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CONSENT AGENDA**

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February 22 - 23, 2023
Austin, Texas

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FACILITIES PLANNING AND CONSTRUCTION COMMITTEE

No items for Consent Agenda

MEETING OF THE BOARD

1. Minutes - U. T. System Board of Regents: Approval of Minutes of the regular meeting held November 16-17, 2022; and the special called meeting held December 6, 2022
2. Other Matters - U. T. System: Approval of Newly Commissioned Peace Officers

In accordance with Section 51.203 of the *Texas Education Code*, the Board is asked to approve the Commissioning of the following Peace Officers. The Officers have completed training at the U. T. System Police Training Academy and passed the State of Texas Police Officer Licensing Examination, effective March 25, 2022.

<u>Name</u>	<u>Institution</u>
Terry A. Chang	U. T. Austin
Jimmy Coleman, Jr.	U. T. Austin
Jonathan Garcia	U. T. Austin
Celeste N. Gonzalez	U. T. Austin
Melanie V. Lemay	U. T. Austin
Cole C. McGarrahan	U. T. Austin
Evan R. Moitoza	U. T. Austin
Lanisha K. Mozell	U. T. Austin
Gary L. Nixon, Jr.	U. T. Austin
Ty C. Chase	U. T. San Antonio
Christopher J. Ficke	U. T. Medical Branch - Galveston
Brittney C. Stanley	U. T. Health Science Center - Houston
Peter S. Williams, III	U. T. Health Science Center - Houston
Jack E. Moon	U. T. Rio Grande Valley

AUDIT, COMPLIANCE, AND RISK MANAGEMENT COMMITTEE

3. Resolution - U. T. System Board of Regents: Adoption of resolution to contract with Zurich American Insurance Company and affiliates, Schaumburg, Illinois, and to guarantee payments under Phase VIII of The University of Texas System's Rolling Owner Controlled Insurance Program (ROCIP)

The Chancellor concurs in the recommendation of the Chief Risk Officer and the Executive Vice Chancellor for Business Affairs that the resolution to contract with Zurich American Insurance Company and affiliates, Schaumburg, Illinois, to guarantee payments under Phase VIII of The University of Texas System's Rolling Owner Controlled Insurance Program (ROCIP), be adopted as set forth below:

RESOLUTION

WHEREAS, Zurich American Insurance Company and affiliates (Zurich), will insure The University of Texas System (U. T. System) and other persons under Phase VIII of a ROCIP for various construction projects managed by the U. T. System or by a U. T. institution in certain, pre-approved circumstances;

WHEREAS, Pursuant to this ROCIP, Zurich will issue one or more workers' compensation insurance policies and comprehensive general liability insurance policies that contain deductibles of \$250,000 per claim subject to a maximum of \$375,000 per occurrence that include allocated costs and indemnity payments; however, such deductibles are subject to a minimum aggregate limit based on \$3,000,000,000 in construction value at a rate of \$3.634772 per \$1,000 of construction value; and

WHEREAS, The Board of Regents of U. T. System understands and agrees that this large deductible ROCIP requires the prompt reimbursement of sums advanced by Zurich to adjust or pay claims within the deductibles, and the Board desires to guaranty to Zurich the prompt reimbursement of the deductibles for the ROCIP;

NOW THEREFORE, BE IT RESOLVED, That the Board hereby guarantees to Zurich the prompt repayment of the sums advanced by Zurich to adjust or pay claims within the deductibles for the ROCIP, subject to the aggregate deductible limit for the program. This guaranty shall remain fully binding although Zurich may waive one or more defaults of the insured or fail to exercise any rights against the insured or modify one or more terms of the ROCIP as required by law or with the consent of U. T. System; and, be it further

RESOLVED, That the Board represents and warrants to Zurich that the funds necessary to reimburse Zurich for the aggregate deductible liability of the insured for the ROCIP are included in the appropriations for the various construction projects heretofore approved by the Board.

The resolution, which will be provided in lieu of a letter of credit, trust agreement, or cash, provides Zurich with assurances necessary to complete the ROCIP Phase VIII program.

FINANCE AND PLANNING COMMITTEE

4. Request for Budget Change - U. T. System: Grant budget authority of \$1,508,393 funded from current period assessments to U. T. institutions to pay expenses associated with the Systemwide Microsoft Unified contract to be paid centrally by U. T. System Administration (RBC No. 11875) -- amendment to the 2022-2023 budget

5. Request for Budget Change - U. T. System: Grant budget authority of \$4,000,000 funded from current period assessments to participating U. T. institutions to pay expenses associated with the UT Health Intelligence Platform formerly known as the Clinical Data Network coordinated by U. T. Health Science Center - Houston on behalf of U. T. System Administration (RBC No. 11886) -- amendment to the 2022-2023 budget

6. Lease - U. T. System: Authorization to lease approximately 4,044 rentable square feet of additional space adjacent to approximately 13,531 rentable square feet of existing office space and extend the lease term for the entire premises at 825 Town and Country Boulevard, Houston, Harris County, Texas, from CityCentre Five, LLC, or its successors, for mission and administrative use by the Office of University Lands

Description: Authorization to lease approximately 4,044 rentable square feet of additional space adjacent to approximately 13,531 rentable square feet of existing office space and extend the lease term for the entire premises at 825 Town and Country Boulevard, Houston, Harris County, Texas

University Lands is requesting authorization to amend the current lease to increase the size of the premises to approximately 17,575 rentable square feet. The existing space and expansion space will be used for mission and administrative use by the Office of University Lands.

Lessor: CityCentre Five, LLC, or its successors

Term: The term of the amended lease for the existing space and expansion space will be for approximately 120 months, which will commence on approximately November 1, 2023. The base rent and estimated operating expenses will be abated for the initial seven months following the commencement date for both the existing space and expansion space. Tenant will also continue to have the option to further extend the term of the lease for 60 months.

Lease Cost: Estimated base rent for the initial term and potential renewal term is approximately \$9,484,983.

Initial base rent over the lease amendment term for the expansion space will be \$31.50 per square foot annually with approximately 2% annual increases thereafter. The base rent for the existing space will be reset to the same rate as the expansion space on approximately November 1, 2026, but the base rental rate will remain unchanged from the initial lease until that time. The potential renewal period will be at fair market value. Lessee will be responsible for any additional operating expenses, which are approximately \$20.42 per square foot and include utilities and janitorial service to the premises. Assuming 3% annual operating expense increases, the operating expenses during the initial period are estimated to be approximately \$3,904,362 and the renewal period are estimated to be approximately \$2,560,316. Lessee will be responsible to pay above standard utility charges, which are estimated to be approximately \$8,787 per year.

Additionally, Lessee is responsible for all unreserved and reserved parking space rental costs for the term of the lease. The potential estimated cost to U. T. for the parking spaces is approximately \$425,100 for the initial term and potential renewal term. The landlord has agreed to abate the rent for the unreserved parking spaces for the first seven months.

Tenant Improvements: The lessor is contributing approximately \$864,760 for the improvements for both the existing space and expansion space. University Lands will contribute approximately \$12,500 towards improvements to the leased space. The landlord is contributing approximately \$175,575 as an additional allowance, which can be used towards rent abatement or tenant improvements, if necessary.

Total Cost: Total estimated lease expense over the initial lease term and potential renewal period is approximately \$16,519,051 which includes all estimated rent, all estimated operating expenses, all estimated parking charges, proposed tenant improvement dollars, and all estimated additional costs outlined above.

7. Other Matters - U. T. System: Approval of the Fiscal Year 2024 Budget Preparation Policies including the Calendar for budget operations, and the Annual Operating Budget Rules and Procedures

With the concurrence of the Executive Vice Chancellor for Business Affairs, the Executive Vice Chancellor for Academic Affairs, and the Executive Vice Chancellor for Health Affairs, the Chancellor recommends that the U. T. System Board of Regents approve the Budget Preparation Policies set out on the following pages, including the Calendar for budget operations, and the Annual Operating Budget Rules and Procedures, which follows the Calendar, for use in preparing the Fiscal Year (FY) 2024 Annual Operating Budget for the U. T. System.

The U. T. System FY 2024 Budget Preparation Policies are consistent with the regulations and directives included in the General Appropriations Act and other general law enacted by the 87th Texas Legislature. As written, this policy provides general direction to the U. T. System institutions. Changes are being proposed to the Annual Operating Budget Rules and Procedures for FY 2024 that increase the thresholds for required approval of budget amendments but remain consistent with applicable Regents' Rules requirements.

U. T. System Fiscal Year 2024 Budget Preparation Policies

1. **General Guidelines** - The regulations and directives included in the *General Appropriations Act* enacted by the 87th Texas Legislature serve as the basis for these guidelines and policies. In preparing the draft of the FY 2024 Operating Budget, the president of each institution should adhere to guidelines and policies as detailed below and as included in the *General Appropriations Act*. The Assistant Vice Chancellor, Budget and Planning will issue detailed instructions regarding the implementation of those regulations and directives into the institutional budget process.

The president of each institution should examine the resources used at the institution and, where possible, redirect resources toward high priority mission critical activities and strategic competitive investments that are consistent with the goals and objectives included in the institution's Strategic Plan.

Overall budget totals, including retaining reasonable reserves for potential future financial shortfall, must be limited to the funds available for the year from General Revenue Appropriations, Estimates of Educational and General Income, and limited use of institutional unappropriated balances.

2. **Maintenance of Operating Margin and Use of Prior Year Balances** - Institutions should make all reasonable efforts to maintain a favorable operating margin within the FY 2024 Operating Budget. Use of prior year balances should be limited to critical items, unique opportunities, or projects funded from prior year income committed for that purpose. Generally, balance usage should be reserved for nonrecurring activities. Balance usage cannot be recommended to the U. T. System Board of Regents for approval without the consent of the Chancellor, the appropriate Executive Vice Chancellor, and the Assistant Vice Chancellor, Budget and Planning.
3. **Salary Guidelines** - Recommendations regarding salary policy are subject to the following directives:

Salaries Proportional by Fund - Unless otherwise restricted, payment for salaries, wages, and benefits paid from appropriated funds, including local funds and educational and general funds as defined in *Texas Education Code* Section 51.009 (a) and (c), shall be proportional to the source of funds.

Merit Increases and Promotions - Institutions should consider available resources and resolution of any major salary inequities when implementing merit salary increases for faculty and staff.

As defined in *Texas Education Code* Section 51.962, an employee must have been employed by the institution for the six months immediately preceding the effective date

U. T. System Fiscal Year 2024 Budget Preparation Policies (continued)

of the increase to be eligible for a merit increase, and at least six months must have elapsed since the employee's last merit salary increase. These limitations also apply to one-time merit payments.

Merit increases or advances in rank for faculty are to be on the basis of teaching effectiveness, research, and public service.

Merit increases or promotions for administrative and professional staff and classified staff are to be based on evaluation of performance in areas appropriate to work assignments.

In accordance with Regent's *Rules and Regulations*, performance appraisals are to be conducted annually for all employees of the U. T. System. The U. T. System Administration Office of Talent and Innovation will issue specific guidance related to this requirement.

