4, 2013

Design Professional: Allred Architectural Group

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General Contractor: TBD

Project Budget: \$4,664,516.57

26. ERC– GS 111-049 – Road Improvements

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$26,561.29 and zero (0) additional days to the contract of Southern Rock, LLC. 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 #7** in the amount of \$47,305.63 and fifty-nine (59) additional days to the contract of Southern Rock, LLC.

Staff Approval Date: (#1) August 30, 2013; (#2) October 18, 2013

Change Order Justification: **Change Order #6** is necessary to deduct for deletion of sodding, to add seed where sodding was removed, to lower the sprinkler line found under the existing asphalt at one location, to add lime stabilization to the failed soil sub-base between certain stations, to undercut one additional foot of depth and replace with sand-clay gravel underlain by Tensar from between certain stations, and to remove two bars of #5 rebar from the concrete curb & gutter for the remaining concrete curb and gutter left to install. **Change Order #7** is necessary to lower the existing sprinkler line found under the existing asphalt so that it is beneath the sand-clay gravel layer of the pavement system, to remove two additional vertical feet of unstable soil that was encountered in various segments and replace with sand-clay gravel and prior to the placement of the sand-clay gravel Tensar was installed over the unstable soil, allowing for the installation of stable material and due to multiple underground utilities, Tensar was installed directly on the existing soil under the required 12” sand-clay gravel, installation of cement up to 6” deep to the required 12” of sand-clay gravel due to unstable soil at various locations, to adjust for the elevations of the sewer & water line, the required 12” RCP between certain locations was removed from the contract & replaced with two 8” ductile iron piping to include adjustment for the elevations, inlet boxes were cut down as required, an electrical junction box to be installed behind one area to correct electrical wiring for the street lighting, existing electrical wiring was found in the concrete & removed, the required inlet box was installed at the same location, all costs associated with the crack injection & seal coating for the parking lots is removed from the contract due to budget constraints, removal of existing concrete pipe found directly under the existing pavement section, removal of existing sprinkler lines found in the existing storm sewer piping were

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placed in a 6" PVC sleeve, to install a 6" PVC sleeve for future expansions on both sides of the road & under the pavement system, to repair cracked concrete curb & gutter due to water seeping into the cracks, to install a steel tubing handrail on the existing stairs located by the maintenance building, to remove two additional vertical feet of soil and replace with sand-clay gravel where unstable soil was encountered (cross-over between the medians & east of the north entrance drive to the parking garage), and an additional 59 days due to rain/construction delays at the site.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$273,400.80.

Project Initiation Date: October 20, 2011

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

General Contractor: Southern Rock, LLC

Project Budget: \$2,551,057.07

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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 Julie W. Brown (statement dated 10/12/13) from the funds of Mississippi State University. (This statement, in the amount of \$536.25, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 536.25

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 10/22/13) from the funds of Mississippi State University. (This statement, in the amount of \$3,762.50, represents services and expenses in connection with general legal advice - The Mills Development Project.)

TOTAL DUE.....\$ 3,762.50

Payment of legal fees for professional services rendered by Bradley, Arant, Boult & Cummings (statement dated 9/24/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$1,268.50, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 1,268.50

Payment of legal fees for professional services rendered by Jones Walker (statement dated 9/9/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$1,705.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 1,705.00

Payment of legal fees for professional services rendered by Kitchens, Hardwick & Ray (statement dated 10/10/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$1,006.50, represents services and expenses in connection with general legal advice and litigation matters.)

TOTAL DUE.....\$ 1,006.50

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 9/10/13, 9/19/13 and 10/2/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$27,716.60, \$22,283.40 and \$9,555.50, respectively, represent services and expenses in connection with general legal advice and litigation matters.)

TOTAL DUE.....\$ 59,555.50

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Payment of legal fees for professional services rendered by Bryan Nelson (statement dated 9/30/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$7,280.35, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 7,280.35

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 10/1/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$1,224.00, represents services and expenses in connection with general legal advice - J.L. Scott Marine Education Center.)

