

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
March 17, 2016



FINAL BOARD BOOK OUTLINE

IHL Board Meeting

March 17, 2016, 9:00 a.m.

IHL Board Room

Universities Center

3825 Ridgewood Road

Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee C.D. Smith

INTRODUCTION OF GUESTS

PRESENTATION

Clinical Quality Update

Dr. Mike Henderson, Chief Medical Officer

University of Mississippi Medical Center

MINUTES

February 18, 2016 Regular Board Meeting Minutes

CONSENT AGENDAS

Trustee Alan Perry

FINANCE

1. MSU - Approval of CPA Firm for University Affiliated Entity Audit FYI 2016.....	1
2. MUW - Approval of CPA Firm for University Affiliated Entity Audit FYI 2016	1
3. MVSU - Request for Audit Waiver for Affiliated Entity	2
4. UM - Approval to Enter into a Service Agreement with Gameday Daily Services, LLC.	3
5. UMMC-Request for Approval to Enter into a Purchase Agreement with Covidien Sales, LLC	4
6. UMMC - Approval of Amendment 8 with Epic Systems Corporation	5
7. UMMC - Approval of Amendment 9 with Epic Systems Corporation	9
8. UMMC - Approval of Amendment 10 with Epic Systems Corporation	11
9. UMMC - Approval of an Implementation Service Request on Current License Agreement with Epic Systems Corporation	13
10. UMMC - Approval to Enter into a Subscription and Support Agreement with Halogen Software, Inc.	14
11. UMMC - Approval to Enter into a Lease Agreement with Jackson Medical Mall Foundation.....	17
12. UMMC - Approval to Enter into a Service Agreement with OEC Medical Systems, Inc.	20
13. UMMC - Approval to Enter into a Lease Schedule Agreement and Subsequent Service Agreement with Olympus America, Inc.	21
14. USM - Approval to Enter into an Agreement for Campus Television Services with Comcast of Southern Mississippi, Inc.	23
15. USM - Approval of CPA Firm for University Affiliated Entity Audit for Years 2016 and 2017	25

REAL ESTATE

Approval of Initiations of Projects/Appointments of Professionals

Bureau of Building Projects

1. MUW – GS 104-187 - Demonstration School Renovation, Design Professional – Pryor & Morrow	3
2. MUW – GS 104-188 – Culinary Arts PrePlan, Design Professional - JBHM	4

IHL Projects

3. UM - IHL 207-411 - Oxford-University Stadium (Swayze Field) - Addition & Renovations, Design Professional- Cooke Douglass Farr Lemons LTD	6
---	---

4. UM - IHL 207-416 - Connor Hall- School of Accountancy Expansion, Design Professional- To be Determined through Request for Qualifications Process	7
5. UM- IHL 207-417 -Farley Hall-School of Journalism Expansion, Design Professional - To be Determined through Request for Qualifications Process	8
6. UMMC- IHL 209-554 -2016 Master Plan, Design Professional - Cannon Design Architecture and Engineering, P.C.	10

Approval of Budget Increases and/or Changes of Scope/Funding Source(s)

Bureau of Building Projects

7. USM - GS 108-279 – Lucas Administration Envelope Repairs, Design Professional - Albert & Associates Architects, P.A.....	11
---	----

IHL Projects

8. USM - IHL 208-327 - Bolton Hall Renovation, Design Professional – Albert & Associates.....	12
---	----

Approvals of Other Real Estate Requests

9. MSU - Exterior Design Approval of Women's Soccer Fieldhouse, Design Professional	14
10. MSU - Naming of G.V. "Sonny" Montgomery Center for America's Veterans Building as "Nusz Hall"	15
11. MSU – IHL 205-276 - Naming of New Residence Hall North as "Earnest W. and Mary Ann Deavenport Hall"	16
12. UM - IHL 207-376 - STEM Building - Approval of Exterior Design	16
13. UMMC - Granting of a Permanent Right-of-Way Easement to Entergy Mississippi	18

LEGAL

1. MSU - Approval to Modify Contract with Stites & Harbison, PLLAC Outside Counsel	1
--	---

PERSONNEL

1. Employment (DSU)	1
2. Change of Status (MSU, MUW).....	1
3. Sabbatical (MSU, USM).....	1

ADMINISTRATION/POLICY

- 1. DSU – Approval to Award One Honorary Degree..... 1
- 2. JSU – Approval to Award Two Honorary Degrees 1
- 3. MSU – Approval to Award Two Honorary Degrees 1
- 4. MUW – Approval to Award One Honorary Degree..... 1

REGULAR AGENDAS

FINANCE

Trustee Christy Pickering

- 1. SYSTEM - Approval to Revise Board Policy 906 to Remove Subsequent Meeting Requirement for Bond Refundings and Defeasements and to Add Continuing Disclosure Procedures (Final Approval)..... 1
- 2. MSU –Approval of Residency and Out-of-State Tuition Waiver Policy 3
- 3. UMMC – Approval to Enter into a Letter of Participation with Johnson & Johnson Health Care Systems, Inc..... 5
- 4. UMMC – Approval to Enter into a Purchase Agreement with Medtronic USA, Inc.... 6

LEGAL

Trustee Hal Parker

- 1. SYSTEM - Approval for First Reading of Amendment to Board Policy 301.0806 University Foundation / Affiliated Entity Activities 1

INFORMATION AGENDAS

Commissioner Glenn F. Boyce

ACADEMIC AFFAIRS

- 1. SYSTEM – 2016 HEADWAE HONOREES1
- 2. SYSTEM – 2016 Improving Teacher Quality Awards.....1
- 3. SYSTEM – 2015 Annual Performance Report for Mississippi Teacher Preparation Programs2

4. SYSTEM – Report on Existing Programs Now Offered Online2

FINANCE

1. UMMC – Exercising Assignment Option Under the Agreement with First Southwest Company, LLC..... 1
2. USM – Final Pricing on Refunding of Educational Building Corporation Bonds Not to Exceed \$140,000,000 Approved by the Board in February 2015 1

REAL ESTATE

1. SYSTEM- Real Estate Items Approved Subsequent to the February 18, 2016 Board Meeting

Delta State University2
Jackson State University2
Mississippi State University3
University of Mississippi5
University of Mississippi Medical Center9
Education & Research Center10

LEGAL

1. SYSTEM – Report of Payments to Outside Counsel1

ADMINISTRATION/POLICY

1. SYSTEM – Commissioner’s Notification of Approval.....1

ADDITIONAL AGENDA ITEMS IF NECESSARY

RECONSIDERATION

OTHER BUSINESS/ANNOUNCEMENTS

EXECUTIVE SESSION IF DETERMINED NECESSARY

ADJOURNMENT

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

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 at the Board Office in Jackson, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 23, 2015, to each and every member of said Board, said date being at least five days prior to this February 18, 2016 meeting. At the above-named place there were present the following members to wit: Mrs. Karen L. Cummins, Mr. Tom Duff, Dr. Ford Dye, Mr. Shane Hooper, Dr. Alfred E. McNair, Jr., Mr. Chip Morgan, Mr. Hal Parker, Mr. Alan Perry, Ms. Christine Pickering, Dr. Douglas Rouse, Mr. C.D. Smith and Dr. J. Walt Starr. The meeting was called to order by Mr. Alan Perry, President. Trustee McNair introduced Reverend Kenneth Maurice Davis who opened the meeting with prayer.

INTRODUCTION OF GUESTS

- President Perry welcomed the Student Government Association Officers: JoJo Dodd, SGA President at Mississippi State University; Roxanne Raven, SGA President-Elect at Mississippi State University; Quincy Hughes, SGA President at the Mississippi University for Women; Rod Bridges, SGA President at the University of Mississippi; Sarah Ali, SGA President at the University of Mississippi Medical Center; and Jeffrey George, SGA President at the University of Southern Mississippi.

APPROVAL OF THE MINUTES

On motion by Trustee McNair, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on January 20, 2016.

**2016 DIVERSITY AWARDS OF EXCELLENCE
IN OBSERVANCE OF BLACK HISTORY MONTH**

President Perry noted that each year the Board observes Black History Month by celebrating the achievements and accomplishments of one individual from each state institution of higher learning who has contributed significantly to the positive advancement of diversity on his/her campus and in the community.

Trustee Karen Cummins, Chair of the Diversity Committee, thanked the members of the committee, Trustee Alfred McNair and Trustee C.D. Smith, for their time and effort. Trustee Cummins also recognized the IHL staff who assisted with the program: Ms. Caron Blanton, Ms. Bridget Breithaupt, and Mr. Henry Anderson. Trustee Cummins gave special thanks to Ms. Clotee Lewis, IHL Coordinator of Public Affairs, and the photographer Mr. Jay Ferchaud from the University of Mississippi Medical Center.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

Trustee Cummins congratulated all of the nominees and presented them with a Certificate of Recognition for their outstanding vision, dedication, as well as serving as role models and strong advocates for the advancement of diversity at their respective universities and in the surrounding communities. The nominees were as follows:

Dr. John Igwebuike	Alcorn State University
Dr. Corlis Snow	Delta State University
Dr. Hongtao Yu	Jackson State University
Dr. Shirley A. James Hanshaw	Mississippi State University
Dr. Jonathan Pote	Mississippi State University, Division of Agriculture, Forestry and Veterinary Medicine
Dr. Thomas Velek	Mississippi University for Women
Dr. Baxter Wright, ACSW	Mississippi Valley State University
Dr. Murrell Godfrey	University of Mississippi
Dr. Juanyce Taylor	University of Mississippi Medical Center
Dr. Kevin Greene	University of Southern Mississippi

Trustee Cummins recognized Dr. Shirley A. James Hanshaw, Associate Professor of English and Liaison, MSU-Tougaloo College Exchange Program in Science, Technology, Engineering and Mathematics at Mississippi State University, as the 2016 Diversity Educator of the Year. Trustee C.D. Smith acknowledged Dr. William F. (Bill) Scaggs, President Emeritus of Meridian Community College, as the special community honoree. Dr. Scaggs received the Community Service Award for his commitment to working to enhance the quality of life for all citizens through his public service and more than 50 years as an educator. Dr. Hanshaw and Dr. Scaggs were each presented with a resolution and plaque commemorating these awards. A copy of the resolutions is included in the *February 18, 2016 Board Working File*.

CONSENT AGENDA

On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustee McNair absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

FINANCE

1. **MSU** – Approved the request by MSU on behalf of its National Strategic Planning and Analysis Research Center (NSPARC), to lease the 6,580 square feet of space known as One Research Boulevard, (Suite 200B and 200), Starkville, MS 39759 of the Multi-Tenant Office space from the Oktibbeha County Economic Development Authority for 36 months. Currently the Research and Technology Corporation (RTC) has a rental agreement with the Oktibbeha County Economic Development Authority. NSPARC has had a Use Agreement with RCT in the past, but NSPARC has the funding and is requesting to lease space to conduct business activities.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

RTC is willing to let MSU/NSPARC take over this lease. Currently the monthly agreement is \$6,097.08 a month plus quarterly utilities prorated based on the percentage of square footage occupied. The term of the agreement is 36 months starting on March 1, 2016 and ending on February 28, 2019. The contract may be renewed for one year periods upon written agreement of both parties. The total cost of this contract is \$219,494.88 plus quarterly utilities prorated based on percentage of square footage occupied by the Lessee. It is estimated the annual costs will be \$73,164.96 plus quarter utilities. The contract will be paid through the NSPARC Service Center Fund. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

2. **MSU** – Approved the request to enter into an agreement with Sage Publications, Inc. for subscription to 825 electronic journals used for educational and research functions. This agreement revises the listing of journals included in the previous subscription and also updates costs to reflect the pricing from January 1, 2016 through December 31, 2018. The total cost over the three year agreement is \$421,841.22, broken down as follows: 2016 - \$133,811.65; 2017 - \$140,502.23; and 2018 - \$147,527.34. The contract will be funded by general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.
3. **MVSU** – Approved the request to participate in the next state agency master lease purchase series through the Mississippi Department of Finance and Administration's (DFA's) master lease program, pursuant to Miss. Code Ann. Section 31-7-10 (14). Although other state universities expressed interest in pursuing an IHL master lease-purchase of equipment, the combined dollar value did not prove cost effective at this time. The next DFA series for state agencies is scheduled for February 2016, and MVSU's participation in same would enable it to lease-purchase approximately \$408,104 of transportation equipment for the university to meet its current need for new transportation equipment.
4. **MVSU** – Approved the resolution granting the filing of an application to the Mississippi Department of Transportation for a grant to assist in providing transportation services. Through an agreement with the Mississippi Department of Transportation and the Federal Transit Administration, Mississippi Valley State University provides public transportation services in eight (8) Delta counties: Carroll, Grenada, Holmes, Humphreys, Leflore, Sunflower, Tallahatchie and Washington. The mass transit system serves as a vital means of transportation for students to attend the university. The resolution which has been reviewed and approved by the Attorney General's Office is on file in the *February 18, 2016 Board Working File*.
5. **UMMC** – Approved an assumption agreement with Cerner Health Services, Inc. for UMMC to assume responsibility of an existing agreement between Cerner and Grenada Lakes Medical Center. By assuming the agreement, UMMC will be assured continued services of the Cerner System until UMMC has fully implemented the Epic electronic health record at Grenada and the Cerner System is no longer required. Cerner is currently used as Grenada's electronic health record system. Additionally, by assuming the current agreement, UMMC will be able to negotiate with Cerner, as necessary, to ensure a smooth conversion to Epic. The term of the agreement is from approximately February 19, 2016 through December 31, 2016. The total cost of the assumption and conversion is estimated to be \$783,931.40. Mississippi Department of Information Technology Services has authorized a maximum spend amount of \$855,931.40 for the assumption and conversion. A breakdown of the costs is included in the bound *February 18, 2016 Board Working File*. The agreement is funded by hospital patient revenues. The

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

6. **USM** – Approved a Lease agreement between USM and the University of Southern Mississippi Athletic Foundation (Lessee). The leased premises are approximately 25,000 square feet of the land and building known as the Jim and Thomas Duff Athletic Center located at 110 Ray Guy Way, Hattiesburg, MS 39406. The leased premises are currently used as the football locker room and strength and conditioning center for the University's football team with a portion of the premises being currently used as the M-Club Room. During the term of the Lease, Lessee shall renovate the football locker room, fitness center and M-Club Room, (collectively the "Facilities") in accordance with plans and specifications as approved by the University. The total cost of upgrades provided by the Foundation is estimated to be \$1.6 million. The term of the Lease will commence on a date subsequent to Board approval of the Lease and continuing through the earlier of (a) the 31st day of July, 2016, or (b) the date which is thirty (30) days subsequent to the completion and acceptance of the completed Facilities (as defined in Article III of the Lease, unless sooner terminated under the terms of Article XV of the Lease). The contract amount shall be \$1.00 cash in hand. Funding will come from the Lessee's private funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file in the Board Office.

REAL ESTATE

7. **JSU** – Approved the initiation of **GS 103-281, Alexander Center Renovation Phase III**, and the reappointment of Foil-Wyatt Architects & Planners, PLLC as design professional. The retention of the design professional is desired by the university due to Phase III of the project being a continuation of Phase I & II of this building. Alexander Hall is a five-story residence hall that houses freshmen students. The building was constructed in 1967 and has not been renovated since its original construction. This project will consist of completing the center portion of the building with 124 bed count and will connect the west and east wings through the center. The construction of all phases of this project is part of the University's Campus Master Plan. The proposed project budget is \$1.4 million. Funds are available from SB 2906, Laws of 2015 (\$1,400,000).
8. **UM** – Approved the initiation of **IHL 207-415, Golf Practice Facility Renovation**, and the appointment of the design professional using the "Request for Qualifications" (RFQ) selection process. Practice facilities for the Ole Miss Men's and Women's Golf teams are located adjacent to the Ole Miss Golf Club. The Whitten Golf Complex houses team meeting rooms, locker rooms for teams, coaches' offices, and storage areas. The nearby Herrington Golf Center includes an indoor-outdoor hitting facility. The scope of this project includes site improvements to enhance the flow between the practice facilities, improvements to the driving range, and expansion of the team practice green. The scope may also include building improvements to expand the Herrington Golf Center and master plan for a future bunk house. The university will return to the board at a future board meeting to seek approval of the design professional as well as a revised budget to reflect the full scope of the project once it has been established. The proposed project budget is \$500,000. Funds are available from Athletic Foundation Fundraising (\$500,000).

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

9. **UM** – Approved the request to increase the budget for **IHL 207-409, Croft Building Envelope Corrections**, from \$1,250,000 to \$ 1,500,000, for an increase of \$250,000. The funding source for the project will remain the same. The project is currently in the construction phase. The entire building was re-pointed in 1988 and has since been severely damaged. The current project to correct this did not originally require IHL approval and the project was awarded within budget at \$832,499.22 including a standard contingency. Last October, the university was forced to [internally] increase the budget and initiate a project with the IHL Board due to several deficient repairs performed on the structure since its original construction. While working to correct the aforementioned issues, several other issues were discovered in the structure of the east wall and the university’s design professionals advised the university to completely remove and rebuild the entire east wall. These additional unforeseen conditions lead to a change order estimated to be greater than the current project contingency. Funds are available from Internal R&R (\$1,500,000).
10. **USM** – Approved the request to demolish and delete from inventory Building #241 (residence located at 3501 Morningside Drive, Hattiesburg, MS) and Building #242 (single story apartment located at 3401 Pearl Street, Hattiesburg, MS). Both properties are currently in a state of disrepair and need to be demolished. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the IHL Office of Real Estate and Facilities.
11. **USM** – Approved the request to revise the prioritized list of proposed funding needs for the 2016 Legislative Session as prepared by the University of Southern Mississippi. The original list was approved by the IHL Board in August of 2015. **(See Exhibit 1.)**

LEGAL

12. **MSU** – Approved the request to modify a contract with WARE | IMMIGRATION, formerly WARE | GASPARIAN, to provide services necessary in preparing labor certification documents on behalf of Mississippi State University for its employees who seek permanent residence status and related immigration matters. This Modification #3 will extend the term of the contract for one (1) year or through March 20, 2017. The fee schedule, as outlined below, remains unchanged from the original contract. The total amount payable during the extension period shall not exceed \$50,000. All other provisions of the Agreement for Legal Services dated March 21, 2013 shall remain in effect. This Modification has been approved by the Office of the Attorney General.

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$1500.00
H-1B extension or amendment petitions	\$1000.00
TN petition or border/consulate processing	\$1500.00
TN extension petition	\$1000.00
E-3 petition or consular processing	\$1500.00
E-3 extension petition	\$1000.00
O-1 petition	\$4000.00
O-1 extension or amendment petition	\$1500.00

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

Change of status or extension of status for dependents (I-539) no additional charge

J-1 waiver (IGA or hardship)	\$6000.00
J-1 waiver (Conrad)	\$6000.00

Permanent Residents Process with Labor Certification: Faculty

\$2000.00	“Special Handling” labor certification (must be paid by University*) <i>\$2500 if position must be re-advertised</i>
\$1000.00	Additional fee if audited
\$2500.00	Immigrant petition
\$1500.00	Adjustment of status and related applications (I-765, I-131, etc.) by employee
\$750.00	Adjustment of status and related applications each spouse or child <i>U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees</i>

Permanent Residence Process with Labor Certification: Non-Faculty

\$3000-\$4000	Labor certification (must be paid by University). Exact fee depends on difficulty of case.
\$1500.00	Additional fee if audited
\$2500.00	Additional fee if subject to supervised recruitment
\$2500.00	Immigrant petition
\$1500.00	Adjustment of status and related applications (I-765, I-131, etc.) by employee
\$750.00	Adjustment of status and related applications each spouse or child <i>*U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees.</i>

Permanent Residence Process: Outstanding Professors and Researchers

\$5000.00	Immigrant petition
\$1500.00	Adjustment of status and related applications by employee
\$750.00	Adjustment of status and related applications each spouse or child <i>Since labor certification is not required, employees may pay all fees.</i>

Permanent Residence Process: National Interest Waiver

\$5000.00	Immigrant petition
\$1500.00	Adjustment of status and related applications by employee
\$750.00	Adjustment of status and related applications each spouse or child <i>Since labor certification is not required, employees may pay all fees</i>

Employee’s legal fees in all cases may be paid in monthly installments, to be arranged with attorney.

PERSONNEL REPORT

13. **EMPLOYMENT**

University of Mississippi Medical Center

- David A Felton; Dean and Professor of Care Planning and Restorative Sciences, School of Dentistry; salary of \$365,000 per annum, pro rata; E&G Funds; effective January 19, 2016

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

14. **SABBATICAL**

University of Mississippi

- Dr. Michael Thomas Allen; Chair and Professor of Psychology; from salary of \$137,120 per annum, pro rata; E&G Funds; to salary of \$51,420 per annum, pro rata for sabbatical period (twelve-month contract); E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Susan H. Allen; Associate Professor of Political Science; from salary of \$71,860 per annum, pro rata; E&G Funds; to salary of \$35,930 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Michael Andrew Barnett; Associate Professor of Lighting Design; from salary of \$68,145 per annum, pro rata; E&G Funds; to salary of \$34,073 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Melissa L. Bass; Associate Professor of Public Policy Leadership; from salary of \$66,337 per annum, pro rata; E&G Funds; to salary of \$33,169 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Lei Cao; Associate Professor of Electrical Engineering; from salary of \$111,200 per annum, pro rata; E&G Funds; to salary of \$55,600 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Alice H. Cooper; Professor of Political Science; from salary of \$87,325 per annum, pro rata; E&G Funds; to salary of \$43,663 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Alakabha Datta; Associate Professor of Physics & Astronomy; from salary of \$73,418 per annum, pro rata; E&G Funds; to salary of \$36,709 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to May 13, 2017; professional development.
- Dr. George Worlasi Kwasi Dor; Professor of Music; from salary of \$75,188 per annum, pro rata; E&G Funds; to salary of \$37,594 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Leigh Anne Duck; Associate Professor of English; from salary of \$85,156 per annum, pro rata; E&G Funds; to salary of \$42,578 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to May 13, 2017; professional development.
- Dr. Lester Field, Jr.; Professor of History; from salary of \$93,616 per annum, pro rata; E&G Funds; to salary of \$46,808 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Ann Fisher-Wirth; Professor of English; from salary of \$93,432 per annum, pro rata; E&G Funds; to salary of \$46,716 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Mark Vincent Frezzo; Associate Professor of Sociology; from salary of \$66,803 per annum, pro rata; E&G Funds; to salary of \$33,402 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to May 13, 2017; professional development.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

- Dr. Michael H. Hoffheimer; Professor of Law and Leonard B. Melvin Lecturer; from salary of \$173,654 per annum, pro rata; E&G Funds; to salary of \$86,827 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Prabhakar Raju Mantena; Professor of Mechanical Engineering; from salary of \$138,193 per annum, pro rata; E&G Funds; to salary of \$69,097 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Erwin Mina-Diaz; Associate Professor of Mathematics; from salary of \$75,500 per annum, pro rata; E&G Funds; to salary of \$37,750 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Clifford Ochs; Professor of Biology; from salary of \$87,391 per annum, pro rata; E&G Funds; to salary of \$43,696 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Ms. Rene E. Pulliam; Interim Chair and Associate Professor of Theatre Arts; from salary of \$72,875 per annum, pro rata; E&G Funds; to salary of \$36,438 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Bradley Craig Robinson; Associate Professor of Music; from salary of \$69,585 per annum, pro rata; E&G Funds; to salary of \$34,793 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Karen E. Sabol; Associate Professor of Psychology; from salary of \$69,746 per annum, pro rata; E&G Funds; to salary of \$34,873 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Stefan E. Schulenburg; Associate Professor of Psychology; from salary of \$70,691 per annum, pro rata; E&G Funds; to salary of \$35,346 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to December 31, 2016; professional development.
- Dr. Greg S. Tschumper; Professor of Chemistry & Biochemistry; from salary of \$104,425 per annum, pro rata; E&G Funds; to salary of \$52,213 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to May 13, 2017; professional development.
- Dr. Donald Lee Trott; Professor of Music and Director of Choral Activities; from salary of \$89,202 per annum, pro rata; E&G Funds; to salary of \$44,601 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to May 13, 2017; professional development.
- Dr. Anne S. Twitty; Assistant Professor of History; from salary of \$56,657 per annum, pro rata; E&G Funds; to salary of \$28,329 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2017 to December 31, 2018; professional development. (contingent upon award and approval of tenure before Fall 2016)
- Dr. Nancy L. Wicker; Professor of Art and Art History; from salary of \$97,458 per annum, pro rata; E&G Funds; to salary of \$48,729 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2016 to May 13, 2017; professional development.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

15. **EMERITUS STATUS**

University of Southern Mississippi

- Richard W. Heard; Professor Emeritus of Coastal Sciences; effective February 1, 2016

ACADEMIC AFFAIRS

Presented by Trustee Ford Dye, Chair

On motion by Trustee Dye, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Academic Affairs Agenda.

