

BOARD OF REGENTS  
OF THE UNIVERSITY OF WISCONSIN SYSTEM  
EXECUTIVE COMMITTEE

Wednesday, August 9, 2017  
4:00 p.m.  
To be held by telephone conference

1860 Van Hise Hall  
1220 Linden Drive  
Madison, Wisconsin

AGENDA

1. Calling of the roll
2. Review and Approval of UW-Madison Contractual Agreement with The Gatorade Company  
[Resolution 2]
3. Review and Approval of UW-Madison Contractual Agreement with Roche Molecular Systems, Inc.  
[Resolution 3]
4. Adjourn

UW-Madison Contractual Agreement  
With The Gatorade Company

**BOARD OF REGENTS EXECUTIVE COMMITTEE**

Resolution 2:

That, upon the recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Board of Regents approves the contractual agreement, expected to run from July 2017 through June 30, 2023, between the Board of Regents of the University of Wisconsin System, doing business as UW-Madison, and The Gatorade Company.

## **UW-MADISON CONTRACTUAL AGREEMENT WITH THE GATORADE COMPANY**

### **EXECUTIVE SUMMARY**

#### **BACKGROUND**

UW-Madison is seeking approval by the Board of Regents to enter into a contractual agreement with The Gatorade Company (“Gatorade”) for the right to be the Exclusive Isotonic Sports Drink of Wisconsin Athletics (“Athletics”).

UW System Board of Regents policy requires any grant or contract with private profit-making organizations in excess of \$1,000,000 be presented to the Board for formal approval prior to execution.

#### **REQUESTED ACTION**

Adoption of Resolution 2, approving the contractual agreement between the Board of Regents and The Gatorade Company.

#### **DISCUSSION**

UW-Madison previously had a contractual agreement with Aspire Beverage Company to provide the Athletic Department with isotonic sports drinks and related equipment. While the contract with Aspire was to run through July 1, 2018, the company unfortunately went out of business a few months ago. The sudden end of the Aspire partnership led to the current search for a new sports drink provider for the Athletic Department’s upcoming competition season.

An Invitation to Submit Plans (ISP) was issued through UW-Madison Purchasing Services, offering identified isotonic beverage companies the opportunity to submit a plan. Plan submitters were asked to provide information regarding quantities of product and equipment, pricing, and compensation, including annual rights fees and product allotment.

Three organizations submitted formal plans, providing both a written narrative and an in-person presentation. An evaluation committee, including the Athletic Department Sports Nutritionist and a member of the Sports Medicine staff, carefully reviewed each organization’s plan. The committee determined that the Gatorade plan offered the best combination of quality product and

financial support. Gatorade offers the Athletic Department the opportunity to partner with the leading provider of isotonic sports drinks.

The proposed contract will have a term of six years. Gatorade will pay the university an “annual rights fee” of \$100,000 each year (\$600,000 over the term of the contract), will provide an annual credit of \$150,000 worth of Gatorade products required by the Athletic Department (\$900,000 worth of product over the term of the contract), and will provide all equipment, including cups, coolers, ice chests, squeeze bottles, sideline carts, towels and other items the Athletic Department needs to store, distribute and use those Gatorade products with its athletic teams. In return, Gatorade is granted the exclusive right to market this type of product within what is referred to as the “Players’ Areas,” which include the sidelines and post-game interview rooms, along with various designations related to the product, such as the “exclusive sports beverage of Wisconsin Athletics.”

## **RELATED REGENT POLICIES**

Regent Policy Document 13-1: General Contract Approval, Signature Authority, and Reporting.

UW-Madison Contractual Agreement  
With Roche Molecular Systems, Inc.

**BOARD OF REGENTS EXECUTIVE COMMITTEE**

Resolution 3:

That, upon the recommendation of the Chancellor of the University of Wisconsin-Madison and the President of the University of Wisconsin System, the Board of Regents approves the contractual agreement, expected to run from August 2017 through August 2022, between the Board of Regents of the University of Wisconsin System, doing business as UW-Madison, and Roche Molecular Systems, Inc.

**UW-MADISON CONTRACTUAL AGREEMENT  
WITH ROCHE MOLECULAR SYSTEMS INC**

**EXECUTIVE SUMMARY**

**BACKGROUND**

UW System Board of Regents policy requires any grant or contract with private profit-making organizations in excess of \$1,000,000 be presented to the Board for formal approval prior to execution.

**REQUESTED ACTION**

Adoption of Resolution 3, approving the contractual agreement between the Board of Regents and Roche Molecular Systems, Inc.

**DISCUSSION**

The University of Wisconsin-Madison School of Medicine and Public Health, with assistance from the Office of Research and Sponsored Programs at the University of Wisconsin-Madison, has negotiated a Master Clinical Trial Agreement with Roche Molecular Systems, Inc. In consideration for providing the requested clinical research, Roche Molecular Systems, Inc. could potentially pay the University in excess of \$1,000,000 over the five-year term of the agreement. The first project intended to be conducted under the Master Clinical Trial Agreement, a human clinical trial testing a new process for identifying methicillin-resistant *Staphylococcus aureus* (MRSA) bacterial infections in hospital patients, is ready to begin as soon as Regents' approval of the terms of the Master Clinical Trial Agreement has been granted.

**RELATED REGENT POLICIES**

Regent Policy Document 13-1, General Contract Approval, Signature Authority, and Reporting