

**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 Mark Tucker Creative, LLC (University of Michigan Employee, Mark Tucker, Owner)

Background:

The University of Michigan Museum of Natural History seeks approval to transact with Mark Tucker Creative, LLC for the design, development, manufacture, painting, and installation of a 10-part papier-mâché sculpture resembling a realistic triceratops to be installed at the Museum of Natural History.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Mark Tucker is a university employee as Academic Program Officer Intermediate in the College of Literature, Science, and the Arts Lloyd Hall Scholars and would be party to the agreement as Owner of Mark Tucker Creative, LLC.

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.

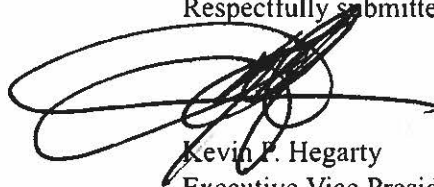
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Museum of Natural History and Mark Tucker Creative, LLC.
- ii) The agreement is for the design, development, manufacture, painting, and installation of a 10-part papier-mâché sculpture resembling a realistic triceratops to be installed at the Museum of Natural History at a total cost of \$38,272. Mark Tucker Creative, LLC 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 Mark Tucker is Owner of Mark Tucker Creative, LLC.

Mark Tucker 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 Mark Tucker under the Medical School's or OVPR's Conflict of Interest Committee procedures are separately analyzed and managed.

We recommend that the Board of Regents approve the agreement between the University of Michigan and Mark Tucker Creative, LLC. subject to requirements, if any, that the supervisor of Mark Tucker 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 a large, circular scribble or stamp.

Kevin P. Hegarty
Executive Vice President and Chief Financial Officer

June 2018