1. **SYSTEM** – Approved the following new academic programs:
 - a. **DSU** – Bachelor of Applied Science in Geospatial Analysis and Intelligence degree;
 - b. **MSU** – Bachelor of Science in Fashion Design and Merchandising degree;
 - c. **MSU** – Bachelor of Science in Human Development and Family Science degree;
 - d. **MVSU** – Master of Arts in Convergent Media degree;
 - e. **MVSU** – Master of Science in Sport Administration degree;
 - f. **UM** – Bachelor of Science in Applied Gerontology degree;
 - g. **UMMC** – Master of Science in Biostatistics and Data Science degree; and
 - h. **UMMC** – Doctor of Philosophy in Biostatistics and Data Science degree.

FINANCE AGENDA

Presented by Trustee Christy Pickering, Chair

On motion by Trustee Pickering, seconded by Trustee McNair, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda. On motion by Trustee Pickering, seconded by Trustee McNair, all Trustees legally present and participating voted unanimously to approve agenda items #2 - #4.

1. **SYSTEM** – Approved for first reading the proposed changes to Board Policy 906 Educational Building Corporations. The change will remove the subsequent meeting requirement for bond refundings and defeasements and add continuing disclosure procedures. **(See Exhibit 2.)**
2. **ASU** – Approved the request to issue, through the Alcorn State University Educational Building Corporation (the “EBC”), a maximum of \$48,300,000 revenue refunding bonds in one or more taxable and/or tax-exempt series (the “Bonds”) for the purpose of refunding and defeasing all or a portion of the previously issued EBC Revenue Bonds (Student Housing Project), Series 2009, issued in the original principal amount of \$47,000,000 (the “2009 Bonds”) which were issued to finance the acquisition, construction, maintenance, enlargement, improvement or equipping of public buildings, land and facilities and to make other capital improvements on the main campus of ASU located in or near Lorman, Mississippi, including, but not limited to construction, equipping and landscaping of dormitories, including appropriate external infrastructure improvements such as parking, utilities, streets and drives (collectively, the “Project”); approving various documents related to the proposed bond issue and paying the issuance costs of the

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

Bonds. The Board approved the request to hire Raymond James & Associates, Inc. as senior underwriter and First Southwest as financial advisor. Butler Snow, LLP was previously approved by the chair of the Legal Committee to serve as bond counsel. The Board approved the request for the Attorney General's Office of the State of Mississippi to serve as counsel for the Board, the University, and the Corporation in connection with the various transactions related to the Project. Further, the Board waived any related conflict of interest. The Board also approved the request to waive the requirement of Board Policy 906 Educational Building Corporations that delays the adoption of various documents until a subsequent meeting after the financial advisor's presentation and to move forward with the execution and delivery by the President of this Board and the Commissioner of Higher Education, the President of ASU, and the President and Secretary of the EBC, where appropriate, of the following documents:

- a. Ground Lease by and among this Board, ASU and the EBC, providing that the Ground Lease will not terminate until the Bonds are paid in full or the Indenture is discharged, whichever occurs earlier;
- b. Lease Agreement by and between the EBC and this Board, providing for the payment of rent by this Board to the EBC in an amount sufficient to pay the debt service on the Bonds;
- c. (Preliminary) Official Statement pertaining to the public marketing and sale of the Bonds to be distributed by the Underwriter to prospective bond purchasers; and
- d. Continuing Disclosure Agreement by and between this Board and the trustee for the Bonds, providing for the annual disclosure of certain information pertaining to the Bonds.

Long-term bonds in one or more taxable or tax-exempt series will be issued with maturities not to exceed thirty (30) years. Debt payments will be serviced by revenues that secure the Refunded Bonds. The bond resolution and form of bond documents has been reviewed and approved by the Attorney General's Office.

3. **DSU** – Pending approval by the Attorney General's Office, the Board approved the request to issue, through the Delta State University Educational Building Corporation (the "EBC"), a maximum of \$18,300,000 revenue refunding bonds in one or more taxable and/or tax-exempt series (the "Bonds") for the purpose of (a) refunding and defeasing all or a portion of the previously issued EBC Revenue Bonds (Campus Improvements Project), Series 2003, issued in the original principal amount of \$2,475,000 (the "2003 Bonds") which were issued to finance the renovation, restoration, rehabilitation, furnishing and equipping of various student housing facilities located on the University campus and (b) acquiring from Statesman Housing, LLC, the sole member of which is Delta State University Foundation, Inc. (together, the "Foundation"), that certain student housing facility financed with Mississippi Business Finance Corporation Revenue Bonds (Statesman Housing, LLC Project), Series 2009A, issued in the original principal amount of \$17,065,000 (the "MBFC Bonds" and together with the Series 2003 Bonds, the "Refunded Bonds"), and in connection with such acquisition, the advance refunding and defeasance of all of the outstanding MBFC Bonds (collectively, the "Project"); approving various documents related to the proposed bond issue and paying the issuance costs of the Bonds. The Board approved the request to hire Raymond James & Associates, Inc. as senior underwriter and First Southwest as financial advisor. Butler Snow, LLP was previously approved by the chair of the Legal Committee to serve as bond counsel. The Board approved the request for the Attorney General's Office of the State of Mississippi to serve as counsel for the Board, the University, and the Corporation in connection with the various transactions related to

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

the Project. Further, the Board waived any related conflict of interest. The Board also approved the request to waive the requirement of Board Policy 906 Educational Building Corporations that delays the adoption of various documents until a subsequent meeting after the financial advisor's presentation and to move forward with the execution and delivery by the President of this Board and the Commissioner of Higher Education, the President of DSU, and the President and Secretary of the EBC, where appropriate, of the following documents:

- a. Ground Lease by and among this Board, the University and the EBC, providing that the Ground Lease will not terminate until the Bonds are paid in full or the Indenture is discharged, whichever occurs earlier;
- b. Lease Agreement by and between the EBC and this Board, providing for the payment of rent by this Board to the EBC in an amount sufficient to pay the debt service on the Bonds;
- c. (Preliminary) Official Statement pertaining to the public marketing and sale of the Bonds to be distributed by the Underwriter to prospective bond purchasers; and
- d. Continuing Disclosure Agreement by and between this Board and the trustee for the Bonds, providing for the annual disclosure of certain information pertaining to the Bonds.

Long-term bonds in one or more taxable or tax-exempt series will be issued with maturities not to exceed thirty (30) years. Debt payments will be serviced by revenues that secure the Refunded Bonds. At this time, the Foundation has not taken the necessary Board action required in order for DSU to complete the purchase of the student housing facility and defease the outstanding lease obligation. The Board delegated approval of this item to the Finance Committee chair contingent upon receipt of evidence of approval from the DSU Foundation Board and the Attorney General's Office.

4. **UM** – Approved the request to issue through the University of Mississippi Educational Building Corporation (UMEBC) revenue refunding bonds in one or more taxable and/or tax-exempt series to finance the costs of the current and/or advance refunding and defeasance of all or a portion of 1) UMEBC revenue refunding bonds, Series 2005, issued in the original principal amount of \$10,965,000; 2) UMEBC revenue bonds, Series 2006A, issued in the original principal amount of \$17,985,000; and 3) MEBC revenue bonds, Series 2008A, issued in the original principal amount of \$29,785,000; to pay the costs of issuance, sale, the delivery of the bonds; and any other necessary bond documents. Butler, Snow, LLP was previously approved by the chair of the Legal Committee to serve as bond counsel. The Board approved the request to hire Raymond James & Associates, Inc. as the underwriter and First Southwest as the financial advisor. The term of the new bonds will closely match the term of the existing debt which is being refinanced. UMEBC expects to issue up to \$38.3 million par value in fixed rate bonds to support this current and/or advance refunding and refinancing. Revenue streams as currently being utilized to fund the debt service obligations of the existing UMEBC bonds that will be refinanced. These revenue streams include Intercollegiate Athletics revenue, private gifts, and student room rents. The bond resolution and form of bond documents has been reviewed and approved by the Attorney General's Office. The Board also approved the request to waive the requirement of Board Policy 906 Educational Building Corporations that delays the adoption of various documents until a subsequent meeting and granted final approval of the bond resolution and form of bond documents.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

LEGAL AGENDA

Presented by Trustee Hal Parker, Chair

On motion by Trustee Parker, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to move agenda item #1 to the Executive Session Agenda.

1. **UMMC** – Settlement of IHL Self-Insured Workers’ Compensation Claim No. 55-34155-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

ANNOUNCEMENTS

- President Perry invited the university presidents to report on current activities on their campuses.
- Dr. Mike Henderson, Chief Medical Officer at the University of Mississippi Medical Center, gave a report on the Health Affairs Committee meeting held Wednesday, February 17, 2016.

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Glenn F. Boyce

On motion by Trustee McNair, seconded by Trustee Smith, all Trustees legally present and participating voted unanimously to move agenda item #1 as submitted on the Administration/Policy Agenda to the Executive Session Agenda for discussion.

1. **SYSTEM** – Discussion of possible changes to Board Policy 1105.01 Institutional Real Property and Board Policy 1106 Firearms Policy. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

INFORMATION AGENDA

Presented by Commissioner Glenn F. Boyce

REAL ESTATE

1. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the January 20, 2016 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 3.)**

LEGAL

2. **SYSTEM** – The Board received a report of the payment of legal fees to outside counsel. **(See Exhibit 4.)**
3. **ASU** – Trustee Hal Parker, as Board Legal Committee Chair, on behalf of the Board, approved Alcorn State University’s emergency request to contract with the law firm of Butler Snow for legal services related to bond refinancing transactions. The approved approximate rate is \$1.55 per \$1000 of bonds with an approximate maximum amount payable under the agreement of \$75,000.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

4. **DSU** – Trustee Hal Parker, as Board Legal Committee Chair, on behalf of the Board, approved Delta State University’s emergency request to contract with the law firm of Butler Snow for legal services related to bond refinancing transactions. The approximate maximum amount payable under the agreement of \$47,500.
5. **UM** – Trustee Hal Parker, as Board Legal Committee Chair, on behalf of the Board, approved the University of Mississippi’s emergency request to contract with the law firm of Butler Snow for legal services related to bond refinancing transactions, specifically to assist in the issuance of new bonds for the purpose of refunding outstanding obligations. The approved rate is \$1.90 per \$1000 of bonds up to \$24M and \$1.15 per \$1000 of bonds after the first \$25M.

ADMINISTRATION/POLICY

6. **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. **MSU** – 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 January 15, 2016, Commissioner Glenn F. Boyce approved the request to renew the lease agreement between MSU and Charles Cameron Dean, Jr. for the lease of 100.7 acres of open crop land including a metal covered shop building, for use by MSU’s Delta Research and Extension Center in Stoneville, MS to conduct agricultural research. The extension is for a one-year period – January 1, 2016 through December 31, 2016. There are no changes to the terms of the original lease agreement other than the start and end dates. The contract total is \$25,057.50 annually, payment to be paid within 45 days of the date the agreement is signed. The contract will be funded by general funds. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
 - b. **MSU** – 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 January 25, 2016, Commissioner Glenn F. Boyce approved the request enter into a lease agreement with The Bulldog Club for the lease of real property on the MSU Starkville campus for the purpose of constructing a locker room for the University’s soccer team. The lease begins March 1, 2016 and is for a period of 24 months or until the completion of the project, whichever occurs first. As payment, The Bulldog Club shall pay to MSU “good and valuable consideration” including, but not limited to, construction of improvements on the subject property, which improvements shall be owned “free and clear” by MSU upon completion of the project. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
 - c. **MSU** – 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 February 1, 2016, Commissioner Glenn F. Boyce approved the request enter into a lease agreement with Crumley

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

Properties, LLC for the lease of approximately 200 square feet of office space on the first floor of a building located at 175 N. Union St., Canton, MS at a cost of \$450 per month for a period of five months from February 1, 2016 through June 30, 2016, as well as the requirement for prepayment of a security deposit in the amount of one month's rent due upon execution of the lease agreement. This space is to be used as additional office space by The Early Years Network and will be funded through the EYN grant. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

- d. **USM** – 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 February 1, 2016, Commissioner Glenn F. Boyce approved the request to renew an existing Outside Research Agreement between the University and Aqua Green, LLC. The purpose of the agreement is for Aqua Green to continue developing and refining methods and procedures for the production of live eastern oyster eyed-larvae using artificial seawater in a closed, recirculating aquaculture system. The renewal term shall commence February 1, 2016 and expire July 31, 2016. The contract amount is \$902,004. Funds are available from general funds. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- e. **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, January 25, 2016, Commissioner Glenn F. Boyce reviewed and approved the FY 2015 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.
- f. **SYSTEM** – On January 27, 2016, Commissioner Glenn F. Boyce reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning October 1, 2015 and ending December 31, 2015. 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.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

**HEALTH AFFAIRS
COMMITTEE REPORT**

February 17, 2016

The meeting was called to order by Chairman Doug Rouse at approximately 3:00 p.m. The following items were discussed.

1. The Committee received information about clinical quality from Dr. Mike Henderson, Chief Medical Officer at the University of Mississippi Medical Center.
2. The Committee received a financial update from Mr. Jim Wentz, Chief Financial Officer at the University of Mississippi Medical Center.
3. The Committee received an update on the University's wellness program from Mr. Jonathan Wilson, Chief Administrative Officer, and Dr. Josh Mann, Chair, Department of Preventive Medicine at the University of Mississippi Medical Center.
4. By consensus, the meeting adjourned.

The following Committee members attended the meeting: Dr. Doug Rouse (Chair), Mrs. Karen Cummins, Dr. Ford Dye, Mr. Shane Hooper, Dr. Alfred McNair, Mr. Chip Morgan, Mr. Alan Perry and Mr. C.D. Smith. Committee members Mr. Tom Duff, Mr. Hal Parker, Mrs. Christy Pickering, and Dr. Walt Starr were absent.

EXECUTIVE SESSION

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

Discussion of a state university personnel matter;
Discussion of a state university litigation matter; and
Discussion of an IHL prospective litigation matter.

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

On motion by Trustee Hooper, seconded by Trustee McNair, with Trustee Pickering absent and not voting, all Trustees legally present and participating voted unanimously to approve the request for Dr. Al Rankins, President of Alcorn State University, to join the Advisory Board for Entergy Mississippi and authorized him to receive the potential supplemental income provided to Advisory Board's members.

On motion by Trustee Hooper, seconded by Trustee Duff, all Trustees legally present and participating voted unanimously to approve the settlement of IHL Self-Insured Workers' Compensation Claim No. 55-34155-1, styled as *Lucia Greene vs. UMMC, et al.*, as recommended by counsel.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 18, 2016**

The Board discussed an IHL prospective litigation matter. **No action was taken.**

On motion by Trustee Hooper, seconded by Trustee Duff, all Trustees legally present and participating voted unanimously to return to Open Session.

On motion by Trustee Hooper, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to waive Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies which requires final adoption of a policy change at a subsequent meeting and to approve the proposed changes to Board Policy 1105.01 Institutional Real Property and Board Policy 1106 Firearms Policy for immediate implementation. **(See Exhibits 5 and 6, respectively.)**

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Hooper, seconded by Trustee Duff, 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
February 18, 2016**

EXHIBITS

- Exhibit 1 Revised Facilities Needs Requests for the University of Southern Mississippi for FY 2017, 2016 Legislative Session.
- Exhibit 2 Proposed changes to Board Policy 906 Educational Building Corporations for first reading.
- Exhibit 3 Real Estate items that were approved by the IHL Board staff subsequent to the January 20, 2015 Board meeting.
- Exhibit 4 Report of the payment of legal fees to outside counsel.
- Exhibit 5 Proposed changes to Board Policy 1105.01 Institutional Real Property for final approval.
- Exhibit 6 Proposed changes to Board Policy 1106 Firearms Policy for final approval.

EXHIBIT 1

February 18, 2016

Revised Facilities Needs Requests for FY 2017 2016 Legislative Session

University	University Priority	Project Description	Original Project Request	New Request	Total By University
USM	1	College of Health – Greene Hall Renovation	\$4,500,000	*\$8,200,000	
	2	Science Instruction & Research – Johnson Science Tower Renov.	\$25,000,000		
	3	Safety/Parking/Transit Improvements	\$9,500,000		
	4	Student Recruitment & Success - Renovations	\$17,225,000		
	5	College of Arts & Letters –Harkins Hall Renovation	\$10,000,000		
					\$69,925,000

Note 1: Asterisk (*) represents a budget revision to the project.

Note 2: See Descriptions and Justifications for university projects below.

EXHIBIT 2

February 18, 2016

906

EDUCATIONAL BUILDING CORPORATIONS

Authority. Miss. Code Ann., Sections 37-101-61, and 37-101-63 (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring, or maintaining, equipping, improving 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.

Financial Advisor. Prior to Board consideration of an institution's request to issue debt ~~by~~ of the educational building corporation for the construction, maintenance, equipping, acquisition, and renovation of facilities or to refinance outstanding debt, 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 bonds 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, or in the case of refinancing, whether the debt is refinanced.

Financing Projects. Prior to Board consideration of an institution's request to issue debt of the educational building corporation for the construction, maintenance, equipping, acquisition or renovation of facilities, the financial advisor must 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 bonds to justify the use of commercial paper. 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 senior underwriter(s) selected by the board of the educational building corporation.

EXHIBIT 2

February 18, 2016

~~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), and the continuing disclosure agreement (if required for the type of debt to be issued).~~ 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.~~

Refinancing or Defeasing of Outstanding Debt. Outstanding debt of the educational building corporation may be refinanced in accordance with the provisions of this policy. Prior to Board consideration of an institution's request to issue debt of the educational building corporation to refinance outstanding debt of the institution or the educational building corporation, the financial advisor must provide the Board with an independent analysis showing potential net present value (NPV) savings based on current market conditions. The institution's request must include naming the bond counsel and senior underwriter(s) selected by the board of the educational building corporation. After consideration of the financial advisor's analysis and other factors that the Board deems material, the Board may approve the issuance of debt by the educational building corporation, in the discretion of the authorized representatives of the educational building corporation to refinance outstanding debt of the institution or the educational building corporation, which authorization may be conditioned on the specific level of NPV savings being achieved. Refinancing or defeasing of debt does not require a subsequent meeting of the Board of Trustees provided the financial advisor has provided a report demonstrating adequate net present value savings and the bond resolution and form of bond documents have been presented to and approved by the Board.

Review and Approval of Documents. In connection with the issuance of debt for any purpose, the institution shall present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations 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

EXHIBIT 2

February 18, 2016

be issued), and the continuing disclosure agreement (if required for the type of debt to be issued). The resolution shall also authorize representatives of the Board to execute such documents. Prior to the approval of the resolution by the Board, the educational building corporation ~~should~~ shall submit to the Board staff, for informational purposes only, the form of any documents that are 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.

Method of Sale. 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.

Selection of Financial Institution Participants. 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.

Continuing Disclosure Obligations. Securities and Exchange Commission Rule 15c2-12 generally provides that an underwriter cannot sell governmental bonds unless an “obligated person” with respect to the bonds enters into a “Continuing Disclosure Agreement” (CDA) agrees to submit annually audited financial statements of the obligated person and other information as set forth in the CDA and notices of specified material events. With respect to the issuance of bonds by educational building corporations, the Board is an “obligated person” and the CDA will typically require audited financial statements and operating data for the entire IHL system to be submitted annually, rather than information on individual institutions. The material events specified in the CDA also typically relate to the entire IHL system.

To facilitate uniformity, efficiency and timeliness in complying with the requirements of Rule 15c2-12 relating to bonds issued by an educational building corporation, the Board, rather than the educational building corporation, will enter into the CDA and undertake to provide the annual disclosures and material event notices. The Board will hire an independent agent to assist with compliance with its obligations under CDA(s), as well as, compliance by educational building corporations under CDA(s) entered into by educational building corporations prior to the adoption of this policy upon approval by the Board. The Board, and/or its dissemination agent, will also sign up for the EMMA tickler system reminders.

EXHIBIT 3

February 18, 2016

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE JANUARY 21, 2016 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 until the budget increase is approved by the Board.

DELTA STATE UNIVERSITY

1. DSU– GS 102-260 – Preplan Zeigel Hall

NOTE: This is a Bureau of Building project

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Architecture South, P.A.

Approval Status & Date: APPROVED, January 5, 2016

Project Initiation Date: October 16, 2014

Design Professional: Architecture South, P.A.

General Contractor: TBD

Project Budget: \$350,000.00

2. DSU– GS 102-262 – Young Mauldin Renovations

NOTE: This is a Bureau of Building project

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Burris/Wagnon Architects, P.A.

Approval Status & Date: APPROVED, December 17, 2015

Project Initiation Date: October 16, 2014

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

General Contractor: TBD

Project Budget: \$5,350,000.00

JACKSON STATE UNIVERSITY

3. JSU– GS 103-278 – School of Engineering Phase II

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #3

EXHIBIT 3

February 18, 2016

Board staff approved Change Order #3 in the credit amount of \$5,807.20 and zero (0) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, January 7, 2016

Change Order Description: Change Order #3 includes the following items: installation of floor boxes in the 2nd floor to include cutting the floor deck, adding support to the underside of the box and sealing around the box to the slab; estimated amount for the Web Based Building Management System was \$90,000.00 and the proposal amount received was \$83,000.00 with a deduct of \$7,000.00.

Change Order Justification: Modifications were required to properly install the specified floor boxes and the proposal for the Web Based Building Management System was less than the allowance given in the contract documents.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$33,679.52.

Project Initiation Date: February 21, 2013

Design Professional: Cooke, Douglass, Farr Lemons, Architects & Engineers, P.A.

General Contractor: Thrash Commercial Contractors, Inc.

Project Budget: \$8,600,000.00

4. JSU– GS 103-281 – Alexander Center Renovation Phase II

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the credit amount of \$23,777.00 and zero (0) additional days to the contract of Flagstar Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, January 14, 2016

Change Order Description: Change Order #2 includes the following items: relocate the existing storm pipe around the elevator pit foundation; reroof four canopies over the exit doors; add sprinkler piping in the middle wing; change the shower units for drain pipe coordination; and credit for the controls allowance vs. the bid amount.

Change Order Justification: During excavation for the elevator pit an existing underground storm drain pipe was encountered running east to west through the pit foundation; the existing roofing on canopies over four exit doors were in bad shape; the middle wing shell spaces must have fire protection added to complete the building system or occupancy; the originally specified shower units had drain locations in conflict with ductwork below and must be replaced using another model shower with an offset drain; and the bid for controls came in below the allowance amount.

Total Project Change Orders and Amount: Two (2) change orders for a total credit amount of \$1,630.00.

Project Initiation Date: October 17, 2013

Design Professional: Foil Wyatt Architects & Planners, PLLC

General Contractor: Flagstar Construction Company, Inc.

Project Budget: \$8,310,000.00

EXHIBIT 3

February 18, 2016

MISSISSIPPI STATE UNIVERSITY

5. MSU– IHL 205-278 – MSU nSPARC Data Center

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Dale Partners Architects, P.A.

Approval Status & Date: APPROVED, January 12, 2016

Project Initiation Date: November 20, 2014

Design Professional: Dale Partners Architects, P.A.

General Contractor: TBD

Project Budget: \$4,650,000.00

UNIVERSITY OF MISSISSIPPI

6. UM– GS 107-311 – Music Hall West Wing Renovation

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the credit amount of \$18,000.00 and seventeen (17) additional days to the contract of D. Carroll Construction, LLC.

Approval Status & Date: APPROVED, January 12, 2016

Change Order Description: Change Order #5 includes the following items: add seventeen (17) days to the contract time; and reduce the contract amount by \$18,000.00.

Change Order Justification: Additional seventeen (17) days were added due to inclement weather; and liquidated damages were due to the difference in the two completion dates – the difference in the two dates is seventy-two (72) days.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$41,752.00.

Project Initiation Date: March 21, 2013

Design Professional: Shafer & Associates, PLLC

General Contractor: D. Carroll Construction, LLC

Project Budget: \$4,650,000.00

7. UM– IHL 107-314 – Garland Hedleston Mayes Renovation

NOTE: This is a Bureau of Building project

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by JH&H Architects/Planners/Interiors, P.A.

Approval Status & Date: APPROVED, December 17, 2015

Project Initiation Date: January 19, 2012

Design Professional: JH&H Architects/Planners/Interiors, P. A.

General Contractor: TBD

Project Budget: \$20,000,000.00

EXHIBIT 3

February 18, 2016

8. UM – IHL 207-353 – Coulter Hall Additions & Renovations

Approval Request #1: Change Order #14

Board staff approved Change Order #14 in the amount of \$18,531.00 and zero (0) additional days to the contract of Carothers Construction, Inc.

