

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 to assist the Board of Regents' Office in conducting a comprehensive evaluation of the University of
Hawaii President.

Vendor: Association of Governing Boards of Universities and Colleges
(If known)
Address:
1666 K Street, N.W., Suite 1200
Washington, District of Columbia 20006

Term of Contract: (If known)	From: To be determined	To: To be determined	Cost: Not to exceed \$50,000.00 (est.)
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Direct any inquiries to: Department: Board of Regents' Office, University of Hawaii Contact Name/Title: Yvonne Lau, 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
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Date Posted: May 2, 2023

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: \$ See attached.

(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:
See attached.

Direct questions to: Yvonne Lau Phone: (808) 956-8213

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

Yvonne Lau, Executive Administrator and Secretary of the Board of Regents

Yvonne W.M. Lau Digitally signed by Yvonne W.M. Lau Date: 2023.04.28 08:08:02 -10'00' 4/28/2023
Signature Date

Full Name of Principal Investigator, Department Head, or Administrator

Blanche Fountain, Director, System Administrative Services

Blanche Fountain Digitally signed by Blanche Fountain Date: 2023.04.28 08:58:15 -10'00' 4/28/23
Signature Date

Full Name of Fiscal Administrator

APPROVED:

Jan Gouveia, Vice President for Administration

Jan Gouveia Digitally signed by Jan Gouveia Date: 2023.05.02 09:46:32 -10'00' 5/2/23
Signature Date

Full Name of Vice President or Chancellor

FOR OPM USE ONLY

OPM COMMENTS:

APPROVED _____ DENIED

Jan Gouveia
PRESIDENT, UNIVERSITY OF HAWAII

MAY 09 2023
DATE

**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS
FOR THE COMPREHENSIVE EVALUATION
OF THE UNIVERSITY OF HAWAII PRESIDENT**

Description of goods, services, or construction:

Provide services to assist in a comprehensive evaluation of the University of Hawaii President ("President"), in accordance with Board of Regents ("BOR") Policy 2.203, Policy on Evaluation of the President and Other Persons Reporting Directly to the Board ("RP 2.203"). In accordance with RP 2.203, services shall include, but not be limited to, the following:

- A. A comprehensive evaluation to include but not be limited to a 360-degree feedback or similar tool which obtains input from the following:
 - 1. Internal individuals and groups including direct reports, faculty, staff, administrators, students, and board members, and
 - 2. External individuals and groups including the Governor, legislature, entities such as the Research Corporation of the University of Hawaii, the University of Hawaii Foundation, donors, other government officials, and the community.
- B. The comprehensive evaluation shall include a comprehensive review of:
 - 1. The President's relationship with the board, and
 - 2. Shared goals and priorities, and progress achieved toward them.
- C. If the President is under contract, the contract terms shall be reviewed.
- D. Assist the BOR Chair with the preparation of a written evaluation of the President.

Estimated Cost: \$ Not to exceed 50,000.00 (estimated)

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

In accordance with RP 2.203, the standard evaluation period for the President is July 1 through June 30 with a comprehensive evaluation to be conducted every three years. For the period July 1, 2022 through June 30, 2023, a comprehensive evaluation of the President is required. The BOR members may conduct the comprehensive evaluation on its own or they can choose to hire an outside firm to assist with conducting the comprehensive evaluation as provided for in RP 2.203.

At the BOR meeting held on April 20, 2023, discussions were held as to how to move forward with the comprehensive evaluation of the President. It was ultimately determined that it would be in the best interest of the BOR to hire an outside firm based on the following:

- A. Based on past experiences, it was determined that even though there are a standard series of questions that are asked of internal and external individuals,

there may not be a level of consistency among the BOR members in interpreting and reporting back the responses.

- B. Hiring an outside firm will remove the BOR members from the evaluation process and will eliminate any individual biases from the overall evaluation process.
- C. An outside firm that has experience in evaluating university presidents, understands the president's role, and the president's relationship with internal and external constituents can provide a single viewpoint as an evaluator and will ultimately provide objectivity during the evaluation process.
- D. Three experienced and senior BOR member's terms ends on June 30, 2023. Many of the remaining members of the BOR are newly appointed and have not had the experience of conducting a comprehensive evaluation of the President. As a result, a determination was made that it would be in the BOR's best interest to have an agreement with an outside firm in place prior to the departure of the three experienced and senior BOR members.

Standard competitive means (i.e. small purchase, invitation for bids, requests for proposals) is not practicable or advantageous to the BOR for this engagement. As mentioned previously, hiring a firm with experience in evaluating university presidents, has an understanding of the president's role and the president's relationship with internal and external constituents, are critical for this effort. The small purchase and invitation for bids method of procurement would be prohibitive to the BOR as they would not be able to conduct an evaluation of a potential firm's past experience. While the request for proposal process would allow for evaluation and consideration of a firm's past experience, the process is lengthy and time consuming and would not allow the BOR to enter into an agreement with an outside firm by the BOR's target date of June 30, 2023.

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

Research was done on potential individuals and/or firms that have the competency to perform the comprehensive evaluation services required.

Based on this research, the BOR has determined that the Association of Governing Boards of Universities and Colleges ("AGB") would best be able to provide the best and most comprehensive evaluation services required.

The BOR has been a long standing member of AGB. AGB total membership includes 2,000 institutions and 40,000 board members, leaders, and board professionals. AGB's primary focus is to assist university boards to govern with knowledge and confidence. AGB enables boards, leaders, and board professionals to:

- A. Apply best practices throughout their operations;
- B. Use director education to drive continuous improvement;
- C. Anticipate emerging trends, risks, and challenges; and
- D. Understand the impact of regulations and policies.

More importantly, AGB has a complete understanding of university landscapes and has the ability, experience, and personnel to provide the comprehensive evaluation services

required by the BOR. In addition, all services can be provided remotely without any added travel expenses. Based on this, it was ultimately determined that there no other individuals and/or firms researched has the level of experience and expertise as AGB to be able to assist the BOR with its comprehensive evaluation of the President.

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

The Office of the Vice President for Administration and Office of Procurement Management will assist in reviewing and executing an agreement for the services required. The Board Chair, Vice Chairs, and the Executive Administrator and Secretary of the Board of Regents will be responsible for managing and overseeing the work of the firm as well as ensuring that that the firm adheres to the time schedule set forth in the agreement. Lastly, all expenditures made under the agreement will be subject to review and approval, and will be processed in conformity with the University's policies and procedures.

(4) A list of Department personnel, by position title, who will be involved in the approval process and administration of the contract

Randy Moore, Board of Regents Chair
Alapaki Nahale-a, Board of Regents Vice Chair
Ernest Wilson, Board of Regents Vice Chair
Jan Gouveia, Vice President for Administration
Yvonne Lau, Executive Administrator and Secretary of the Board of Regents
Blanche Fountain, Director of System Administrative Services
Office of Procurement Management