

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 Biodiscovery, LLC d/b/a MYcroarray (University of Michigan Employees, Erdogan Gulari and Jean-Marie Rouillard, Co-Owners)

Background:

The University of Michigan Department of Computational Medicine Bioinformatics seeks approval to transact with Biodiscovery, LLC d/b/a MYcroarray (“MYcroarray”) for one set of custom-designed oligonucleotide probes for fluorescent in-situ hybridization from RNA and DNA probes. MYcroarray was selected due to their ability to provide both RNA and DNA probes and to work with the principal investigator’s team to optimize the label signal.

The proposed agreement falls under the State of Michigan Conflict of Interest Statute as Erdogan Gulari and Jean-Marie Rouillard are University employees as Assistant Research Scientist and Professor, respectively, with the Department of Chemical Engineering and would be parties to the contract as Co-Owners of MYcroarray.

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.

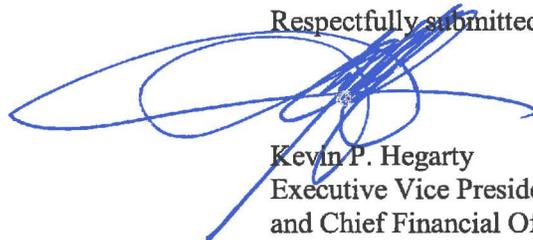
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Department of Computational Medicine Bioinformatics and MYcroarray.
- ii) The agreement is for a one-time purchase of one set of custom-designed oligonucleotide probes for fluorescent in-situ hybridization from RNA and DNA probes at a total cost of \$2,025. MYcroarray 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, Erdogan Gulari and Jean-Marie Rouillard are Co-Owners of MYcroarray.

Erdogan Gulari and Jean-Marie Rouillard 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 supervisors of Erdogan Gulari and Jean-Marie Rouillard 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 MYcroarray subject to requirements, if any, that the supervisors of Erdogan Gulari and Jean-Marie Rouillard 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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