Other Increases - Equity adjustments, competitive offers, and increases to accomplish contractual commitments should also consider merit where appropriate, subject to available resources. Subject to guidance issued by the Assistant Vice Chancellor, Budget and Planning, such increases should be noted and explained in the supplemental data accompanying the budget.

New Positions - Subject to available resources, new administrative and professional staff, classified staff, and faculty positions are to be requested only when justified by workloads or to meet needs for developing new programs.

Reporting - The Assistant Vice Chancellor, Budget and Planning will issue guidance on reporting of compensation changes and amounts. It is expected that required reports will encompass highly compensated and high-ranking personnel covered by Regents' *Rules and Regulations*, Rules 20203 and 20204 along with those individuals receiving significant changes in compensation.

4. **Staff Benefits Guidelines** - Recommendations regarding the State contribution for employee staff benefits such as group insurance premiums, teacher retirement, and optional retirement are subject to legislative determination via the *General Appropriations Act*. Payments for benefits, including for retirees, should comply with the provisions of Accounting Policy Statements No. 11, "Benefits Proportional by Fund" and the *General Appropriations Act*. The Assistant Vice Chancellor, Budget and Planning will issue instructions regarding the implementation of the benefits into the budget process.

U. T. System Fiscal Year 2024 Budget Preparation Policies (continued)

5. **Other Employee Benefits** - Employer contributions to the self-insured Unemployment Compensation Fund are based on an actuarial study. Workers' Compensation Insurance rates are experience-rated for each institution. Appropriate instructions will be issued regarding the implementation of Unemployment Compensation Fund and Workers' Compensation Insurance Benefits.
6. **Other Operating Expenses Guidelines** - Increases in Maintenance, Operation, Equipment, and Travel are to be justified by expanded workloads, for developing new programs, or for correcting past deferrals or deficiencies.
7. **Calendar** - Authority is delegated to the Assistant Vice Chancellor, Budget and Planning to modify the Calendar as needed.



THE UNIVERSITY OF TEXAS SYSTEM

FISCAL YEAR 2024 OPERATING BUDGET CALENDAR

February 24, 2023	Board of Regents takes appropriate action on budget preparation policies and budget rules
April 28, 2023	Request for Library, Equipment, Repair and Rehabilitation new project instructions and information on balances subject to lapse are sent to institutions
May 1-10, 2023	Institution Budget Meetings with U. T. System Administration
May 1, 2023	Budget instructions issued by U. T. System Administration
June 1, 2023	New Library, Equipment, Repair and Rehabilitation project requests due to U. T. System Administration
June 19, 2023	Draft budget documents due to U. T. System Administration (summary-level with optional detail)
June 22-June 26, 2023	Technical budget review with U. T. System Administration
June 30, 2023	Final budget documents due to U. T. System Administration (summary-level and optional detail)
July 12, 2023	Reports on highly compensated staff covered by Regents' Rule 20204, institutional top ten salaries and high-ranking staff salaries due to U. T. System Administration
August 4, 2023	Operating Budget Summaries provided to the Office of the Board of Regents
August 18, 2023	Detail budget due date (if not previously submitted)
August 24, 2023	Board of Regents takes appropriate action on Operating Budget and compensation of Presidents and Executive Officers
November 16, 2023	Board of Regents takes appropriate action on budget changes resulting from August 18 detail budget

THE UNIVERSITY OF TEXAS SYSTEM

OPERATING BUDGET RULES AND PROCEDURES

For Fiscal Year Ending August 31, 2024

A. INITIAL BUDGET

1. Any transfers subsequent to the approval of the initial budget shall be made only after careful consideration of the allocations, transfer limitations, and general provisions of the current general appropriations act. (See B. Budget Amendments)
2. All appointments are subject to the provisions of the U. T. System Board of Regents' *Rules and Regulations* ("Regents' Rules") for the governance of The University of Texas System.
3. The established merit policy will be observed in determining salary rates.
4. All academic salary rates in the instructional departments of the academic institutions are nine-month rates (September 1 - May 31) unless otherwise specified. In the health-related institutions, all salary rates are twelve-month rates unless otherwise specified.
5. All appointments of classified personnel are based on twelve-month rates and are made within appropriate salary ranges as defined by the classified personnel Pay Plan approved by the president or Chancellor. All appointments of administrative and professional personnel are based on twelve-month rates.
6. Compensation for continuing personnel services (for a period longer than one month), though paid for on an hourly basis, is not to be paid out of maintenance and equipment, or like appropriations, except upon specific approval of the president of the institution or the Chancellor.
7. All maintenance and operation, equipment, and travel appropriations are for twelve months (September 1 - August 31) and should be budgeted and expended accordingly.

B. BUDGET AMENDMENTS

1. Items requiring approval of the U. T. System Administration and subsequent approval by the U. T. System Board of Regents through the Consent Agenda
 - a. New appointments of tenured faculty (Regents' Rule 31007).
 - b. Award of tenure to any faculty member (Regents' Rule 31007).
 - c. New appointments as Regental Professor (Regents' Rule 31001). Titles set forth in Regents' Rule 20301 including Chancellor Emeritus, President Emeritus and similar honorary designations are conferred by the U. T. System Board of Regents.
 - d. Appointments, promotions, and salary increases involving the president (Regents' Rules 20201, 20202, 20203).
 - e. New contracts or contract changes involving athletic directors or head coaches whose total annual compensation, or total contractual compensation, equals or exceeds the amounts specified by Regents' Rule 10501 Section 2.2.12.
 - f. Compensation changes for Key Executives as defined by Regents' Rule 20203.
 - g. Compensation for personnel whose total annual compensation for the first time is, or may exceed, \$1,000,000 during the year (Highly Compensated Personnel) and who are not subject to B.1.e or B.2.f (Regents' Rule 20204).
 - h. Compensation changes for Highly Compensated Personnel greater than five percent (Regents' Rule 20204).
 - i. Increases in budgeted amounts from income or unappropriated balances for Educational and General, Auxiliary Enterprises, Designated Funds, Service Departments, Revolving Funds, and Plant Funds, subject to the thresholds established in B.5 below.
 - j. Increases to Plant Funds which result from transfers from Educational and General Funds, Auxiliary Enterprises, Designated Funds, Service Departments, and Revolving Funds, subject to the thresholds established in B.5 below.
2. Items requiring approval of U. T. System Administration (no Consent Agenda approval required)
 - a. Reappropriation of prior year Educational and General Fund balances, subject to the thresholds established in B.5 below.
 - b. Increases in budgeted amounts from income or unappropriated balances for Educational and General, Auxiliary Enterprises, Designated Funds, Service Departments, Revolving Funds, and Plant Funds, subject to the thresholds established in B.5 below.

- c. Increases to Plant Funds which result from transfers from Educational and General Funds, Auxiliary Enterprises, Designated Funds, Service Departments, and Revolving Funds, subject to the thresholds established in B.5 below.
 - d. Compensation changes for Highly Compensated Personnel whose change in total annual compensation is five percent or less and whose initial compensation was previously approved by the U. T. System Board of Regents (Regents' Rule 20204).
 - e. Appointments and promotions involving administrative and professional personnel reporting directly to the president.
3. Items requiring approval of the president only (Chancellor for U. T. System Administration)
- a. All interdepartmental transfers.
 - b. All budget transfers between line-item appropriations within a department.
 - c. Increases in budgeted amounts from income or unappropriated balances for Educational and General Funds, Auxiliary Enterprises, Designated Funds, Service Departments, and Revolving Funds, subject to the thresholds established in B.5 below.
 - d. Reallocation of unallocated Faculty Salaries. All unfilled and uncommitted line-item faculty salary positions will lapse to the institutional "Unallocated Faculty Salaries" account.
 - e. Reappropriation of Prior Year Educational and General Fund Balances, subject to the thresholds established in B.5 below.
 - f. Promotions involving tenured faculty.
 - g. New honorary title appointments as Dean Emeritus, Chair Emeritus, Professor Emeritus, and similar honorary designations (Regents' Rule 31001).
 - h. Transactions involving all other personnel except those specified in B.1.a, B.1b, B.1c, B.1d, B.1e, B.1f, B.1g, B.1h, B.2d, and B.2e as defined above.
 - i. Changes in sources of funds, changes in time assignments, and other changes in status for personnel categorized in Item B.1, provided no change in the individual's salary rate is involved. In the case of Medical Faculty, this provision applies to "Total Compensation."
 - j. Summer Session Budgets.
 - k. Clinical faculty appointments or changes, including medical or hospital staff, without salary provided the clinical faculty member is not considered to be Highly Compensated Personnel.

4. Effective date of appointments and compensation increases

- a. Any increase in approved compensation for the current fiscal year without a change in classification or position is not to be effective prior to the first day of the month in which the required final approval of the rate change is obtained.
- b. A compensation increase resulting from an appointment to another classification or to a position involving new and different duties may be made effective to the time of the first performance of duties under the new appointment.
- c. The effective date of an appointment is the date on which the individual is first to perform service for the institution under that appointment.
- d. The original appointment during a fiscal year of a person not in a budget for that year or not under an existing appointment for that year may relate back to the first performance of duties during the fiscal year although such person may have been employed in a previous fiscal year and although increased compensation for the same classification or position is involved.

5. Budget amendment criteria

- a. Institutions other than U. T. System Administration with budgeted revenue, including transfers from the Available University Fund, of \$1 billion or more will have a threshold of:
 - i. For B.1i and B.1j – Equal to or greater than ~~\$5,000,000~~ 10,000,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a – Equal to or greater than ~~\$2,000,000~~ 10,000,000 (reappropriation of E&G balances approval by U. T. System Administration)
 - iii. For B.2b and B.2c – Equal to or greater than ~~\$2,000,000~~ 5,000,000 and less than ~~\$5,000,000~~ 10,000,000 (budget increase approval by U. T. System Administration)
 - iv. For B.3c and B.3e – Less than ~~\$2,000,000~~ 5,000,000 (approval by president)
- b. Institutions other than U. T. System Administration with budgeted revenue, including transfers from the Available University Fund, between \$250 million and \$1 billion will have a threshold of:
 - i. For B.1i and B.1j – Equal to or greater than ~~\$2,500,000~~ 5,000,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a – Equal to or greater than ~~\$1,000,000~~ 5,000,000 (reappropriation of E&G balances approval by U. T. System Administration)
 - iii. For B.2b and B.2c – Equal to or greater than ~~\$1,000,000~~ 2,500,000 and less than ~~\$2,500,000~~ 5,000,000 (budget increase approval by U. T. System Administration)
 - iv. For B.3c and B.3e – Less than ~~\$1,000,000~~ 2,500,000 (approval by president)

- c. Institutions other than U. T. System Administration with budgeted revenue, including transfers from the Available University Fund, less than \$250 million will have a threshold of:
 - i. For B.1i and B.1j – Equal to or greater than ~~\$1,000,000~~ 2,500,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a – Equal to or greater than ~~\$500,000~~ 2,500,000 (reappropriation of E&G balances approval by U. T. System Administration)
 - iii. For B.2b and B.2c – Equal to or greater than ~~\$250,000~~ 500,000 and less than ~~\$1,000,000~~ 2,500,000 (budget increase approval by U. T. System Administration)
 - iv. For B.3c and B.3e – Less than ~~\$250,000~~ 500,000 (approval by president)

- d. U. T. System Administration will have a threshold of:
 - i. For B.1i and B.1j – Equal to or greater than ~~\$1,000,000~~ 2,500,000 (budget increase approval on Consent Agenda)
 - ii. For B.2a and B.3e – All amounts may be approved by the Chancellor (reappropriation of E&G balances)
 - iii. For B.2b, B.2c, and B.3c – All amounts less than ~~\$1,000,000~~ 2,500,000 may be approved by the Chancellor (budget increase approval)
 - iv. Notwithstanding i., ii., and iii., the Chancellor may authorize any budget amendment in the U. T. System revolving insurance or revolving systemwide information technology funds without limitation.

