

Contact: Andrea Anania

**ANNUAL REPORT ON COMPETITION WITH PRIVATE ENTERPRISE****Action Requested:** Receive the annual report.**Executive Summary:** State laws prohibit government entities from competing with private enterprise unless specifically authorized by statute, rule, ordinance or regulation. The Iowa Administrative Code and Board Policy Manual state that Regent institutions shall not engage in competition with private enterprise unless the activity will assist in the education, research, extension or service mission of the institutions.

Each institution has a committee to review potential situations that may compete with private enterprise.

During the past year, the University of Iowa received and approved one proposal and Iowa State University denied one and approved two proposals. (See pages 3-4.) The University of Northern Iowa did not receive any proposals for consideration.

**Background:**

Iowa Code Chapter 23A (Noncompetition by Government) prohibits a public entity from competing with private enterprise unless specifically authorized by statute, rule, ordinance, or regulation and authorizes the Board of Regents to provide, by administrative rule, exemptions to this prohibition for the institutions under the Board's control.

Iowa Code §23A.2(2) lists exemptions and §23A.2(8)k lists items for which the chapter does not apply. Both lists may be found on page 2.

Iowa Administrative Code (IAC) §681-9.4 and Board Policy Manual §2.2(8)(D) specify the Board's rules and requirements regarding competition with private enterprise by Regents institutions.

Each institution has established written policies regarding competition with private enterprise to ensure:

- ◆ Activities provided by the institutions are consistent with Board policy;
- ◆ Processes are identified to handle inquiries about activities carried out by the institution; and
- ◆ There is a means for community businesses to interact with the institutions including discussion of complaints.

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**Exemptions from Competition with Private Enterprise****Iowa Code  
§23A.2(2)**

The state Board of Regents or a school corporation may, by rule, provide for exemption from the application of this chapter for any of the following:

- a. Goods and services that are directly and reasonably related to the educational mission of an institution or school.
- b. Goods and services offered only to students, employees, or guests of the institution or school and which cannot be provided by private enterprise at the same or lower cost.
- c. Use of vehicles owned by the institution or school for charter trips offered to the public, or to full, part-time, or temporary students.
- d. Durable medical equipment or devices sold or leased for use off premises of an institution, school, or University of Iowa Hospitals or Clinics.
- e. Goods or services which are not otherwise available in the quantity or quality required by the institution or school.
- f. Telecommunications other than radio or television stations.
- g. Sponsoring or providing facilities for fitness and recreation.
- h. Food service and sales.
- i. Sale of books, records, tapes, software, educational equipment, and supplies.

**Iowa Code  
§23A.2(8)k**

This chapter does not apply to the following activities of an institution or school under the control of the state Board of Regents as provided in Iowa Code §23A.2(8)k or any other applicable provision of Iowa law.

- (1) Residence halls.
  - (2) Student transportation, except as specifically listed in §23A.2(2)(c).
  - (3) Overnight accommodations for participants in programs of the institution or school, visitors to the institution or school, parents, and alumni.
  - (4) Sponsoring or providing facilities for cultural and athletic events.
  - (5) Items displaying the emblem, mascot, or logo of the institution or school, or that otherwise promote the identity of the institution or school and its programs.
  - (6) Souvenirs and programs relating to events sponsored by or at the institution or school.
  - (7) Radio and television stations.
  - (8) Health care and related services to patients and visitors by the University of Iowa.
  - (9) Goods, products, or professional services provided to the public in furtherance of the institution's or school's mission.
  - (10) Services provided to the public at the Iowa State University College of Veterinary Medicine.
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**Analysis:****UNIVERSITY OF IOWA****Department of Health and Human Physiology - Community Health Collaborative**

The Community Health Collaborative (CHC) offers experiential learning opportunities for students trained to administer health-screening tests to members of the community, university employees and students. These opportunities are an integral part of SU1's educational and public service functions.

CHC submitted a proposal for students to provide health-coaching sessions to members of the community at no charge.

