

**UNIVERSITY OF HAWAI'I
NOTICE OF EXEMPTION FROM CHAPTER 103D, HRS**

The President, University of Hawai'i, is in the process of reviewing the request from (Department/Campus)
UHH OFFICE OF INTERCOLLEGIATE ATHLETICS for
exemption from Chapter 103D, HRS, for the following goods, services, or construction:

EXCLUSIVE UNIFORM/APPAREL SPONSORSHIP FOR THE UNIVERSITY OF HAWAII, HILO,
INTERCOLLEGIATE ATHLETICS DEPARTMENT.

Vendor: UNDER ARMOUR
(If known)
Address:

Term of Contract: (If known)	From: -----	To: -----	Cost: EST. \$45,000 (3 YRS)
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Direct any inquiries to: Department: UH HILO INTERCOLLEGIATE ATHLETICS Contact Name/Title: DEXTER IRVIN, DIRECTOR Address: 200 WEST KAWILI STREET, HILO, HI 96720	Phone Number: 974-7621 Fax Number: 974-7711
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Date Posted: JUNE 23, 2010

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 and Real Property Management
1400 Lower Campus Road, Room 15
Honolulu, Hawai'i 96822

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: OFFICE OF PROCUREMENT AND REAL PROPERTY MANAGEMENT
10 JUN 21 P2:19 10 JUN 27 P1:04

FROM: UH-Hilo Office of Intercollegiate Athletics
(Department/Program) UH-HILO BUSINESS OFFICE

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

Description of goods, services, or construction:

The University of Hawai'i at Hilo Office of Intercollegiate Athletics wishes to enter into an exclusive uniform/apparel sponsorship agreement with Under Armour. Under the proposed agreement, the University would receive a first year cash value allotment of \$5,000.00 worth of Under Armour merchandise at retail price, and buying discounts of 40% off retail on athletic apparel and 35% off retail on footwear purchases. Additionally, Under Armour shall provide the University with free merchandise based upon 10% of total purchases at the conclusion of the fiscal year, t-shirts for conference championship teams, and warm up sets for conference Coaches Of The Year.

The University would be conditionally required to purchase from Under Armour all game uniforms, practice gear and footwear (excluding sports and gear for which Under Armour does not make products) and resale UH-Hilo Athletic logo merchandise.

Estimated Cost: \$ 45,000.00 over 3 years

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

It is impractical to utilize standard procurement procedures for the purpose of soliciting proposals from sports equipment manufacturers for sponsorship and outfitting programs for the University's athletic teams. Manufacturers do not adhere to a common set of requirements and criteria typical of advertised procurement solicitations for purposes of formulating their proposals for each particular collegiate sports team. It is more advantageous in the sports marketing area to solicit such proposals by approaching manufacturers on a one-one-one basis and evaluating them based on their interest and marketing programs, which may vary greatly from manufacturer to manufacturer.

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

Sports manufacturers were solicited for proposals to provide apparel and shoes, including Brand Athletics (Nike), Addidas, UH Auxiliary Enterprises (Rainbowtique), and Under Armour. Brand Athletics provided catalogs and Nike buying programs, including a \$300.00 per head coach allotment of free merchandise (worth \$3,300.00 to UH-Hilo), 35% off retail for clothing and shoes, and 40% off retail for custom uniforms. Brand Athletics offers a wider selection of merchandise, but as UH-Hilo has a limited number of sports, that is irrelevant. Addidas did not respond. A proposal was submitted to UH Auxiliary Enterprises to be the exclusive supplier of apparel and be a corporate sponsor, but it was rejected without explanation. The Under Armour proposal is considered most advantageous because of the \$5,000.00 upfront allotment of free merchandise and the 35% and 40% discounts and other incentives described above.

(Attach Additional Sheets if Necessary)

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

Purchase requisitions will be created by the UH-Hilo Athletic Department Business Manager, adhering to rules and regulations in the UH Systemwide Administrative Procedures Manual, Section A8.200 Procurement; then routed for initial and/or signature approval by the Associate Athletic Director, the Athletic Director; and finally to the UH-Hilo Fiscal Officer for processing into a purchase order.

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

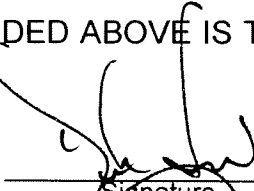
- UH-Hilo Fiscal Officer, Marie Honda or Mason Kuo
- UH-Hilo Director of Intercollegiate Athletics, Dexter Irvin
- UH-Hilo Associate Athletic Director of Operations, James DeMello
- UH-Hilo Office of Intercollegiate Athletics Business Manager, Glen Kagamida

Direct questions to: Dexter Irvin Phone: 974-7621

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

Dexter Irvin, Director of Intercollegiate Athletics

Full Name of Principal Investigator, Department Head, or Administrator

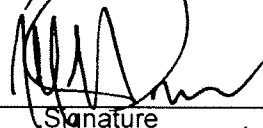


 Signature 5/28/10

 Date

Full Name of Fiscal Officer

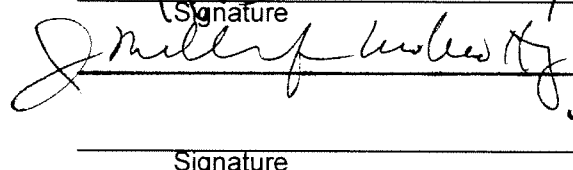
Luoluo Hong
University of Hawai'i at Hilo



 Signature 5/28/10

 Date

APPROVED:
Rose Tseng, Ph.D.
 Chancellor, University of Hawai'i at Hilo



 Signature 6/2/10

 Date

Full Name of Vice President or Chancellor

JUN 10 2010

FOR OPRPM USE ONLY

OPRPM COMMENTS:

Recommend Approval.

(Request posted prior to implementation of revised interim procurement procedures, effective, 07/01/10).

APPROVED DENIED



 PRESIDENT, UNIVERSITY OF HAWAII

7/20/10

 DATE