Approval Status & Date: APPROVED, January 12, 2016

Change Order Description: Change Order #14 includes the following items: removal of existing tile floor and base in the kitchen area; slope the floor around the perimeter of the room with Ardex materials; install & pass the test for waterproofing the membrane; and install new floor tile and bases.

Change Order Justification: All items of this change order were due to errors & omissions. No fees are paid to design professional for correction of errors and omissions in the contract documents.

Total Project Change Orders and Amount: Fourteen (14) change orders for a total amount of \$383,302.00.

Project Initiation Date: February 16, 2012

Design Professional: Barlow Eddy Jenkins + Cooke Douglass Farr Lemons, Architects & Engineers, P.A.

General Contractor: Carothers Construction, Inc.

Project Budget: \$18,000,000.00

9. UM– IHL 207-376.1 – STEM Building – Site Abatement & Demolition

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$212,399.00 to the apparent low bidder, Virginia Wrecking Company, Inc.

Approval Status & Date: APPROVED, January 5, 2016

Project Initiation Date: January 16, 2014

Design Professional: McCarty Architects, P.A.

General Contractor: Virginia Wrecking Company, Inc.

Phased Project Budget: \$970,094.19

Total Project Budget: \$8,700,000.00

10. UM– IHL 207-376.2 – STEM Building – Site Utilities Relocation

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by McCarty Architects, P.A.

Approval Status & Date: APPROVED, January 5, 2016

Approval Request #2: Waiver of Design Development Documents

Board staff approved the Waiver of Design Development Documents as submitted by McCarty Architects, P.A.

Approval Status & Date: APPROVED, January 5, 2016

Project Initiation Date: January 16, 2014

Design Professional: McCarty Architects, P.A.

General Contractor: TBD

Phased Project Budget: \$4,031,570.27

Total Project Budget: \$8,700,000.00

EXHIBIT 3

February 18, 2016

11. UM– IHL 207-385R.1 – Manning – Practice Fields Enlargement REBID

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$2,997,331.00 to the apparent low bidder, Sports Turf Company, Inc.

Approval Status & Date: APPROVED, January 5, 2016

Project Initiation Date: June 19, 2014

Design Professional: Holcombe Norton Partners, Inc.

General Contractor: Sports Turf Company, Inc.

Phased Project Budget: \$4,482,168.00

Total Project Budget: \$5,531,030.00

12. UM– IHL 207-391 – Jackson Avenue Center Phase II Renovation

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by Shafer & Associates, PLLC, design professional.

Approval Status & Date: APPROVED, January 12, 2016

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, January 12, 2016

Project Initiation Date: August 21, 2014

Design Professional: Shafer & Associates, PLLC

General Contractor: TBD

Project Budget: \$8,835,000.00

13. UM– IHL 207-392 – North Parking Structure

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Eley Guild Hardy Architects, P.A.

Approval Status & Date: APPROVED, January 5, 2016

Approval Request #2: Design Development Documents

Board staff approved the Design Development Documents as submitted by Eley Guild Hardy Architects, P.A.

Approval Status & Date: APPROVED, January 15, 2016

Project Initiation Date: September 26, 2014

Design Professional: Eley Guild Hardy Architects, P.A.

General Contractor: TBD

Phased Project Budget: \$33,150,000.00

Total Project Budget: \$34,550,000.00

14. UM – IHL 207-392.1 – North Parking Structure – Access Roads

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Eley Guild Hardy Architects, P.A.

Approval Status & Date: APPROVED, December 17, 2015

EXHIBIT 3

February 18, 2016

Approval Request #2: Waiver of Design Development Documents

Board staff approved the Waiver of Design Development Documents as submitted by Eley Guild Hardy Architects, P.A.

Approval Status & Date: APPROVED, December 17, 2015

Approval Request #3: Contract Documents

Board staff approved Contract Documents as submitted by Eley Guild Hardy Architects, P.A.

Approval Status & Date: APPROVED, January 12, 2016

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, January 12, 2016

Project Initiation Date: September 26, 2014

Design Professional: Eley Guild Hardy Architects, P.A.

General Contractor: TBD

Phased Project Budget: \$1,400,000.00

Total Project Budget: \$34,550,000.00

15. UM – IHL 207-401 – Wastewater Treatment Facility Expansion

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by Engineering Solutions, Inc., design professional.

Approval Status & Date: APPROVED, January 7, 2016

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, January 7, 2016

Project Initiation Date: February 18, 2015

Design Professional: Engineering Solutions, Inc.

General Contractor: TBD

Project Budget: \$9,900,000.00

16. UM – IHL 207-408 – Natural Products Phase III

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Cooke Douglass Farr Lemons, Architects & Engineers, P.A.

Approval Status & Date: APPROVED, January 5, 2016

Approval Request #2: Waiver of Design Development Documents

Board staff approved the Waiver of Design Development Documents as submitted by Cooke Douglass Farr Lemons, Architects & Engineers, P.A.

Approval Status & Date: APPROVED, January 5, 2016

Project Initiation Date: October 15, 2015

Design Professional: Cooke Douglass Farr Lemons, Architects & Engineers, P.A.

General Contractor: TBD

Project Budget: \$1,600,000.00

EXHIBIT 3

February 18, 2016

17. UM– IHL 207-409 – Croft Institute – Building Envelope Corrections

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$175,388.72 and seventy-five (75) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, January 14, 2016

Change Order Description: Change Order #2 includes the following items: remove and rebuild the east brick wall utilizing concrete masonry unit brick & new facing brick; and seventy-five (75) additional days.

Change Order Justification: This change order is necessary due to extensive deteriorations of mortar discovered at the inner wythes; and seventy-five (75) additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$359,143.40.

Project Initiation Date: October 15, 2015

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: Barnes & Brower, Inc.

Project Budget: \$1,250,000.00

18. UM – IHL 207-413 – Greek Village Preliminary Lot Grading

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Precision Engineers Corporation.

Approval Status & Date: APPROVED, December 18, 2015

Approval Request #2: Waiver of Design Development Documents

Board staff approved the Waiver of Design Development Documents as submitted by Precision Engineers Corporation.

Approval Status & Date: APPROVED, December 18, 2015

Project Initiation Date: December 17, 2015

Design Professional: Precision Engineers Corporation

General Contractor: TBD

Project Budget: \$1,933,650.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

19. UMMC– IHL 209-552 – School of Medicine Infrastructure – Contract II

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$1,296,225.00 to the apparent low bidder, Hemphill Construction Company, Inc.

Approval Status & Date: APPROVED, December 17, 2015

Project Initiation Date: March 19, 2015

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A. + Eley Guild Hardy Architects, P.A. – A Joint Venture.

General Contractor: Hemphill Construction Company, Inc.

Project Budget: \$2,087,108.00

EXHIBIT 3

February 18, 2016

UNIVERSITY OF SOUTHERN MISSISSIPPI

20. USM– GS 108-261 – School of Nursing

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the amount of \$364,523.31 and sixty-one (61) additional days to the contract of Hanco Corporation.

Approval Status & Date: APPROVED, January 7, 2016

Change Order Description: Change Order #5 includes the following items: cut the concrete roof decking to create openings for roof hatches; install load bearing metal stud framing to support the remaining deck above a room; install twelve ACE backboxes for future A/V systems; add structural steel framing to support window types; add metal stud framing to support windows; add card readers, electrified door hardware and associated electrical infrastructure for modified building access control; add a code blue emergency call station at each of the elevator door openings; install five additional security camera rough-ins and associated electrical infrastructure; provide a solid bottom & sidewalls to the cable tray above gypsum board ceilings on the first floor; provide blocking to support furnished credenzas; provide three additional headwall units, associated power & communication wiring; add structural steel at the west entry to support the brick & precast concrete; add plumbing to connect the roof drain of the mechanical plant addition to the existing roof drain system; provide power conduit & wiring for the electric drinking fountain behind an elevator; provide power conduit, wiring & switches to operate lights in two rooms; delete five projection screens; electric and mortise lock changes; lecture hall changes; and sixty-one (61) additional days.

Change Order Justification: All items listed herein are due to errors and omissions, changes in requirements or recommendations, controls on materials specified, etc., Sixty-one (61) additional days due to weather related site conditions; and changes requested by USM. No fees are paid to design professional for correction of errors and omissions in the contract documents.

Total Project Change Orders and Amount: Five (5) change orders for a total credit amount of \$1,234,915.96.

Project Initiation Date: September 17, 2009

Design Professional: Studio South Architects, PLL and Eley Associates/Architects, P.A.

General Contractor: Hanco Corporation

Project Budget: \$30,000,000.00

21. USM– GS 108-281 – Green and Chain Renovations

NOTE: This is a Bureau of Building project

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Allred Architectural Group.

Approval Status & Date: APPROVED, January 12, 2016

Project Initiation Date: September 18, 2014

Design Professional: Allred Architectural Group

General Contractor: TBD

EXHIBIT 3

February 18, 2016

Project Budget: \$7,000,000.00

22. USM– GS 114-022 – Business and Health Building

NOTE: This is a Bureau of Building project

Approval Request #1: Contract Documents

Board staff approved Contract Documents as submitted by McCarty Architects, design professional.

Approval Status & Date: APPROVED, January 7, 2016

Approval Request #2: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, January 7, 2016

Project Initiation Date: March 19, 2015?

Design Professional: McCarty Architects

General Contractor: TBD

Project Budget: \$7,000,000.00

23. USM– IHL 208-327 – Bolton Hall Renovation

Approval Request #1: Design Development Documents

Board staff approved the Design Development Documents as submitted by Albert and Associates.

Approval Status & Date: APPROVED, January 14, 2016

Project Initiation Date: February 18, 2015

Design Professional: Albert and Associates

General Contractor: TBD

Project Budget: \$40,000.00

24. USM– IHL 210-245 – Toxicology Building Replacement

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$4,196,000.00 to the apparent low bidder, Dan Hensarling, Inc.

Approval Status & Date: APPROVED, December 17, 2015

Project Initiation Date: August 21, 2008

Design Professional: Allred Architectural Group.

General Contractor: Dan Hensarling Inc.

Project Budget: \$4,900,000.00

EXHIBIT 4

February 18, 2016

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 Brunini, PLLC (statement dated 12/16/15) from the funds of Mississippi State University. (This statement, in the amount of \$500.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 500.00

Payment of legal fees for professional services rendered by Butler Snow (statement dated 12/7/15) from the funds of the University of Mississippi. (This statement, in the amount of \$5,982.85, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 5,982.85

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 1/4/15) from the funds of the University of Mississippi. (These statements, in the amounts of \$2,000.00, \$2,000.00, \$24.73, \$2,500.00 and \$2,500.00, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 9,024.73

Payment of legal fees for professional services rendered by Bradley Arant (statements dated 12/21/15) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$13,391.26 and \$6,759.00, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 20,150.26

Payment of legal fees for professional services rendered by Butler Snow (statements dated 11/16/15, 11/18/15 and 11/24/15) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$8,921.79, \$11,659.00 and \$39,600.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 60,180.70

Payment of legal fees for professional services rendered by Watkins and Eager (statements dated 10/27/15) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$990.00 and \$1,551.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 2,541.00

EXHIBIT 4

February 18, 2016

Payment of legal fees for professional services rendered by Whitfield Law Group (statement dated 12/21/15) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$561.00, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 561.00

Payment of legal fees for professional services rendered by Lightfoot, Franklin & White (statement dated 12/8/15) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$9,502.68, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 9,502.68

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 1/13/16) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,684.10, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 3,684.10

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

Payment of legal fees for professional services rendered by Larry Schemmel (statement dated 10/12/15) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Engineering the Production of a Conformational Variant of Occidiofungin" - \$7,704.18.)

TOTAL DUE.....\$ 7,704.18

Payment of legal fees for professional services rendered by Valauskas Corder (statement dated 12/16/15) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Bio-Oil Pretreatment" - \$585.00.)

TOTAL DUE.....\$ 585.00

Payment of legal fees for professional services rendered by Armstrong Teasdale (statements dated 12/11/15, 12/16/15 and 12/16/15) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Systems and Methods for Detecting Transient Acoustic Signals" - \$2,734.00; "Systems and Methods for Detecting Transient Acoustic Signals" - \$75.42 and "Systems and Methods for Preparing Solid Lipid Nanoparticles" - \$75.28, respectively.)

TOTAL DUE.....\$ 2,884.70

EXHIBIT 4

February 18, 2016

Payment of legal fees for professional services rendered by Butler Snow (statements dated 12/17/15, 1/11/16 and 1/15/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Stuttering Inhibition Device” - \$503.38; “Wireless Encryption” - \$408.00 and “Stuttering Inhibition Device” - \$264.00, respectively.)

TOTAL DUE.....\$ 1,175.38

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 7/16/15, 12/8/15 and 1/13/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Compositions for Prevention/Prophylactic Treatment of Poison Ivy” - \$334.26; “Compositions for Prevention/Prophylactic Treatment of Poison Ivy” - \$1,260.58 and “Highly Selective Ligands and Radioligands” - \$3,234.90, respectively.)

TOTAL DUE.....\$ 4,829.74

Payment of legal fees for professional services rendered by Stites & Harbison (statement dated 12/31/15) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: “Gas Separating Membranes” - \$917.00.)

TOTAL DUE.....\$ 917.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 11/18/15) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$106.00, \$1,529.00, \$331.50, \$66.50, \$682.50 and \$162.00, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 2,877.50

Payment of legal fees for professional services rendered by Butler Snow (statement dated 1/8/16) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the following patent: “Trademark Application for the Centennial Anniversary” - \$880.00.)

TOTAL DUE.....\$ 880.00

EXHIBIT 5

February 18, 2016

Proposed changes to the Institutional Real Property Policy for immediate implementation.

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 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. Many areas of Institutional Property ~~is~~ are 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.

EXHIBIT 6

February 18, 2016

Proposed changes to the Firearms Policy for immediate implementation.

1106 FIREARMS POLICY

The Board recognizes that the possession of pistols, firearms or other weapons on any of its institutional premises or at its institutions or student functions off-campus by persons other than duly authorized law enforcement officials, institutional security officials, other authorized persons and the institutional approved programs creates an unreasonable and unwarranted risk of injury or death to its institutions' employees, students, visitors and guests and further creates an unreasonable and unwarranted risk of damage to properties of the institutions, employees, students, visitors, guests and properties of others. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms or other weapons in any form by any person other than duly authorized law enforcement officials, institutional security officials and other authorized persons. ~~regardless of whether such person possesses a valid permit to carry such pistols, firearms or weapons.~~ “Authorized persons” includes those individuals authorized by applicable law and by the institutional executive officer or his/her designee. “Authorized persons” also includes those who have in their possession a valid, unexpired state firearms permit with the “Instructor Certified” (IC) sticker on the back, or the equivalent permit issued by a state with a reciprocity agreement with Mississippi. Even so, those possessing such permits are not permitted to possess firearms in any institutional facilities and/or areas that are deemed non-public. Students and employees are not authorized to possess firearms on institutional property or at institutional off-campus events regardless of possession of firearms permits.

EXHIBIT 6

February 18, 2016

Proposed changes to the Firearms Policy for immediate implementation.

1106 FIREARMS POLICY

The Board recognizes that the possession of pistols, firearms or other weapons on any of its institutional premises or at its institutions or student functions off-campus by persons other than duly authorized law enforcement officials, institutional security officials, other authorized persons and the institutional approved programs creates an unreasonable and unwarranted risk of injury or death to its institutions' employees, students, visitors and guests and further creates an unreasonable and unwarranted risk of damage to properties of the institutions, employees, students, visitors, guests and properties of others. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms or other weapons in any form by any person other than duly authorized law enforcement officials, institutional security officials and other authorized persons. ~~regardless of whether such person possesses a valid permit to carry such pistols, firearms or weapons.~~ “Authorized persons” includes those individuals authorized by applicable law and by the institutional executive officer or his/her designee. “Authorized persons” also includes those who have in their possession a valid, unexpired state firearms permit with the “Instructor Certified” (IC) sticker on the back, or the equivalent permit issued by a state with a reciprocity agreement with Mississippi. Even so, those possessing such permits are not permitted to possess firearms in any institutional facilities and/or areas that are deemed non-public. Students and employees are not authorized to possess firearms on institutional property or at institutional off-campus events regardless of possession of firearms permits.

CONSENT AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 FINANCE
 March 17, 2016
 Page 1 of 26**

**1. MSU-REQUEST FOR APPROVAL OF CPA FIRM FOR UNIVERSITY
 AFFILIATED ENTITY AUDIT FY 2016**

Agenda Item Request: Mississippi State University (“MSU”) requests approval to engage the following CPA firms to conduct the annual audits for the University Affiliated Entities for fiscal year 2016.

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.*

MSU’s affiliated entities noted below request approval of the listed CPA firms.

University Affiliated Entity	CPA Firm
Mississippi State University Foundation	KPMG, LLP
Mississippi State University Alumni Association	T.E. Lott & Co.
Mississippi State University Research & Technology Corporation	T.E. Lott & Co.
MSU Bulldog Club	T.E. Lott & Co.

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.

**2. MUW-REQUEST FOR APPROVAL OF CPA FIRM FOR UNIVERSITY
 AFFILIATED ENTITY AUDIT FY 2016**

Agenda Item Request: Mississippi University for Women (“MUW”) requests approval to engage **Grantham Poole CPA** to conduct the annual audit for the MUW Foundation, Inc. for the year ending June 30, 2016.

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.*

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 2 of 26

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.

3. MVSU-REQUEST FOR AUDIT WAIVER FOR AFFILIATED ENTITY

Agenda Item Request: Mississippi Valley State University (MVSU) requests a waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with the **MVSU National Alumni Association** (Association) for the fiscal year ending December 31, 2015. In lieu of the annual audit, the Association requests approval for a bi-annual audit for the 2015 and 2016 reporting periods. The two-year audit will be due by June 1, 2017.

Justification: As per requirements stipulated in Board Policy 301.0806 D.9., staff have reviewed the following:

- Most recent audited financial statements from an independent Certified Public Accountant (CPA), December 31, 2013;
- Association's December 31, 2015 unaudited statements; and
- A written justification from the Association.

The justification for the waiver request is based solely on an economic desire to reduce administrative expenses. At December 31, 2015, the Association held total assets of \$219,231, forty-three (43%) percent of which were fixed assets (*unaudited*). The association has a \$17,000 bank note to which \$7,547 in principal payments are due annually, maturing August 2018.

The association believes that the \$4,000 – \$5,500 estimated cost of contracting for the annual audit is not cost-beneficial to the organization at this time. In order to build necessary funds, the Association requests that the Board grant approval to contract a bi-annual audit for the 2015 and 2016 reporting periods. That two-year audit will be due by June 1, 2017.

Staff Recommendation: Based on Board Policy 301.0806 D.9., *University Foundation/Affiliated Entity agreements*, Board approval is required to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds. Board staff has reviewed the required supporting documentation related to this request and recommends that in lieu of a single year audit, that the Association be granted the ability to contract for a bi-annual audit for the 2015 and 2016 reporting periods. Should annual income meet and/or exceed \$500,000 during that time frame, the Association agrees to immediately revert back to the annual audit requirement.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 3 of 26

4. UM-REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH GAMEDAY DAILY SERVICES, LLC

Agenda Item Request: The University of Mississippi Athletics Department requests approval to enter into an agreement with **Gameday Daily Services, LLC** for daily cleaning services in The Pavilion at Ole Miss.

Contractor's Legal Name: Gameday Daily Services, LLC

History of Contract: The Pavilion at Ole Miss is a new facility that opened in January 2016, and this will be the first daily cleaning contract.

Specific Type of Contract: This will be a service contract based on RFP 550 for daily cleaning of The Pavilion at Ole Miss.

Purpose: The purpose of this agreement is to establish a continuing relationship that is cooperative in nature and to help provide the University of Mississippi Athletics Department with staffing to clean The Pavilion at Ole Miss on a daily basis. These duties could include but are not limited to cleaning the seating areas, premium areas, office areas, dining area, hauling trash to off-site dumpsters, restroom, and recycling.

Scope of Work: The scope of work will provide the University of Mississippi Athletics Department with staffing for cleaning positions as deemed necessary by the Athletics Department for The Pavilion at Ole Miss.

Term of Contract: This will be a one (1) year service agreement that can be renewed for additional one (1) year periods up to five (5) years in total.

Termination Options: The University of Mississippi may terminate the contract for non-performance of services at any time. In the event of termination of the contract for non-performance, the Contractor may be expected to continue to provide professional services through the transition to another source and/or the University may have to procure the services from other sources and hold the Contractor responsible for any excess cost incurred thereby having to procure those services. The University of Mississippi and the Contractor may terminate the contract by mutual agreement with a ninety (90) day notice of termination. There are also force majeure and decrease in funding clauses allowing for termination of the contract.

Contract Amount: The cost of this agreement is billed on a monthly rate with additional fees for working extra events by Gameday Daily Services, LLC. The estimated yearly cost would be approximately \$183,600 per year for a total of \$918,000 if all five years are extended.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 4 of 26

Funding Source of Contract: This contract will be funded by the University of Mississippi Athletics Department operating funds.

Contractor Selection Process: The selection of Gameday Daily Services, LLC was based on UM RFP 550 that was evaluated by the Athletics Department on pre-determined criteria listed in the RFP. Gameday Daily Services, LLC was one of four vendors submitting proposals and received the highest points in the evaluation of proposals.

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.*

5. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH COVIDIEN SALES, LLC

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Covidien Sales, LLC** for the purchase of certain products with radiofrequency identification (RFID) technology that will be used in surgical procedures to treat adult and pediatric patients throughout the organization. These products include 1) sterile and unsterile cotton products, such as laparotomy sponges, surgical gauzes, towels, vaginal packing, and perineal packing; and 2) RFID consoles, body scanners, and wands used in conjunction with the cotton products.

Contractor's Legal Name: Covidien Sales, LLC (Covidien)

History of Contract: UMMC has been using RF Surgical (RFS) cotton products since April 15, 2013 and since then UMMC has purchased these items via Novation, UMMC primary Group Purchasing Organization (GPO). RFS has since been acquired was acquired by Covidien.

Specific Type of Contract: Purchase agreement.

Purpose: The agreement will allow UMMC to purchase, at a discounted price, RIFD consumable products and RFID equipment. The RFID technology is used in surgical cases. Each RFID consumable product, used during a surgical case, contains a tag. Prior to the closure, the RFID equipment is utilized to scan the patient's body in order to detect the presence of any tagged consumable products still in the patient's body. This helps to reduce the occurrence of retained foreign objects during surgery.

Scope of Work: Covidien will provide cotton products and equipment to UMMC.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 5 of 26

Term of Contract: The term of the agreement is for two (2) years, four (4) months - April 1, 2016 through July 31, 2018.

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

- in the event the Novation agreement is terminated,
- reduction of funds,
- in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership, and
- failure by Covidien to comply with the federal E-Verify Program.

Contract Amount: The total estimated cost of the agreement is \$1,111,987. A breakdown of the annual cost follows.

	Year 1	Year 2	Year 3*	TOTAL
Total	<u>\$414,920</u>	<u>\$497,905</u>	<u>\$199,162.00</u>	<u>\$1,111,987.00</u>

**Year 3 is less since the agreement expires after month 4 of that year.*

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

Contractor Selection Process: Covidien Sales, LLC is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m)(x).

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.*

6. UMMC-REQUEST FOR APPROVAL OF AMENDMENT 8 WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of Amendment 8 to its current license and support agreement with **Epic Systems Corporation**.

Contractor's Legal Name: Epic Systems Corporation (Epic)

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 6 of 26

History of Contract: UMMC entered into a contract with Epic in August 2010 to replace its then current hospital information system which did not allow for the creation of integrated electronic medical records. The software license and support agreement was approved by the Board for projected cost of \$36,852,370. The agreement was subsequently amended in July 2011 in order to add and/or delete various Epic interfaces that had been offered as part of the 2010 agreement. There was no additional cost to the contract as a result of the amendment.

In August 2013, the Board approved an amendment to add and/or delete various Epic interfaces and to add various Epic interfaces (new/special request interfaces) that were not part of the 2010 agreement. In addition, the amendment provided for the implementation of three (3) Epic modules that were purchased in 2010 and that had reached the implementation stage. The amendment also added contract language that gave UMMC the option to license, access and use certain items of software at its discretion. The total cost associated with the 2013 amendment was estimated to be \$1,151,032 and increased the overall cost to \$38,003,402.