Students need to have completed a minimum of 45 hours of coach training to participate. They would be supervised by trained coaches/faculty and use *HHP-4365 Health Coach Practicum* in order to become certified through the *Health Coach Pathway*. Most students are undergraduates, but there are a few graduate students. The program can accommodate 6-10 students.

Community members would sign an agreement acknowledging sessions will be provided by students and be for a maximum of five sessions. The amount/scope of health coaching students can do is limited and individual coaching relationships with clients will not be ongoing. These health-coaching sessions are not intended to provide psychological counseling, psychotherapy or healthcare services and medications will not be prescribed.

These limited health-coaching sessions are for the primary benefit of the campus community and incidental to SU1's education, research, service or extension mission. They meet a demand that is not otherwise readily available and provide professional services to the public in furtherance of the institution's mission.

The Committee recommendation to Senior Vice President Rod Lehnertz was to allow CHC to move forward with the proposal. SVP Lehnertz concurred with the Committee's recommendation.

**IOWA STATE UNIVERSITY****College of Agriculture and Life Sciences - Kent Feed Mill and Grain Science Complex (KFM&GSC)**

Feed, grain, and livestock sectors are key to the success of agriculture in Iowa. As a top land-grant university, ISU is at the forefront of critical and cutting-edge research, education and extension programs that support these important sectors.

The KFM&GSC, a state-of-the-art facility to prepare future leaders in feed and grain processing, celebrated its grand opening September 8, 2023. It focuses on furthering the University's mission of teaching, research, service and extension by:

- ▶ Providing space, facilities and technology;
- ▶ Teaching classes on keeping the food system secure and sustainable;
- ▶ Offering hands-on learning experiences across majors such as animal science, agricultural biosystems engineering, agricultural business and more;
- ▶ Reinforcing the quality of ISU faculty research by serving as a source for custom-made animal feeds for academic and research studies; and
- ▶ Serving as a hub for continuing education and extension programs for employees in feed milling and grain industries.

As the only facility in Iowa to provide heat-treated mash and heat-treated pelleted livestock feed, KFM&GSC was approached by a company requesting to purchase some of this feed. As a result, KFM&GSC requested permission to sell livestock feed to this company as well as to other academic and industry researchers needing this specific type of feed.

The Competition with the Private Sector Review Committee reviewed the request and determined the activity to be an integral part of the institution's educational, research and public outreach functions and activities.

The Committee approved the request.

#### Information Technology Services' Communication Technology Services Group

Communication Technology Services (CTS) is part of the audiovisual team within ISU's Information Technology Services. An external client who was familiar with CTS's expertise asked whether they could engage CTS to provide audiovisual services for their event at an off-site facility.

The Competition with the Private Sector Review Committee reviewed the request and determined there were local entities who could provide these services to the Ames community; therefore, the Committee viewed the proposal as direct competition.

The Committee denied the request.

#### National Institute of Antimicrobial Resistance Research and Education (NIAMRRE)

Iowa State University serves as the host organization for NIAMRRE. NIAMRRE is a member organization that drives cross-sector engagement and coordinated action to combat the global threat of antimicrobial resistance (AMR) across humans, animals and the environment.

To achieve its mission, it has identified four distinct focus areas: research, education, collaboration and advocacy. To that end, NIAMRRE is planning to sell the following services:

- ▶ Posting AMR-related information on its Learning Management System (LMS). This provides a platform for members and non-members to disseminate information as several members do not have an LMS to host their information;
- ▶ NIAMRRE modules. NIAMRRE will create AMR-related modules and offer them for sale. It currently has only two modules, but all will be AMR related;
- ▶ Webinars; and
- ▶ Event registration.

NIAMRRE currently hosts an annual conference, but potentially it might offer quarterly, monthly or other special events (either in person or virtual). Customers could be industry, researchers, educators, producers, nonprofits or anyone who wants to obtain or provide ARM-related information.

The Competition with the Private Sector Review Committee reviewed the request and determined the activity to be an integral part of the institution's educational, research and public outreach functions and activities.

The Committee approved the request.