

**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 enter into a contract with Bichini Bia Congo Dance Theater (University of Michigan Employee, Jean-Claude Biza Sompá, Director).

Background:

The University of Michigan Trotter Multicultural Center, Museum of Art, School of Music, Theatre & Dance, and African Studies Center (ASC) seeks approval to enter into a contract with Bichini Bia Congo Dance Theater for dance and drum performances and costume rental.

The proposed contract falls under the State of Michigan Conflict of Interest Statute as Jean-Claude Biza Sompá is employed by the University as a Lecturer of Dance with the School of Music, Theatre & Dance. Jean-Claude Biza Sompá is the Director of Bichini Bia Congo Dance Theater. The decision to utilize the COI supplier was determined because it is the only company that can provide these services. The conflicted employee was not part of the decision-making process for the Trotter Multicultural Center, Museum of Art, and African Studies Center (ASC). The conflicted employee was part of the decision-making process for the School of Music, Theatre & Dance because the supplier was asked to stage a dance using his unique Congolese dance and music expertise. Culturally accurate and authentic costuming is a foundational aspect of the artistic vision that the choreographer brings to this work.

However, the Statute allows the University to enter into such contracts 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.

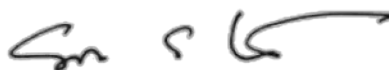
The following information is provided in compliance with the statutory requirements contained in Section (c) above:

- i) The parties to the contract are the Regents of the University of Michigan and its Trotter Multicultural Center, Museum of Art, School of Music, Theatre & Dance, and African Studies Center (ASC) departments, and Bichini Bia Congo Dance Theater.
- ii) The contract is for dance and drum performances and costume rental for one day, not to exceed \$2,900. Bichini Bia Congo Dance Theater will be supplying all the necessary resources and personnel to fulfill this contract. The remaining base contract terms and conditions are typical of 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 Jean-Claude Biza Sompa is the owner of Bichini Bia Congo Dance Theater.

Jean-Claude Biza Sompa 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 Jean-Claude Biza Sompa 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 contract between the University of Michigan and Bichini Bia Congo Dance Theater subject to requirements, if any, that the supervisor of Jean-Claude Biza Sompa or the Medical School's or OVPR's Conflict of Interest Committee may impose.

Respectfully submitted,



Geoffrey S. Chatas
Executive Vice President and Chief Financial Officer

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