TOTAL DUE.....\$ 1,224.00

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

Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 9/17/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Bio-Oil Pretreatment" - \$187.50 and "Blue Stain System" - \$187.50.)

TOTAL DUE.....\$ 375.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 6/20/13, 7/15/13, 9/18/13, 9/20/13, 9/20/13, 9/20/13, 9/20/13, 9/20/13, 9/20/13, 9/20/13 and 9/20/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$104.50, \$87.50, \$796.40, \$2,654.20, \$3,594.00, \$366.00, \$208.50, \$104.00, \$144.50, \$795.00 and \$927.50, represent services and expenses in connection with intellectual property/patents.)

TOTAL DUE.....\$ 9,782.10

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 9/11/13, 9/17/13, 9/27/13, 10/14/13 and 10/22/13) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: "Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks" - \$1,942.50; "Lockhead - Oil Dispersant Patent" - \$85.00; "Trademark Application for the Centennial Anniversary" - \$120.00; "Trademark Application for the Centennial Anniversary" - \$383.50 and "Self-Repairing Oxetane-Substituted Chitosan Polyurethane Networks" - \$1,032.00, respectively.)

TOTAL DUE.....\$ 3,563.00

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1. **SYSTEM – 2013 COMMENCEMENT SCHEDULES**

Delta State University

Time/Date: 10:00 a.m., Saturday, December 14, 2013
Location: Walter Sillers Coliseum
Speaker: Ms. Debra Allan, 2013 Recipient of S. E. Kossman Outstanding Teacher Award, Delta State University

Jackson State University

Time/Date: 6:00 p.m., Friday, December 13, 2013
Location: Lee E. Williams Athletics and Assembly Center
Speaker: Congressman Bennie G. Thompson

Mississippi State University

Meridian Campus

Time/Date: 11 a.m., Friday, December 13, 2013
Location: MSU Riley Center
Speaker: Rebecca Combs-Delaney, CEO, The Phil Hardin Foundation

Starkville Campus

Time/Date: 10 a.m., Saturday, December 14, 2013
Location: Humphrey Coliseum
Speaker: U.S. Senator Roger Wicker

Mississippi University for Women

Time/Date: 2:00 p.m., Friday, December 13, 2013
Location: Rent Auditorium, Whitfield Hall
Speaker: Mr. Ed Blakeslee, IHL Board of Trustees

The University of Southern Mississippi

Time/Date: 10:00 a.m. and 2:30 p.m., Friday, December 13, 2013
Location: Reed Green Coliseum
Speaker: 10:00 a.m. Supreme Court Justice James W. Kitchens
2:30 p.m. Supreme Court Justice Randy G. Pierce

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2. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

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

- a. **System** - In accordance with Board Policy 702.03 Approval of Tuition, Fees, and Other Student Charges, each institution is required to submit a report of their annual participation/optional fees to the Board through guidelines established by the Commissioner’s Office. Participation/Optional Fees are defined in Board Policy 702.02 Definitions as assessments for “supplies, activities, or services made available to students or as fines for misconduct, violation of institutional policy, or violation of contractual agreements”. The fees became effective July 1, 2013 and remain in effect throughout the 2013-14 fiscal year. On October 10, 2013, the Commissioner approved the submitted report. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of these reports will be maintained in the IHL Department of Finance and Administration for review.
- b. **System** – In accordance with Board Policy 703.04 Institutional Scholarships, Tuition Waivers and Fellowships Subsection F Policy Guidelines, each institution is required to submit an annual summary of actual expended E&G Scholarships, Fellowships and Tuition Waivers for the past fiscal year. Included in this presentation would be a summary of the actual E&G student aid expenditures by financial aid category as well as the number of category award recipients. On, October 10, 2013, the Commissioner reviewed and approved the FY 2013 presentation. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of these reports will be maintained in the IHL Department of Finance and Administration for review.
- c. **System** - On October 21, 2013, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning July 1, 2013 and ending September 30, 2013. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of these reports will be maintained in the IHL Department of Finance and Administration.