

**THE UNIVERSITY OF MICHIGAN
REGENTS COMMUNICATION**

ACTION REQUEST

Subject: Regental Action Required Under the State of Michigan Conflict of Interest Statute

Action Requested: Authorization for the University to purchase services from Michigan Aerospace Corporation (University of Michigan Employee, Lennard A. Fisk, Co-Founder, Director, and Stock Holder)

Background:

The University of Michigan Department of Chemical Engineering seeks approval to purchase services from Michigan Aerospace Corporation for the assembly of a LIDAR for 1550 nm laser employing kirigami diffraction gratings developed at the University of Michigan and design a car-mountable generation of M-LIDAR prototype.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Lennard A. Fisk is a University employee as a Thomas M. Donahue Distinguished University Professor of Space Science with the Climate and Space Sciences and Engineering Department and would be party to the agreement as Co-Founder, Director, and Stock Holder of Michigan Aerospace Corporation.

However, the Statute allows the University to enter into such agreements if the following conditions are met:

- a) The public servant promptly discloses any pecuniary interest in the contract to the official body which has power to approve the purchase, which disclosure shall be a matter of record in its official proceedings.
- b) The purchase is approved by a vote of not less than 2/3 of the full membership of the approving body in open session without the vote of the public servant making the disclosure.
- c) The official body discloses the following summary information in its official minutes:
 - i) The name of each party involved in the contract.
 - ii) The terms of the purchase, including duration, financial consideration between the parties, facilities or services of the public entity included in the purchase, and the nature and degree of assignment of employees of the public entity for fulfillment of the purchase.
 - iii) The nature of any pecuniary interest.

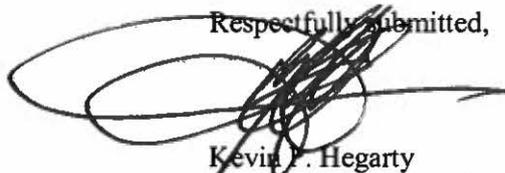
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Department of Chemical Engineering and Michigan Aerospace Corporation.
- ii) The agreement is for the assembly of a LIDAR for 1550 nm laser employing kirigami diffraction gratings developed at the University of Michigan and design a car-mountable generation of M-LIDAR prototype over a six-month period at a cost of \$60,000.00. The Michigan Aerospace Corporation will be supplying all the necessary resources and personnel to fulfill this contract. The remaining base contract terms and conditions are typical to those used in Procurement Services standard templates for other similar contracts entered into by the Regents.
- iii) The pecuniary interest arises from the fact that University of Michigan employee, Lennard A. Fisk as a Co-Founder, Director, and Stock Holder of Michigan Aerospace Corporation.

Lennard A. Fisk has met state law requirements with the disclosure of his pecuniary interest and formal appointment arrangements with the University of Michigan. Requirements, if any, that may be applicable by the supervisor of Lennard A. Fisk under the Medical School's or OVPR's Conflict of Interest Committee's procedures are separately analyzed and managed.

We recommend that the Board of Regents approve the agreement between the University of Michigan and Michigan Aerospace Corporation subject to requirements, if any, that the supervisor of Lennard A. Fisk or the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin P. Hegarty", is written over the typed name and title below.

Kevin P. Hegarty
Executive Vice President
and Chief Financial Officer

May 2018