

**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) Office of Technology Transfer and Economic Development for exemption from Chapter 103D, HRS, for the following goods, services, or construction:

Marketing services to find an industry licensee of a UH invention. The service provider's specialized technology marketing assistance will assist the office's efforts to license the technology to a company for commercial development of the invention.

Vendor:
(If known)
Address:

Term of Contract: (If known)	From: -----	To: -----	Cost: Contingent fee based on revenues rec'd.
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Direct any inquiries to:

Department: Office of Technology Transfer & Economic Development

Contact Name/Title: Ann Park, Licensing Associate

Address: Manoa Innovation Center
2800 Woodlawn Drive
Honolulu, HI 96822

Phone Number:
956-9929

Fax Number:
956-9150

Date Posted: December 14, 2009

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

FROM: OTTED
(Department/Program)

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

Description of goods, services, or construction:

Marketing services to find an industry licensee of a UH invention. The service provider's specialized technology marketing assistance will assist OTTED's efforts to license the technology to a company for commercial development of the invention.

Estimated Cost: \$ No upfront cost to UH. Payment will only be made if UH earns net revenue from licensing the invention to a company introduced to OTTED by the provider.

(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.

(Attach Additional Sheets if Necessary)

(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: Ann Park, OTTED Phone: 956-9929

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

Daniel M. Ishii
Full Name of Principal Investigator, Department Head, or Administrator


Signature 11/23/09
Date

Cindi Takiguchi
Full Name of Fiscal Officer


Signature 11-23-09
Date

APPROVED:
JAMES R. GAINES
Full Name of Vice President or Chancellor


Signature 12-9-09
Date

FOR OPRPM USE ONLY

OPRPM COMMENTS:

Recommend Approval.

APPROVED DENIED


PRESIDENT, UNIVERSITY OF HAWAII

1-10-10
DATE

Request for exemption from Chapter 103D, HRS

Description of goods, services or construction:

Marketing services from a company to find an industry licensee of a UH invention involving jellyfish sting treatment developed by a UH researcher and disclosed to OTTED pursuant to the UH Patent and Copyright Policy. The provider's specialized technology marketing assistance will assist OTTED's efforts to license the technology to an industry partner capable of developing the invention into a commercial product.

Estimated Cost:

A contingency fee of approximately \$20,000, although there will be no upfront cost for UH. The service provider will work at its own expense, and will only be compensated if actual net revenue is earned by UH from a licensing agreement executed between OTTED and a company introduced to OTTED by the service provider. A percentage of actual net licensing revenue earned by UH from the licensee would be paid to the service provider at an agreed upon rate.

Explanation describing how procurement by standard competitive means is either not practical or advantageous to the University:

Acquiring technology marketing services through a standard competitive process is neither practicable nor advantageous to the University of Hawaii because the selection of a service provider must be based on the provider's specialized knowledge of the invention, the product field, and strength of the provider's business contacts in the pharmaceutical industry. Also, because of the confidential nature of the UH invention to be marketed, information on the invention cannot be made public under the standard advertised competitive bidding process. Public dissemination of the information must be prevented, and information disclosed only under a confidentiality agreement with an approved recipient of the information.

Details of the process or procedures to be followed in selecting vendors to ensure Fair and Open Competition to the extent practicable:

Informal, one-on-one Q&A-based meetings will be held to understand how the provider will approach the task of finding a licensee for UH, and through such a meeting, information on the invention can be shared under a confidentiality agreement signed with the recipient. The marketing agreement to be negotiated with the service provider selected will be for a short and fixed period of time (e.g. initially 3 months), and this arrangement will be non-exclusive, allowing OTTED to engage the services of other service providers if necessary. OTTED will also be free to market the technology on its own, independent of the service provider's efforts, and to opt not to continue

the provider's services after the term of the agreement, if the provider's marketing efforts are not successful.

Description of the department's internal controls and approval requirements for the exempted procurement:

Internal oversight and control of the exempted procurement will be conducted by the OTTED Interim Director, senior licensing associate, and associate licensing staff member assigned to the invention. Terms of the marketing agreement with the service provider will be negotiated by the licensing staff on terms determined by staff to best meet the needs of and be most advantageous to the University. After terms are agreed upon with the service provider, a recommendation will be submitted to the OTTED Interim Director for final approval.

A list of the Department personnel who will be involved in the approval process and administration of the contract:

Daniel M. Ishii, Interim Director, OTTED
Jonathan Roberts, Senior Technology Licensing Associate
Ann Park, Technology Licensing Associate