- e. Notwithstanding a., b., and c. of this section, the president of an institution may authorize any budget amendment related to hospital patient care activities or Medical, Dental, Nursing, and Faculty Services Research and Development Plans, the Allied Health Faculty Services Plan or the Physicians Referral Service Plan without limitation if the budget increase is supported by a corresponding increase in revenue. This exception does not apply to increases from unappropriated balances.

C. OTHER CONSIDERATIONS

1. All appropriations not actually expended or encumbered by August 31 will automatically lapse to the Unappropriated Balance Account except for those reallocated pursuant to Item B.2a and Item B.3e.
2. Compensation indicated as "MSRDP Funds," "DSRDP Funds," "PRS Funds," "FSRDP Funds," "Allied Health Faculty Services Plan" or "Nursing Clinical Enterprise Health Services, Research and Development Plan" is contingent upon its being earned or available in accordance with the regulations applicable to the appropriate Medical Service Research and Development Plan, Dental Service Research and Development Plan, Physicians Referral Service Plan, Faculty Services Research and Development Plan, Allied Health Faculty Services Plan, or Nursing Clinical Enterprise Health Services Research and Development Plan.
3. Budgeted expenditures authorized from sources of funds other than Educational and General Funds are contingent upon receipt of such funds. Appointments from such fund sources will not become an obligation of the institution in the event the supplemental or grant funds are not realized.
4. Leaves of Absence may be granted only in accordance with provisions contained in Regents' Rule 30201.
5. In these Rules, Compensation means total annual compensation as defined by Regents' Rule 20204 or total compensation under a multiyear contract.
6. Appropriations of the Available University Fund are subject to the appropriation limitations and notice requirements found in the General Appropriations Act.

THE UNIVERSITY OF TEXAS SYSTEM

FACULTY WORKLOAD REQUIREMENTS FOR ACADEMIC INSTITUTIONS

For Fiscal Year Ending August 31, 2024

FACULTY WORKLOAD REQUIREMENTS FOR ACADEMIC INSTITUTIONS

The general workload policy for faculty employed at U. T. System academic institutions is set forth in Regents' Rule 31006. Through established shared governance processes, each academic institution has been authorized by the U. T. System Board of Regents to establish a faculty workload policy that adheres to the provisions and reporting requirements of Rule 31006. As required by *Texas Education Code* Section 51.402 and Rule 31006, each academic institution has included their faculty workload policy in this operating budget.

THE UNIVERSITY OF TEXAS SYSTEM

MEDICAL, DENTAL, NURSING, FACULTY SERVICES RESEARCH AND DEVELOPMENT PLANS, ALLIED HEALTH FACULTY SERVICES PLAN AND PHYSICIANS REFERRAL SERVICE

For Fiscal Year Ending August 31, 2024

RULES AND PROCEDURES

1. These Rules and Procedures are to be used for the Medical, Dental, Nursing, and Faculty Services Research and Development Plans, the Allied Health Faculty Services Plan and Physicians Referral Service (“the Plans”) Budgets in conjunction with the Rules and Procedures for the General Operating Budget.
2. Budgeted expenditures authorized from the Plans are contingent upon receipt of such funds. Appointments and other budget transactions from such fund sources shall not become an obligation of any institution in the event the funds are not realized.
3. All income for professional services earned by members of the plans, except royalties, payments for editing scientific publications, and consultation fees as a regional or national consultant to any branch of the U.S. Government as approved by the U. T. System Board of Regents shall be deposited in the appropriate institution’s institutional Trust Fund Account.
4. Administration, operation, and disbursement of funds shall be in accordance with each institutional plan approved by U. T. System Administration and the U. T. System Board of Regents.
5. At U. T. M. D. Anderson Cancer Center, associate members’ earnings will be contingent upon the earned income of the member in accordance with the services rendered to the patient assigned to the member’s specialty by the chief of the major service. All payments will be approved by the Executive Council of the Physicians Referral Service.
6. Budgeted funds can be used for staff retirement and insurance benefits, for actual travel or supplemental travel expenses for attending meetings for the benefit of any institution, for memberships and dues in medical organizations, for official entertainment, and for such other disbursements as may be authorized by the president consistent with the policies approved by the U. T. System Board of Regents and the U. T. System Administration. These expenditures must be in the best interests of the research, educational and patient care activities of any institution and in the best interest of maintaining a distinguished scientific staff for such purposes and activities.

THE UNIVERSITY OF TEXAS SYSTEM

PERMANENT UNIVERSITY FUND (PUF) BOND PROCEEDS FOR LIBRARY, EQUIPMENT, REPAIR AND
REHABILITATION (LERR)
AND FACULTY SCIENCE AND TECHNOLOGY ACQUISITION AND RETENTION (STARS)
AND SIMILAR FUNDED PROGRAMS BUDGET RULES AND PROCEDURES

For Fiscal Year Ending August 31, 2024

A. INITIAL BUDGET

1. U. T. System institutions are authorized to purchase approved Library and Equipment items and to contract for Repair and Rehabilitation projects following standard purchasing and contracting procedures. This includes expenditures for STARS (including Faculty and Rising STARS), or similar funded programs.
2. Transfers by the U. T. System Administration of allocated funds to institutional control or to vendors will coincide with vendor payment requirements.
3. Final approval of specific Repair and Rehabilitation projects will be in accordance with U. T. System Board of Regents established procedures for construction projects.
4. All expenditures are subject to the provisions of the Texas *Constitution* of the State of Texas and the U. T. System Board of Regents' Rules and Regulations for the governance of The University of Texas System.
5. All expenditures are subject to the guidance established by the U. T. System Board of Regents in the *Permanent University Fund (PUF) Bond Proceeds for Library, Equipment, Repair and Rehabilitation (LERR) and Faculty Science and Technology Acquisition and Retention (STARS) and Similar Funded Programs Expenditure Guidelines.*

B. BUDGET AMENDMENTS

1. U. T. System institutions are authorized to purchase approved Library and Equipment items and to contract for Repair and Rehabilitation projects following standard purchasing and contracting procedures. This includes expenditures for STARS (including Faculty and Rising STARS), or similar funded programs.
 - a. Substitute Library or Equipment purchases in excess of \$1 million that are not on the approved list.
 - b. Substitute Repair and Rehabilitation projects in excess of \$1 million that are not on the approved list.
2. Items requiring approval of U. T. System Administration (no Consent Agenda approval required)
 - a. Substitute Library or Equipment purchases of \$1 million or less that are not on the approved list.
 - b. Substitute Repair and Rehabilitation projects of \$1 million or less that are not on the approved list.
 - c. Transfers of appropriated funds between approved Library, Equipment, Repair and Rehabilitation items.

C. OTHER CONSIDERATIONS

1. All LERR appropriations must be expended within 36 months from the date of the award or the appropriation will lapse and be made available for future Systemwide reallocation.
2. All STARS or similar program appropriations must be expended within 36 months from the time the retained faculty member accepts the award or the new faculty member arrives on campus or the appropriation will lapse and be made available for future Systemwide reallocation.
3. U. T. System academic institutions receiving block STARS allocations have 36 months from the beginning of the fiscal year in which funds are allocated to award the funds to a specific faculty member or the appropriation will lapse and be made available for future Systemwide reallocation.
4. Notwithstanding the limitations adopted at the time LERR, STARS, or other similar funding was authorized, these *Budget Rules and Procedures* apply to all previously authorized LERR, STARS and similar funding.
5. In accordance with the *UTS 168 Capital Expenditure Policy*, LERR and STARS funding that is incorporated into a Major Project will be defined as PUF and will be subject to rules applicable to all Major Projects. Major Projects are defined by Regents' Rule 80301.

THE UNIVERSITY OF TEXAS SYSTEM

PERMANENT UNIVERSITY FUND (PUF) BOND PROCEEDS FOR LIBRARY, EQUIPMENT, REPAIR AND REHABILITATION (LERR) AND FACULTY SCIENCE AND TECHNOLOGY ACQUISITION AND RETENTION (STARS) AND SIMILAR FUNDED PROGRAMS EXPENDITURE GUIDELINES

For Fiscal Year Ending August 31, 2024

A. AUTHORIZATION OF PUF BOND PROCEEDS FOR LERR, STARS, OR SIMILARLY FUNDED PROGRAMS

Article VII, Section 18 (b) of the Texas *Constitution* authorizes the U. T. System Board of Regents to issue bonds and notes secured by the U. T. System's interest in the Permanent University Fund for the purpose of:

- acquiring land, with or without permanent improvements;
- constructing and equipping buildings or other permanent improvements;
- major repair and rehabilitation of buildings and other permanent improvements;
- acquiring capital equipment; and
- acquiring library books and library materials.

It is for the last three purposes noted above that the U. T. System Board of Regents has established the LERR, STARS (including Faculty and Rising STARS), and similarly funded programs.

B. RETENTION OF RECORDS

The Internal Revenue Service requires that invoice documentation supporting capital expenditures, including LERR, STARS and similar programs funded with proceeds of tax-exempt bonds, be maintained for a period ending three years after the complete extinguishment of the bonds. Pursuant to the Texas *Constitution*, PUF bonds may be structured with a maximum maturity of 30 years. In order to comply with the IRS requirement and *UTS 181 Policy for Post Bond Issuance Federal Tax Compliance*, U. T. institutions shall maintain invoice documentation for 35 years for any capital expenditures funded with tax-exempt proceeds.

C. ELIGIBILITY FOR PROGRAM FUNDS

Eligibility for LERR, STARS, or other similar funded programs is the same as eligibility for PUF bond proceeds as set forth in the Texas *Constitution*.

D. GENERAL GUIDELINES FOR USE OF PROGRAM FUNDS

In addition to meeting the constitutional requirements outlined above, the general guideline to determine whether an item is eligible for LERR, STARS, or similar funded programs, is that it must have a useful life of at least one year. The following sections are provided to assist with that determination. These guidelines are not intended to be exhaustive and any questions regarding LERR, STARS, or similar funded program eligibility should be directed to the U. T. System Administration Office of Budget and Planning.

