

The Board of Regents of the University of Nebraska met on March 11, 2011 at 12:30 p.m. in the board room at Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, in a publicly convened session, the same being open to the public and having been preceded by advance publicized notice, a copy of which is attached to the minutes of this meeting as Attachment 1.

In compliance with the provisions of *Neb. Rev. Stat.* Section 84-1411, printed notice of this meeting was sent to each member of the Board and was posted in the first floor lobby of Varner Hall. In addition, copies of such notice were sent to the Lincoln Journal Star, Omaha World Herald, the Daily Nebraskan, the Gateway, the Antelope, the Kearney Hub, and the Lincoln office of the Associated Press on February 28, 2011.

Regents present:
Timothy F. Clare
Randolph M. Ferlic
Chuck Hassebrook
Howard Hawks
Jim McClurg, Vice Chair
Bob Phares
Kent Schroeder
Bob Whitehouse, Chairman
Michael Crabb
Jeremy Peterson
Justin Solomon
Nathan Summerfield

University officials present:
James B. Milliken, President
Linda Pratt, Executive Vice President and Provost
Donal J. Burns, Corporation Secretary
John Christensen, Chancellor, UNO
Harold Maurer, Chancellor, UNMC
Douglas A. Kristensen, Chancellor, UNK
Harvey S. Perlman, Chancellor, UNL
David Lechner, Vice President for Business and Finance
Joel Pedersen, Vice President and General Counsel
Ronnie D. Green, Vice President for Agriculture and Natural Resources

I. CALL TO ORDER

II. ROLL CALL

The Board convened at 12:30 p.m. in the board room of Varner Hall, 3835 Holdrege Street, Lincoln, Nebraska, on March 11, 2011. Attendance is indicated above.

III. APPROVAL OF MINUTES AND RATIFICATION OF ACTIONS

Motion Moved by Hawks and seconded by Ferlic to approve the minutes and ratify the actions of the regularly scheduled meeting of January 28, 2011.

Action Student Opinion: Voting Aye: Peterson, Solomon, Summerfield, and Crabb. Voting Aye: Ferlic, Hassebrook, Hawks, McClurg, Phares, Schroeder, Whitehouse, and Clare. Motion carried.

Regent Whitehouse announced the availability of copies of the Open Meetings Act in the board room.

IV.

KUDOS

Regent Schroeder presented a KUDOS award to Valerie Gunderson, Business Manager, UnEMed at the University of Nebraska Medical Center.

Regent Summerfield presented a KUDOS award to Jeanne Schultz, Cataloging

Regent Clare presented the following Resolution

WHEREAS, Michael Crabb , who, as Student Regent and Student Body President at the University of Nebraska at Omaha, has worked tirelessly to improve the campus for the students of UNO, not only with his ardent representation to the Board of Regents, but with his passion to provide a greater experience for the students; and

WHEREAS, Regent Crabb has taken an active approach to reorganizing the Student Government of UNO by heading up a massive By-law revision and a restructuring of SG-UNO's strategic plan, which in turn have greatly improved the entire organization; and

WHEREAS, under Regent Crabb's leadership, UNO has seen an increase in sustainability awareness and has in turn launched the MavRide program that provides free bus rides to campus for students, in order to help build a greener campus, efforts that should have a long lasting effect on UNO well past his term; and

WHEREAS, Regent Crabb has successfully worked with administration to help launch the progressive and creative UNOrthodox speaker series, along with the extension of library hours, in an effort to accomplish one of the campus' strategic goals of becoming a more academically excellent institution, both of which directly affect the student body; and

WHEREAS, Regent Crabb has gone well above and beyond his duties as a Student Body President and Student Regent and has become an admirable and true leader, who has pushed himself and his peers to help UNO realize its full potential;

NOW, THEREFORE, BE IT RESOLVED that Michael Crabb, the outgoing Student Body President and UNO Student Regent, be commended by the University of Nebraska Board of Regents for his outstanding resolve and his unwavering allegiance to the students within the University of Nebraska.

Regent Hassebrook presented the following Resolution

WHEREAS, Justin Solomon has served with distinction as a member of the University of Nebraska Board of Regents and President of the Association of Students of the University of Nebraska-Lincoln since April 2010; and

WHEREAS, Regent Solomon always represented students to the University Administration in a professional and relentless manner; and

WHEREAS, Regent Solomon formed and implemented an East Campus Task Force to evaluate and improve academic and student services on UNL's East Campus; and

WHEREAS, Regent Solomon headed the "Yes 2 Better Rec Centers" campaign to improve the recreation facilities on both city and east campuses, an effort which passed with a 72% student approval; and

WHEREAS, Regent Solomon created the Student Fee Strategic Blueprint to assist future ASUN administrations with the fee process and to encourage financial planning by the Committee for Fee Allocation; and