In August 2014, the Board approved two (2) amendments to the Epic agreement - Amendment 3 for the conversion of the non-exclusive license to a perpetual license and the extension of support services; and, Amendment 4 which allowed for the addition of new Epic modules and interfaces. The combined cost of the amendments increased the total cost of the Epic agreement to \$60,630,030.01.

On April 16, 2015 the Board approved UMMC's request to enter into a change order to Amendment Four (4), Amendment Five (5), and Amendment Six (6). The change order to Amendment Four (4) allowed UMMC to delete one of the Incoming Patient Administration Interfaces – HL7 that was originally added via Amendment 4. Amendment Five (5) allowed UMMC to implement the Healthy Planet component, which was purchased as part of the original selection, as well as add the Point of Sale (POS) interface licenses within the Epic enterprise. Healthy Planet is the population management system within Epic that allows UMMC to deliver better care for its patient population through the use of reports, dashboards and workflows helping it comply with Accountable Care Organization (ACO) standards established by the Affordable Healthcare Act. The POS interface also allows UMMC to enable on-line patient payments within Epic. Amendment Six (6) allowed UMMC to add the BestPractice Advisory Web services functionality to the Epic system. This allowed UMMC's Epic DIS team the ability to create a data transmission to a third party system to exchange CDA (clinical document architecture) documents. The total approved cost for the agreement after these amendments was \$60,777,030.01.

The Board approved Amendment 7 to the Epic agreement at the August 2015 Board meeting. The amendment provided for additional Epic licenses; additional InterSystems Cache licenses for concurrent users; the implementation of Epic Beaker in the Anatomic Pathology department; and, the implementation of clinical case management within Epic. The total

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 7 of 26

estimated cost for this amendment was \$2,167,068 which increased the total estimated cost of the agreement to \$62,944,098.01.

In September 2015, the Board approved an Implementation Service Request to purchase implementation advisory services for implementing Epic at UMMC-Grenada for an estimated cost of \$211,000. The cost for the services increased the total estimated cost of the agreement to \$63,155,098.01.

Specific Type of Contract: Amendment 8 to the current Epic agreement.

Purpose: The purpose of the amendment is to decrease the licensed volume of program property that was increased through Amendment 7 and to elect to participate in Epic's Boost program.

Amendment 7 provided, in part, for an increase to UMMC's licensed volume of program property from 250,000 annual inpatient days to 260,000 annual inpatient days. Due to changed circumstances, UMMC is now opting to reduce the increased license volume thereby decreasing the cost of license fees and related maintenance.

Under the Boost program, Epic will provide, as needed, dedicated employees to perform the duties of an analyst or project manager.

Scope of Work: Under the amendment, Epic will decrease the number of licenses in Epic from 260,000 annual inpatient days to 250,000 annual inpatient days and will provide UMMC with its Boost program.

Term of Contract: The term of amendment 8 will begin on or about April 1, 2016, and is coterminous with the current Epic License and Support Agreement which remains in effect in perpetuity in regards to the licenses, and it is also coterminous regarding maintenance coverage which ends August 22, 2019.

Termination Options: Pursuant to the existing contract with Epic, the request may be terminated for the following:

- by either party upon ninety (90) days notice prior to the end of an annual term,
- by UMMC for an operational system failure upon forty-five (45) days notice in which to cure such failure,
- by Epic upon notice of an infringement claim in which Epic is unable to modify or provide an appropriate program replacement,
- in the event either party becomes the subject of bankruptcy, and
- by either party for a breach of a material term of the agreement and failure to cure upon sixty (60) days written notice.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 8 of 26

The original contract associated with the proposed amendment contains the following Non-Solicitation Provision:

21 g. – Restriction on Offers of Employment. Epic and You will not during, or within twelve (12) months of the termination of, an employee’s employment with the other party, solicit, discuss the terms of prospective employment with, or hire (directly as employees or indirectly as contractors or subcontractors, or in any other capacity) any employee of the other party who has worked on the development, installation or maintenance of Epic software, unless the hiring party has the prior written consent of the other part. Epic may choose not to work with or provide training for any former Epic employee employed by You or working with You as an employee of a consultant hired by You if such employee is hired less than 12 months after the date of the termination of such former employee’s employment with Epic.

UMMC has offered the following justification for including the provision:

Due to the expense incurred by UMMC to train our information technology (IT) personnel on Epic and the highly competitive IT job market, it is in UMMC’s best interest to include in this contract a non-solicitation provision. Such provision is meant to deter the vendor for actively soliciting UMMC employees away from UMMC. Additionally, it is important to note that this provision was contained in the original agreement which is standard language in EPIC contracts, which is vitally important to EPIC (as well as other IT vendors) due to the competitive nature of the IT job market and the in-depth skills training that EPIC provides to its employees.

Contract Amount: The estimated cost of the amendment is \$2,301,800 which increases the total estimated cost of the agreement to \$65,456,898.01. A breakdown of costs follows.

Description	Cost
Licensed Volume Fee Decrease	(\$698,200)
Boost Program	\$3,000,000
Total	\$2,301,800

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

Contractor Selection Process: UMMC is currently under contract with Epic.

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.*

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 9 of 26**

7. UMMC-REQUEST FOR APPROVAL OF AMENDMENT 9 WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of Amendment 9 to its current license and support agreement with **Epic Systems Corporation**.

Contractor's Legal Name: Epic Systems Corporation (Epic)

History of Contract: The history of this contract is provided within Consent Agenda item #6.

Specific Type of Contract: Amendment 9 to the current Epic agreement.

Purpose: The purpose of the amendment is to add Push Notifications to the program property. Push Notifications will allow UMMC to receive and transmit information to other organizations.

Scope of Work: Under the amendment, Epic will provide UMMC with subscription licenses for Push Notifications.

Term of Contract: The term of amendment 9 will begin on or about April 1, 2016, and is coterminous with the current Epic License and Support Agreement which remains in effect in perpetuity in regards to the licenses, and it is also coterminous regarding maintenance coverage which ends August 22, 2019.

Termination Options: Pursuant to the existing contract with Epic, the request may be terminated for the following:

- by either party upon ninety (90) days notice prior to the end of an annual term,
- by UMMC for an operational system failure upon forty-five (45) days notice in which to cure such failure,
- by Epic upon notice of an infringement claim in which Epic is unable to modify or provide an appropriate program replacement,
- in the event either party becomes the subject of bankruptcy, and
- by either party for a breach of a material term of the agreement and failure to cure upon sixty (60) days written notice.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 10 of 26

The original contract associated with the proposed amendment contains the following Non-Solicitation Provision:

21 g. – Restriction on Offers of Employment. Epic and You will not during, or within twelve (12) months of the termination of, an employee’s employment with the other party, solicit, discuss the terms of prospective employment with, or hire (directly as employees or indirectly as contractors or subcontractors, or in any other capacity) any employee of the other party who has worked on the development, installation or maintenance of Epic software, unless the hiring party has the prior written consent of the other part. Epic may choose not to work with or provide training for any former Epic employee employed by You or working with You as an employee of a consultant hired by You if such employee is hired less than 12 months after the date of the termination of such former employee’s employment with Epic.

UMMC has offered the following justification for including the provision:

Due to the expense incurred by UMMC to train our information technology (IT) personnel on Epic and the highly competitive IT job market, it is in UMMC’s best interest to include in this contract a non-solicitation provision. Such provision is meant to deter the vendor for actively soliciting UMMC employees away from UMMC. Additionally, it is important to note that this provision was contained in the original agreement which is standard language in EPIC contracts, which is vitally important to EPIC (as well as other IT vendors) due to the competitive nature of the IT job market and the in-depth skills training that EPIC provides to its employees.

Contract Amount: There is no cost associated with this amendment. The total estimated cost of the amended agreement is \$65,456,898.01.

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

Contractor Selection Process: UMMC is currently under contract with Epic.

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.*

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 11 of 26

8. UMMC-REQUEST FOR APPROVAL OF AMENDMENT 10 WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of Amendment 10 to its current license and support agreement with **Epic Systems Corporation**.

Contractor's Legal Name: Epic Systems Corporation (Epic)

History of Contract: The history of this contract is provided within Consent Agenda item #6.

Specific Type of Contract: Amendment 10 to the current Epic agreement.

Purpose: The purpose of the amendment is to modify the current licensing structure for Epic interfaces. In the original agreement and subsequent amendments, Epic licensed individual copies of Epic interfaces as individual items of Program Property. This amendment makes available a new licensing structure that will bundle certain interfaces, which will slightly reduce costs and administrative burden on both parties with regard to interface licensing.

Scope of Work: Under the amendment, Epic will provide the following.

- delete the program property for two of the Incoming Clinical Flowsheet Data – HL7 (Copy),
- delete the Incoming Financial Transactions – HL7,
- delete the program property for Imaging Decision Support Functionality Enabler, and
- add bundled interfaces.

Term of Contract: The term of amendment 10 will begin on or about April 1, 2016, and is coterminous with the current Epic License and Support Agreement which remains in effect in perpetuity in regards to the licenses, and it is also coterminous regarding maintenance coverage which ends August 22, 2019.

Termination Options: Pursuant to the existing contract with Epic, the request may be terminated for the following:

- by either party upon ninety (90) days notice prior to the end of an annual term,
- by UMMC for an operational system failure upon forty-five (45) days notice in which to cure such failure,

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 12 of 26

- by Epic upon notice of an infringement claim in which Epic is unable to modify or provide an appropriate program replacement,
- in the event either party becomes the subject of bankruptcy, and
- by either party for a breach of a material term of the agreement and failure to cure upon sixty (60) days written notice.

The original contract associated with the proposed amendment contains the following Non-Solicitation Provision:

21 g. – Restriction on Offers of Employment. Epic and You will not during, or within twelve (12) months of the termination of, an employee’s employment with the other party, solicit, discuss the terms of prospective employment with, or hire (directly as employees or indirectly as contractors or subcontractors, or in any other capacity) any employee of the other party who has worked on the development, installation or maintenance of Epic software, unless the hiring party has the prior written consent of the other part. Epic may choose not to work with or provide training for any former Epic employee employed by You or working with You as an employee of a consultant hired by You if such employee is hired less than 12 months after the date of the termination of such former employee’s employment with Epic.

UMMC has offered the following justification for including the provision:

Due to the expense incurred by UMMC to train our information technology (IT) personnel on Epic and the highly competitive IT job market, it is in UMMC’s best interest to include in this contract a non-solicitation provision. Such provision is meant to deter the vendor for actively soliciting UMMC employees away from UMMC. Additionally, it is important to note that this provision was contained in the original agreement which is standard language in EPIC contracts, which is vitally important to EPIC (as well as other IT vendors) due to the competitive nature of the IT job market and the in-depth skills training that EPIC provides to its employees.

Contract Amount: There is no cost associated with this amendment. The total estimated cost of the amended agreement is \$65,456,898.01.

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

Contractor Selection Process: UMMC is currently under contract with Epic.

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.*

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 13 of 26

9. UMMC-REQUEST FOR APPROVAL OF AN IMPLEMENTATION SERVICE REQUEST ON CURRENT LICENSE AGREEMENT WITH EPIC SYSTEMS CORPORATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of an Implementation Service Request related to its current license and support agreement with **Epic Systems Corporation**.

Contractor's Legal Name: Epic Systems Corporation (Epic)

History of Contract: The history of this contract is provided within Consent Agenda item #6.

Term of Contract: The term of the request is for approximately three (3) to six (6) months beginning on or about April 1, 2016.

Termination Options: Pursuant to the existing contract with Epic, the request may be terminated for the following:

- by either party upon ninety (90) days notice prior to the end of an annual term,
- by UMMC for an operational system failure upon forty-five (45) days notice in which to cure such failure,
- by Epic upon notice of an infringement claim in which Epic is unable to modify or provide an appropriate program replacement,
- in the event either party becomes the subject of bankruptcy, and
- by either party for a breach of a material term of the agreement and failure to cure upon sixty (60) days written notice.

The original contract associated with the proposed amendment contains the following Non-Solicitation Provision:

21 g. – Restriction on Offers of Employment. Epic and You will not during, or within twelve (12) months of the termination of, an employee's employment with the other party, solicit, discuss the terms of prospective employment with, or hire (directly as employees or indirectly as contractors or subcontractors, or in any other capacity) any employee of the other party who has worked on the development, installation or maintenance of Epic software, unless the hiring party has the prior written consent of the other part. Epic may choose not to work with or provide training for any former Epic employee employed by You or working with You as an employee of a consultant hired by You if such employee is hired less than 12 months after the date of the termination of such former employee's employment with Epic.

UMMC has offered the following justification for including the provision:

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 14 of 26

Due to the expense incurred by UMMC to train our information technology (IT) personnel on Epic and the highly competitive IT job market, it is in UMMC's best interest to include in this contract a non-solicitation provision. Such provision is meant to deter the vendor for actively soliciting UMMC employees away from UMMC. Additionally, it is important to note that this provision was contained in the original agreement which is standard language in EPIC contracts, which is vitally important to EPIC (as well as other IT vendors) due to the competitive nature of the IT job market and the in-depth skills training that EPIC provides to its employees.

Contract Amount: The estimated cost of the request is \$56,250 which combined with the cost of Amendment 8 increases the total estimated cost of the agreement to \$65,513,148.01.

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

Contractor Selection Process: UMMC is currently under contract with Epic.

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.*

10. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A SUBSCRIPTION AND SUPPORT AGREEMENT WITH HALOGEN SOFTWARE, INC.

Agenda Item Request: The University of Mississippi Medical Center ("UMMC") requests approval to enter into a new subscription and support agreement and subsequent work order with **Halogen Software, Inc.** to replace the current support agreement. This will allow UMMC to continue to conduct employee performance assessments to remain in compliance with healthcare regulators and best practices.

Contractor's Legal Name: **Halogen Software, Inc. ("Halogen")**

History of Contract: UMMC entered into a software license and associated services agreement with Halogen on December 28, 2007. Under this agreement UMMC was provided with a perpetual software license for eAppraisal and the accompanying maintenance/support services were contracted for one (1) year ending December 27, 2008. On January 24, 2008, UMMC entered into an amendment to the agreement for the provision of hosting services to extend the term of the agreement. Upon review of the contract it was determined that a total of six (6) addenda had been extending the term of service through December 27, 2014. It was determined through review that proper approval from the MS Department of Information Security (ITS) had not been obtained.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 15 of 26

UMMC began taking measures to address the need for an employee management system that interfaced with the current Lawson system. UMMC requested an exemption from ITS to perform a Request for Proposal (RFP). UMMC was granted an exemption from ITS in January 2015. At such time UMMC began working on the specifications for the RFP. However, in order to maintain existing services, UMMC has had to enter into three (3) new contracts with Halogen from December 2014 to June 2015, June 2015 to December 2015, and December 2015 to June 2016.

UMMC issued RFP# 1206, Talent Management System on April 23, 2015, with proposals due May 28, 2015. UMMC received three (3) proposals. After the consensus committee had an opportunity to review the proposals it was determined that the proposals submitted were higher than the budget allowed. UMMC's Offices of Contracts Administration, Information Security and Human Resource then began revising the specifications of the proposal.

Specific Type of Contract: This is a new subscription and support agreement.

Purpose: The purpose of this agreement is for Halogen to provide UMMC with software licensing and hosting services along with software support and maintenance. This agreement will provide a subscription for 10,000 end user licenses. The Halogen eAppraisal system is an electronic tool to manage talent across an organization through its ability to formalize and streamline competencies and performance assessment criteria based on job expectations; to set up, manage, and report data for specific performance evaluation cycles; and, to store performance-related data such as performance notes, certificates and licenses, awards and achievements, and previous performance evaluation information for easy access. The integrated approach allows leaders and managers to more efficiently drive organizational performance against strategic planning initiatives, operational goals, and individualized development plans, and to proactively plan for succession within the organization.

Scope of Work: Halogen will provide the following:

- UMMC a non-transferable, non-assignable, non-exclusive, internal licenses;
- Software maintenance and support services;
- Hosting services; and
- Training and professional services.

Term of Contract: The term of this agreement is for four (4) years and eight (8) months beginning June 28, 2016 and ending February 28, 2021.

Termination Options: This agreement may be terminated as follows:

- For breach after one party provides written notice of breach of any material terms or conditions of this Agreement, unless breach is remedied before that day to the satisfaction of the notifying party;

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 16 of 26

- By written notice of termination by one party effective immediately, if the other party is or becomes insolvent or bankrupt or ceases paying its debts as they mature or makes or files an assignment in bankruptcy or otherwise acknowledges its insolvency, or a trustee, receiver, liquidator or similar official is appointed for the other party or any substantial portion of its property and assets, or bankruptcy, insolvency, arrangement or similar proceedings are instituted by or against the other party;
- Upon written notice of termination by either party, effective immediately, if the circumstances of Force Majeure, as described in the agreement, occur and are continuing for a period of sixty (60) days;
- Upon written notice of termination by Halogen if UMMC fails to pay any or all undisputed fees or other amounts due hereunder within fifteen (15) days of receipt of such notice;
- For hosting services specifically, Halogen may cancel the hosting services upon one hundred and eighty (180) days' notice to UMMC, if Halogen ceases to provide such services; however, should such event occur, UMMC will be refunded the balance of the service fees paid for that anniversary period; and,
- In the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC.

Contract Amount: The total estimated cost of this agreement is \$655,840 with a breakdown provided below:

	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Training	\$ 7,780.00	\$ 0	\$ 0	\$ 0	\$ 0	\$ 7,780.00
Software Licensing	22,475.56	22,475.56	22,475.56	22,475.56	22,475.56	112,377.80
Hosting Services	56,395.49	56,395.49	56,395.49	56,395.49	56,395.49	281,977.45
Maintenance and Support Services	50,740.95	50,740.95	50,740.95	50,740.95	50,740.95	253,704.75
Total	\$137,392.00	\$129,612.00	\$129,612.00	\$129,612.00	\$129,612.00	\$655,840.00

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

Contractor Selection Process: On August 10, 2015 UMMC issued RFP#1211, Talent Management System with proposals due September 15, 2015. UMMC received three (3) proposals in response to the RFP: Cornerstone, Halogen, and Oracle. Oracle was invalidated as the system did not have a pre-defined library of competences as required in the RFP specifications. Of the two remaining validated proposals, the UMMC selection committee scored Halogen the highest based upon the RFP evaluation criteria.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 17 of 26

Proposal	RFP Score	Cost
Halogen	86.83	\$655,840.00
Cornerstone	69.66	\$910,900.00

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.

11. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A LEASE AGREEMENT WITH JACKSON MEDICAL MALL FOUNDATION

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a lease agreement with Jackson Medical Mall Foundation (JMM) for the rental of clinic space in the Jackson Medical Mall, Jackson, Mississippi. The space will be used for provision of outpatient pediatric care.

Contractor's Legal Name: Jackson Medical Mall Foundation

History of Contract: This is a new lease agreement for full time use of clinic space. UMMC has an ongoing Master Lease with JMM; however, it was decided that it would be best to have a term for this pediatric space that is shorter than that for the Master Lease. Additionally, unlike the Master Lease rates, UMMC was able to negotiate a rate, for the pediatric space, that will not escalate over time.

Specific type of contract: This is a new lease agreement.

Purpose: The purpose of the contract is to lease 6,745 square feet to be used for full-time clinic space. The clinic staff will provide services such as case management, social work and nutrition education to the population of medically-complex children. The purpose of the additional case management for this patient population is to reduce the number of readmissions, ED visits, and missed appointments. Providing a global case management for these families will ultimately save Medicaid dollars as proven by other states that have provided the same services. This population will be seen in the morning clinics. The afternoon clinics will serve as the continuity clinics for our general pediatric residents. These clinics are currently held in the Eli Manning Children's Clinics, which does not have adequate space to accommodate the growing number of residents accepted into the program. Relocating the continuity clinics will allow the Eli Manning Clinic space to be used for surgical specialties that need to be on campus.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 18 of 26

Scope of Work: Under the lease, Jackson Medical Mall agrees to the following:

- Furnish all electricity, water, air conditioning, heating, custodial and maintenance
- Paint the leased premises in a color selected and/or approved by the Lessee.
- Keep the premises open for business during the hours of the business day generally observed by the merchants in the vicinity of the premises except when prevented from doing so by causes beyond their control
- Keep the premises in good condition and repair

UMMC agrees to the following:

- Pay the rent at the time and in the manner as set out herein;
- Maintain insurance coverage for personal property and any alterations or improvements to the Premises by Lessee.
- Not allow any nuisance to exist on the premises
- Not use the premises for any purpose other than pediatric clinical services
- Deliver the premises in good order and condition at the expiration of the lease

Term of contract: This agreement will be for a term of five (5) years beginning April 1, 2016 and expiring March 31, 2021.

Termination Options: Termination options under the lease include:

- UMMC may terminate the lease, if office space becomes available to the Lessee in any State-owned building, the lease may be terminated within 30 days from and after the date of the written notice of termination by Lessee.
- In the event of a violation by JMM of the Mississippi employment Protection Act.
- In the event of a default, Lease on the part of the Lessee, which shall be considered breach, the Lessor will have the option to terminate the lease. Default events include the following:
 - The filing by or on behalf of Lessee of any petition or pleading to declare Lessee a bankrupt, or the adjudication in bankruptcy of Lessee under any bankruptcy law or act.
 - The failure of Lessee to pay any rent, utilities, insurance or taxes payable under this Lease within forty-five (45) days after the date such amount is due pursuant to the terms hereof.
 - The failure of Lessee to fully and promptly perform any act required of it in the performance of this Lease or to otherwise comply with any terms or provisions hereof, if Lessee shall not cure such failure within ten (10) days after written notice thereof to Lessee.
 - The appointment by any Court or under any law of a receiver, trustee or other

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 FINANCE
 March 17, 2016
 Page 19 of 26**

- custodian of the property, assets or business of Lessee.
- The assignment by Lessee of all or any part of its property or assets for the benefit of creditors.
 - The levy of execution, attachment or other taking of property, assets or the leasehold interest of Lessee by process of law or otherwise in satisfaction of any judgment, debt or claim.
 - Lessee shall desert, vacate or abandon the Premises.

Contract Amount: The total amount of the lease will be \$537,913.75 over the 60 month period of the lease. The breakdown of the lease is as follows:

<u>Base Rate/SqFt (6,754 SqFt)</u>	<u>Monthly Rent</u>	<u>Annual Rent</u>
\$15.95	\$ 8,965.23	\$ 107,582.75
\$15.95	\$ 8,965.23	\$ 107,582.75
\$15.95	\$ 8,965.23	\$ 107,582.75
\$15.95	\$ 8,965.23	\$ 107,582.75
\$15.95	\$ 8,965.23	\$ 107,582.75
Total Over Term		\$ 537,913.75

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

Contractor Selection Process: The hospital has endeavored to find another suitable location for this clinic. However, this location meets the clinic needs in terms of location for the patient population that will be served. The lease rate is at fair market value for the area. Also a full-service laboratory, radiology suite and pharmacy are in are located in the Medical Mall in close proximity to the clinic. Therefore the hospital elected to enter into a multi-year agreement with Jackson Medical Mall Foundation

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.*

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 20 of 26

12. UMMC REQUEST FOR APPROVAL TO ENTER INTO A SERVICE AGREEMENT WITH OEC MEDICAL SYSTEMS, INC.

Agenda Item Request: The University of Mississippi Medical Center (“UMMC”) requests approval to enter into a service agreement with **OEC Medical Systems, Inc.** (“GE-OEC”) to provide service and maintenance of radiological equipment.

Contractor’s Legal Name: **OEC Medical Systems, Inc. (“GE-OEC”)**

History of Contract: This is a new contract for services. Prior to negotiating this agreement UMMC utilized service on a time and materials basis with no agreement. UMMC estimates that through entering into a service agreement, savings will approximate \$15,000 to \$40,000 per year.

Specific Type of Contract: This agreement is for the service and maintenance of the C-arm radiological equipment.

Purpose: The purpose of this agreement is to allow UMMC to enter into a service and maintenance agreement for the C-arm equipment.

Scope of Work: GE-OEC will provide the following:

- Service and maintenance on twenty one (21) C-Arms Monday through Friday from 8 am through 5 pm (including travel and labor);
- Provide a ninety seven percent (97%) uptime guarantee;
- Priority parts delivery;
- Preferred rates outside coverage hours;
- Telephone support;
- Operating System/Hardware reliability updates; and
- One (1) annual preventative maintenance.

Term of Contract: The term of this agreement is for five (5) years beginning April 1, 2016 and ending March 31, 2021.