Repair and Rehabilitation of Buildings or Other Permanent Improvements

Major repairs or rehabilitation of buildings or other permanent improvements include, but are not limited to, repairs, renovations, replacements, or betterments that are normally expected to extend the useful life, improve operating efficiency, eliminate health and safety hazards, correct structural or mechanical defects, upgrade the quality of existing facilities, or convert these assets to more useful functions, but that are not considered routine maintenance.

The cost of major repairs or rehabilitation of buildings or other improvements can include the contract price or cost of construction and other costs that would be applicable to make the building or improvement suitable for its intended use.

Acquisition of Capital Equipment

Capital equipment is generally regarded as nonexpendable, tangible personal property having a useful life of more than one year. The acquisition cost for equipment includes the net invoice price, including any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired. In addition, taxes, duty, in-transit insurance, freight, and installation charges are also included as part of the acquisition cost. Capital equipment, including software, that will be used Systemwide, or between and among U. T. institutions and System Administration, is eligible for LERR, STARS, or similar program funds.

Warranties and Similar Service Features

The cost of warranties and similar service features related to a purchase of capital equipment (such as maintenance agreements and loaner programs) are not eligible for LERR, STARS, or similar program funds as these are considered operating expenses. This ineligibility also applies to warranty and similar service feature costs separately identified during original purchase. For example, a warranty agreement charge that is separately identified on a laptop purchase is not allowed.

Software

Any capitalized costs associated with the development or implementation of software, including personnel costs (salaries), are eligible for LERR, STARS, or similar funded programs if they are incurred in the Application Development Stage as defined by Statement No. 51 of the Governmental Accounting Standards Board "Accounting and Financial Reporting for Intangible Assets." This principle applies whether the salaries are paid to employees of the institution or to outside parties. See ~~UTS 142.13- Accounting and Financial Reporting for Intangible Assets at <https://www.utsystem.edu/sites/policy-library/policies/uts-14213-accounting-and-financial-reporting-intangible-assets>~~. Training costs related to software usage are discussed below.

The purchase of bundled software included as part of the initial acquisition of computer hardware is capitalizable regardless of threshold and therefore eligible for LERR, STARS, or similar program funds.

Software maintenance costs are considered operating expenses and therefore are not eligible for LERR, STARS, or similar program funds as these are considered operating expense.

Costs for software licenses with a useful life extending beyond one year that will be owned are eligible for LERR, STARS, or similar program funds. Leased or licensed software that requires the payment of an annual fee (i.e., does not have a useful life extending beyond one year) and that will not be owned when the license expires is not eligible for LERR, STARS, or similar program funds.

Employee Training and Travel Costs

Employee training and travel costs are not eligible for LERR or STARS program funds as these are considered operating expenses.

Operating Expenses

Consumables, which generally include those items that have an expected useful life of less than one year, are not eligible for LERR or STARS program funds as these are considered operating expenses. Some examples include, but are not limited to: chemicals, gases, paper, staplers and other office supplies, toner cartridges, medical supplies, disposal services, and laboratory supplies.

Examples of other operating expenses that are not eligible for LERR or STARS program funds include, but are not limited to: monthly telephone services, animals, software maintenance cost, and routine maintenance.

Acquisition of Library Books and Library Materials

The acquisition of library books and library materials is eligible for LERR. A library book is generally defined as a literary composition bound into a separate volume and identifiable as a separate copyrighted unit. Library materials are information sources other than books, including journals, periodicals, microforms, audio/visual media, computer-based information, manuscripts, maps, documents, and similar items that provide information essential to the learning process or enhance the quality of university library programs. A purchase of a license for library materials is allowable if the license period is in excess of one year. Annual license subscriptions and payments are not eligible for LERR.

The acquisition cost of library books and library materials can include the invoice price, freight-in, handling and insurance, binding, electronic access charges, reproduction, and other like costs required to put these assets in place, except for library salaries.

Prohibition for Student Housing, Athletics, and Auxiliary Enterprises

Article VII, Section 18 (d) of the Texas *Constitution* prohibits the use of PUF bond proceeds, and therefore the use of LERR, STARS, and similar program funds, for student housing, intercollegiate athletics, or auxiliary enterprises.

E. SPECIAL PROGRAM FUNDING

Allocations of STARS funding by the Board of Regents are for the Faculty STARS program. With appropriate approvals those funds can be redirected to the Rising STARS program. [U. T. System academic institutions receiving block STARS allocations can elect to use them as either Faculty STARS or Rising STARS without further approval being required.](#)

Faculty STARS Program

The Faculty STARS program funded by PUF bond proceeds supports the recruitment and retention of the best-qualified faculty at both academic and health institutions by providing additional resources to build and enhance research infrastructure. Because the Faculty STARS program is funded in the same manner as LERR, the same guidelines apply, and each item must have a useful life of more than one year. Faculty STARS funds are available for laboratory renovation and equipment purchases; however, faculty and other staff salaries cannot be paid from Faculty STARS funds.

There are three related program goals that form the basis of the Faculty STARS program:

- recruit senior faculty with national prominence; and
- improve the quality of new faculty and research capacity of the institutions by augmenting the start-up packages for tenure and tenure-track faculty; and
- retain high quality faculty who have had offers from another research institution or have the potential to leave because of limited access to quality equipment or laboratories.

Rising STARS Program

The Rising STARS program makes up to \$300,000 available for recruitment of promising faculty members who are recruited in a tenure track position at any academic level, i.e., assistant, associate or full professor. Rising STARS funding is limited to the same equipment and renovation expenditure restrictions as Faculty STARS.

8. Other Fiscal Matters - U. T. Rio Grande Valley: Approval of \$24,000,000 of funding for U. T. Rio Grande Valley's Intercollegiate Athletics Minor Capital Projects; and resolution regarding parity debt

The Executive Vice Chancellor for Business Affairs recommends approval of this item authorizing funding of \$24,000,000 from Revenue Financing System (RFS) bond proceeds for U. T. Rio Grande Valley to finance five minor capital projects on the Edinburg campus that are components of the Intercollegiate Athletics Expansion and Renovation Plan. The debt is expected to be repaid with the increase in the Intercollegiate Athletics Fee as voted favorably by student referendum held November 8-10, 2021, with final Board of Regents approval on November 17, 2022. Annual debt service is estimated at \$1,347,000. The institution's Scoreboard Rating of 3.8 at the fiscal year-end 2022 is below the maximum threshold of 6.0 and demonstrates the institution has the financial capacity to satisfy its direct obligations related to parity debt. The institution therefore requests the Board resolve in accordance with Section 5 of the Amended and Restated Master Resolution Establishing The University of Texas System Revenue Financing System that:

- parity debt shall be issued to fund all or a portion of the projects' cost, including any costs prior to the issuance of such parity debt;
- sufficient funds will be available to meet the financial obligations of the U. T. System, including sufficient Pledged Revenues as defined in the RFS Master Resolution to satisfy the Annual Debt Service Requirements of the Financing System, and to meet all financial obligations of the U. T. System Board of Regents relating to the Financing System;
- U. T. Rio Grande Valley, which is a "Member" as such term is used in the RFS Master Resolution, possesses the financial capacity to satisfy its direct obligation as defined in the Master Resolution relating to the issuance by the U. T. System Board of Regents of parity debt in an aggregate amount of \$24,000,000; and
- this resolution satisfies the official intent requirements set forth in Section 1.150-2 of the *Code of Federal Regulations* that evidences the Board's intention to reimburse project expenditures with bond proceeds.

The requested funding of \$24,000,000 will finance the following five capital projects that are components of the Intercollegiate Athletics Expansion and Renovation Plan at U. T. Rio Grande Valley:

1. Soccer/Track Operations Center – Two buildings totaling 13,506 gross square feet (GSF) will be constructed to house locker rooms, training rooms, and offices for the Soccer and Track programs. Estimated cost is \$9,500,000.
2. Basketball/Volleyball Practice Facility – The 11,950 GSF former natatorium space will be renovated to convert its use to a practice gymnasium for Basketball and Volleyball. Estimated cost is \$4,000,000.

3. Football Practice Fields – One synthetic turf and one natural turf will be installed north of the baseball stadium and adjacent to the future site of the Vaqueros Performance Center to house operations for the Football Program. Estimated cost is \$5,000,000.
4. Tennis Complex Renovation and Additions – Two buildings totaling 4,500 GSF will be constructed to provide locker rooms, offices, and a concession area. An entry plaza, new bleachers, and resurfacing of the tennis courts will also be provided. Estimated cost is \$3,000,000.
5. Baseball Field Stadium Remodel and Renovations – This general refresh and deferred maintenance of the baseball stadium complex will include updates to seating, concessions, lighting, fencing, railings, and locker rooms. Estimated cost is \$2,500,000.

In addition, there are two major projects for which funding approval will be sought separately at the time design development is ready for approval. These are the Health and Physical Education Complex (HPE1) Fieldhouse Lobby Addition estimated at \$13,500,000 and the Vaqueros Performance Center estimated at \$40,500,000. The total estimated cost for all seven projects is \$78,000,000.

In late 2019, the Athletics Department began a comprehensive study on its facilities. An athletics master plan process was implemented to determine deficiencies in physical facilities, address inequities, and create a path forward to support elevating its programs to the next level. This plan is a critical component of the transformation of the student life experience at U. T. Rio Grande Valley. The goal is to retain the most talented students within the Rio Grande Valley. This is inclusive of all students whether they are student athletes, students wishing to participate in marching band, or students seeking the student life experience at a campus with a robust community-engaged athletics program.

ACADEMIC AFFAIRS COMMITTEE

9. Contract (funds going out) - U. T. Arlington: EAB Global, Inc., to create and execute a marketing plan for online programs

Agency: EAB Global, Inc.

Funds: Estimated \$4,109,758 over the life of the contract

Period: November 15, 2022 through November 14, 2023; with four optional one-year renewal periods

Description: EAB Global, Inc. will provide audience research, brand extension development, and execution of a marketing plan for online programs. This contract was competitively bid.

10. Contract (funds going out) - U. T. Arlington: Benjamin Diversification Corporation, dba Comark Direct, to provide print and email communication to prospective students

Agency: Benjamin Diversification Corporation, dba Comark Direct

Funds: Up to \$10,000,000 over the life of the contract

Period: September 1, 2022 through August 31, 2027; with five optional one-year renewal periods

Description: At U. T. Arlington's direction, Comark Direct will provide print and email communication to prospective students. U. T. Arlington will provide names, addresses, emails, and all communication schedules. Comark Direct will print, address, and mail letters and postcards. Comark Direct will also email prospective students and track statistics on opened emails. This contract was competitively bid.

11. Contract (funds going out) - U. T. Arlington: Academic Partnerships, LLC, to provide online educational services

Agency: Academic Partnerships, LLC

Funds: Approximately \$1,418,000 dependent on enrollment

Period: November 9, 2022 through May 31, 2023

Description: In 2011, U. T. System executed an online education service agreement with Academic Partnerships under which U. T. institutions could enter orders for online education services. In 2012, U. T. Arlington entered such an order. Since that time, Academic Partnerships has provided U. T. Arlington with education services for numerous online programs. For these services, Academic Partnerships is paid a percentage of the total tuition received.

