

UNIVERSITY OF HAWAII NOTICE OF EXEMPTION CHAPTER 103D, HRS

The President, University of Hawaii, is in the process of reviewing the request from
Board of Regents' Office (Department/Campus)

for exemption from Chapter 103D, HRS, for the following goods and services:

Services for an independent assessment focusing on the University of Hawaii at Manoa Athletic Department football program operations relating to student-athlete welfare and communications with student-athletes.

Vendor: To be determined.
(If known)

Address:

Term of Contract: (If known)	From: To be determined.	To: To be determined.	Cost: To be determined.
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Direct any inquiries to:

Department: Board of Regents' Office, University of Hawaii

Contact Name/Title: Kendra Oishi, Executive Administrator and Secretary
of the Board of Regents

Address: 2444 Dole Street, Bachman Hall 209
Honolulu, Hawaii 96822

Phone Number:
(808) 956-8213

Fax Number:
(808) 956-5156

Date Posted: June 6, 2022

Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven (7) calendar days from the date posted to:

Office of Procurement Management
1400 Lower Campus Road, Room 15
Honolulu, Hawai'i 96822
email: OPM@hawaii.edu

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: OFFICE OF PROCUREMENT MANAGEMENT

FROM: Board of Regents' Office
(Department/Program)

Pursuant to APM Section A8.220, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction:
See attached.

Estimated Cost: \$ To be determined.

(1) Explanation describing how procurement by standard competitive means is either not practicable or not advantageous to the University;
See attached.

(2) Details of the process or procedures to be followed in selecting the vendor to ensure as fair and open competition as practicable;
See attached.

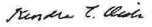
(3) A description of the Department's internal controls and approval requirements for the exempted procurement; and
See attached

(4) A list of Department personnel, by position title, who will be involved in the approval process and administration of the contract:
Board of Regent Chair, Randy Moore
Chair of the Intercollegiate Athletics Committee, Simeon Acoba
Executive Administrator and Secretary of the Board of Regents, Kendra Oishi
Director System Administrative Services, Blanche Fountain
Office of Procurement Management

Direct questions to: Kendra Oishi Phone: (808) 956-8213

I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TO THE BEST OF MY KNOWLEDGE, TRUE AND CORRECT.

Kendra Oishi, Executive Admin. and Sec. of the Board
Full Name of Principal Investigator, Department Head, or Administrator

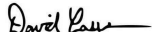
 Digitally signed by Kendra T. Oishi
Date: 2022.06.06 09:14:09 -10'00' 6/6/2022
Signature Date

Blanche Fountain, Director, System Admin. Services
Full Name of Fiscal Administrator

Blanche Fountain Digitally signed by Blanche Fountain
Date: 2022.06.06 09:28:06 -10'00' 6/6/22
Signature Date

APPROVED:

David Lassner, President
Full Name of Vice President or Chancellor

 Digitally signed by David Lassner
Date: 2022.06.06 09:34:02 -10'00' 6/6/2022
Signature Date

FOR OPM USE ONLY

OPM COMMENTS:

APPROVED DENIED

 Digitally signed by David Lassner
Date: 2022.06.16 19:49:36 -10'00'
PRESIDENT, UNIVERSITY OF HAWAII

6/16/2022
DATE

Description of goods, services, or construction:

Services for an independent assessment focusing on the University of Hawai'i Mānoa Athletic Department football program operations relating to student-athlete welfare and communications with student-athletes regarding claims made relative to the 2021 football season. The written independent assessment shall include:

- A written assessment of the UHM Athletics operations relating to student-athlete welfare and communications with classification of the claims sorted into categories, and any recommended changes to regent policies (RP) (e.g. RP 7.208, Intercollegiate Athletics), policies or procedures relating to student complaints, and changes to UHM Athletics rules, procedures, and policies, if any, with the objectives of improving the athletic program, and of preventing a recurrence of the type of student-athlete claims referred to in the attached memorandum.
- Assessment of communication from UHM Athletics with the student-athletes relevant to the claims that were made.
- The work is estimated to take no longer than 60 days from approval of this request. The due date for the report may be extended upon written mutual agreement of the Chair of the Board of Regents and the Assessor for an additional 30 days if additional time is required.

Estimated Cost: TBD

(1) Explanation describing how procurement by standard competitive means is either not practicable or not advantageous to the University.

Procurement by standard competitive means would not be advantageous for this assessment due to the sensitivity and regulations surrounding student athletes. Conducting the assessment shall include any necessary data privacy agreements to ensure that students' privacy rights are honored in accord with the Family Educational Rights and Privacy Act and all other applicable laws, rules, and regulations regarding student-athlete. Assessment shall also comply with personnel policies, collective bargaining agreements and all other applicable laws, rules, and regulations regarding employees. Additionally, time is of essence to conduct interviews of available persons relating to the 2021 football program claims. Procurement by standard competitive means, involving the preparation and advertising of a formal request for proposals, will not permit the completion of this assessment within the 60 to 90 day window as approved by the Board of Regents.

As a reasonable alternative, it is being proposed that invitations to submit proposals be extended to a wide range of individuals and business that may have experience in completing similar assessments. This competitive but less formal procedure will provide the University with the ability to solicit proposals in a timely manner, from multiple firms from various industries that may have the experience and expertise necessary to successfully assist with this important assessment.

(2) Details of the process or procedures to be followed in selecting the vendor to ensure as fair and open competition as practicable.

Proposals from responding firms will be reviewed primarily by the Board Chair and Chair of the ICA Committee, taking into consideration the following factors:

1. Experience/Professional Qualification
2. Past Performance of Similar Scope
3. Ability to Meet Project Schedule

4. Pricing

5. Assessment Plan and Approach

Based on the factors listed above, the Board Chair and Chair of the ICA Committee will make the final selection of the proposal that best meets or exceeds the needs of, and that will be most advantageous to, the University.

(3) A description of the Department's internal controls and approval requirements for the exempted procurement.

The Office of Procurement Management will assist in reviewing a contract for services with the firm determined by the Board Chair and Chair of the ICA Committee that met or exceeded the needs of, and that will be most advantageous, to the University. Expenditures will be subject to review, approval and processing in conformity with specifications and requirements of the invitation to submit proposals, and University expenditure policies and procedures.