Termination Options: This agreement may be terminated as follows:

- If either party materially breaches this agreement and the other party seeks to terminate this Agreement for such breach, such other party shall notify the breaching party in writing, setting out the breach, and the breaching party will have sixty (60) days following receipt of such notice to remedy the breach;
- Failure of GE-OEC to comply with E-Verify;
- UMMC may terminate the agreement and the underlying business relationship in the event that GE-OEC, acting as a business associate, as defined by the Health Insurance

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 21 of 26**

Accountability and Portability Act (HIPAA), improperly uses or discloses protected health information in breach of the business associate agreement (BAA);

- UMMC may terminate if it makes the determination that a material condition of performance by GE-OEC, acting as a business associate, as defined by the HIPAA, has changed or the business associate has breached a material term of the BAA; and
- In the event of any reduction in available funds to UMMC, the contract may be terminated without penalty to UMMC.

Contract Amount: The total estimated cost of this agreement is \$896,220 with a breakdown provided below:

	Service & Maintenance	Variable Fees*	Total
Year One	\$ 137,880	\$ 41,364	\$ 179,244
Year Two	137,880	41,364	179,244
Year Three	137,880	41,364	179,244
Year Four	137,880	41,364	179,244
Year Five	137,880	41,364	179,244
Total	\$ 689,400	\$ 206,820	\$ 896,220

*UMMC estimated the variable fee by multiplying the yearly contract cost by thirty percent (30%). These fees will account for any additional cost not covered by the normal service agreement.

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

Contractor Selection Process: UMMC already owns the C-arm equipment and it is only serviceable through the manufacturer, GE-OEC.

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.

13. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A LEASE SCHEDULE AGREEMENT AND SUBSEQUENT SERVICE AGREEMENT WITH OLYMPUS AMERICA, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) is requesting approval to enter into a new lease schedule agreement and subsequent service agreement with Olympus America, Inc. (Olympus) for the lease of endoscopes,

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 22 of 26

bronchoscopes used to perform digestive disorder and broncho-pulmonary endoscopy procedures. This schedule will be governed by the master agreement that was approved by the Board in October of 2012

Contractor's Legal Name: Olympus America, Inc. (Olympus)

History of Contract: UMMC had a previous lease agreement with Olympus for a term of three (3) beginning July 1, 2007 through June 30, 2010. This agreement was for the provision of five (5) pieces of equipment including, two (2) therapeutic video duodenoscopes, and one (1) of each of the following: adjustable video colonoscope, endosite GI bench marking, and an ALOKA processor. The previous agreement was a cost per procedure arrangement. Since the expiration of the original lease, Olympus allowed UMMC to utilize the equipment on a month-to-month basis without a written agreement in place while a new lease was negotiated.

On October 18, 2012, the Board approved a lease agreement that included a Master Lease Agreement along with a fee for procedure schedule, which incorporates the Master Lease Agreement. The cost of the fee for procedure schedule was estimated to be \$176,760. The term of the agreement was for two years beginning November 1, 2012 and ending October 31, 2014. UMMC continued to utilize the equipment after the term of the contract.

Specific Type of Contract: This is a new lease schedule, incorporating the terms of the Master Lease Agreement previously approved by the Board and a service agreement that pertains to the products that will be leased. Additionally, there is a subsequent service agreement for the products included in the lease.

Purpose: The lease schedule, which incorporated the Master Lease Agreement, will provide some equipment that will be new for UMMC and include some equipment that UMMC is currently utilizing, but which is not covered under a current lease agreement. The equipment included products such as endoscopes for gastric and pulmonary procedures, bronchoscopes, endoscope storage cabinets, monitors, workstations, and printers.

In addition, Olympus will provide service for the equipment UMMC is leasing. As part of the service, Olympus has agreed to loan equipment to UMMC when the leased equipment is being serviced. The ability to have this loaned equipment will lessen the likelihood of delay in patient care while equipment is being serviced.

Scope of Work: Under the agreement Olympus will provide the equipment listed in the agreement, such as endoscopes for gastric and pulmonary procedures, bronchoscopes, endoscope storage cabinets, monitors, workstations, and printers. The equipment will be used to diagnose and screen adult patients for variable gastric and pulmonary diseases.

Term of Contract: The term of this schedule will be thirty-six (36) months beginning on April 1, 2016 and ending March 30, 2019.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 FINANCE
 March 17, 2016
 Page 23 of 26**

Termination Options: This schedule may be terminated as follows:

- A default of the agreement by UMMC;
- A reduction in funds;
- By either party at any time upon thirty (30) days written notice provided that any equipment lease/schedule commenced pursuant to the Master Agreement has expired or been terminated and as long as there are no other obligations yet to be performed under the Master Agreement, and
- Due to Olympus' failure to comply with the Federal E-verify program, to the extent applicable.

Contract Amount: The total cost of this agreement is \$1,663,701.48 with a breakdown provided below.

Description	Year One	Year Two	Year Three	Total
Lease Fees	\$ 408,380.16	\$ 408,380.16	\$ 408,380.16	\$ 1,225,140.48
Administrative Fees	\$ 28,664.52	\$ 28,664.52	\$ 28,664.52	\$ 85,993.56
*Other Financed Items	\$ 117,522.48	\$ 117,522.48	\$ 117,522.48	\$ 352,567.44
Total	\$ 554,567.16	\$ 554,567.16	\$ 554,567.16	\$ 1,663,701.48

*Other financed item costs means the cost associated with the servicing of the equipment. Such costs will be paid monthly (\$9,793.54/months). The total annual cost will be as indicated in the above table.

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

Contractor Selection Process: Olympus is currently contracted with UMMC under the Master Lease Agreement.

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.

14. USM-REQUEST FOR APPROVAL TO ENTER INTO AN AGREEMENT FOR CAMPUS TELEVISION SERVICES WITH COMCAST OF SOUTHERN MISSISSIPPI, INC.

Agenda Item Request: The University of Southern Mississippi (USM) requests approval to enter into an agreement for campus television services with Comcast of Southern Mississippi, Inc., (Comcast). This agreement would be for an initial term of one year with an

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 24 of 26

automatic renewal of four successive terms of one year each unless either party gives 60 days' notice to the other party of its intention not to renew. The University shall pay Comcast the annual amount of \$219,444.98 for the campus television services, subject to an increase or decrease in the number of units serviced by Comcast.

Contractor's Legal Name: Comcast of Southern Mississippi, Inc. (Comcast)

History of Contract: The University of Southern Mississippi currently has a contract with Comcast for standard-definition (SD) television services delivered over coaxial media only. This contract expires on May 14, 2016. A competitive request for proposals (RFP) was issued in August 2015, wherein high definition television services (HDTV) and Internet protocol television services (IPTV) were required. As a result of the RFP, this is a new contract for similar, but different services.

Specific Type of Contract: This is a new contract for television services that were competitively bid.

Purpose: The current contract for television services was deemed too expensive and did not offer the quality or convenience that USM wants to provide to its students.

Scope of Work: This agreement provides television services for a current count of 2,658 units including dormitory rooms, fraternity and sorority rooms, general lobbies, on-campus apartments, and other non-residential spaces used for academics, administration, athletics, and other facilities. These services will be providing multichannel video services in both coaxial and internet protocol formats.

Term of Contract: This agreement has an initial term of one year beginning May 15, 2016 and ending May 14, 2017. The agreement will automatically renew for four successive periods of one year each unless either party gives 60 days' notice of its intention not to renew.

Termination Options: Either party may terminate this agreement with 60 days' notice of its intention not to renew. There are also provisions allowing termination for default and permanent loss of authority situations.

Contract Amount: The total cost of the contract, if automatically renewed for five years, is \$1,097,222.40 before any addition or subtraction of units. The annual cost is estimated at \$219,444.48 before additions or subtractions of units. Payment will be issued on a monthly basis upon receipt of invoice for services rendered. The RFP originally estimated the units at 2,492 but after selection of Comcast as low bidder, a revised inventory count increased the number of units to 2,658, thereby increasing the total estimated amount due under the contract; however, the unit pricing will remain the same as what was bid.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 FINANCE
 March 17, 2016
 Page 25 of 26**

In addition to Services Contractor provides, Comcast, as an additional benefit, will commit a total of \$125,000 to be paid to USM in equal annual installments totaling \$25,000 each in years one through five. Comcast will pay the \$25,000 installment to USM in two payments of \$10,000 and \$15,000 each. The \$10,000 annual payments shall be allocated to support USM’s annual golf tournament and the \$15,000 annual payment shall be allocated for sponsorship as USM and Comcast mutually agree. The first \$25,000 payment shall be made within 30 days of the effective date of the Agreement and thereafter, the remaining installments shall be paid on the anniversary of the Effective date.

The table below shows the total cost of contract over five years, net of the commitment Comcast will pay to USM:

	Annual Amount	Over 5 Years
Service for 2,658 Untis	\$ 219,444.48	\$ 1,097,222.40
Contactor Commitment	<u>(25,000.00)</u>	<u>(125,000.00)</u>
Net, total contract	<u>\$ 194,444.48</u>	<u>\$ 972,222.40</u>

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

Contractor Selection Process: An RFP was issued August 2015. Three proposals were received. The top two proposals after a Best and Final Offer was requested were Campus Televideo, Inc. - \$359,857, and Comcast of Southern Mississippi, Inc. - \$205,704.60. The University of Southern Mississippi selected Comcast, who was the lowest offer.

Through the competitive RFP and Best and Final Offer, the provider was selected, largely based on cost.

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 approval by the Attorney General’s Office. Board staff recommends approval of this item.*

**15. USM-REQUEST FOR APPROVAL OF CPA FIRM FOR UNIVERSITY
 AFFILIATED ENTITY AUDIT FOR YEARS 2016 AND 2017**

Agenda Item Request: The University of Southern Mississippi (“USM”) requests approval to engage the following CPA firms to conduct the annual audits for the University Affiliated Entities for fiscal years 2016 and 2017.

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*

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
FINANCE
March 17, 2016
Page 26 of 26

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.

USM's affiliated entities noted below request approval of the listed CPA firms.

University Affiliated Entity	CPA Firm
University of Southern Mississippi Foundation	KPMG, LLP
University of Southern Mississippi Athletic Foundation	Horne, LLP
University of Southern Mississippi Alumni Association	Grantham Poole, CPAs

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.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 1 of 20**

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.*

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 2 of 20**

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 of Buildings and Facilities

Board approval must be obtained prior to naming or re-naming any institutional building or facility. However, assigning generic names which are descriptive of the functions served by a building – such as "University Athletic Training Facility" or "Chemistry Building"— does not require Board approval, unless the building has an existing non-generic name which is to be changed or modified. Board approval must also be obtained prior to naming or re-naming any

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 3 of 20**

building or facility built on university property leased to a university affiliated entity, a private developer or any other individual or entity.

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

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

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. MUW– GS 104-187 – Demonstration School Renovation

Project Request: Mississippi University for Women requests approval to appoint Pryor & Morrow as the design professional. The university used the “Request for Qualifications” (RFQ) selection process.

Proposed Design Professional: Pryor & Morrow

Purpose: A pre-planning construction project was initiated with the Board in June 2015 for the Demonstration School Renovation. MUW used the RFQ method for selecting the design professional from a short list of 3 firms. The university is now seeking approval to appoint the design professional chosen.

The building has been vacant since FY 2005 and is in need of a renovation to bring it into compliance with local, state, and federal agencies and assist the university in coordination of campus master plan. This project involves a complete interior and exterior renovation. The interior renovation includes the upgrade of building systems and interior finishes. Exterior renovations will include building stabilization, waterproofing, tuckpointing, site drainage and upgrade of building systems. This

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 4 of 20

project will also include asbestos and lead paint surveys as well as any necessary abatement. All applicable codes, including ADA (elevator need) will be addressed.

Mississippi University for Women is seeking to appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: June 18, 2015

Date of Original Construction: 1929

Date of Last Renovation: 1975

Project Budget: (Design Fees Only)

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	250,000.00
Misc. Project Costs:	0.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 250,000.00

Proposed Funding Source(s): SB 2906, Laws of 2015 (\$250,000)

Staff Recommendation: Board staff recommends approval of this item.

2. MUW– GS 104-188 – Culinary Arts PrePlan

Project Request: Mississippi University for Women requests approval to appoint JBHM as the design professional. The university used the “Request for Qualifications” (RFQ) selection process.

Proposed Design Professional: JBHM

Purpose: A pre-planning construction project was initiated with the Board in June 2015 for the Demonstration School Renovation. MUW used the RFQ method for

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 5 of 20

selecting the design professional from a short list of 3 firms. The university is now seeking approval to appoint JBHM as its selection as the design professional.

The project involves the complete construction of a new 50,000 square foot building to house the university's premier culinary arts program and provide adequate parking space. The project includes adequate kitchen space, restaurant dining, classrooms, office space, and conference/meeting rooms. The project would address building systems, site drainage, etc. Surveys/abatement and all applicable codes will be addressed.

History: MUW initiated a preplanning project for the renovations of Shattuck Hall for the Culinary Arts program (currently housed in Shattuck). JBHM was appointed the design professional for the preplan project. As a result of JBHM's work, MUW determined that it would be more economical to construct a building to meet the programming needs of Culinary Arts rather than renovating Shattuck Hall for the program. This will allow the university to pursue other uses for Shattuck Hall.

Mississippi University for Women is seeking to appoint the design professional in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: June 18, 2015

Date of Original Construction: New Building

Date of Last Renovation: New Building

Project Budget: (Design Fees Only)

		<i>Estimated</i>
Construction Cost:	\$	0.00
Architectural and Engineering Fees:		250,000.00
Misc. Project Costs:		0.00
Furniture & Equipment Costs:		0.00
Contingency:		<u>0.00</u>
Total Project Budget	\$	250,000.00

Proposed Funding Source(s): SB 2906, Laws of 2015 (\$250,000)

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 6 of 20**

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

3. UM– IHL 207-411 – Oxford-University Stadium (Swayze Field) – Addition & Renovations

Project Request: The University of Mississippi requests approval to appoint Cooke Douglas Farr Lemons, LTD as the design professional for the Oxford-University (Swayze Field) Addition & Renovations project.

Proposed Design Professional: Cooke Douglass Farr Lemons, LTD

Purpose: The Oxford-University Stadium has undergone many changes since its original opening date in 1989. The scope of this project includes additions and renovations to the existing baseball facility as follows:

- 1) Performance/Operations Center - A two-story, roughly 45,000sq.ft. addition housing equipment & laundry rooms, players' locker room, training room, pro/alumni locker room, player lounge, team meeting room, coaches' locker room, weight training/plyometrics. The addition will include an outdoor plaza.
- 2) Field Club – Renovation of the roughly 7,500sq.ft. area under the stadium seating behind home plate. This area will become a field club area including restrooms and the officials' locker room.
- 3) Third Base Club – Renovation of the third base seating area to add seating, concessions, restrooms, play area, and circulation space on the third base line.
- 4) Outfield Terrace – Renovation of the left field lounge to add seating.

The University of Mississippi is seeking to 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: October 15, 2015

Date of Original Construction: 1989

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 7 of 20**

Date of Last Renovation: 2013

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	1,000,000.00
Misc. Project Costs:	0.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 1,000,000.00

Proposed Funding Source(s): Self-Generated Athletic Revenues (\$1,000,000)

Staff Recommendation: Board staff recommends approval of this item.

4. UM– IHL 207-416 – Connor Hall – School of Accountancy Expansion

Project Request: The University of Mississippi requests approval to initiate a project, Connor Hall-School of Accountancy Expansion, and to appoint the design professional using the “Request for Qualifications Method (RFQ).”

Proposed Design Professional: TBD through RFQ Method

Purpose: The University of Mississippi Patterson School of Accountancy is one of the fastest growing schools at the University. In order to maintain the high standard of quality education the University demands, the School of Accountancy must expand its facility to support this goal. The School of Accountancy resides in Connor Hall which was built in 1961. Connor Hall is a 4-story, 42,578 gross square foot concrete frame building with a masonry veneer. The intent of this request is to initiate the project and to release a Request for Qualifications (RFQ) to select a design professional. The design professional will assist the University of Mississippi in determining the project scope, site, and budget. They will then produce design/construction documents for the scope determined. The University of Mississippi will submit a subsequent Board item to confirm the design professional after the selection process and to increase the budget as required to reflect the established scope of work.

The University of Mississippi is seeking to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 8 of 20**

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: March 17, 2016

Date of Original Construction: 1961

Date of Last Renovation: 1998

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	1,000,000.00
Misc. Project Costs:	0.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 1,000,000.00

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

Staff Recommendation: Board staff recommends approval of this item.

5. UM– IHL 207-417 –Farley Hall –School of Journalism Expansion

Project Request: The University of Mississippi requests approval to initiate a project, Farley Hall–School of Journalism Expansion, and to appoint the design professional using the “Request for Qualifications Method (RFQ).”

Proposed Design Professional: TBD through RFQ Method

Purpose: The University of Mississippi Meek School of Journalism and New Media is one of the fastest growing schools at the University. In order to maintain the high standard of quality education the University demands, the School of Journalism must expand its facility to support this goal. The School of Journalism resides in Farley Hall which was built in 1929. Farley Hall is a 3-story, 50,991 gross square foot concrete frame building with a masonry veneer. The intent of this request is to initiate the project and to release a Request for Qualification (RFQ) to select a design professional. The design professional will assist the University of Mississippi in

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 9 of 20

determining the project scope, site, and budget. They will then produce design/construction documents for the scope determined. The University of Mississippi will submit a subsequent Board item to confirm the design professional after the selection process and to increase the budget as required to reflect the established scope of work.

The University of Mississippi 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: March 17, 2016

Date of Original Construction: 1929

Date of Last Renovation: 2009

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	1,000,000.00
Misc. Project Costs:	0.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 1,000,000.00

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

Staff Recommendation: Board staff recommends approval of this item.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 10 of 20**

6. UMMC– IHL 209-554 –2016 Master Plan

Project Request: The University of Mississippi Medical Center requests approval to initiate a project, 2016 Master Plan, and to appoint Cannon Design Architecture and Engineering, P.C. as the design professional.

Proposed Design Professional: Cannon Design Architecture and Engineering, P.C.

Purpose: This project will update the current master plan as well as incorporate UMMC’s satellite facilities into the revised master plan. The planning effort will include projecting growth for UMMC over a 5, 10, and 25 year period; analyzing campus access and green space; providing an infrastructure study; analyzing space adjacencies and use; and recommended design parameters. The previous master plan was presented to the Board of Trustees in 2011.

The University of Mississippi Medical Center 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: March 17, 2016

Date of Original Construction: N/A

Date of Last Renovation: N/A

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	964,000.00
Misc. Project Costs:	36,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>0.00</u>
Total Project Budget	\$ 1,000,000.00

Proposed Funding Source(s): General Funds (\$1,000,000)

Staff Recommendation: Board staff recommends approval of this item.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 11 of 20**

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

BUREAU OF BUILDING PROJECTS

7. USM – GS 108-279 – Lucas Administration Envelope Repairs

Project Request: The University of Southern Mississippi requests approval to increase the budget for the Lucas Administration Envelope Repairs project. The budget will increase from \$3,000,000.00 to \$ 3,300,000.00, for an increase of \$300,000.00. In addition, the University of Southern Mississippi requests approval to add internal university funds as a funding source to the project to allow for the budget increase and to modify the scope of the project to include adding new HVAC work to the existing construction contract.

Project Phase: Construction Phase

Design Professional: Albert & Associates Architects, P.A.

General Contractor: Finlo Construction Company

Purpose/Justification: The project is currently in the construction phase. The original scope of the project included exterior repairs to the building. The project scope needed to be modified by the university to include the replacement of the building's old and inefficient air handler units with new energy efficient units. As a result of this modification to the project scope, the project budget must be increased to accommodate the additional scope. The university is seeking to raise the budget by \$300,000 to allow for the additional scope work of the project to be completed.

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

Project Initiation Date: March 13, 2014

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 REAL ESTATE
 MARCH 17, 2016
 Page 12 of 20**

Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 2,282,272.00	\$ 2,555,000.00	\$ 272,728.00
Architectural and Engineering Fees	\$ 145,312.00	\$ 201,771.68	\$ 56,459.68
Miscellaneous Project Costs	\$ 151,000.00	\$ 338,419.00	\$ 187,419.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 421,416.00	\$ 204,809.32	\$ (216,606.68)
Total Project Budget	\$ 3,000,000 .00	\$ 3,300,000.00	\$ 300,000.00

Proposed Funding Source(s): IHL 2007 R&R (\$21,554.25); HB 1641, Laws of 2008 (\$66,267.99); HB 1722, Laws of 2009 (\$465,763.85)
 HB 1701, Laws of 2010 (\$38,375.72); SB 3100, Laws of 2011 (\$1,570,788.65);
 Institutional Funds (\$837,249.54); University Designated Fund Reserves (\$300,000.00)

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

8. USM – IHL 208-327 – Bolton Hall Renovation (To be modified to GS #108-283)

Project Request: The University of Southern Mississippi requests approval to change the project number from IHL #208-327 to GS #108-283 due to the project being funded with state bond funds. In addition, the university requests to increase the project budget from \$40,000 (design fees only) to \$3,200,000 for an increase in the amount of \$3,160,000. The University of Southern Mississippi requests to modify the funding source for this project to include \$1,500,000 from SB 2906, Laws of 2015 and \$1,700,000 from HB 787, Laws of 2014. In addition, the university requests approval of the exterior design of Bolton Hall as a result of the renovation improvements being made to the exterior of the building. (See Rendering on Page 14)

Project Phase: Design Phase

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 CONSENT AGENDA
 REAL ESTATE
 MARCH 17, 2016
 Page 13 of 20**

Design Professional: Albert & Associates

General Contractor: TBD

Purpose/Justification: The project is currently in the design phase. The project was initiated with the Board on January 22, 2015. This project will renovate Bolton Hall to provide a temporary home for the Army ROTC and the Mathematics Department. The initial budget was for design fees only through the design development phase of the project. The university has now pre-planned the project and is seeking to continue forward with the project with a new project budget of \$3.2 million. The university will use \$1.5 million from SB 2906, Laws of 2015 and will move \$1.7 million of HB 787, Laws of 2014 bond funds out of GS #108-281 Joseph Greene Hall to fund the Bolton Hall Renovation project.

The University of Southern Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project changes of scope, funding source and budget increases to the Board for approval. The university is also acting in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

Project Initiation Date: January 22, 2015

Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 0.00	\$ 2,300,000.00	\$ 2,300,000.00
Architectural and Engineering Fees	\$ 40,000.00	\$ 208,433.00	\$ 168,433.00
Miscellaneous Project Costs	\$ 0.00	\$ 393,567.00	\$ 393,567.00
Furniture & Equipment Costs	\$ 0.00	\$ 0.00	\$ 0.00
Contingency	\$ 0.00	\$ 298,000.00	\$ 298,000.00
Total Project Budget	\$ 40,000.00	\$ 3,200,000.00	\$ 3,160,000.00

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 14 of 20**

Proposed Funding Source(s): SB 2906, Laws of 2015 (\$1,500,000); HB 787, Laws of 2014 (\$1,700,000)

Staff Recommendation: Board staff recommends approval of this item.

Rendering of Bolton Hall:



APPROVAL OF OTHER REAL ESTATE REQUESTS

9. MSU –Exterior Design Approval of Women’s Soccer Fieldhouse

Project Request: Mississippi State University requests approval of the exterior design of the Women’s Soccer Fieldhouse. (*See Rendering of Stadium on Page 15*)

Purpose: Mississippi State University is seeking approval of the exterior design of the Women’s Soccer Fieldhouse. This project is fully funded as a Bulldog Club project but does require Board approval for the exterior design. Mississippi State University is seeking approval of the exterior design of the building in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

Staff Recommendation: Board staff recommends approval of this item.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 15 of 20**

Rendering of East Facade of Soccer Fieldhouse



10. MSU – IHL 205-276 - Naming of G.V. “Sonny” Montgomery Center for America’s Veterans building as “Nusz Hall”

Project Request: Mississippi State University requests permission to name the new Center for America’s Veterans building currently under construction as “Nusz Hall”.

Purpose: Mississippi State University requests permission to name the building currently under construction to house the university’s G. V. “Sonny” Montgomery Center for America’s Veterans as Nusz Hall. The proposed naming is in recognition of Tommy and Terri Nusz of Houston, Texas, who in 2013 contributed the lead gift that helped make possible the new facility to serve the university’s veterans community.

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

Staff Recommendation: Board staff recommends approval of this item.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 16 of 20

11. MSU – IHL 205-276 – Naming of New Residence Hall North as “Earnest W. and Mary Ann Deavenport Hall”

Project Request: Mississippi State University requests permission to name the new residence hall currently under construction as “Earnest W. and Mary Ann Deavenport Hall”.

Purpose: Mississippi State requests approval to name the Azalea North residence hall currently under construction as Earnest W. and Mary Ann Deavenport Hall. The Deavenports, both Mississippi natives, are current residents of Kiawah Island, S.C. They have recently committed an additional \$3 million to previous scholarship endowments at the university. Total contributions exceed \$8 million.