On November 9, 2017, the Board of Regents approved an extension to the Agreement, which was set to expire in November 2022. U. T. Arlington has since executed a new agreement with Academic Partnerships. U. T. Arlington transitioned all its programs to a new contract with Academic Partnerships with the exception of some College of Education programs and a Masters of Public Administration (MPA) program in the College of Architecture, Policy, and Public Planning. U. T. Arlington plans to take these programs in-house and no longer use an online service provider. However, more time is needed to complete the transition. This Second Amendment extends the period of the initial Agreement. Academic Partnerships will be paid a fee of 49% for continuation of the College of Education programs and 45% for the MPA program in the College of Architecture, Policy, and Public Planning. All remaining terms of the Agreement remain unchanged.

12. Request for Budget Change - U. T. Arlington: New Hire with Tenure -- amendment to the 2022-2023 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
College of Science					
Department of Mathematics					
Professor					
Xinlei Wang (T)	1/1-8/31	100	09	195,000	11915

13. Contract (funds going out) - U. T. Austin: Perkins+Will, Inc. Design Consultant will provide site preparation, site utilities, and construction for a McCombs School of Business undergraduate construction project, OCC Project No. 102-1422

Agency: Perkins+Will, Inc. Design Consultant

Funds: \$ 7,314,997

Period: December 1, 2022 through December 31, 2025

Description: Project will include the site preparation, site utilities, and construction of 400,000 gross square feet for the new McCombs School of Business undergraduate building project. In addition to the building, this project will also include expansion of university utility infrastructure to complete the utility loop to support this new building and other future growth of the area. The substantial completion of this project is anticipated in July of 2025. The contract was competitively bid.

14. Contract (funds going out) - U. T. Austin: Novati Technologies, LLC, to sell clean room equipment to U. T. Austin located on U. T. Austin's Montopolis Campus

Agency: Novati Technologies, LLC

Funds: \$4,100,000

Period: December 6, 2022 through May 31, 2023

Description: The University is purchasing existing clean room equipment located at 2706 Montopolis Drive, Austin, Texas 78741 (the Montopolis facility) from the current tenant, Novati Technologies, LLC. The parties have agreed to a sale price of \$4,100,000 with \$2,050,000 to be paid immediately upon contract signature and simultaneously with the transfer of title of the clean room equipment from Novati to the University. At the same time, a lien release will be signed by Novati's creditor, ensuring the equipment is transferred free of encumbrances. The second \$2,050,000 will be paid when Novati has vacated the property and an inspection of the equipment has been completed to ensure Novati has properly maintained the equipment. The University may offset any repair costs following the tenant's vacancy against that second \$2,050,000 based on criteria agreed upon in the purchase agreement.

15. Foreign Contract (funds going out) - U. T. Austin: National Chengchi University to provide telephone interviewing services for the Department of Government in the College of Liberal Arts

Agency: National Chengchi University, Taipei City, Taiwan

Funds: \$10,065 USD (approximately 315,000 New Taiwan Dollars (NTD) at an agreed exchange rate of 31.2521 NTD to 1 USD)

Period: February 23, 2023 through July 15, 2023

Description: National Chengchi University's Election Study Center will conduct 1,250 phone interviews with Taiwanese nationals relating to current social and political issues in Taiwan. Information obtained from the interviews will be used in academic research by Associate Professor Tse-Min Lin in U. T. Austin's College of Liberal Arts' Department of Government.

16. Request for Budget Change - U. T. Austin: Transfer \$25,000,000 from Vice President of Business Affairs – Reserve – AUF – Instruction, Allocation for Budget Adjustments to Project Management and Controls System – Repair and Replacement (R&R): Program – Allocated for Budget to confirm planned programs and projects and enable replacement or renewal of building assets, systems, and equipment necessary for facilities operations and to add operational life to educational and general spaces (RBC No. 11907) -- amendment to the 2022-2023 budget
17. Request for Budget Change - U. T. Austin: New Hires with Tenure -- amendment to the 2022-2023 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U.T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
College of Fine Arts					
Art and Art History					
Professor					
Christopher Chavoya (T)	1/1-5/31	100	09	160,000	11901
College of Liberal Arts					
History					
Associate Professor					
Maria Soriano (T)	1/16-5/31	100	09	145,000	11902
College of Natural Sciences					
Human Development and Family Sciences					
Professor					
Jeffrey Lockman (T)	1/16-5/31	100	09	195,000	11903

18. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Head Strength Coach Torre Becton

The following terms of the amended Employment Agreement for Head Strength Coach Torre Becton have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (March 1, 2022 - February 28, 2023): \$ 525,000

Contract Year 2 (March 1, 2023 - February 29, 2024): \$ 550,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

To: **Guaranteed compensation (No change):**

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3 (March 1, 2024 - February 28, 2025): \$550,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% annual base salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2025

19. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Jeff Choate

The following terms of the amended Employment Agreement for Assistant Football Coach Jeff Choate have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (January 25, 2021 - February 28, 2022): \$500,000

Contract Year 2 (March 1, 2022 - February 28, 2023): \$575,000

Contract Year 3 (March 1, 2023 - February 29, 2024): \$575,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Assumption of Previous Contractual Obligation: \$250,000

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

Guaranteed compensation (Increase of 8.7%):

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3 (March 1, 2023 - February 29, 2024): \$625,000

Contract Year 4 (March 1, 2024 - February 28, 2025): \$675,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of annual base salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2025

20. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Tashard Choice

The following terms of the amended Employment Agreement for Assistant Football Coach Tashard Choice have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (December 20, 2021 - February 28, 2022): \$500,000

Contract Year 2 (March 1, 2022 - February 28, 2023): \$500,000

Contract Year 3 (March 1, 2023 - February 29, 2024): \$550,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Assumption of Previous Contractual Obligation: \$150,000

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

To: **Guaranteed compensation (No change):**

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3: No change

Contract Year 4 (March 1, 2024 - February 28, 2025): \$550,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of annual base salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2025

21. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Blake Gideon

The following terms of the amended Employment Agreement for Assistant Football Coach Blake Gideon have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (March 1, 2022 - February 28, 2023): \$425,000

Contract Year 2 (March 1, 2023 - February 29, 2024): \$475,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Assumption of Previous Contractual Obligation: \$300,000

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

To: **Guaranteed compensation (No change):**

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3 (March 1, 2024 - February 28, 2025): \$475,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of annual base salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2025

22. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Kyle Flood

The following terms of the amended Employment Agreement for Assistant Football Coach Kyle Flood have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (January 14, 2021 - February 28, 2022): \$1,100,000

Contract Year 2 (March 1, 2022 - February 28, 2023): \$1,175,000

Contract Year 3 (March 1, 2023 - February 29, 2024): \$1,250,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

Guaranteed compensation (Increase of 6%):

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3: No change

Contract Year 4 (March 1, 2024 - February 28, 2025): \$1,325,000

Contract Year 5 (March 1, 2025 - February 28, 2026): \$1,400,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of annual base salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2026

23. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Terry Joseph

The following terms of the amended Employment Agreement for Assistant Football Coach Terry Joseph have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (March 1, 2022 - February 28, 2023): \$800,000

Contract Year 2 (March 1, 2023 - February 29, 2024): \$800,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Assumption of Previous Contractual Obligation: \$150,000

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

To: **Guaranteed compensation (No change):**

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3 (March 1, 2024 - February 28, 2025): \$800,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of annual base salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2025

24. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Pete Kwiatkowski

The following terms of the amended Employment Agreement for Assistant Football Coach Pete Kwiatkowski have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (January 20, 2021 - February 28, 2022): \$680,000

Contract Year 2 (March 1, 2022 - February 28, 2023): \$680,000

Contract Year 3 (March 1, 2023 - February 29, 2024): \$680,000

Annual Payment to PK Enterprises LLC:

Contract Year 1 (January 20, 2021 - February 28, 2022): \$1,020,000

Contract Year 2 (March 1, 2022 - February 28, 2023): \$1,020,000

Contract Year 3 (March 1, 2023 - February 29, 2024): \$1,020,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of that year's total annual salary

To: **Guaranteed compensation (No change):**

Annual Salary:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3: No change

Contract Year 4 (March 1, 2024 - February 28, 2025): \$680,000

Annual Payment to PK Enterprises LLC:

Contract Year 1: No change

Contract Year 2: No change

Contract Year 3: No change

Contract Year 4 (March 1, 2024 - February 28, 2025): \$1,020,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of that year's total annual salary

Source of Funds: Intercollegiate Athletics

Period: March 1, 2023 through February 28, 2025

25. Employment Agreement - U. T. Austin: Approval of amendment to terms of Employment Agreement for current Assistant Football Coach Alan Jacob (A.J.) Milwee

The following terms of the amended Employment Agreement for Assistant Football Coach Alan Jacob Milwee have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Austin is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Austin. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary:

Contract Year 1 (March 1, 2022 - January 1, 2023): \$300,000

Contract Year 2 (January 2, 2023 - February 29, 2024): \$375,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Relocation and Temporary Housing Allowance: One-time payment of \$29,000

Tickets: In accordance with Athletics Department's policies and procedures and based on availability

Assumption of Previous Contractual Obligation: \$25,000

Nonguaranteed compensation:

Performance Incentives: Maximum of 19% of annual base salary

To: **Guaranteed compensation (Increase of 13.33%):**

Annual Salary:

Contract Year 1: No change

Contract Year 2 (January 2, 2023 - February 29, 2024): \$425,000

Contract Year 3 (March 1, 2024 - February 28, 2025): \$425,000

Automobile: One dealer car

Club membership: In accordance with Athletics Department's policies and procedures and based on availability and business need

Tickets: In accordance with Athletics Department's policies and procedures, and based on availability

Nonguaranteed compensation (No change):

Performance Incentives: Maximum of 19% of annual base salary

Source of Funds: Intercollegiate Athletics

Period: January 2, 2023 through February 28, 2025

26. Request for Budget Change - U. T. Dallas: New Hire with Tenure -- amendment to the 2022-2023 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
School of Natural Sciences and Mathematics					
Biological Sciences					
Dean and Professor					
Donal Skinner (T)	1/17-8/31	100	12	240,000	11899

27. Contract (funds coming in and going out) - U. T. El Paso: Sodexo Services of Texas Limited Partnership to provide campus food services

Agency: Sodexo Services of Texas Limited Partnership

Funds: \$11,534,230 for the initial term; \$14,502,564 total with the option years

Period: August 1, 2022 through August 31, 2029; with three additional one-year renewal options to extend

Description: Sodexo will provide the full-service food, beverage and non-alcoholic beverage services. These services include cash plan, meal plan and flex dollar pricing, non-traditional board, catering, and concession plans. Additional related services may be requested by the University in writing from time to time. This contract was competitively bid.

Pursuant to *Texas Education Code* Section 51.945, students were provided an opportunity to comment prior to determination that this food services provider should be selected by the institution.

