

# SBIR/STTR AND OUHSC

Martha Ogilvie, PhD

Office of Research Administration

Meredith Wilkerson

Office of Technology Development

ORA/GCA/Purchasing Workshop

January 10, 2019

# SBIR/STTR PROGRAM

(WWW.SBIR.GOV)

- What is the Purpose of the SBIR/STTR Program?
  - Stimulate technological innovation
  - Use Small Business to meet Federal R&D needs
  - Increase private-sector commercialization of innovations derived from Federal R&D funding
  - Foster and encourage innovation and entrepreneurship by socially and economically disadvantaged small businesses
- 11 Federal Agencies participate
  - Solicitations issued with topics of interest
- For Small Businesses that are:
  - Independently owned and operated
  - Organized for-profit
  - Principal place of business is in the USA
  - 51% + ownership by US citizens/permanent residents
  - 500 or less employees, including affiliates
  - Principal Investigator (PI) leading the effort must be more than 50% employee of the business

# SBIR/STTR COMPARISON

		SBIR	STTR
Agency Research Budget		2.8%	0.3%
Award Guidelines	Phase I	\$100K 6 mo	\$150K 12 mo
	Phase II	\$750K 2 yr	\$1M 2 yr
Academic Partner Required?		NO	YES
Subcontracts (Max)	Phase I	33%	30%
	Phase II	50%	30%
PI Business Employee (>50% time)		YES	NO

# THINGS TO CONSIDER

- Not Intended as Primary Support for Research Programs
- Internal versus External Technology
- Conflict of Interest
- Conflict of Commitment
- Intellectual Property Ownership
- University Space Utilization
- University Equipment/Infrastructure Use

## A COMPANY WANTS TO SUBCONTRACT SBIR/STTR WORK TO OUHSC (YOU)

- Contact ORA and OTD as soon as possible
  - Submit a COI disclosure form, if applicable
  - Request a letter of support from OTD
- Route your proposal
- At submission the company must provide a full copy of the entire proposal must be provided to ORA (a confidential disclosure agreement (CDA) can be signed if necessary)

# SBIR/STTR LETTER OF SUPPORT FROM OTD

- OTD ensures:
  - IP is available for commercialization for the benefit of the State of Oklahoma and the general population
  - Effective commercialization of the technology
  - Proper compensation to all parties involved
- OTD will review technology and provide letter of support
  - Background IP: Status of IP (e.g., provisional patent application filed)
  - Project IP: Interest and capability of working with University PI on IP that may result from the award
- OTD will assist University and external partners in establishing inventorship, ownership, and a protection strategy for project IP
- OTD will negotiate in good faith to enter into any necessary agreements (e.g., NDA, MTA, IPA, Option, License)

# OUHSC PARTICIPATION

	SBIR	STTR
I work full-time for the OUHSC, may I be the small business's PI for this grant?	No unless reduce appointment to 49%. See Regents policy.	Yes, but you must reduce your appointment proportionate to the effort on the grant (with Dean & Provost permission)
I own or have ownership interest in a small business, can I participate in the research subcontract at OUHSC?	No	Possibly if you are not the PI for the company, but you must have an approved conflict of interest management plan before participation.
I do not own or have ownership interest in the small business, can the grant pay for both my work with the small business and the OUHSC subcontract?	No, you can only be paid by one or the other.	No, you can only be paid by one or the other.
Can I be the PI for my business and the PI for the University subcontract?	No, it's required that the PIs be separate individuals.	No, it's required that the PIs be separate individuals.
An immediate family member has ownership interest in the business, can I be PI for the University subcontract?	No	No
Can my spouse, or another immediate family member, be PI on the award to the company while I serve as PI on the University subcontract?	No, immediate family members cannot be a PI on either.	No, immediate family members cannot be a PI on either.
Can my grad student or post doc work for my business and work on the University subcontract at the same time?	No	No
Do I need to disclose my interest in the business to the University?	Yes, in accordance with the University Conflict of Interest Policy	Yes, in accordance with the University Conflict of Interest Policy

# THE COMPANY NOTIFIES YOU THAT AN AWARD IS LIKELY

- Contact ORA and OTD as soon as possible
  - OTD will complete IPA negotiation
  - ORA will draft, negotiate, and execute subaward



# INTELLECTUAL PROPERTY AGREEMENT (IPA)

- Agreement between Board of Regents of the University of Oklahoma and SBC
  - Negotiated and executed by OTD
- Indicates shared commercial interest between University and SBC
  - Development and due diligence of background IP
  - Potential for development of project IP
- University remains the owner of the background IP
- Ownership and grant of rights for project IP is defined in IPA
- Timeline and other provisions for SBC to license project IP

# SUMMARY

- Expectations of companies, universities, and faculty can significantly differ
- At the earliest possible moment every effort should be made to understand and, if possible, align the goals and objectives of all parties

# Office of Technology Development

<http://www.ou.edu/otd/>

## **Main Office:**

301 David L. Boren Blvd.  
Suite 3120  
Norman, OK 73019  
(405) 325-3800

## **OUHSC Office:**

865 Research Parkway, Suite  
300  
Oklahoma City, OK 73104  
(405) 271-7725

# Office of Research Administration

<http://research.ouhsc.edu>

865 Research Parkway,  
Suite 452  
Oklahoma City, OK 73104  
(405) 271-2090

[hscora@ouhsc.edu](mailto:hscora@ouhsc.edu)

# FAQS ABOUT OUHSC

- The Principal Investigator (PI) on subcontracts/subawards to OUHSC and the PI on the SBIR/STTR award to the small business must not be the same individual.
- OUHSC employees can not be the PI on SBIR awards unless they reduce their effort at OUHSC by 51%. The OU Board of Regents Policy describes this process. (SBIR program requires the PI to be primarily employed, >50%, by the small business).
- OUHSC employees can not be the PI on STTR awards without reducing their effort proportionate to the effort on the award, have prior approval from dean and provost, and a COI disclosure and management plan in place.
- The proposed research to be performed at and by the small business must be clearly delineated and distinct from the research to be performed at OUHSC. Additionally, the small business must provide evidence of adequate facilities (laboratory, office...) to perform the work. The small business may not utilize any OUHSC resources for any of their activities.
- OUHSC employees (including members of their immediate family) who have ownership interest in the small business receiving a SBIR/STTR award may not conduct or direct research in his/her own laboratory through subcontracts/subawards from that small business.
- All licensing and intellectual property issues must be reviewed by OTD and agreements must be in place before any OUHSC subcontract/subaward is executed.
- The implementation of a COI management plan may be required when these guidelines are inadequate, and will be determined on a case by case basis.