Mr. Deavenport is a 1960 MSU chemical engineering graduate who had a long and successful career with Eastman Kodak, becoming group vice president in 1989. He became chairman of Eastman Chemical Co. in 1994 and served in that role until his retirement in 2002. Mr. Deavenport is a previous national Alumnus of the Year and received an honorary doctorate from MSU in 2011. He is the current Chair of the MSU Foundation.

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

Staff Recommendation: Board staff recommends approval of this item.

12. UM – IHL 207-376 – STEM Building – Approval of Exterior Design

Project Request: The University of Mississippi requests approval of the exterior design of the proposed STEM Building. (*See Rendering of Parking Structure on Page 18*)

Project Phase: Design Phase

Design Professional: McCarty Architects, P.A.

General Contractor: TBD

Purpose/Justification: As student enrollment increases, the demand for Science, Technology, Engineering & Mathematics (STEM) facilities follows. The University

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 17 of 20

of Mississippi must provide additional STEM facilities on campus to satisfy the demand. The University of Mississippi intends to construct a new 5-story STEM Building in the Science District on campus. The building is currently being programmed at approximately 207,000 gross square feet. Due to the extreme size of this project, the university would like to progress with the planning and design of the project in order to more accurately identify the anticipated construction cost.

This request is to obtain approval of the building's exterior design. The project will not move beyond the site preparation projects and the design stage of the STEM Building until the University of Mississippi returns to the IHL Board of Trustees for approval to issue UMEBC bonds for the full cost of the project.

The University of Mississippi is seeking approval of the exterior design of the parking structure in accordance with Board Policy §904(A), Board Approval, that requires the Board to approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project.

Project Initiation Date: January 16, 2015

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 4,259,029.00
Architectural and Engineering Fees:	3,200,000.00
Misc. Project Costs:	135,000.00
Furniture & Equipment Costs:	0.00
Contingency:	<u>1,105,971.00</u>
Total Project Budget	\$ 8,700,000.00

Proposed Funding Source(s): Internal R&R Funds (\$8,700,000)

Staff Recommendation: Board staff recommends approval of this item.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 18 of 20**

Rendering: Proposed STEM Building:



13. UMMC- Granting of a Permanent Right-of-Way Easement to Entergy Mississippi

Project Request: The University of Mississippi Medical Center requests approval to grant a permanent right-of-way easement to Entergy Mississippi for the purpose of constructing a transmission line to service existing load and projected load growth.

Purpose: Entergy has a need to acquire a Right of Way for the construction of a 230kV transmission line in Madison and Hinds counties. The transmission line project is designed to serve existing load and projected load growth. Entergy has submitted an offer of \$88,636.00 as payment for permanent easement. The newly requested easement will add 60' to the existing 200' wide easement. UMMC is requesting approval of this additional 60' wide easement between UMMC and Entergy on UMMC property located in Madison, MS.

Property Description: A tract of land located on Parcel 44 containing 3.559 acres or 155,027 square feet that is situated in the SE ¼ of Section 10 Township 8 North, Range 1 East, Choctaw Meridian, all in Madison County, Mississippi.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 19 of 20

Terms: Grantor grants to Grantee the rights of ingress and egress at any time, without notice, to, from, or along said right-of-way across the adjoining land of the Grantor, including, but not limited to, the passage of vehicles and equipment upon said right-of-way; and the right of Grantee to assign, license, and otherwise permit others to use in whole or part any or all of the rights, easements, servitudes, privileges or appurtenances granted herein.

Grantee shall have the full and continuing right, without further compensation, to clear and keep clear vegetation within or growing into said right-of-way and the further right to remove or modify from time to time trees, limbs, and/or vegetation outside the said right of way which Grantee considers a hazard to any of Grantee's facilities or a hazard to the rendering of adequate and dependable service to Grantor or any of Grantee's customers, by use of a variety of methods used in the vegetation management industry. As used in this paragraph, "hazard" includes any trees, limbs, and/or vegetation that Grantee determines are tall enough that if they fell may strike, hit, or come in contact with any of Grantee's facilities. Payment for the first cutting of trees, limbs, and other vegetation outside of the right-of-way is included in the initial consideration paid to Grantor. Grantee shall pay to Grantor, or Grantor's successor in title, the reasonable market value, as timber, of such trees when removed in the future outside of the said right-of-way.

Grantee shall pay Grantor for physical damages to Grantor's buildings or other structures located outside said right-of-way and to Grantor's growing annual crops, road, bridges and fences caused by the construction and maintenance of Grantee's facilities.

Grantor retains the right to use for Grantor's own purposes the land covered by the said right-of-way so long as such use does not interfere with Grantee's use of said right-of-way and other rights herein granted.

Grantor shall not construct or permit the construction of any structure, obstruction or other hazard within the said right-of-way, including but not limited to, house, barn, garage, shed, pond, pool water impoundment, excavation or well, excepting only Grantor's fence(s) and Grantee's facilities. Grantor shall not construct or permit the construction of any buildings or other structures on land adjoining said right-of-way in violation of the minimum clearances from the lines and facilities of Grantee, as provided in the National Electrical Safety Code.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
REAL ESTATE
MARCH 17, 2016
Page 20 of 20**

The University of Mississippi Medical Center 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 contingent upon the approval of the Mississippi Secretary of State, as required by Miss. Code Ann. §29-1-1(3). Board staff recommends approval of this item.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
LEGAL
MARCH 17, 2016
PAGE 1 OF 1**

**1. MSU – APPROVAL TO MODIFY CONTRACT WITH STITES & HARBISON,
PLLC AS OUTSIDE COUNSEL**

Mississippi State University requests approval to modify a contract with the firm of Stites & Harbison, PLLC, to provide services necessary for obtaining patents for designs, processes, products and other patentable materials developed in connection with the University. The purpose of Modification #1 is to remove Connie Ding as an approved attorney and add Sean Ritchie as her replacement, at a rate of \$240 per hour. All other provisions of the Agreement for Legal Services dated July 1, 2015, shall remain in effect with hourly rates ranging from \$95 - \$320, and the total amount payable shall not exceed \$100,000. This modification has been approved by the Office of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
PERSONNEL
March 17, 2016
Page 1 of 4

APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

DSU

Mr. James Rutledge; Interim Vice President of Finance & Administration; salary of \$135,091 per annum, pro rata; E&G funds; effective March 1, 2016

2. Change of Status

MSU

Ricky L. Travis; *from* Associate Dean and Professor, College of Arts and Sciences; salary of \$148,000 per annum, pro rata; E&G Funds; *to* Interim Dean and Professor, College of Arts and Sciences; salary of \$180,000 per annum, pro rata; E&G funds; effective April 1, 2016

MUW

Dr. Tom Richardson; *from* Interim Provost and Vice President for Academic Affairs and Eudora Welty Chair and Professor of English; salary of \$177,000 per annum, pro rata; E&G Funds; *to* Provost and Vice President for Academic Affairs and Eudora Welty Chair and Professor of English; no salary change; effective March 17, 2016

3. Sabbatical

MSU

Shrinidhi S. Ambinakudige; Assistant Professor of Geosciences; *from* salary of \$65,612 per annum, pro rata; E&G Funds; *to* salary of \$32,806 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Barry Joe Barnett; Professor of Agricultural Economics; *from* salary of \$118,500 per annum, pro rata; E&G Funds; *to* salary of \$59,259 for sabbatical period; E&G Funds; effective August 16, 2016 to May 15, 2017; professional development.

John William Bickle, Jr.; Professor and Head, Philosophy and Religion; *from* salary of \$138,000 per annum, pro rata; E&G Funds; *to* salary of \$51,750 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
PERSONNEL
March 17, 2016
Page 2 of 4

Thomas Brent Funderburk; Professor of Art; *from* salary of \$87,322 per annum, pro rata; E&G Funds; *to* salary of \$43,661 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Sally H. Gray; Associate Professor of Classical and Modern Languages and Literature; *from* salary of \$56,954 per annum, pro rata; E&G Funds; *to* salary of \$28,477 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Zahur Zee Haque; Professor of Food Science, Nutrition and Health Promotion ; *from* salary of \$104,718 per annum, pro rata; E&G Funds; *to* salary of \$39,269 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

James Emery Henderson; Associate Extension Professor Forestry; *from* salary of \$96,720 per annum, pro rata; E&G Funds; *to* salary of \$36,270 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Mark D. Hersey; Associate Professor of History; *from* salary of \$70,655 per annum, pro rata; E&G Funds; *to* salary of \$35,327.50 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

David M. Hoffman; Associate Professor of Anthropology and Middle Eastern Cultures; *from* salary of \$71,295 per annum, pro rata; E&G Funds; *to* salary of \$35,648 for sabbatical period; E&G Funds; effective August 16, 2016 to May 15, 2017; professional development.

Seongjai Kim; Professor of Mathematics and Statistics; *from* salary of \$89,218 per annum, pro rata; E&G Funds; *to* salary of \$44,609 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

Sundar Rajan Krishnan; Associate Professor of Mechanical Engineering ; *from* salary of \$94,976 per annum, pro rata; E&G Funds; *to* salary of \$47,310 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

David J. Lang; Professor of Plant and Soil Services ; *from* salary of \$87,512 per annum, pro rata; E&G Funds; *to* salary of \$32,817 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

Matthew Lavine; Associate Professor of History ; *from* salary of \$67,772 per annum, pro rata; E&G Funds; *to* salary of \$33,886 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
PERSONNEL
March 17, 2016
Page 3 of 4

Matthew Wood Little; Associate Professor of English ; *from* salary of \$80,546 per annum, pro rata; E&G Funds; *to* salary of \$40,273 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Kelly Marsh; Associate Professor of English ; *from* salary of \$64,662 per annum, pro rata; E&G Funds; *to* salary of \$32,331 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

Stephen Middleton; Professor of History ; *from* salary of \$132,786 per annum, pro rata; E&G Funds; *to* salary of \$49,795 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Jamie B. Mixon; Professor of Art ; *from* salary of \$73,543 per annum, pro rata; E&G Funds; *to* salary of \$36,772 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Mark A. Novotny; Professor and Head, Physics and Astronomy ; *from* salary of \$163,500 per annum, pro rata; E&G Funds; *to* salary of \$61,313 for sabbatical period; E&G Funds; effective August 16, 2016 to May 15, 2017; professional development.

Bonnie Carr O'Neill; Associate Professor of English ; *from* salary of \$59,486 per annum, pro rata; E&G Funds; *to* salary of \$29,743 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Gautam Rupak Lan Tai Moong; Associate Professor of Physics and Astronomy ; *from* salary of \$72, 866 per annum, pro rata; E&G Funds; *to* salary of \$36,433 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

Timothy J. Schauwecker; Associate Professor of Landscape Architecture ; *from* salary of \$92,902 per annum, pro rata; E&G Funds; *to* salary of \$34,838.25 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Guiming Wang; Associate Professor of Wildlife, Fisheries and Aquaculture ; *from* salary of \$83,596 per annum, pro rata; E&G Funds; *to* salary of \$31,349 for sabbatical period; E&G Funds; effective August 16, 2016 to December 31, 2016; professional development.

Daniel W. Wong; Professor of Counseling, Educational Psychology and Foundations ; *from* salary of \$103,726 per annum, pro rata; E&G Funds; *to* salary of \$51,863 for sabbatical period; E&G Funds; effective January 1, 2017 to May 15, 2017; professional development.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
PERSONNEL
March 17, 2016
Page 4 of 4

USM

Linda Allen; Associate Professor of English; *from* salary of \$55,582 per annum, pro rata; E&G Funds; *to* salary of \$24,703 for sabbatical period; E&G Funds; effective August 22, 2016 to December 31, 2016; professional development.

Max Grivno; Associate Professor of History; *from* salary of \$58,250 per annum, pro rata; E&G Funds; *to* salary of \$25,889 for sabbatical period; E&G Funds; effective August 22, 2016 to December 31, 2016; professional development.

Bridget Hayden; Associate Professor of Anthropology and Sociology; *from* salary of \$53,632 per annum, pro rata; E&G Funds; *to* salary of \$23,836 for sabbatical period; E&G Funds; effective August 22, 2016 to December 31, 2016; professional development.

Thomas O'Brien; Professor of Educational Studies and Research; *from* salary of \$92,500 per annum, pro rata; E&G Funds; *to* salary of \$51,389 for sabbatical period; E&G Funds; effective January 13, 2017 to May 18, 2017; professional development.

Mary Sheffer; Associate Professor of Mass Communication and Journalism; *from* salary of \$67,815 per annum, pro rata; E&G Funds; *to* salary of \$30,140 for sabbatical period; E&G Funds; effective August 22, 2016 to December 31, 2016; professional development.

Andrew Wiest; Professor of History; *from* salary of \$122,354 per annum, pro rata; E&G Funds; *to* salary of \$67,974 for sabbatical period; E&G Funds; effective January 13, 2017 to May 18, 2017; professional development.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
ADMINISTRATION/POLICY
March 17, 2016
Page 1 of 1

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

The university requests approval to bestow one honorary degree at its May 2016 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

2. **JSU – APPROVAL TO AWARD TWO HONORARY DEGREES**

The university requests approval to bestow two honorary degrees at its May 2016 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

3. **MSU – APPROVAL TO AWARD TWO HONORARY DEGREES**

The university requests approval to bestow two honorary degrees at its May 2016 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

4. **MUW – APPROVAL TO AWARD ONE HONORARY DEGREE**

The university requests approval to bestow one honorary degree at its May 2016 commencement ceremony. Supporting documents are on file at the Board Office.

Staff Recommendation: Board staff recommends approval of this item.

REGULAR AGENDAS

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 1 of 8

1. SYSTEM – REQUEST FOR APPROVAL TO REVISE BOARD POLICY 906 TO REMOVE SUBSEQUENT MEETING REQUIREMENT FOR BOND REFUNDINGS AND DEFEASEMENTS AND TO ADD CONTINUING DISCLOSURE PROCEDURES (Final Approval)

906 EDUCATIONAL BUILDING CORPORATIONS

Authority. Miss. Code Ann., Sections 37-101-61, and 37-101-63 (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring, or maintaining, equipping, improving 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.

Financial Advisor. Prior to Board consideration of an institution's request to issue debt ~~by~~ of the educational building corporation for the construction, maintenance, equipping, acquisition, and renovation of facilities or to refinance outstanding debt, 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 bonds 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, or in the case of refinancing, whether the debt is refinanced.

Financing Projects. Prior to Board consideration of an institution's request to issue debt of the educational building corporation for the construction, maintenance, equipping, acquisition or renovation of facilities, the financial advisor must 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 bonds to justify the use of commercial paper. 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

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 2 of 8

counsel and 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), and the continuing disclosure agreement (if required for the type of debt to be issued). 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.~~

Refinancing or Defeasing of Outstanding Debt. Outstanding debt of the educational building corporation may be refinanced in accordance with the provisions of this policy. Prior to Board consideration of an institution's request to issue debt of the educational building corporation to refinance outstanding debt of the institution or the educational building corporation, the financial advisor must provide the Board with an independent analysis showing potential net present value (NPV) savings based on current market conditions. The institution's request must include naming the bond counsel and senior underwriter(s) selected by the board of the educational building corporation. After consideration of the financial advisor's analysis and other factors that the Board deems material, the Board may approve the issuance of debt by the educational building corporation, in the discretion of the authorized representatives of the educational building corporation to refinance outstanding debt of the institution or the educational building corporation, which authorization may be conditioned on the specific level of NPV savings being achieved. Refinancing or defeasing of debt does not require a subsequent meeting of the Board of Trustees provided the financial advisor has provided a report demonstrating adequate net present value savings and the bond resolution and form of bond documents have been presented to and approved by the Board.

Review and Approval of Documents. In connection with the issuance of debt for any purpose, the institution shall present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations and for approval of the following documents

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 3 of 8

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), and the continuing disclosure agreement (if required for the type of debt to be issued). The resolution shall also authorize representatives of the Board to execute such documents. Prior to the approval of the resolution by the Board, the educational building corporation ~~should~~ shall submit to the Board staff, for informational purposes only, the form of any documents that are 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.

Method of Sale. 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.

Selection of Financial Institution Participants. 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.

Continuing Disclosure Obligations. Securities and Exchange Commission Rule 15c2-12 generally provides that an underwriter cannot sell governmental bonds unless an “obligated person” with respect to the bonds enters into a “Continuing Disclosure Agreement” (CDA) agrees to submit annually audited financial statements of the obligated person and other information as set forth in the CDA and notices of specified material events. With respect to the issuance of bonds by educational building corporations, the Board is an “obligated person” and the CDA will typically require audited financial statements and operating data for the entire IHL system to be submitted annually, rather than information on individual institutions. The material events specified in the CDA also typically relate to the entire IHL system.

To facilitate uniformity, efficiency and timeliness in complying with the requirements of Rule 15c2-12 relating to bonds issued by an educational building corporation, the Board, rather than the educational building corporation, will enter into the CDA and undertake to provide the annual disclosures and material event notices. The Board will hire an independent agent to assist with compliance with its obligations under CDA(s), as well as, compliance by educational building corporations under CDA(s) entered into by educational building corporations prior to the adoption of this policy upon approval by the Board. The Board, and/or its dissemination agent, will also sign up for the EMMA tickler system reminders.

(BT Minutes, 11/2000; 9/2005; 2/2007; 1/2012; 1/2014; __/__/2016).

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 4 of 8

Staff Recommendation: Board staff recommends final approval of the proposed revision to Board Policy 906.

2. MSU-REQUEST FOR APPROVAL OF A RESIDENCY AND OUT-OF-STATE TUITION WAIVER POLICY

Mississippi State University (MSU) requests approval to grant waivers of non-resident tuition to residents of four southwest Alabama counties who enroll in MSU Engineering on the Coast bachelor's degree programs.

1. Purpose: The purpose of this policy is to authorize and define the criteria for granting waivers of out-of-state tuition to Mississippi State University students. This policy is implemented to include out-of-state tuition waivers as authorized through the amendment to Miss. Code Ann. § 37-103-25 (3).
2. Authority and Effective Date: This policy reflects, and shall be construed in conformity with, the Policies and Bylaws of the Board of Trustees of State Institutions of Higher Learning and with Mississippi statutory law, including Miss. Code Ann. § 37-103-25, as amended. This policy shall be effective upon approval by IHL and MSU, with individual waivers becoming applicable as of the date approved by the MSU president, unless a later time is indicated below.
3. Changes to MSU out-of-state waivers: The following out-of-state waiver is authorized, on a case-by-case basis, in addition to those in existence by virtue of prior statutory law and Board policy. Waivers are contingent upon the student's submission to MSU of timely (before the start of the applicable semester) and adequate proof of having met the applicable criteria. To be eligible for out-of-state tuition waivers, applicants must meet admissions requirements for the initial award and maintain satisfactory academic progress for continued eligibility.

MSU Engineering on the Coast geographic area

For the purpose of offering enhanced access to MSU Engineering on the Coast Bachelor of Science degrees through a collaboration with Mississippi Gulf Coast Community College to students who live within close geographic proximity of the campus, MSU Engineering on the Coast may waive out-of-state tuition for non-resident students who reside in Mobile, Baldwin, Washington, and Escambia counties of the State of Alabama. This waiver will become effective for the 2016-17 academic year.

4. Financial Impact: MSU estimates the impact of this waiver will increase tuition revenue by an additional \$350,000 to \$400,000 over current collections over a five-year period. This

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 5 of 8**

waiver would apply to newly enrolled students from Alabama who reside in Mobile, Baldwin, Washington and Escambia counties.

The table below shows a conservative estimated financial impact of this waiver.

Mississippi State University

Engineering on the Coast Waiver Estimate

	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>	<u>FY 20</u>	<u>FY 21</u>	<u>Total</u>
# Students	10	20	20	20	20	
Hours	12	12	12	12	12	
Rate	\$ 320	\$ 332	\$ 332	\$ 332	\$ 332	
Total	<u>\$ 38,400</u>	<u>\$ 79,680</u>	<u>\$ 79,680</u>	<u>\$ 79,680</u>	<u>\$ 79,680</u>	<u>\$ 357,120</u>

Staff Recommendation: In accordance with House Bill 1095 amending Miss. Code Ann Section 37-103-25, the Board of Trustees is authorized to allow institutions to waive out-of-state tuition when a waiver policy is requested by the President or Chancellor and determined to be fiscally responsible by the Board. The Attorney General’s office reviewed the proposed policy. Board staff also reviewed the proposed policy and financial projections provided by MSU. Board staff recommends approval of this item.

3. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A LETTER OF PARTICIPATION WITH JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into a letter of participation local market agreement with Johnson & Johnson Health Care Systems, Inc. (J&J) to purchase orthopedic trauma implants to be used in surgical procedures on pediatric and adult patients at its Jackson and Grenada campuses.

Contractor’s Legal Name: Johnson & Johnson Health Care Systems, Inc.

History of Contract: UMMC has previously purchased these items through its primary Group Purchasing Organization (GPO), Novation.

Specific Type of Contract: This is a new letter of participation agreement that is allows for additional pricing enhancements to the Novation agreement.

Purpose: The purpose of this agreement is to allow UMMC to purchase orthopedic trauma implants from J&J at a discounted rate. This agreement gives additional discounted pricing from what is currently offered through the Novation contract.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 6 of 8

Scope of Work: J&J will provide the following:

- Discounted pricing for two (2) years and one (1) month to the Jackson and Grenada campuses;
- Addition or removal of products from the product schedule at their discretion; and
- Price increases will be capped at 1% per year.

UMMC will:

- Only use the products on their patients, staff, employees, students, and their respective dependents and will not resell products;
- Ensure that all reports required and provided to J&J to implement this agreement will be complete and accurate;
- Purchase a 90% market share in order for UMMC to remain eligible for the discounted pricing;
- Maintain as confidential the price lists, prices, and discounts received under this agreement; and
- Provide a Completed Trauma Spend Form prior to the effective date and within the Report Delivery Period.

Term of Contract: The term of this agreement is for a period of two (2) years, beginning on or about April 1, 2016.

Termination Options: Termination options include the following:

- By either party at any time thirty (30) days' prior written notice;
- 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 the termination; and
- If the other party has become insolvent, has filed for bankruptcy, or has been debarred or excluded from participating in federal health care programs; and
- Termination of the Novation agreement.

Contract Amount: The estimated cost of this agreement is \$13,009,442.75. The estimated total cost breakdown is provided below:

	April. 2016 – Jan. 2017	Feb. 2017- Jan. 2018	March 2018	TOTAL
Jackson	\$5,025,728.00	\$5,528,300.80	\$506,760.90	\$11,060,789.70
Grenada	\$885,416	\$973,957.60	\$89,279.45	\$1,948,653.05
Total	\$5,911,144.00	\$6,502,258.40	\$596,040.35	\$13,009,442.75

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 7 of 8

*The estimated costs beginning in 2017 were compounded by ten percent (10%) over the previous year to account for an increase in patient growth and any potential pricing increases. Please note that the cost in the column for March 2018 was calculated by dividing the compounded amount from the previous year by twelve.

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

Contractor Selection Process: Johnson & Johnson Health Care Systems, Inc. is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO).

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. UMMC-REQUEST FOR APPROVAL TO ENTER INTO A PURCHASE AGREEMENT WITH MEDTRONIC USA, INC.

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Medtronic USA, Inc.** for the purchase of cardiac resynchronization devices and the associated supplies used in the implementation of the devices.

Contractor's Legal Name: Medtronic USA, Inc. (Medtronic)

History of Contract: UMMC previously had a contract with Medtronic which provided enhanced pricing which was offered through its Group Purchase Organization (GPO), Novation. The previous agreement was approved by the Board at its January 16, 2014 meeting, at an approved spend of \$10,000,000. The term of the agreement was two (2) years. In late 2015, UMMC conducted a multi-awarded bid for cardiac resynchronization products and associated commodities. Three vendors were chosen, but only one vendor, Medtronic, required a contract. As such, UMMC is submitting the attached contract for approval.

Specific Type of Contract: Purchase agreement.

Purpose: Under the agreement, UMMC will purchase cardiac resynchronization devices and associated commodities from Medtronic at discounted pricing. These products are used in the treatment of patients with cardiac rhythm management issues

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
FINANCE
February 18, 2016
Page 8 of 8

Scope of Work: UMMC will purchase from Medtronic, cardiac resynchronization products and associated commodities used in the treatment of patients with cardiac rhythm management issues.

Term of Contract: The term of the agreement is for three (3) years beginning on or about April 1, 2016.

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

- breach by either party of a material term of the agreement upon thirty (30) days written notice,
- at any time upon sixty (60) days written notice,
- in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership,
- upon thirty (30) days notice, in the event there is a material change in effective control or ownership of the other party, and
- failure by Medtronic to comply with the federal E-Verify Program.