WHEREAS, Regent Solomon developed the Student Organization Representative Council to gain insight from over 150 student leader participants in a forum setting; and

WHEREAS, Regent Solomon established career development tools in partnership with the College of Agricultural Sciences & Natural Resources by providing two job training classes online, available to all students; and

Whereas, Regent Solomon planned the inaugural Big Ten on the Hill Student Advocacy Conference in Washington, DC; and

WHEREAS, Regent Solomon developed ASUN's Committee on Sustainability and planned the sustainability event Focus Nebraska,

NOW, THEREFORE, BE IT RESOLVED, that the University of Nebraska Board of Regents expresses sincere appreciation for Regent Justin Solomon's dedicated service and

effective leadership as a member of the board, and wishes him well in all his future endeavors.

Regent Ferlic presented the following resolution

WHEREAS, Nathan Summerfield has served with distinction as University of Nebraska Student Regent and as President of the Associated Students of the University of Nebraska at Kearney since March 2010; and

WHEREAS, Regent Summerfield has demonstrated an uncommon understanding of the needs of the students as they relate to the mission of the University; and

WHEREAS

The resolutions were adopted by acclamation.

Dr. Burns addressed the Board expressing his thanks for the resolution and the many wonderful years he had spent at the University.

VII. HEARINGS

None

VIII. UNIVERSITY CONSENT AGENDA

Motion Moved by Phares and seconded by McClurg to approve items VIII-A-1, VIII-B-1, VIII-B-2, and VIII-B-3

A. ACADEMIC AFFAIRS

VIII-A-1 President's Personnel Recommendations

B. BUSINESS AFFAIRS

VIII-B-1 Approve a change in Board of Regents Purchasing Policy 6.2.1 to permit the use of competitive reverse auctions for purchases of goods and services

**RP-6.2 Property
RP-6.2.1 Purchasing Policy**

6. Competitive Bidding

a. Except as otherwise provided in this purchasing policy, any purchase committing the University to an expenditure of \$150,000 or more shall be made to the lowest responsible bidder, taking into consideration the best interests of the University, the quality or performance of any articles or service to be purchased, their conformity with specifications, the purpose for which required, and the time of delivery or performance. The University may utilize a competitive reverse auction, to include a web-based version, to meet the competitive bidding requirements stated in this policy. In determining the lowest responsible bidder, in addition to price, bids may be rejected and awards made upon consideration of the following factors:

- 1) The ability, capacity, and skill of the bidder to comply with the University's policies,

11) Such other information as may be secured having a bearing on the decision to award the contract.

b. The University shall always have the right to reject any or all bids received. Further, the University may waive any informality or irregularity in any bid which does not materially affect the integrity or effectiveness of the competitive bidding process. In any case where competitive bids are required and all bids are rejected, but the proposed purchase is not abandoned, new bids shall be called for as in the first instance. The University reserves the right in all circumstances to analyze bids in detail and to award contracts which in the exercise of reasonable discretion the University believes to be in its best interest.

c. The University may reject the bid of any bidder who has (a) failed to perform a previous contract with the University, (b) failed to provide any required bid security, or (c) submitted a bid which is in any way incomplete, irregular, or not responsive to specifications.

d. A minimum of fifteen (15) days shall elapse between the time formal bids are advertised or called for and the time of their opening; provided, however, the Principal Business Officer may shorten this time period in cases of emergency. Conducting competitive ~~online~~ reverse auctions, including web-based auctions, including web-based auctions, satisfies this requirement and recognizes less than fifteen (15) days elapsed time between advertisement and the time of opening.

e. Competitive bidding shall not be required for the following types of purchases:

- 1) Purchase of unique or non-competitive articles or services. Without limiting the generality of the foregoing sentence, examples of unique or non-competitive articles and services are public utility services, regulated central office telephone services, books, pamphlets and periodicals, and specially designed business, research or scientific equipment and related software. (See also Section 5.b requiring written justification for sole source purchases and approval of the same by the principal business officer);
- 2) Contracts for professional services; provided, however, that any contract for architectural, engineering, land surveying or landscape architectural services shall be made in accordance with applicable law and Board of Regents policies requiring competitive negotiations for such services;
- 3) Purchases necessary in emergency situations;
- 4) Contracts for maintenance or servicing of equipment with the manufacturer of the equipment or the manufacturer's authorized service agent, where in the judgment of the principal business officer such maintenance or service can be most effectively performed by the manufacturer or its authorized service agent;
- 5) Purchases from (i) any purchasing cooperative or consortium of which the University or a major administrative unit thereof is a member, (ii) the U.S. Government or any agency or instrumentality thereof, (iii) the State of Nebraska or any agency or instrumentality thereof, (iv) a political subdivision of the State of Nebraska, (v) any governmental or public entity created by an interlocal cooperation agreement pursuant to the Nebraska Interlocal Cooperation Act, (vi) any private or public postsecondary educational institution, or (vii) any vendor pursuant a U.S. Government General Services Administration (GSA) pricing agreement; provided, however, under no circumstances shall the University be contractually obligated or liable for any purchase by another educational institution or governmental entity, or by any other member of a purchasing cooperative or consortium;
- 6) Contracts on capital construction projects (a) for the services of a construction manager who may or may not at the discretion of the University also be engaged on the project as the general contractor or (b) for the services of a design/build contractor who will be engaged on the project to furnish design services by a qualified architect or engineer and to provide general contractor services; provided, the contracts shall be awarded in accordance with Board of Regents Policy RP-6.3.7.

