

UNIVERSITY OF HAWAII NOTICE OF EXEMPTION CHAPTER 103D, HRS

The President, University of Hawaii, is in the process of reviewing the request from
Office of the Board of Regents (Department/Campus)
for exemption from Chapter 103D, HRS, for the following goods and services:
Executive search services to assist the Board of Regents in the recruitment and selection of the President for the
University of Hawaii System.

Vendor: To be determined
(If known)
Address:

Term of Contract: (If known)	From: To be determined	To: To be determined	Cost: \$150,000 (approx.)
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Direct any inquiries to: Department: Office of the Board of Regents Contact Name/Title: Yvonne Lau, Executive Administrator and Secretary of the Board of Regents Address: 2444 Dole Street, Bachman Hall Room 209 Honolulu, Hawaii 96822	Phone Number: 808-956-8213 Fax Number: 808-956-5156
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Date Posted: December 14, 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: Office of the Board of Regents
(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.

Jamie Go for Yvonne Lau, Executive Administrator and Secretary of the Board of Regents

Jamie Go Digitally signed by Jamie Go Date: 2023.12.14 13:08:11 -10'00' 12/14/23
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: 2023.12.14 13:51:44 -10'00' 12/14/23
Signature Date

Full Name of Fiscal Administrator

APPROVED:

Sheri Ching, Interim Assistant Vice President for Administration

Sheri Ching Digitally signed by Sheri Ching Date: 2023.12.14 15:45:15 -10'00' 12/14/23
Signature Date

Full Name of Vice President or Chancellor

FOR OPM USE ONLY

OPM COMMENTS:

APPROVED DENIED

David Lassner Digitally signed by David Lassner Date: 2023.12.22 12:42:44 -10'00'

12/22/23

PRESIDENT, UNIVERSITY OF HAWAII

DATE

**REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS
EXECUTIVE SEARCH SERVICES FOR THE RECRUITMENT AND SELECTION OF
THE PRESIDENT FOR THE UNIVERSITY OF HAWAII SYSTEM**

Description of goods, services, or construction:

Provide executive search services to assist the Board of Regents (“BOR”) with the recruitment and selection of the President for the University of Hawaii (“University”) System. The BOR is seeking to hire a company with Hawaii expertise and/or Hawaii focus to conduct a national search which shall include, but not be limited to, the following services:

- A. Facilitation of a board review of institutional strengths and challenges that includes an organizational assessment that defines what the institution needs now and will need in the years ahead with a focus on the following:
 - 1) How the University compares to benchmark institutions;
 - 2) The University’s financial performance and outlook;
 - 3) The strength of the University’s fundraising efforts;
 - 4) The University’s progress towards stated strategic priorities; and
 - 5) The University’s organizational culture and morale.
- B. Organization of the search process and the search committee’s work.
- C. Assist in developing a position profile.
- D. Manage nominations and applications.
- E. Communicate and provide counsel to applicants, as appropriate.
- F. Interview references and perform due-diligence checks;
- G. Organize candidate interviews.
- H. Advise the search committee on developing its final recommendation to the BOR.
- I. Provide guidance to the BOR and institution in the transition to a new University President.

Estimated Cost: \$ 150,000 (approximate)

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

At the October 19, 2023 BOR meeting, the BOR formed a Presidential Selection Process Permitted Interaction Group (“PIG1”) which was tasked to investigate issues, and make recommendations related to the search process to be employed for the selection of the next University President.

The PIG1 reviewed and researched a vast array of materials related to presidential searches in addition to reviewing presidential searches conducted by other public and private University’s across the United States. Based on this extensive review and

research, the PIG1 recommended to the BOR that the search process should follow best practices for presidential searches and that the efficiency of the process employed in the search to be most important.

The PIG1 further recommended that the BOR hire a company to assist in the presidential search process and created a tentative timeline of events starting with the hiring of the company with the ultimate goal of completing the selection of the new University President in June of 2024.

On December 7, 2023, the BOR met and agreed to form a search committee that comprises all members of the BOR as a committee of the whole ("COW") and adopted the proposed timeline as stated in the PIG1 report.

Standard competitive means (i.e. invitation for bids, requests for proposals) is not practicable or advantageous to the BOR for this engagement. The 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 company's past experience in providing the services as set forth above. While the request for proposal process would allow for evaluation and consideration of a company's past experience, the process is time consuming and would not allow the BOR to make a final selection of the President for the University by the BOR's target date of June 2024.

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

As stated above, standard competitive means is not practicable or advantageous to the BOR for this engagement. As an alternative, it is being proposed that an invitation to submit proposals be extended to multiple companies that have the required experience in providing the search services required by the BOR. This competitive but less formal process will provide the BOR with the ability to obtain a sufficient number of proposals and secure the services of an outside company to assist the BOR to meet its target date of selecting a University President by June 2024.

Proposals from responding companies will be reviewed and evaluated. The overall evaluation will take into consideration the evaluation criteria set forth in an Invitation to Submit Proposals which will include but not be limited to: (1) experience in advising Boards/Trustees of large public universities on best practices for the presidential/chief executive officer search process and prior record of successful placements at other higher education institutions and/or major organizations, (2) familiarity with current industry standard presidential contract terms and experience assisting boards in negotiating the same; (3) experience drafting institutional and candidate profiles; (4) experience conducting thorough background and reference checks; (5) networking and outreach capabilities both nationwide and within Hawaii, (6) ability to meet the search schedule set by the University; and (7) the proposed cost of the services to be provided, including a willingness to accept the terms outlined in the Invitation to Submit Proposals.

Proposals submitted by responding companies will be reviewed based on the evaluation criteria and a minimum of three of companies will be forwarded to the BOR or its authorized designee along with an assessment of strengths and weaknesses of each company. In the event that three or less proposals are received, the names of all companies will be forwarded to the BOR or its authorized designee along with an assessment of the strengths and weaknesses of the firms. The BOR or its authorized designee will select the company that can best meet the needs of, and that will be the most advantageous to the BOR in providing the services required.

(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.

The COW through the BOR Office will work closely with the contracted company and will have overall responsibility for managing and overseeing the work of the company as well as ensuring that the company adheres to the time schedule set forth in the agreement. Lastly, all expenditures made under the agreement will be subject to review and approval by the COW and BOR Office, 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

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