Contract Amount: The total estimated contract cost for the three (3) year term is \$10,000,000; however, products will be purchased on an “as needed” basis with no minimum purchase required. This cost is based on historical numbers and allows for anticipated growth in the cardiovascular program.

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

Contractor Selection Process: Medtronic was chosen as vendor pursuant to State public purchase requirements

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.*

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 1 OF 13**

**1. SYSTEM – REQUEST FOR APPROVAL FOR FIRST READING OF
AMENDMENT TO BOARD POLICY 301.0806 UNIVERSITY FOUNDATION /
AFFILIATED ENTITY ACTIVITIES**

Board approval for first reading is requested regarding the below proposed amendment to Board Policy 301.0806 University Foundation / Affiliated Entity Activities. The following amendment is proposed in order to require university and IHL Board approval prior to any affiliated entity purchasing or leasing real property or executing a contract for improvements to real property.

301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES

A. Purpose of Foundations and Similar University Affiliated Entities:

This policy shall apply to the relationship between Mississippi public universities (“universities”) and university development foundations, research foundations, athletics foundations, alumni associations and all other similar entities affiliated with any of the eight state universities (collectively referred to as the "Foundation/ Affiliated Entities” or “Entities”).

The Board of Trustees (hereinafter “Board” or “IHL”) recognizes that such Entities have played and continue to play an important role in providing financial and other support for its institutions. This support has assisted the institutions in achieving a level of excellence not possible through state funding and tuition alone. While the Board of Trustees recognizes and appreciates the contributions made to higher education by such foundations and similar entities, the Board of Trustees reaffirms that the goal of the Entities is not to replace necessary support from the state.

The Board of Trustees also acknowledges that the independent nature of the Entities provides flexibility to state universities in fiscal management and responsiveness.

The primary purpose of the foundations and other entities affiliated with the state universities is to engage in raising and managing funds and/or other activities consistent with the mission and priorities of their respective affiliated institutions, as determined by the Institutional Executive Officer (the "IEO") of each. Each Entity is expected to have a mission statement relevant to this purpose and to adopt policies, plans, and budgets designed to achieve that mission.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 2 OF 13

The Board fully recognizes the importance to the universities and to the Entities of preserving the confidentiality of information related to donors or potential donors. Providing appropriate confidential treatment for information related to donors who have voluntarily provided funds to support the state universities is in the best interests of this state and its citizens. Thus, it is the policy of the Board that its oversight of the relationship between the foundations and the universities shall be accomplished in a manner that will effectively and appropriately preserve and protect the confidentiality of such information to the fullest extent possible which is consistent with the duty of the universities and the IHL to assure that assets intended to benefit the state universities are appropriately and effectively managed and utilized.

B. Relationship Between Board And Affiliated Entities

As provided in Miss. Const. Art. 8, Section 213-A and Section 31-101-1 of the Miss. Code Ann. of 1972, as amended (the "Miss Code"), the Board of Trustees has governing authority over the eight state universities. Under such authority, the Board of Trustees has responsibility for ensuring that the public interest is served by any individual or organization that is established to support one of the eight state universities.

The Board recognizes that the Entities are not state agencies. The Entities have their own governing authorities. The Board recognizes that it does not have the power to exercise governing control over the Entities.

While the Board of Trustees does not have the power or authority to exercise governing control over the Entities, the Board has the full authority to establish the terms under which state universities will contract with private organizations. That is particularly necessary with respect to these Entities, since they, or some of them, will solicit and manage funds on behalf of and for the benefit of the state universities, and may use the name, logo, or other insignia identified with the state universities. The Board has the authority to require that any organization that manages funds for any state university, or whose name is associated with a state university under the governance of the Board, must adhere to ethical standards appropriate for such

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 3 OF 13

organizations and must properly manage, utilize and account for funds contributed to or for the benefit of the universities.

To ensure the independence of the affiliated Entities, no member or employee of the Board of Trustees of State Institutions of Higher Learning shall hold a voting position on an institutionally affiliated Entity board. The Board of Trustees may allow exceptions to this restriction if needed to comply with NCAA requirements or other proper purposes. Senior administrators of the institution should only participate on the Foundation/ Affiliated Entity's board in an ex-officio capacity.

C. Affiliation Agreements Required

Each university must enter into a formal contractual affiliation agreement (the "Affiliation Agreement") with its development foundation(s), research foundation(s), athletics foundation(s), alumni association(s) and any other similar university affiliated Entity in a form submitted to and approved by this Board. The Affiliation Agreement shall be reviewed for approval by the Board of Trustees at least every five (5) years, or whenever the Affiliation Agreement is changed (other than changes for non-substantive, conforming or purely administrative matters).

Each university shall submit all existing or amended Affiliation Agreements to the Board for approval on or before June 30, 2010, in a form that the university believes will fully comply with the requirements of this policy as amended.

In order to appropriately conserve the resources of the universities and the IHL, and to expedite the Board's review of the proposed Affiliation Agreements within the time period set forth above, the IEO's of the universities are expected to direct the resources of their university to work in coordination with the other universities in developing and reviewing templates of proposed affiliation agreements to be used by all similar Entities and universities. Counsel for the Board will be directed to assist in that process. The universities are expected to use those templates insofar as practical, given the acknowledged differences between universities and the Entities, as the basis and pattern for preparing the proposed Affiliation Agreements which are required by this Policy.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 4 OF 13

D. General Requirements of Affiliation Agreements

The Affiliation Agreements for each Entity shall address and comply with the following general requirements and subjects:

1. Outlining the services and benefits the institution and the Entity are to provide to each other and the compensation or other requirements related thereto;
2. Describing the mechanisms by which the institution shall, through its IEO, keep the Entity apprised of the needs and priorities of the institution, and requiring that the Entity, in concert with donor intent or directives, if any, agree to consider and communicate to the university its ability and plans to fund university needs and priorities, as determined by the IEO;
3. Describing whether, and the terms under which, any institutional assets of the institution itself are to be managed by the Entity on behalf of the institution and providing for appropriate rights of inspection and auditing for such funds by the IHL and all appropriate state officials;
4. Delineation of the terms upon which the Entity is authorized to accept gifts, restricted and unrestricted, on behalf of or for the benefit of the institution;
5. Outlining the method under which all gifts, grants, endowments and other assets are accepted and accounted for by the Entity, the methods and procedures to be utilized in determining how the income related to those assets is to be computed and distributed to the universities, and the terms and conditions under which any portion of such assets or the income related thereto may be used for the operating or other expenses of the Entity;
6. Requiring that all gifts made to the university shall be accounted for and ownership maintained by that university, even though they may be managed by the Entity;
7. Requiring that the records of such Entity shall be maintained separately from the records of the respective affiliated institution;
8. Requiring maintenance of financial and accounting records in accordance with Generally Accepted Accounting Principles;
9. Requiring that the Entity must cause to be prepared annual financial statements of the condition of the Entity, which shall include such detail as the IHL Board may from time to time require; The Entity must also engage a Certified Public Accounting (CPA) firm to perform annual audits of the Entity's annual financial statements; The Entity shall submit the audited financial

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 5 OF 13

statements, along with a list of Entity officers, directors or trustees, not later than five months following the completion of the Entity's fiscal year, to the affiliated university's IEO and to IHL; However, the annual audited financial statements of some of the Entities will be required for inclusion in the State of Mississippi's Comprehensive Annual Financial Report (CAFR); Those Entities which will be required to submit annual audited financial statements for inclusion in the CAFR, as determined by the IHL Board's Deputy Commissioner of Finance and Administration and the external auditing firm hired to perform the annual IHL system audit, must submit annual audited financial statements to the affiliated university's IEO and to the IHL, along with a list of Entity officers, directors or trustees, by October 15 of each year; The IHL Board's Deputy Commissioner of Finance and Administration shall notify each such Entity of the applicability of the October 15 deadline to such Entity as far in advance of the deadline as possible each year; 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; Unless approval is specifically granted for multiple years, approval of a firm by the IHL Board for one year does not constitute approval for other years, and requests for approval of the CPA firm must be submitted on an annual basis; However, at the request of the Entity, the IEO of a university, with the approval of the IHL Board, may grant a request of the Entity to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds, such as a showing that the assets of the Entity are so limited as to make the expense of engaging a CPA firm to perform an audit financially burdensome to the Entity and unnecessary; Such a waiver may be conditioned upon such other review of the financial records of the Entity in lieu of an audit as the University and the IHL may deem feasible; Such a request for a waiver must be accompanied by (a) the most recent annual audited financial statements of the Entity (if any such statements exist), (b) the financial statements of the most recently completed fiscal year, (c) a written description of how the Entity anticipates that the year-end financial statements for the current year will differ from the financial statements as of the end of the most recently completed fiscal year, and (d) a good faith estimate of the cost of engaging an auditor with respect to the statements; The granting of any request

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 6 OF 13

to waive the requirement of an annual audit by a CPA firm approved by the IHL is within the sole discretion of the university and the IHL Board; Any waiver of the audit requirement will apply only for one year, and any request to waive the requirement for the next year should be submitted as outlined above;

10. Requiring that the Entity only accept or solicit gifts for the benefit of the university that are consistent with the university's mission, goals or objectives;
11. Requiring that the Entity manage all funds in its control in a fiscally sound and prudent manner;
12. Requiring that the Entity establish and maintain a conflict-of-interest policy that complies with all requirements of Miss. Code Ann. §79-11-269 (1972) as amended, entitled "Conflict of interest Transaction";
13. Requiring that no form of additional compensation for an IEO or any IHL system office employee be underwritten or increased by the Entity without the prior approval of the Board; The request for approval shall come through the Commissioner to the IHL Board; As to other university employees, the Affiliation Agreement will provide that no form of additional compensation may be provided or paid by the Entity without the prior approval by the IEO; All such approvals by the IEO must be reported to the Board of Trustees at its next official meeting; This provision does not apply to transfers from the Entity to the supported university for items such as professorships, chairs, and other programmatic support that are paid directly to the university and included in its annual budget;
14. Requiring the Entity to submit to the IHL an annual report providing a detailed list of supplemental compensation provided to administrators, faculty, athletic staff, and other employees; provided however that the Affiliation Agreement may provide for appropriate exceptions for such compensation made by the institution out of funds routinely provided to the institution to be included in its budget; and,
15. Requiring compliance with all state and federal laws applicable to such organizations.
16. Establishing appropriate maximum limits on the period of time for which the Entity shall enter into contracts for professional, advisory, or other personal services.
17. Requiring that the provisions of the affiliation agreement shall apply to any and all entities owned or controlled by the affiliated Entity, with the exception of a special purpose entity created for

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 7 OF 13

the sole and specific purpose of utilization as a financing vehicle for the private financing of university auxiliary facilities by a private developer using the alternate dual-phase design-build privately financed construction method, as specially authorized by Miss. Code Ann. Section 37-101-41, et seq. (1972), as amended. If the use/purpose of any such special purpose entity ever changes, the special purpose entity would then be required to comply with any and all provisions of the affiliation agreement between the university and the Entity which owns or controls the special purpose entity.

E. Affiliation Agreements Shall Require Notice of Certain Events

In addition to the foregoing general requirements, the Affiliation Agreement shall contain provisions requiring that the IHL be notified of certain events or actions that may affect the operations, reputation, legal status, and assets of any entity or any university. The Affiliation Agreement shall require that the chief executive officer of the Entity and its other governing authorities will immediately notify the IEO and the IHL, in writing, if any of the following events (hereinafter "Reportable Events") occur:

1. The Entity has materially breached any of its contractual obligations under the Affiliation Agreement;
2. The Entity has materially failed to properly receive, apply, manage or disburse any funds or has materially failed to properly comply with any binding instructions from donors relating to those funds;
3. The Entity has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;
4. There has been a failure by the Entity or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the Entity;
5. Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the Entity or upon its status as a tax exempt organization; or
6. The Entity has contracted with or entered into any business or pecuniary relationship with any of its board members, other than a full time employee of the Entity, or any Entity controlled directly or indirectly by the board member, which would reasonably be expected to provide for payment or benefits to that person

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 8 OF 13

exceeding the value of \$50,000 in any calendar year; The previous sentence creates a duty for the Entity to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.

7. The Entity intends to purchase or lease real property or execute a contract or contracts for improvements to real property. The Entity shall provide notice of this Reportable Event to the university IEO and to the IHL Board at least thirty days before the proposed purchase or transaction by the Entity. The Entity also agrees not to proceed with such purchase or transaction unless it receives written approval of same from the IEO of the associated university following approval by the IHL Board. Following notification of the reportable event concerning the proposed purchase(s)/transaction(s), the IHL Board shall take the matter up at its next scheduled meeting, or shall use reasonable efforts to call a special Board meeting to discuss same as expeditiously as possible as to prevent any unnecessary delay in the intended purchase or transaction.

The Affiliation Agreement shall require that the chief executive officer of the Entity shall submit to the IEO of the supported university and the IHL a signed certification statement annually, before January 31 of each year, which affirmatively states that the Entity has examined its donor records and business transactions occurring during its fiscal year ending within the prior calendar year, and that to the best of its knowledge, there is no evidence that any Reportable Events occurred, other than those which have been duly reported to the IEO and the IHL as required above. The chief executive officer of each Entity shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the chief executive officer will immediately notify, in writing, the IEO of the university.

- F. Affiliation Agreements must Require Entity to Provide Certain Additional Information to IEO upon Request

In addition to the foregoing general requirements, the Affiliation Agreement of each Entity will contain provisions requiring that the Entity furnish to the IEO of the corresponding university, or such person as the IEO may designate, any and all information relating to the operation or management of the Entity or any funds contributed to, received by, expended by, or managed by the Entity.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 9 OF 13

It is the policy of the Board that to the extent that information is inspected, reviewed or received by the IEO or his designees with respect to the identity of donors who have expressly stated they wish to remain anonymous, or with respect to any information relating to the identification, cultivation and solicitation of donors, or with respect to personal information relating to a donor or his/her family business, such information shall be treated as confidential by the IEO and any designee who may acquire such information. The IEO is expected to take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances.

The IEO shall promptly notify the Board and Commissioner of Higher Education if the Entity refuses or fails to produce any information requested by the IEO.

G. Affiliation Agreement must Provide for Right of Board to Require Information from Entity or to Examine Records of Entity

Ordinarily, the Board will not request information from any Entity and will allow the IEO to oversee the compliance by the Entity with the Affiliation Agreement and to determine that funds are being appropriately received, managed, and expended. In some circumstances, however, the Board may determine it to be necessary to secure additional information from the Entity or to review appropriate records of the Entity. The Entities hold funds that are intended to benefit the institutions of the state, and the Board has an interest in the proper administration of those funds. Thus, the Affiliation Agreement will provide that the Board may require the Entity to provide information or allow inspection of its records as required by the Board to determine that the Entity is in compliance with the Affiliation Agreement and that the funds held for the institution or for its benefit are appropriately utilized and protected. No such request for information will be made by individual Board members to any Entity or to any IEO.

As a matter of general policy, the Board will attempt, when appropriate, to resolve any issues or concerns about the activities of any Entity informally. Examples of such informal methods include responses by the Entities to requests from the auditors employed by the Board or a report from an accounting firm approved by the Board to review records related to the matters at issue. The decision of any

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 10 OF 13

entity as to whether and how to comply with such informal requests is within the discretion of the governing authorities of the entities. The Board anticipates that, normally, any questions related to the Entities can be resolved through such informal procedures.

The Affiliation Agreement shall provide, however, that the Board may determine by appropriate action, at a duly called meeting of the Board, that informal measures are or will be untimely, insufficient, or inappropriate to secure information necessary to allow the Board to determine that the Entity is appropriately complying with the Affiliation Agreement and that funds intended to be used for the benefit of the institution are appropriately maintained and expended. The Affiliation Agreement will provide that, if the Board makes such a finding, the Entity will permit an audit, inspection or review of the financial and other records of the entity by persons selected by the Board, which persons shall have the power to determine the appropriate scope of the investigation and the records to be examined, and that the Entity will fully cooperate with any such inquiries.

As noted above, it is the policy of the Board that it will not unnecessarily disclose or disseminate any information relating to the Entities, and in particular, any information related to donors to the Entity. In some circumstances, however, such as those involving alleged misuse or misappropriation of funds, appropriately limited disclosure of information related to donors may be necessary in order to conduct the investigation and to recover the funds, or to allow prosecution with respect to any misappropriation of funds. Thus, the Affiliation Agreement must specifically recognize that the final determination as to the appropriate extent of any disclosure or other use of the information is in the discretion of the Board. Any decision to release any information that would identify any particular donor shall be made by the Board. No individual Board member or employee of the IHL will release such information without authorization from the Board.

H. Required Termination Provisions to Be Included in Affiliation Agreement

The Affiliation Agreement will provide that the Affiliation Agreement may be terminated by the IEO, with the prior approval of the IHL, for cause with no notice or without cause upon thirty days notice. Upon termination, (1) the Entity shall cease to use and shall not assign or

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 11 OF 13

delegate the authority to use the respective university's name or registered marks or logos to any person or entity without the written approval of the IEO, (2) the Entity shall remit any and all unrestricted funds held for the benefit of the university to such entity as designated in writing by the IEO on behalf of the university, (3) the Entity shall work in concert with its donors, to the extent practicable and allowed by law, to move any restricted funds held for the benefit of the university to such entity as designated in writing by the IEO on behalf of the university, (4) the Entity shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to such entity as designated by the university IEO; and (5) the Entity shall work in concert with the university to provide the university or its designee with records and materials of the Entity as are necessary to continue the business and/or wind up the affairs of the Entity.

Because an Entity may hold assets intended to benefit the universities, the Affiliation Agreement will provide that the Entity will have no right to terminate the Affiliation Agreement without the consent of the IEO and the Board.

I. Restructuring Relationship in Event of Irreconcilable Differences

The Board expects there to exist a cooperative relationship between the Entities and the universities. The Board is aware of situations in other states where foundations have attempted to use the leverage provided by control of funds contributed for the benefit of the universities to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the IEO's and, ultimately, the power of the Board. To provide for the eventuality in which it appears that the IEO and the Entity have irreconcilable differences that interfere with the Entity serving the purposes for which it is intended, the Affiliation Agreement must provide for some mechanism to allow a resumption of normal relationships to benefit the university. In such a case, it would be detrimental to the university to allow the Entity to simply terminate the relationship – since it may hold funds and other assets intended for the benefit of the university. Thus the Affiliation Agreement shall provide for a mechanism to deal with that possibility that will effectively accomplish the purpose of insuring that the Entity's goals remain appropriately aligned with those of the university.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 12 OF 13

The Affiliation Agreement must therefore provide for such a mechanism. The universities are expected to finalize the relationship with the Entities to accomplish the purpose on or before December 31, 2010.

Any university, after consultation with an affiliated Entity, may propose, on or before December 31, 2009, to include an appropriate plan to accomplish this purpose in the Affiliation Agreement for that Entity.

For example, a university may choose to propose a mechanism to allow the Entity to restructure its governing board. As an illustration of such a mechanism, such a plan might provide as follows:

In the event that the IEO notifies the IHL that the relationship between the IEO and the Entity's governing authorities is detrimental to the well being of the university, then IHL shall attempt to reconcile the parties. However, if the IHL determines that it is in the best interests of the university to substitute new governing authorities of the Entity, and unless the matters are resolved, the IHL Board may direct, in its sole discretion, that at the expiration of a 90 days notice period, the terms of office of the then existing board of directors of the affiliated Entity (or the persons serving that role in governance of the Entity, regardless of title) shall be deemed to have expired. Those persons shall be replaced by a nine member board selected by the following persons: 1) one member appointed by the mayor of the municipality in which the subject university is located or to which it is nearest, 2) one member appointed by the subject university's IEO, 3) one member appointed by the subject university's chief academic officer, 4) one member appointed by the president of the board of supervisors of the county in which the subject university is located, 5) one member appointed by the governor, 6) one member appointed by the Commissioner of Higher Education, 7) such other person, as the Affiliation Agreement may provide, who is affiliated with another Entity associated with the affected university; 8) one member appointed by the current president of the subject university's student body, and 9) one member appointed by the most recent past president of the subject university's student body.

However, each university and Entity may choose to agree upon some different arrangement which would accomplish the same end. Because of the differences in the various Entities, the types and amounts of

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
REGULAR AGENDA
LEGAL
MARCH 17, 2016
PAGE 13 OF 13**

assets held by the Entities, the debt obligations of some Entities, ongoing contractual obligations, and other similar factors, the Board will address such proposals on an individual basis to determine their effectiveness, feasibility and practicality. Any such proposal must be submitted with all of the information necessary to fully evaluate the proposal. The exact language of all documents required to implement such a proposal shall be included in the submission to the Board.

Any such proposals will be considered by the Board and acted upon before March 31, 2010. Failure to submit sufficient information to allow a full understanding as to the effectiveness and practicality of such a plan will prevent the Board from considering the proposal. In the absence of approval by the Board of some other alternative provisions to accomplish such purpose by March 31, 2010, or any extension granted by the Board, it is expected that each university will enter into a contract with all related Entities under terms similar to those in the illustration set out above.

If the Entity is a university research foundation formed pursuant to Miss. Code Ann. Section 37-147-15 (1972), as amended, the new board of directors shall be appointed by the subject university's IEO, in accordance with applicable state law.

(BT Minutes, 9/93; 1/98; 3/2005; 8/2006; 10/2009; 9/2010, _____)

STAFF RECOMMENDATION: Board staff recommends approval of this item.

INFORMATION AGENDAS

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
ACADEMIC AFFAIRS
INFORMATION AGENDA
March 17, 2016
Page 1 of 2**

1. SYSTEM – 2016 HEADWAE HONOREES

The Higher Education Appreciation Day, Working for Academic Excellence (HEADWAE) was established by the Mississippi Legislature to honor academically talented students and faculty members of Mississippi's higher education institutions who have made outstanding contributions in promoting academic excellence. The HEADWAE recipients were honored on February 2, 2016 at the Jackson Marriott, where Mr. Sean Suggs, Vice President, Toyota Motor Manufacturing Mississippi, Inc. was the guest speaker. System honorees for 2016 are listed below.

INSTITUTION	STUDENT HONOREE	FACULTY HONOREE
ASU	Nanatte Patrice Boyd	Lixin Yu
DSU	Mikel Debarcus Sykes	Ethan A. Schmidt (In Memorium)
JSU	Anthony Charles Keyes Jr.	Fengxiang X. Han
MSU	Joseph Monroe Dodd	Cody P. Coyne
MUW	Brianna Elizabeth Warner	Kim Whitehead
MVSU	Toney Aaron Williams	Xiaoqin Paul Wu
UM	Roderick Rhodes Bridges, III	Robert D. Brown
UMMC	Ellen Elizabeth Gillis	Thomas Harvey Adair
USM	John Davenport	Elaine Fontenot Molaison

2. SYSTEM – 2016 IMPROVING TEACHER QUALITY AWARDS

Title II, Part A of the *No Child Left Behind Act of 2001* authorizes awards to higher education state agencies to support an “Improving Teacher Quality” competitive grant program. The institutions below were awarded Title II federal grant funds for March 15, 2016 through April 30, 2017.

INSTITUTION	DISCIPLINE	AMOUNT
Alcorn State University	Science	\$91,901.25
Delta State University	Content Area Literacy	\$89,889.00
Mississippi State University	Science and Social Studies	\$90,000.00
Mississippi State University Technology	Integration	\$90,000.00
Mississippi State University	Mathematics	\$89,999.00
Mississippi State University (M)	Literacy	\$90,000.00
Mississippi University for Women	Mathematics	\$90,000.00
Mississippi Valley State University	Reading	\$90,000.00
University of Mississippi	Literacy Integration	\$90,000.00
University of Southern Mississippi	Language Arts	\$92,960.00
University of Southern Mississippi	Mathematics	\$90,000.00
William Carey University	Teacher Leadership	\$90,000.00

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
ACADEMIC AFFAIRS
INFORMATION AGENDA
March 17, 2016
Page 2 of 2**

MS Council on Economic Education	ELA and Economics Standards	\$90,000.00
Total Awarded		\$1,174,749.25

3. SYSTEM – 2015 ANNUAL PERFORMANCE REPORT FOR MISSISSIPPI TEACHER PREPARATION PROGRAMS

TEACHER EDUCATION PROGRAM	ASU	DSU	JSU	MSU	MUW	MVSU	UM	USM
NCATE/CAEP Accreditation Achieved	Yes	Yes	Yes		Yes	Yes	Yes	Yes
Next CAEP Accreditation Visit	Fall 2021	Fall 2020	Fall 2021	Spring 2021	Fall 2019	Fall 2020	Spring 2021	Spring 2019
Program Completers 2014-15	8	67	38	251	30	5	279	255
Total Program Completers 2014-2015:								933

4. SYSTEM – REPORT ON EXISTING PROGRAMS NOW OFFERED ONLINE

- a. *Alcorn State University* is offering the *Bachelor of Science Degree* in *Child Development and Family Studies*.
- b. *University of Mississippi* is offering the *Master of Education Degree* in *Early Childhood Education*

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA**

FINANCE

March 17, 2016

Page 1 of 2

**1. UMMC- EXERCISING ASSIGNMENT OPTION UNDER THE AGREEMENT
WITH FIRST SOUTHWEST COMPANY, LLC**

In accordance with Board Policy 707.1 Land Property, and Service Contracts, UIMMC submitted and the Board approved, at its June 18, 2015 meeting, a request to enter into an agreement with First Southwest Company, LLC (FSC) for the provision of financial advisory services. The contract was approved for a term of five (5) years from July 1, 2015 through June 30, 2020, at a cost of \$275,000 over the term.