University of Nebraska-Lincoln

- Motion Moved by McClurg and seconded by Clare to approve item IX B-5
- IX-B-5 Approve the selection of Sinclair Hille Architects to provide design services for Devaney Sports Center Improvements at the University of Nebraska-Lincoln
- Action Student Opinion: Voting Aye: Summerfield, Crabb, Peterson, and Solomon. Voting Aye: Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, Phares, and Schroeder. Motion carried.
- Motion Moved by Hawks and seconded by Clare to approve item IX-B-6
- IX-B-6 Approve the Revised Budget and Scope for the East Stadium Improvements at the University of Nebraska-Lincoln
- There was discussion
- Action Student Opinion: Voting Aye: Crabb, Peterson, Solomon, and Summerfield. Voting Aye: Clare, Ferlic, Hassebrook, Hawks, McClurg, Phares, Schroeder, and Whitehouse. Motion carried.
- Motion Moved by Hassebrook and seconded by McClurg to approve item IX-B-7

Action Student Opinion: Voting Aye: Crabb, Peterson, Solomon, and Summerfield. Voting Aye: McClurg, Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, and Hawks. Motion carried.

Motion Moved by Hawks and seconded by McClurg to approve item IX-B-12

IX-B-12 Approve the selection of Holland Basham Architects to provide architectural design services for the Community Engagement Center at the University of Nebraska at Omaha

Action Student Opinion: Voting Aye: Peterson, Solomon, Summerfield, and Crabb. Voting Aye: Phares, Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, and McClurg. Motion carried.

C. FOR INFORMATION ONLY

IX-C-1 University of Nebraska Strategic Planning Framework

IX-C-2 University of Nebraska Strategic Framework Accountability Measures

IX-C-3 Calendar of establishing and reporting accountability measures

IX-C-4 University of Nebraska Strategic Dashboard Indicators

IX-C-5 Board of Regents agenda items related to the University of Nebraska Strategic Framework

D. REPORTS

IX-D-1 Quarterly Personnel report (October, November, and December 2010)

IX-D-2 Spring Student Credit Hour and Summary Enrollment reports

IX-D-3 Status Report on Fire Safety and Protection

IX-D-4 Quarterly Status Report of Six-Year Capital Plan and Capital Construction Report

IX-D-5 Status of Capital Projects

IX-D-6 Report of Bids and Contracts

IX-D-7 Semi-Annual Report of Licenses

IX-D-8 Report of Gifts, Grants & Contracts

IX-D-9 Acquisition of Property at 4502 Leavenworth Street, Omaha

IX-D-10 Two-Year Master Consulting Services Agreement between UNL and Gallup

IX-D-11 Fourth Amendment to Lease agreement between UNL and American Nebraska Limited Partnership

IX-D-12 Agreement between UNL and Airport Authority of the City of Lincoln

Chairman Whitehouse accepted the reports.

X. ADDITIONAL BUSINESS

Closed Session

Motion Moved by Peterson and seconded by McClurg that the Board go into closed session as authorized by Section 84-1410 of the Revised Statutes of Nebraska for the protection of the public interest, and to prevent needless injury to the reputation of persons who have not requested a public hearing, for the purpose of holding a discussion limited to the following subjects:

- (a) Strategy session related to litigation;
- (b) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University; and
- (c) Personnel matters involving members of the University staff.

Regent Whitehouse declared that the closed session would be strictly limited to a discussion of:

- (a) Strategy session related to litigation;
- (b) Proposed private gifts to the University of Nebraska Foundation for the benefit of the University; and
- (c) Personnel matters involving members of the University staff.

Action Student Opinion: Voting Aye: Solomon, Summerfield, Crabb, and Peterson. Voting Aye: Schroeder, Whitehouse, Clare, Ferlic, Hassebrook, Hawks, McClurg, and Phares. Motion carried.

The Board went into closed session at 1:55 p.m. and reconvened the open meeting at 2:51 p.m.

ADJOURNMENT

There being no further business, the meeting was adjourned by Chairman Whitehouse at 2:53 p.m.

Respectfully submitted,

Donal J. Burns
Corporation Secretary

Robert L. Whitehouse
Chairman of the Board