28. Contract (funds going out) - U. T. El Paso: ASB Sports Acquisition, Inc., dba Game One, to provide athletic apparel and equipment to the University Athletics Department and Campus

Agency: ASB Sports Acquisition, Inc., dba Game One

Funds: \$5,300,000 for the initial term; with \$8,300,000 approximate total with the option years

Period: November 1, 2022 through March 31, 2028; with three one-year renewal options to extend

Description: Under this Agreement, which includes a nonexclusive Trademark License Agreement, Game One will provide athletic apparel and equipment to Athletic Department and Campus. University will receive the right to order products up to \$680,000 (retail value) for Year 1 and up to \$500,000 each consecutive year thereafter at no charge to the University (not included in the above "funds going out"). The Agreement also provides for every \$100,000 the University spends above the \$1,000,000 threshold in Years 2-5, an additional \$25,000 of product will be provided at no charge, with a maximum of \$1,500,000 per year. Additional credit may be provided in accordance with specific athletic performance accomplishments. This contract was competitively bid.

29. Request for Budget Change - U. T. El Paso: New Hire with Tenure -- amendment to the 2022-2023 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
College of Engineering					
Civil Engineering					
Vice President for Research and Professor					
Ahmad M. Itani (T)	5/1-8/31	100	12	280,000	11925
		0	09	161,824	

30. License - U. T. El Paso: Authorization to license approximately 16,624 square feet in the building located at 315 West Schuster Avenue, El Paso, El Paso County, Texas, to the Young Women’s Christian Association El Paso Del Norte Region, a Texas non-profit corporation, to operate a childcare center; and finding of a public purpose

Description: License to the Young Women’s Christian Association El Paso Del Norte Region, a Texas non-profit corporation (YWCA), approximately 16,624 square feet in the building located at 315 West Schuster Avenue, El Paso, El Paso County, Texas, for use as a child care center operated by YWCA exclusively for the children of faculty, staff, and students at U. T. El Paso.

Contractor: Young Women’s Christian Association El Paso Del Norte Region, a Texas non-profit corporation

Term: The agreement will be for an initial term of five years. The University shall have the right to renew the agreement for three periods of one year each on the same terms and conditions as the agreement, except for any increase to the license fee as mutually agreed to by the University and Contractor.

License Fee: Annual license fee of \$600.

YWCA shall obtain at its cost and expense janitorial services, security systems, and maintenance services for the premises, including but not limited to telephone and communication equipment, office equipment, staff parking expenses and repair of damage caused to the premises by its staff, employees, representatives clients and/or visitors. The University shall provide telecommunication services to the premises and YWCA shall reimburse the University for the costs.

At its expense, the University will provide certain services to the premises including utilities, scheduled system inspections, maintenance and repairs for HVAC, electrical, mechanical, and plumbing systems, general maintenance of the building located on the premises, pest control services and maintenance of telephone and telecommunication lines to the perimeter of the premises.

YWCA shall charge for its services to U. T. El Paso's students, faculty, and staff the cost for drop-in rates and weekly rates. YWCA shall not charge an annual enrollment fee per family.

Public Purpose: The license fee described above may constitute a below market rate. In consideration for the below market rate, YWCA will use the premises to operate a childcare center exclusively for faculty, staff, and students at U. T. El Paso. The Attorney General of the State of Texas has advised in Opinion No. MW-373 (1981) that, for the use of space in university facilities at below market rental to comply with the Texas Constitution, three requirements must be met: (1) the use of the property must serve a public purpose appropriate to the function of the university, (2) adequate consideration must be received by the university, and (3) the university must maintain controls over the user's activities to ensure that the public purpose is achieved.

Accordingly, because the rent may be below market, the Board of Regents is also asked to find that:

(1) the Agreement serves a public purpose appropriate to the function of U. T. El Paso, in requiring YWCA to demonstrate and provide assurance that the operation of the childcare center provides child care services exclusively for the children of U. T. El Paso faculty, staff, and students;

(2) Pursuant to the Agreement, the consideration received by U. T. El Paso is adequate, in obligating YWCA to (i) provide before school, after school, and evening care hours, (ii) offer scholarships and discounts, and (ii) implement meal services with all meals meeting USDA Standards and Requirements; and

(3) U. T. El Paso will have sufficient safeguards in place to ensure the public purpose will continue to be met on an ongoing basis, including provisions that require YWCA to provide monthly activity reports to the Dean of Students indicating the child care center usage, enrollment and waitlist status, security violations, payment statements, and other areas of mutual agreement. U. T. El Paso may terminate the agreement for an event of default by YWCA. In addition to the right to terminate the agreement for an event of default, U. T. El Paso may also at any time during the term of the agreement elect to terminate the agreement without cause upon not less than (60) days' prior written notice to YWCA.

31. Request for Budget Change - U. T. Rio Grande Valley: News Hire with Tenure -- amendment to the 2022-2023 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and are recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
School of Social Work					
School of Social Work					
Professor					
Leticia Villarreal Sosa (T)	1/16-5/31	100	09	102,000	11922
School of Medicine					
Department of Psychiatry					
Chair and Professor					
Karl Goodkin (T)	1/2-8/31	100	12	450,000	11924

32. Employment Agreement - U. T. Rio Grande Valley: Approval of terms of Employment Agreement for new Head Football Coach Travis Bush

The following terms of the Employment Agreement for new Head Football Coach Travis Bush have been approved by the Chancellor, the Executive Vice Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U. T. System Board of Regents. The terms of the Agreement were previously reviewed pursuant to Regents' *Rules and Regulations*, Rule 10501, Section 2.2.12(a). If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, any intercollegiate athletic conference of which The University of Texas at Rio Grande Valley is a member, the Regents' *Rules and Regulations*, and the policies of The University of Texas at Rio Grande Valley. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

Proposed: **Guaranteed compensation:**

Annual Salary: \$300,000

Salary Pool (for assistant coaches, off-field assistants): \$805,000

Automobile: Courtesy automobile or (if unable to secure a courtesy automobile) a \$600 monthly allowance (\$7,200 annually)

Cell Phone: \$85 per month (\$1,020 annually)

Spouse travel: Reimbursed when engaged in official functions on behalf of University, subject to University policies and prior approval

Tickets: Annually up to eight reserved seats for home Football games without charge; four tickets available to the Head Football Coach for all other U. T. Rio Grande Valley events by requesting them through the ticket box office staff

Moving Expenses: Relocation allowance of \$21,000 according to University policies (including transitional housing); voluntary separation within one year requires repayment

Nonguaranteed compensation:

Summer Football Camps: 100% of net proceeds for each camp

Team performance incentives:

(a) \$2,500 in any contract year if the Team finishes in the top three (including ties) of the Conference regular season

(b) \$10,000 in any contract year in which the team wins the conference championship or co-championship; in addition, each full time assistant coach on the Football staff will be paid \$1,500 and each off field assistant will be paid \$1,000

(c) \$15,000 in any contract year for each game won in the NCAA Division I-FCS Football Championship playoffs; in addition, each full-time assistant coach on the Football staff will be paid \$1,000 and each off-field assistant will be paid \$500

(d) \$5,000 if named the Conference Coach of the Year for Football

Team academic performance incentives:

(a) \$2,500 in the event the Football team's cumulative Grade Point Average (GPA) for the Academic Year is above 2.85 in an Agreement year, or \$5,000 if GPA is above 3.00 (not cumulative)

(b) \$2,500 in the event the Football team maintains a multi-year Academic Progress Report (APR) of at least 965 as determined by the annual NCAA APR Report, or \$4,000 if at least 985 as determined by the annual NCAA APR report (not cumulative)

Program Recognition: \$2,500 in each contract year that Football season tickets sold by UTRGV exceed 2,500, \$5,000 if season tickets sold by U. T. Rio Grande Valley exceed 4,000 in the contract year, or \$7,500 if season tickets sold by U. T. Rio Grande Valley exceed 5,000 in a contract year (not cumulative)

Liquidated damages for early resignation:

(a) First three years (through December 31, 2025): \$1,000,000

(b) Fourth year (through December 31, 2026): \$300,000

(c) Fifth year (through December 31, 2027): none

Source of Funds: Intercollegiate Athletics

Period: December 19, 2022 through December 31, 2027

33. Employment Agreement - U. T. Rio Grande Valley: Approval of amendment and restatement of terms of Employment Agreement for current Head Volleyball Coach Todd Lowery

The following terms of the amended and restated Employment Agreement for current Head Volleyball Coach Todd Lowery have been approved by the Chancellor, the Executive Chancellor for Academic Affairs, and the Vice Chancellor and General Counsel and are recommended for approval by the U.T. System Board of Regents. If the terms are approved, total compensation for the contract period will be in excess of \$1 million. The amended Agreement references the Constitution and Bylaws of the National Collegiate Athletic Association, and intercollegiate athletic conference of which The University of Texas Rio Grande Valley is a member, the Regents' *Rules and Regulations*, and the policies of the University of Texas Rio Grande Valley. A violation of the provisions of such constitution, bylaws, rules, regulations, or policies may be grounds for suspension without pay and/or dismissal.

From: **Guaranteed compensation:**

Annual Salary: \$104,720

Automobile: \$500 monthly allowance

Nonguaranteed compensation:

Summer Volleyball Camps: Percentage of net proceeds for each camp, as determined by the Vice President and Athletics Director

Max Team Performance Incentives (\$27,500):

(a) \$5,000 if the Team finishes as Conference post-season tournament champion and participates in the NCAA post-season tournament, and an additional \$2500 for each game appearance in the NCAA post-season tournament after the initial contest participated

(b) \$5,000 if the Team receives an "at-large" bid to participate in the NCAA post-season tournament, and an additional \$2500 for each game appearance in the NCAA post-season tournament after the initial contest participated

(c) Up to \$2500 (at the discretion of the Vice President and Athletics Director) if the Team finishes as conference regular-season champions or competes in the conference tournament championship but does not receive a NCAA post-season tournament bid

(d) \$10,000 if the Team finishes as NCAA Women's Volleyball National Champions

Max Team Academic Performance Incentives (\$2,000):

(a) \$1,000 if the Team's cumulative GPA for the academic year is above 3.250

(b) \$1,000 if the Team maintains an APR of at least 960 as determined by the annual NCAA Multi-Year APR Report

Coach of the Year Honors (\$2,500):

\$2,500 if Head Coach is named the Conference Coach of the Year for Volleyball

To: **Guaranteed compensation (Increase of 17.45%):**

Annual Salary \$123,000

Automobile: Possible use of courtesy automobile (pursuant to terms detailed in agreement)

Salary Pool: \$99,000 assistant coach salary pool

Nonguaranteed compensation (Increase of 46.34% in available incentives):

Summer Volleyball Camps: 100% of net proceeds for each camp

Max Team Performance Incentives (\$39,500):

(a) \$2,500 if the Team finishes as Conference champions in the final regular season standings or as runner-up of the post-season Conference tournament (in any contract year, Head Coach may earn only one of the two incentives listed). In addition, in any contract year the Team finishes as Conference champions in the final regular season standings, each associate head coach on the Volleyball staff will receive \$1,000 and each assistant coach on the Volleyball staff will receive \$500

(b) \$5,000 if the Team receives a bid to participate in the NCAA post-season tournament, and an additional \$2,500 for each match win in the NCAA post-season tournament. In addition, in any contract year the Team receives a bid to participate in the NCAA post-season tournament, each associate head coach on the Volleyball staff will receive \$2,000 and each assistant coach on the Volleyball staff will receive \$1,000

(c) \$10,000 if the Team finishes as NCAA Women's Volleyball National Champions

(d) Starting with the 2023 contract year, \$5,000 will be paid if (i) the Volleyball team qualifies for the WAC post-season tournament in a contract year and (ii) the Head Coach remains the head coach of the Volleyball team as of June 1 of the contract year immediately following the year in which the Volleyball team qualified for the WAC post-season tournament

Max Team Academic Performance Incentives (\$2,000):

(a) \$1,000 if the Team's cumulative GPA for the academic year is above 3.250

(b) \$1,000 if the Team maintains an APR of at least 960 as determined by the annual NCAA Multi-Year APR Report

Coach of the Year Honors (\$2,500):
\$2,500 if Head Coach is named the Conference Coach of the Year for Volleyball

Liquidated damages for early resignation (new):
(a) Through May 31, 2023: \$35,000
(b) Through May 31, 2024: \$25,000

Source of Funds: Intercollegiate Athletics

Period: January 1, 2023 through December 31, 2027

34. Contract (funds going out) - U. T. San Antonio: Civitas Learning, Inc., to provide continued use of Student Success Learning Management System

Agency: Civitas Learning, Inc.