UMMC was notified by First Southwest that it had merged with and into its common control affiliate, Hilltop Securities, Inc. Under the current agreement, assignment can only be made by consent of the non-assigning party. The new name of the company will be FirstSouthwest, a Division of Hilltop Securities, Inc.

**2. USM - FINAL PRICING ON REFUNDING OF EDUCATIONAL BUILDING
CORPORATION BONDS NOT TO EXCEED \$140,000,000 APPROVED BY THE
BOARD IN FEBURARY 2015**

At the February 2015 Board meeting, the Board approved a resolution for the University of Southern Mississippi to issue, through the S.M. Educational Building Corporation (EBC), a maximum of \$140,000,000 revenue refunding bonds in one or more taxable and/or tax exempt series for the purpose of advance refunding and defeasing all or a portion of the EBC's

(a) S.M. Educational Building Corporation Revenue Refunding Bonds, Series 2006A, issued in the original principal amount of \$24,855,000 (the "2006A Bonds");

(b) S.M. Educational Building Corporation Revenue Bonds, Series 2006B (Village Project), issued in the or principal amount of \$18,725,000 (the "2006B Bonds");

(c) S.M. Educational Building Corporation Revenue Bonds, Series 2007 (Athletics Facilities Improvements Project), issued in the original principal amount of \$27,190,000 (the "2007 Bonds"); and

(d) S.M. Educational Building Corporation Revenue Bonds, Series 2009 (Campus Facilities Improvements Project), issued in the original principal amount of \$49,900,000 (the "2009 Bonds");

(e) Certificates Of Participation (University of Southern Mississippi Parking Facilities Construction Project), Series 2009, issued in the original principal amount of \$15,520,000 (the "2009 COPs," and together with the 2006A Bonds, 2006B Bonds, 2007 Bonds, 2009 Bonds, and the 2009 COPS, the "Refunded Bonds") by the University of Southern Mississippi (the "University") and the University of Southern Mississippi Real Estate Foundation, Inc. (the "Foundation"), to finance

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA**

FINANCE

March 17, 2016

Page 2 of 2

the construction and financing of a parking garage; acquiring from the Foundation that certain parking facility financed with the 2009 COPs; approving various documents related to the proposed bond issue and paying the issuance costs of the Bonds.

On March 31, 2015, USM sold bonds to refund Series 2006A, Series 2006B, and Series 2007, and on January 20, 2016, USM sold bonds to refund Series 2009 and Series 2009 COPs. A summary of the original report from the Financial Advisor, dated January 15, 2015, and the actual results of sale are shown in the charts below.

Financial Advisor's Report - January 15, 2015

	Refunding Par Amount	AIC of Refunding Bonds	Cost of Issuance	NPV Savings (%)	NPV Savings (\$)	Report Date
2006A	\$ 16,720,000	2.608%	\$ 80,000	7.061%	\$ 1,114,173	1/15/2015
2006B	\$ 15,450,000	2.904%	\$ 86,727	13.634%	\$ 2,213,406	1/15/2015
2007	\$ 23,280,000	3.025%	\$ 130,680	10.265%	\$ 2,412,316	1/15/2015
2009	\$ 50,650,000	3.330%	\$ 284,318	5.314%	\$ 2,521,332	1/15/2015
2009 COPs	\$ 14,835,000	3.380%	\$ 83,275	2.487%	\$ 354,501	1/15/2015
Blended	\$ 120,935,000	3.185%	\$ 665,000	7.350%	\$ 8,615,728	

Actual Results of Refunding

	Refunding Par Amount	AIC of Refunding Bonds	Cost of Issuance	NPV Savings (%)	NPV Savings (\$)	Final Pricing Date
2006A	\$ 16,690,000	2.518%	\$ 83,968	7.836%	\$ 1,236,556	3/31/2015
2006B	\$ 15,180,000	3.120%	\$ 75,477	11.911%	\$ 1,933,832	3/31/2015
2007	\$ 23,420,000	3.207%	\$ 116,592	8.402%	\$ 1,974,442	3/31/2015
2009	\$ 45,735,000	3.196%	\$ 225,296	9.565%	\$ 4,538,425	1/20/2016
2009 COPs	\$ 13,135,000	3.163%	\$ 64,704	7.203%	\$ 1,004,057	1/20/2016
Blended	\$ 114,160,000		\$ 566,037	9.142%	\$ 10,687,312	

Documentation of results is on file in the Board Office of Finance and Administration.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 1 of 11**

**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
February 18, 2016 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 until the budget increase is approved by the Board.

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 2 of 11**

DELTA STATE UNIVERSITY

1. DSU– GS 102-257 – Residence Hall Fire Suppression

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$17,978.40 and eleven (11) additional days to the contract of Sullivan Enterprises, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Approval Status & Date: APPROVED, January 27, 2016

Change Order Description: Change Order #2 includes the following items: add new addressable smoke detectors with sounder base in the second floor corridor at the tip of the stairway in 46 apartments; and eleven (11) additional days to the contract..

Change Order Justification: Fire alarm devices had to be added in hall corridors from recommendation of the Fire Marshal; additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$51,599.52.

Project Initiation Date: September 18, 2014

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Sullivan Enterprises, Inc.

Project Budget: \$2,250,000.00

JACKSON STATE UNIVERSITY

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

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the credit amount of \$690.00 and zero (0) additional days to the contract of Coleman Hammons Construction Company, Inc.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 3 of 11

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

Approval Status & Date: APPROVED, January 27, 2016

Change Order Description: Change Order #5 includes the following items: deduct the difference between the controls allowance and the actual cost.

Change Order Justification: Credit is due for the difference between the controls allowance amount and the actual cost proposal for the controls work.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$653,698.11.

Project Initiation Date: June 16, 2011

Design Professional: Foil-Wyatt Architects & Planners, PLLC

General Contractor: Coleman Hammons Construction Company, Inc.

Project Budget: \$7,684,000.00

MISSISSIPPI STATE UNIVERSITY

3. MSU- IHL 205-267 – MSU Fresh Food Company Residential Dining Facility Phase II

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$63,400.42 and zero (0) additional days to the contract of JESCO, Inc.

Approval Status & Date: APPROVED, January 29, 2016

Change Order Description: Change Order #5 includes the following items: add a refrigerated base; ductile iron piping; dry type fire protection; temporary fencing; added CAT 6 cables; auto operator at the front door; restroom light; grease duct wrap; VAV catwalk; ladder; colored concrete plaza; plaque; handrails; faucets; handicap ramps; power to gate at the plaza; tile at the knee wall; elevator shunt; GFCI at the oven; and louvers at the cabinets.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 4 of 11

Change Order Justification: Changes in requirements or recommendation by governmental agencies; errors and omissions in the plans and specifications, latent job site conditions; and user/owner requested modifications.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$70,226.47.

Project Initiation Date: September 11, 2012

Design Professional: JH&H Architects/Planners/Interiors, P.A.

General Contractor: JESCO, Inc.

Phased Project Budget: \$13,062,827.00

Project Budget: \$14,400,000.00

4. MSU– IHL 205-276 – Residence Hall North

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$420,282.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Company.

Approval Status & Date: APPROVED, February 8, 2016

Change Order Description: Change Order #2 includes the following items: supply electrical feed to Giles Hall from the medium voltage switch on the Residence Hall site; add site retaining walls north of Butler Hall; added louvers, dampers and sump pumps at the elevator shafts; remove & replace unsuitable soil at the south building elevator pit; provide standing seam metal roofing at all three (3) buildings in lieu of asphalt shingles; and add a multi-piece shower unit at the location of the drain/structure conflict.

Change Order Justification: Changes in requirements or recommendation by governmental agencies; errors and omissions in plans & specifications; latent job site conditions; and user/owner requested modifications.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$593,898.00.

Project Initiation Date: May 15, 2014

Design Professional: McCarty Company/Hanbury Evans

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

Project Budget: \$60,500,000.00

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 5 of 11

UNIVERSITY OF MISSISSIPPI

5. UM – IHL 207-354 – Honors College Renovation and Addition

Approval Request #1: Change Order #5

Board staff approved Change Order #5 in the amount of \$27,329.10 and twenty-four (24) additional days to the contract of Hooker Construction, Inc.

Approval Status & Date: APPROVED, February 8, 2016

Change Order Description: Change Order #5 includes the following items: additional pipe and fittings to be made into an existing junction box and to re-route the line, along with a different tap into the new basin; unsuitable soil was removed, exported, and then replaced with compacted select fill; a section of buried concrete found in the proximity of an inlet had to be removed & exported off the site and backfilled with a select fill material; re-route the storm drain around a sewer line which was not able to be installed in the location as originally planned due to additional problems; and twenty-four (24) additional days to the contract..

Change Order Justification: All items of this change order were due to latent job site conditions. No fees are paid to design professional for correction of errors and omissions in the contract documents.

Total Project Change Orders and Amount: Fourteen (14) change orders for a total amount of \$531,156.13.

Project Initiation Date: November 17, 2011

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

General Contractor: Hooker construction, Inc.

Project Budget: \$6,900,000.00

6. UM– IHL 207-372 – South Campus Recreation Facility & Transportation Hub

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by JBHM Architecture, P.A..

Approval Status & Date: APPROVED, February 11, 2016

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 6 of 11

Project Initiation Date: June 20, 2013
Design Professional: JBHM Architecture, P.A.
General Contractor: TBD
Total Project Budget: \$32,000,000.00

7. UM– IHL 207-387 – Track Facility Restoration

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$32,630.02 and four (4) additional days to the contract of Xcavators, Inc.

Approval Status & Date: APPROVED, February 8, 2016

Change Order Description: Change Order #1 includes the following items: saw cut the existing sidewalk; remove the concrete sidewalk; remove two (2) existing holly bushes; connect 10” HDPE into the existing inlets; locate the existing 12” water line; fill the exiting storm inlet with concrete to elevations shown on the drawing; install 240 linear feet of 10” HDPE storm drain; add temporary construction fencing; excavate existing subgrade for storm drainage installation; provide temporary grassing for the disturbed areas; provide trench box for excavaton; replace the concrete sidewalk; plug the existing 18” HDPE storm drainage at each end with concrete fill and four (4) additional days to the contract.

Change Order Justification: This change order is necessary due to latent job site conditions and four (4) additional days were added for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$32,630.02.

Project Initiation Date: June 19, 2014
Design Professional: CHA Consulting, Inc.
General Contractor: Xcavators, Inc.
Total Project Budget: \$7,900,000.00

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 7 of 11

8. UM– IHL 207-389 – Vaught-Hemingway Stadium North End Zone

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$8,509.55 and zero (0) additional days to the contract of Roy Anderson Corporation.

Approval Status & Date: APPROVED, February 5, 2016

Change Order Description: Change Order #1 includes the following items: install a new floor drain & electrical circuit; modify the existing duct, and demolish the existing casework in the Starnes Building to facilitate the installation of a new ice machine.

Change Order Justification: This change order was requested by the user/owner agency.

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$16,985.54 and zero (0) additional days to the contract of Roy Anderson Corporation.

Approval Status & Date: APPROVED, February 11, 2016

Change Order Description: Change Order #2 includes the following items: install floor drains in the South End Zone to include trenching.

Change Order Justification: This change order was due to unforeseen job site conditions.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$25,495.09.

Project Initiation Date: August 21, 2014

Design Professional: AECOM

General Contractor: Roy Anderson Corporation

Project Budget: \$30,593,713.00

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 8 of 11

9. UM– IHL 207-406 – All-American Drive Drainage Corrections

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of \$951,649.00 to the apparent low bidder, Encor, LLC.

Approval Status & Date: APPROVED, February 3, 2016

Project Initiation Date: October 15, 2015

Design Professional: Engineering Solutions, Inc.

General Contractor: Encor, LLC

Total Project Budget: \$1,600,000.00

10. UM– IHL 207-409 – Croft Institute – Building Envelope Corrections

Approval Request #1: Change Order #2 (Revised)

Board staff approved Change Order #2 in the amount of \$186,108.00 and forty-five (45) additional days to the contract of Barnes & Brower, Inc.

Approval Status & Date: APPROVED, February 5, 2016

Change Order Description: Change Order #2 includes the following items: remove and rebuild the east brick wall utilizing concrete masonry unit brick & new facing brick; and forty-five (45) additional days to the contract.

Change Order Justification: This change order is necessary due to extensive deteriorations of mortar discovered at the inner wythes; and forty-five (45) additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$369,862.68.

Project Initiation Date: October 15, 2015

Design Professional: Belinda Stewart Architects, P.A.

General Contractor: Barnes & Brower, Inc.

Project Budget: \$1,250,000.00

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 9 of 11

11. UM – IHL 207-413 – Greek Village Preliminary Lot Grading (Revised)

Approval Request #1: Schematic Design Documents

Board staff approved the Schematic Design Documents as submitted by Precision Engineers Corporation.

Approval Status & Date: APPROVED, February 2, 2016

Approval Request #2: Waiver of Design Development Documents

Board staff approved the Waiver of Design Development Documents as submitted by Precision Engineers Corporation.

Approval Status & Date: APPROVED, February 2, 2016

Project Initiation Date: December 17, 2015

Design Professional: Precision Engineers Corporation

General Contractor: TBD

Project Budget: \$1,933,636.00

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

12. UMMC– IHL 209-548 – School of Medicine Utilities

Approval Request #1: Change Order #9

Board staff approved Change Order #9 in the credit amount of \$4,124.10 and one hundred eighty-eight (188) additional days to the contract of Fountain Construction Company, Inc.

Approval Status & Date: APPROVED, February 1, 2016

Change Order Description: Change Order #9 includes the following items: remove a fire hydrant and regrade the area; repair the existing road in the construction access route; reconcile allowances for the gas regulators and irrigation; and one hundred eighty-eight (188) days to the contract.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 10 of 11

Change Order Justification: The fire hydrant was left as part of the utility project; the road repair was caused by construction traffic on the campus; credit is due to reconcile the remaining project allowances that were not utilized in the project; and one hundred eighty-eight days for work as indicated herein.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$415,879.90.

Project Initiation Date: August 15, 2013

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A. + Eley Guild Hardy Architects, P.A. – A Joint Venture.

General Contractor: Fountain Construction Company, Inc.

Project Budget: \$10,000,000.00

E D U C A T I O N A N D R E S E A R C H C E N T E R

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

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the credit amount of \$4,330.00 and thirty (30) additional days to the contract of Gregory Construction Services.

Approval Status & Date: APPROVED, January 26, 2016

Change Order Description: Change Order #2 includes the following items: redesign the south courtyard for a more functional use; use exposed aggregate concrete in lieu of brick pavers; use a light weight concrete base and 4” concrete over east courtyard; and thirty (30) additional days to the contract.

Change Order Justification: This change order is necessary to redesign for functionality of surrounding tenants; the brick pavers would not fully prevent water penetration and aggregate concrete would be a cost savings; the basement ceiling exposed on the east courtyard could not handle the full weight of the concrete; and thirty (30) additional days for work as indicated herein.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$145,670.00.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
REAL ESTATE
March 17, 2016
Page 11 of 11

Project Initiation Date: November 21, 2013

Design Professional: JBHM Architecture

General Contractor: Gregory Construction Services

Project Budget: \$3,463,570.87

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
LEGAL
MARCH 17, 2016
PAGE 1 OF 4

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 Evans Petree (statement dated 1/15/16) from the funds of the University of Mississippi. (This statement, in the amount of \$590.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 590.00

Payment of legal fees for professional services rendered by Jones Walker (statement dated 1/20/16) from the funds of the University of Mississippi. (This statement, in the amount of \$3,879.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 3,879.00

Payment of legal fees for professional services rendered by Mayo Mallette (statements dated 1/13/16 and 2/10/16) from the funds of the University of Mississippi. (These statements, in the amounts of \$2,528.50 and \$5,563.40, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 8,091.90

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 11/1/15, 2/1/16 and 2/1/16) from the funds of the University of Mississippi. (These statements, in the amounts of \$375.00, \$27.83 and \$90.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 492.83

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statement dated 12/8/15) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$7,489.00, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 7,489.00

Payment of legal fees for professional services rendered by Bradley Arant (statement dated 12/21/15) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$3,416.50, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 3,416.50

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
LEGAL
MARCH 17, 2016
PAGE 2 OF 4

Payment of legal fees for professional services rendered by Butler Snow (statement dated 12/2/15) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$12,579.30, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 12,579.30

Payment of legal fees for professional services rendered by Watkins and Eager (statements dated 10/29/15 and 10/30/15) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$495.00 and \$528.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,023.00

Payment of legal fees for professional services rendered by Whitfield Law Group (statements dated 12/9/15, 12/9/15, 1/4/16 and 1/4/16) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,035.00, \$8,147.68, \$8,464.50 and \$2,239.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 19,886.68

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 12/1/15, 12/1/15, 12/1/15, 12/1/15, 12/1/15, 12/1/15, 12/1/15, 1/4/16, 1/4/16, 1/4/16, 1/4/16, 1/4/16, 1/4/16, 2/1/16, 2/1/16, 2/1/16 and 2/1/16) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$29.28, \$41.22, \$37.00, \$40.72, \$15.81, \$39.42, \$13.41, \$25.54, \$1,500.00, \$48.90, \$28.38, \$16.08, \$19.68, \$1,500.00, \$19.68, \$12.14 and \$37.60, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.....\$ 3,424.86

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 (statements dated 11/12/15, 1/12/16, 1/12/16, 1/12/16 and 1/15/16) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Cancer Therapeutic Use of Occidiofungin" - \$6,524.00; "Effective Oximes Patent Prosecution" - \$504.00; "Molecular Design and Chemical Synthesis of Pharmaceutical-Ligands and Analogs-MSU" - \$997.00; "Nematode-Upregulated Peroxidase Gene Promotor from Nematode-Resistant Maize Line" - \$1,890.00 and "Methods of Preparation of Live Attenuated Bacterial Vaccines by Alteration of DNA Adenine Methylase (DAM) Activity in those Bacteria" - \$400.00, respectively.)

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
 INFORMATION AGENDA
 LEGAL
 MARCH 17, 2016
 PAGE 3 OF 4**

TOTAL DUE.....\$ 10,315.00

Payment of legal fees for professional services rendered by Larry Schemmel (statement dated 2/5/16) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Southern Gardening Service Mark” - \$403.75.)

TOTAL DUE.....\$ 403.75

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 12/31/15, 12/31/15, 12/31/15, 1/31/16 and 1/31/16) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Methods of Synthesizing Graphene from a Lignin Source” - \$4,662.50; “Nano-Structured Catalysts for Methane Reforming” - \$3,172.50; “Process & Catalysts for Coverting Biomass” - \$38.00; “Process and Catalysts for Coverting Biomass” - \$786.00 and “Methods and Kits for Detecting Antigenic Drifts” - \$1,666.50, respectively.)

TOTAL DUE.....\$ 10,325.50

Payment of legal fees for professional services rendered by Valauskas Corder (statements dated 4/17/15, 4/17/15, 1/21/16, 1/21/16 and 1/21/16) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Bio-Oil Pretreatment” - \$145.00; “Blue Stain System” - \$187.50; “Bio-Oil Pretreatment” - \$85.00; “Blue Stain System” - \$1,417.50 and “Bio-Oil” - \$1,942.50, respectively.)

TOTAL DUE.....\$ 3,777.50

Payment of legal fees for professional services rendered by Armstrong Teasdale (statement dated 1/20/16) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: “Systems and Methods for Detecting Transient Acoustic Signals” - \$1,359.12.)

TOTAL DUE.....\$ 1,359.12

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 1/26/16, 1/29/16 and 2/4/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Compositions for Prevention/Prophylactic Treatment of Poison Ivy” - \$3,245.10; “Non-Peptide Small Molecule Agonist and Antagonist Original Leads” - \$175.00 and “Compositions for Prevention/Prophylactic Treatment of Poison Ivy” - \$16,574.05, respectively.)

TOTAL DUE.....\$ 19,994.15

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA**

LEGAL

MARCH 17, 2016

PAGE 4 OF 4

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 1/31/16) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Delivery of Medicaments to the Nail" - \$160.00; "Methods for Detecting Humans" - \$72.91; "Stabilized Formulation of Triamcinolone" - \$1,150.00 and "Indolizine-Based Donors as Organic Sensitizers Components for Dye" - \$416.00.)

TOTAL DUE.....\$ 1,798.91

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 12/31/15) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$344.50, \$2,700.50, \$308.00, \$577.00 and \$9,121.00, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 13,051.00

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
ADMINISTRATION/POLICY**

March 17, 2016

Page 1 of 2

1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

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

- a. **MSU** – In 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.” In accordance with Board Policy 707 .03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers for goods or services not yet received on behalf of the Board. On February 25, 2016, Commissioner Glenn F. Boyce approved the request to renew a lease agreement and prepay the monthly payments to the Jackson Medical Mall Foundation for the lease of approximately 2,930 square feet of space in Suite 480 of the Jackson Medical Mall for use as the Resource and Referral site by The Early Years Network. The contract renewal period is from April 1, 2016 through March 31, 2017 at a cost of \$2,752.98 per month plus a common area maintenance fee of \$3.30 per square foot (\$805.75/month). The total yearly cost will be \$42,704.76. The contract will be funded through the Mississippi Childhood Service System (The Early Years Network) grant which is funded by the Division of Early Childhood Care and Development, a division of the Mississippi Department of Human Services. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- b. **MSU** – 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.” In accordance with Board Policy 707 .03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers for goods or services not yet received on behalf of the Board. On March 7, 2016, Dr. Glenn F. Boyce, Commissioner of Higher Education, approved the request to renew a Lease Agreement with the Biloxi Housing Authority for the lease of approximately 2,600 square feet of office space located at 769 Howard Avenue in Biloxi, Mississippi to be used for the Gulf Coast Community Design Studio. The lease amount is \$2,500 per month, pursuant to the following described terms and conditions: 1) \$1,000 per month to be prepaid on or before the first of each month and 2) plus in-kind services valued at \$1,500 per month to be provided by MSU as set out in the Contract for MSU to Obtain Services. The lease will be paid from research overhead funds. The term of the Lease Agreement is for a period of five (5) years beginning April 1, 2016 and ending March 31, 2021. The IHL

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
INFORMATION AGENDA
ADMINISTRATION/POLICY**

March 17, 2016

Page 2 of 2

Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.

- c. **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." In accordance with Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers for goods or services not yet received on behalf of the Board. On March 3, 2016, Dr. Glenn F. Boyce, Commissioner of Higher Education, approved the Lease Agreement between UMMC and Airbus Helicopters, Inc. (AHI) for the sublease of space at the Golden Triangle Regional Airport in Columbus, MS. AHI is a lessee of this space under a superior lease agreement with Golden Triangle Regional Airport Authority. The term of the contract is for one year beginning March 1, 2016 with the option, upon mutual agreement, to renew for up to two consecutive years. The lease amount is \$2,400 per month for one year or \$86,400 over the entire three-year term. The contract will be funded by patient revenues. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.
- d. **USM** – 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." In accordance with Board Policy 707.03 Approval for Prepayment for Goods or Services, the Commissioner is authorized to approve certain prepayment/waivers for goods or services not yet received on behalf of the Board. On March 7, 2016, Dr. Glenn F. Boyce, Commissioner of Higher Education, approved the request to enter into a Lease Agreement with Reactive Surfaces, Ltd. for approximately 765 square feet of laboratory and equipment space at USM's Accelerator for annual rent in the amount of \$17,580 to be prepaid in quarterly installments of \$4,395 due on or before the first day of each quarter of the term of the lease. Total rent for the initial term and renewals is \$87,900. The initial term of the lease is one year beginning upon approval and execution of the Lease Agreement and will automatically renew for four (4) consecutive one (1) year terms, unless terminated in writing. The Accelerator building was constructed with federal grant funds. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the contract documents.