

**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 transact with FlexSys, Inc. (University of Michigan Employees Sridhar Kota, Owner, Kevin R. Ward, Henrique Alencastro Puls, Benjamin S. Bassin, Nathan L. Hass, Inventors).

Background:

The University of Michigan Department of Emergency Medicine seeks approval to purchase from FlexSys, Inc. isolation tent base kits, fan systems, and disposable component sets for patient infectious containment treatment.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Sridhar Kota is a University employee as Professor with the Department of Engineering and would be party to the contract as owner of FlexSys, Inc., Kevin R. Ward is a University employee as Professor with the Department of Emergency Medicine and would be party to the contract as inventor at FlexSys, Inc., Henrique Alencastro Puls is a University employee as House Officer with the Department of Emergency Medicine and would be party to the contract as inventor at FlexSys, Inc., Benjamin S. Bassin is a University employee as Assistant Professor with the Department of Emergency Medicine and would be party to the contract as inventor at FlexSys, Inc., and Nathan L. Haas is a University employee as Clinical Instructor with the Department of Emergency Medicine and would be party to contract as inventor at FlexSys, Inc.

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 Emergency Medicine and FlexSys, Inc.
- ii) The agreement is for the one time purchase at a total cost not to exceed \$29,170. FlexSys, Inc. 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 employees, Sridhar Kota, owner of FlexSys, Inc., Kevin R. Ward, Henrique Alencastro Puls, Benjamin S. Bassin, and Nathan L. Haas are inventors at FlexSys, Inc.

Sridhar Kota, Kevin R. Ward, Henrique Alencastro Puls, Benjamin S. Bassin, and Nathan L. Haas have met state law requirements with the disclosure of their pecuniary interest and formal appointment arrangements with the University of Michigan. Requirements, if any, that may be applicable by the supervisor of Sridhar Kota, Kevin R. Ward, Henrique Alencastro Puls, Benjamin S. Bassin, and Nathan L. Haas, 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 FlexSys, Inc. subject to requirements, if any, that the supervisors of Sridhar Kota, Kevin R. Ward, Henrique Alencastro Puls, Benjamin S. Bassin, and Nathan L. Haas, or the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,



Kevin P. Hegarty
Executive Vice President and Chief Financial Officer

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