Funds: Total fees of \$2,782,553 for the full five-year term.
Annual payments for services are broken down as follows:
Year 1 - \$422,605
Year 2 - \$583,737
Year 3 - \$588,737
Year 4 - \$593,737
Year 5 - \$593,737

Period: February 28, 2023 through October 28, 2027

Description: Master Services Agreement with Civitas Learning, Inc., and associated Initial Schedule for continuation of a campus-wide Learning Management System that provides an integrated suite of student success analytic applications focused on increasing student success, retention, and graduation. The Learning Management System application provides support for advising services, academic risk analyses, analyses of academic programs and initiatives, and student resource allocations. It also provides real-time data and predictive analytics tools.

The Agreement and Initial Schedule resulted from an Exclusive Acquisition Justification based on continuity of existing services. The services were originally secured from Civitas Learning, Inc., under a U. T. Systemwide Master Services Agreement approved by the Board on December 15, 2014.

35. Lease - U. T. San Antonio: Authorization to extend the term of a ground lease to the Roadrunner Foundation of approximately one acre located at the institution's Park West Athletics Complex, on Kyle Seale Parkway in San Antonio, Bexar County, Texas, for the construction of an approximately 15,000 square foot team and locker-room facility to support athletic fields

Description: On August 15, 2019, the Board authorized the lease of land to the Roadrunner Foundation (Foundation) for the construction and gift at completion of a locker room and team support facility on U. T. San Antonio's Park West campus, and for the construction and subsequent lease-back to the institution of the RACE athletic training and practice facility on U. T. San Antonio's 1604 campus. The Foundation completed construction of the RACE facility in 2022.

The institution seeks authorization to extend the ground lease for approximately one acre of land located on its Park West campus to Foundation so that it may complete the construction of an approximately 15,000 square foot team and locker-room facility (Park West Facility) to support the institution's Park West Athletics Complex, which includes track and soccer stadiums for U. T. San Antonio's intercollegiate track and soccer programs.

Location: At the institution's Park West Athletics Complex on Kyle Seale Parkway, north of its intersection with West Hausman Road, on U. T. San Antonio's Park West campus about one mile southwest of the main campus.

Lessee: Roadrunner Foundation, a Texas non-profit corporation.

Lease Term: The existing three-year ground lease term expires on February 28, 2023. The extension will provide for expiration on February 28, 2024, or earlier if the Park West Facility is completed sooner. The Foundation expects to complete construction of the Park West Facility in 2023.

Lease Consideration: Consideration consists of the gift of the Park West Facility to U. T. San Antonio at the completion of construction.

Supplemental Funding: Bexar County has entered into an agreement with the Foundation to provide \$8,000,000 to fund the completion of the Park West Facility. The Park West Athletic Complex generates tourism through U. T. San Antonio's use of the facilities, as well as through third party tournaments.

36. Request for Budget Change - U. T. Tyler: New Hire with Tenure -- amendment to the 2022-2023 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Academic Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
Fisch College of Pharmacy Dean and Professor Amy Schwartz (T)	3/6-8/31	100	12	285,000	11927

37. Gift - U. T. Tyler: Authorization of expenditure by Health Science Center at U. T. Tyler of a gift of \$245,000 for the purchase of 3D Mammography equipment at Jacksonville Hospital, dba UT Health Jacksonville; and finding of public purpose

Description: Approval is needed to authorize expenditure of a donated gift of \$245,000 from the Nan Travis Foundation for the purchase of 3D Mammography equipment at the Jacksonville Hospital, dba UT Health Jacksonville. This hospital is part of the East Texas Health System, LLC, owned jointly by the Health Science Center at U. T. Tyler (30%) and Ardent Health (70%), a private entity governed 50% and 50% by both entities

Donor: Nan Travis Foundation

Value: \$245,000

Find of Public Purpose: The Health Science Center at U. T. Tyler has determined that the expenditure of the gift of \$245,000 for the purchase of 3D Mammography equipment in a hospital owned by the East Texas Health System, LLC, supports the public mission of and serves a public purpose appropriate to the functions of the Health Science Center at U. T. Tyler. In authorizing the formation of the East Texas Health System, LLC, with Ardent Health on February 15, 2018, the Board of Regents found that U. T. Health Science Center - Tyler's participation in the LLC would strengthen academic and educational programs for students, residents, and other trainees; would enhance basic and clinical research capabilities; would allow for integration of community and public health initiatives; and would expand patient care services, improve health outcomes, and extend the reach of U. T. Health Science Center - Tyler in the community. That expansion was made possible in part by the transfer to the LLC of nine hospitals previously owned by Ardent Healthcare, one of which is now Jacksonville Hospital, LLC, dba UT Health Jacksonville. Accordingly,

enhancements to that hospital will enhance the ability of the Health Science Center at U. T. Tyler personnel working at the facility to provide patient care services, leading to improved health outcomes. The Health Science Center at U. T. Tyler has also determined that those enhancements provide adequate consideration and benefits to the institution.

Finally, the Health Science Center at U. T. Tyler has also determined that, as the governance structure is set at 50% Ardent and 50% Health Science Center at U. T. Tyler, there are adequate safeguards in place to ensure the public purposes noted above will continue to be met on an ongoing basis.

HEALTH AFFAIRS COMMITTEE

38. Contract (funds coming in) - U. T. Southwestern Medical Center: To provide physician and other health services to Dallas County Hospital District, dba Parkland Health and Hospital System

Agency:	Dallas County Hospital District, dba Parkland Health and Hospital System
Funds:	\$250,993,947
Period:	November 1, 2022 through September 30, 2023
Description:	U. T. Southwestern Medical Center to provide physician and other health services.

39. Contract (funds going out) - U. T. Southwestern Medical Center: Agreement for Sponsorship, along with Children's Health System of Texas, for an exclusive health care sponsorship with Frisco Stadium, LLC

Agency: Frisco Stadium, LLC

Funds: \$17,000,000

Period: January 1, 2023 through December 31, 2027

Description: The University of Texas Southwestern Medical Center, along with Children's Health System of Texas, agree to enter into an exclusive health care Sponsorship Agreement with Frisco Stadium, LLC, individually and as an agent for FC Dallas Soccer, LLC (professional team) and North Texas SC, LLC (Major League Soccer Next Pro team). The Sponsorship Agreement includes prominent logo placement on team jerseys and apparel, in-stadium signage and media, designation of presenting partner, commercial and audiocast spots, digital advertisement placement, associate partnership recognition of the FC Dallas Youth Program, and player and mascot appearances. U. T. Southwestern Medical Center and Children's Health System of Texas will jointly share the costs over the term of the Sponsorship Agreement. This Agreement was acquired via an Exclusive Acquisition Justification.

40. Contract (funds going out) - U. T. Southwestern Medical Center: Amendment to Agreement with Allentown, LLC, to provide research animal equipment

Agency: Allentown, LLC

Funds: \$10,000,000 over the entire term, including renewal periods

Period: January 13, 2023 through December 31, 2023; with the option to renew for two additional one-year terms

Description: Allentown, LLC, will continue to provide research animal equipment, including caging and related components. The pricing agreement dated January 1, 2021, and the First Amendment dated July 25, 2022, were not previously submitted for Board consideration because the total contract amounts were below the institution's delegated approval threshold. The First Amendment increased the fee cap to \$5,000,000. This Second Amendment increases the fee cap to \$10,000,000. It is anticipated that there will be two additional one-year renewals of the Agreement. The Agreement is supported by an Exclusive Acquisition Justification (EAJ) - Best Value. The supplier was previously awarded a contract via competitive bidding to provide this equipment for the Animal Resource Center (ARC). The EAJ was approved to maintain continuity of service for current research studies, as any change to the animals' environment may disrupt research activities.

41. Contract (funds going out) - U. T. Medical Branch - Galveston: Hologic, Inc., to provide infectious disease testing

Agency: Hologic, Inc.

Funds: The total contract value, including renewal periods, is estimated to be \$12,000,000.

Period: September 1, 2022 through August 31, 2027; with two 12-month renewal options

Description: Hologic, Inc., to provide infectious disease testing, including testing for sexually transmitted infections and other viruses. U. T. Medical Branch - Galveston will continue use of the Hologic platform, which is the only platform that offers both testing types as it offers standardization of testing without the need for additional resources for information technology, construction, or staff training. The total value of the Agreement is capped at \$12,000,000. The contract was procured under Best Value rules via the Exclusive Acquisition Justification.

42. Contract (funds going out) - U. T. Medical Branch - Galveston: Texas EM-I Medical Services, P. A., to provide emergency department coverage

Agency: Texas EM-I Medical Services, P. A.

Funds: The total contract value, including one renewal period, is estimated to be \$6,500,000, although the maximum amount is indeterminable at this time.

Period: February 1, 2023 through January 31, 2025; with automatic one-year renewal, unless terminated

Description: Texas EM-I Medical Services, P. A., will provide emergency coverage, additional emergent physician coverage, and medical director services at the State of Texas Department of Corrections W. J. Estelle Unit correctional facility in Huntsville, Texas. Because this is a correctional facility and no third-party billing will occur, Texas EM-I will not receive third-party reimbursement for its services at fair market value. Thus, U. T. Medical Branch - Galveston's Correctional Managed Care Division (UTMB CMC) agrees to pay Texas EM-I an annual estimated payment in the amount of \$2,200,000 for an estimated total of \$4,300,000 over the initial two-year term. Additionally, UTMB CMC agrees to reimburse the Texas EM-I for any start-up costs associated with the commencement of services at the facility for the initial 90 days from the effective date of the Agreement, up to a maximum of \$400,000. Finally, the Agreement includes automatic one-year renewal periods, which the parties anticipate utilizing indefinitely but for at least one additional renewal period. The Board is asked to approval an annual value of approximately \$2,200,000 for this contract, with the understanding that notice of desired renewal be provided to the Executive Vice Chancellor for Health Affairs. Each one-year renewal period includes an estimated annual payment of \$2,200,000.

