

Contracts Executed Under Delegated Authority

BACKGROUND

Board of Regents Resolution #221118-66g delegated authority to the President or designee to approve and execute time-critical contracts requiring action between scheduled Board meetings; provided that:

- The cost to WSU of any contract approved under the delegation is estimated to be less than \$15,000,000; and
- The President or designee consults with the Chair of the Board, or Vice Chair if the Chair is unavailable, prior to the execution of the contract.

Resolution #221118-66g further provides that the President or designee will provide a written summary of action taken pursuant to this delegation to the Board on or before the next regular Board meeting.

UPDATE AND DESCRIPTION

WSU executed the following contract that falls within the above reporting requirement:

Vendor: Proprietary Variety Management (PVM)

Amount: \$15M over the course of the 12-year license agreement (revenue to WSU)

Effective Date: August 16th, 2024

Purpose: Amended and Restated Management Contract for WSU Apple Cultivar 'WA 38'

In March, 2024, WSU issued a notice of intent to restate and renegotiate with Proprietary Variety Management (PVM) the management contract for WSU's apple cultivar WA 38, better known as Cosmic Crisp®. PVM will continue with their responsibilities in Washington State and international territories with regards to the cultivar and brand, working directly with nurseries to license WSU-owned and patent-protected plant material and monitor cultivation of the same. PVM will continue to be responsible for executing license agreements with nurseries, growers, packing houses and marketing desks, and monitoring performance under the same. PVM will also continue to assist in maintaining WSU's plant patent and trademarks, by detecting potential infringement and taking initial steps to resolve any related matters. The contract is effective from August 16th 2024 through May 26th, 2037, and may generate up to \$15M in revenues to WSU over the 12-year term.