43. Purchase - U. T. Medical Branch - Galveston: Authorization to purchase two lots totaling approximately 1.7622 acres of mostly vacant land located at 1824 Highway 6, Alvin, Brazoria County, Texas, from OC Alvin, Ltd., a Texas limited partnership, for future medical use

Description: Authorization to purchase two lots totaling approximately 1.7622 acres of mostly vacant land, located at 1824 Highway 6, Alvin, Brazoria County, Texas. U. T. Medical Branch - Galveston anticipates using the property for future growth of its ambulatory network.

Seller: OC Alvin, Ltd., a Texas limited partnership

Purchase Price: Not to exceed fair market value as determined by independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951

44. Purchase - U. T. Medical Branch - Galveston: Authorization to purchase approximately 0.234 acres of land and improvements, including an approximately 2,300 square foot medical office building and parking lot, located at 215 Oak Drive South, Suite D, Lake Jackson, Brazoria County, Texas, from Michael P. Gilliland, for medical clinic related use

Description: Authorization to purchase approximately 0.234 acres of land and improvements including an approximately 2,300 square foot medical office building with a surface area parking lot currently leased by U. T. Medical Branch - Galveston and used as an ambulatory clinic, located at 215 Oak Drive South, Suite D, Lake Jackson, Brazoria County, Texas, for medical clinic related use.

Seller: Michael P. Gilliland

Purchase Price: Not to exceed fair market value as determined by independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951

45. Request for Budget Change - U. T. Medical Branch - Galveston: Tenure Appointment -- amendment to the 2021-2022 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
School of Medicine					
Department of Internal Medicine					
Associate Professor					
Elizabeth Vaughan (T)	8/1-8/31	100	12	240,000	11912

46. Request for Budget Change - U. T. Health Science Center - Houston: Tenure Appointment -- amendment to the 2022-2023 budget

The following Request for Budget Change (RBC) has been administratively approved by the Chancellor and Executive Vice Chancellor for Health Affairs and is recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
McGovern Medical School					
Internal Medicine					
Professor					
Jagat Narula (T)	1/15-8/31	100	12	980,000	11914

47. Request for Budget Change - U. T. Health Science Center - San Antonio: New Hires with Tenure -- amendment to the 2022-2023 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
School of Medicine					
Mays Cancer Center Professor Alexander Parikh (T)	10/6-8/31	100	12	595,000	11876
Radiation Oncology Professor Yohannes Ghebre (T)	12/1- 8/31	100	12	195,000	11900
Radiation Oncology Associate Professor Justin Leung (T)	12/1-8/31	100	12	155,000	11898

48. Contract (funds going out) - U. T. M. D. Anderson Cancer Center: Amendment to Agreement with JB York Construction, Inc., to provide job order contracting services

Agency: JB York Construction, Inc.

Funds: The total contract value, including the renewal periods, is estimated to be \$50,000,000, although the maximum amount is indeterminable at this time.

Period: January 1, 2022 through December 31, 2023; with one remaining 24-month renewal option

Description: Under this job order contracting Agreement, JB York Construction, Inc., will act as a general contractor to provide general and specific construction services for projects on a per-project basis. JB York Construction, Inc., will provide all material, labor, equipment, and services necessary for completion of each project. Services are on a nonexclusive, indefinite quantity basis, and there is no minimum amount of work required. On November 14, 2019, the initial contract, with an estimated value of \$23,500,000, was approved by the Board. One renewal has been used to extend the term to December 31, 2023, with one remaining renewal. The contract value is now estimated to be \$50,000,000, although the maximum amount is undeterminable at this time. This Master Agreement was competitively bid.

49. Contract (funds going out) - U. T. M. D. Anderson Cancer Center: Amendment to Amended and Restated Sponsorship Agreement with Dynamo Soccer, LLC, and Dynamo Stadium, LLC, to provide sponsorship and promotional benefits

Agency: Dynamo Soccer, LLC, and Dynamo Stadium, LLC

Funds: Not to exceed \$17,400,000

Period: November 23, 2022 through December 31, 2024

Description Dynamo Soccer, LLC, will provide sponsorship and promotional benefits subject to U. T. M. D. Anderson Cancer Center's payment of the Sponsorship Fees. Dynamo Soccer, LLC, will provide multiple opportunities for marketing, community relations, cancer prevention education, patient acquisition, fundraising, and business development for U. T. M. D. Anderson Cancer Center. U.T. M. D. Anderson Cancer Center will gain significant brand exposure through prominent logo placement across the front of the Dynamo jersey, in addition to stadium signage and social/digital/broadcast media. This sponsorship allows U. T. M. D. Anderson Cancer Center to reach national and international audiences. This First Amendment extends the term by one year and increases the cap amount by \$4,000,000 to \$17,400,000.

The Amended and Restated Sponsorship Agreement, effective December 1, 2019, was submitted and approved by the Board on February 27, 2020. The original Sponsorship Agreement, effective August 1, 2018, was not submitted for Board approval as the total contract value was below the institution's delegated approval threshold. This Agreement was acquired via an Exclusive Acquisition Justification.

50. Request for Budget Change - U. T. M. D. Anderson Cancer Center: New Hires with Tenure -- amendment to the 2022-2023 budget

The following Requests for Budget Changes (RBC) have been administratively approved by the Chancellor and the Executive Vice Chancellor for Health Affairs and are recommended for approval by the U. T. System Board of Regents:

Description	Effective Date	% Time	Full-time Salary		RBC #
			No. Mos.	Rate \$	
Medical Staff					
Department of Epigenetics and Molecular Carcinogenesis					
Associate Professor					
Angela Ting (T)	1/3-8/31	100	12	160,000	11894
Department of Experimental Therapeutics					
Chair					
Rugang Zhang (T)	2/1-8/31	100	12	410,000	11895

51. Lease - U. T. M. D. Anderson Cancer Center: Authorization to lease approximately 16,000 usable square feet from Realty1 Partners or affiliated assignees in a to-be-constructed building located near the northeast corner of State Highway 6 and Sienna Ranch Road in Missouri City, Fort Bend County, Texas, for imaging, clinical, and general office use

Description: Authorization to lease approximately 16,000 usable square feet of medical office and clinical space located at the northeast corner of State Highway 6 and Sienna Ranch Road in Missouri City, Fort Bend County, Texas. The proposed space will be used for general office and medical purposes, which includes consultations, imaging (mammography, radiology, ultrasounds, MRI, PET), minor procedures and such other uses as may support the institutional mission.

Lessor: Realty1 Partners or affiliated assignees

Additional Terms: Lessee shall have the priority right to lease all or any portion of the 2nd floor of the building at any time during the lease. Additionally, Lessee shall be given the right of first offer and right of first refusal to purchase the entire property, which will be subject to the Board of Regents' approval.

- Term:** The term of the lease will be for no less than approximately 120 months, which will commence on the delivery date of the proposed space with all Lessor's required work completed. Lessee will also have the option to further extend the term of the lease for two renewal periods of approximately 60 months each. The base rent will be abated for the initial four months following the commencement date. Lessee shall have the right to terminate the lease, for any reason, on or after the 84th month of the lease, by providing Lessor six months' notice. As consideration, Lessee will pay Lessor a termination fee equal to the unamortized costs of the tenant improvement allowance and brokerage commissions.
- Lease Cost:** Estimated base rent for the initial term and potential renewal terms is approximately \$9,598,837.
- Base Rent over the initial period will be \$25.00 per square foot annually for Year 1, \$26.00 per square foot annually for Year 2, \$27.00 per square foot annually for Years 3-5, and then will increase by 2% annually thereafter. The base rent for the potential renewal period will be at the then determined Fair Market Value. Lessee will be responsible for any additional operating expense, which is estimated to be approximately \$10.44 per square foot. Assuming 3% annual operating expense increases, the operating expenses during the initial period are estimated to be approximately \$1,914,926 and the renewal period is estimated to be approximately \$2,560,087. Lessee will be responsible to pay utility charges and janitorial service, which cost is estimated to be approximately \$80,000 per year and may be paid directly to the utility company and janitorial provider for the Lessee's premises.
- Tenant Improvements:** The Lessor will contribute approximately \$80.00 per square foot, which is estimated to be approximately \$1,280,000, as a tenant improvement allowance. Additionally, the institution will contribute approximately \$570.00 per square foot, which is estimated to be \$9,120,000 towards improvements to the leased space.
- Total Cost:** Total estimated lease expense over the initial lease term and potential renewal period is approximately \$24,793,850, which includes estimated rent, estimated operating expenses, proposed tenant improvement expense, and estimated additional U. T. costs outlined above.

52. Purchase - U. T. M. D. Anderson Cancer Center: Authorization to purchase the remaining approximately 3.2261% undivided interest in a tract of unimproved land totaling approximately 5,000 square feet known as Lot 3, Block 38, Institute Place, and located near the SE corner of Hepburn Street and Almeda Road, Houston, Harris County, Texas, from Toni Nassar for future campus expansion

Description: Authorization to purchase the remaining approximately 3.2261% undivided interest in a tract of unimproved land totaling approximately 5,000 square feet known as Lot 3, Block 38, Institute Place, and located near the SE corner of Hepburn Street and Almeda Road, Houston, Harris County, Texas, for future campus expansion.

Seller: Toni Nassar

Purchase Price: Not to exceed fair market value as determined by an independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951

53. Purchase - U. T. M. D. Anderson Cancer Center: Authorization to purchase approximately 1.196 acres of land located near the southwest corner of the intersection of Vintage Preserve Parkway and Louetta Road, Houston, Harris County, Texas, from Vintage Marketplace II, LTD., for mission use to provide supplemental parking for U. T. M. D. Anderson's Northwest Houston facility

Description: Purchase of approximately 1.196 acres of land located near the southwest corner of the intersection of Vintage Preserve Parkway and Louetta Road, Houston, Harris County, Texas (the Property). The Property will be used by U. T. M. D. Anderson Cancer Center to support U. T. M. D. Anderson's Northwest Houston facility by increasing the total number of parking spaces available for the building.

The institution and the Seller intend to establish reciprocal easement agreement(s) providing vehicular access through the Property to adjacent parcels to improve circulation to the neighboring properties and the to-be-purchased property along with providing the to-be-purchased property improved access via the easement(s).

Additionally, a right of first refusal in favor of the Seller will be established to provide the Seller an opportunity to buy the Property back at fair market value in the event the Property is sold by the institution in the future. The right of first refusal may expire at some point in the future. The reciprocal easement agreement and the right of first refusal in favor of the Seller will be agreed upon prior to acquiring the Property.

Seller: Vintage Marketplace II, LTD, a domestic limited partnership, or its successors or assigns.

Purchase Price: Not to exceed fair market value as determined by an independent appraisal; appraisal confidential pursuant to *Texas Education Code* Section 51.951.

FACILITIES PLANNING AND CONSTRUCTION COMMITTEE

No items for Consent Agenda