

SBIR/STTR Administrative Guidance

	SBIR (Small Business Innovation Research)	STTR (Small Business Technology Transfer)
Federal Overview	<ul style="list-style-type: none"> Small Business Concern (SBC) <i>may</i>, but is not required to, collaborate with research institution (RI) SBC must do 2/3 of research for Phase 1; SBC must do ½ of research for Phase II RI may conduct up to 1/3 of research for Phase 1; RI may conduct up to ½ of research for Phase 2 <p><i>Note: should check sponsor website for latest update</i></p>	<ul style="list-style-type: none"> Small Business Concern (SBC) <i>must</i> collaborate with a research institution (RI) for a portion of the award SBC must conduct at least 40% of the research RI must conduct at least 30% of the research <p><i>Note: should check sponsor website for latest update</i></p>
Federal Rule for Overall PI	<ul style="list-style-type: none"> Overall PI must be primarily employed by SBC (over 50%) 	<ul style="list-style-type: none"> Overall PI may be primarily employed by the RI (over 50%); except NSF, which requires primary employment by SBC Phase I Overall PI must commit a minimum of 10%
UNC GUIDANCE AND STANDARDS		
Overall PI of grant	<p>Must be a company employee</p> <p>If UNC person serves in this role by reducing UNC FTE, then UNC sub-awardee PI can't have any UNC affiliation with Overall PI or any relationships with SBC</p> <p>In addition to Department and School, leave would have to be approved by Provost Office.</p>	<p>Allowable within guidance parameters:</p> <ul style="list-style-type: none"> they cannot be providing signing authority or administrative oversight/activities on behalf of the SBC with Sponsor Overall PI role must be explicitly detailed in the UNC subaward SOW Budget Justification: 1% of 10% effort (or minimum allowed by sponsor) should be clearly described as Overall PI role for scientific and technical components NOTE: NSF has different requirements. See below.
PI of Subaward	<p>They (UNC personnel) cannot provide signing authority or administrative or fiscal oversight/activities for the SBC with Sponsor.</p>	<p>They (UNC Personnel) cannot provide signing authority or administrative or fiscal oversight/activities for the SBC with Sponsor.</p>

	<p>If proposed UNC PI has no relationship with SBC, then no COI concerns.</p> <p>If proposed UNC PI has a COI with the SBC (equity, inventorship of licensed IP or BOD position) then:</p> <ul style="list-style-type: none"> -Relationships should be clearly described in the text of the application and elsewhere as needed. -UNC assesses and attempt to manage; sometimes change in role to co-PI is needed. -COI Matrix for Independent Data Confirmation Report will be applied. -Certain sponsors, such NSF, won't allow PI of proposed subaward if person has pay or BOD position or equity holder. -If UNC has an interest in the SBC and the project involves human subjects then study needs review under Institutional COI policy. Generally, the UNC PI cannot have Individual COI with human studies and potentially very limited engagement as co-investigator. 	<p>If proposed UNC PI has no relationship with SBC, then no concerns.</p> <p>If proposed UNC PI has a COI with the SBC (equity, inventorship of licensed IP or BOD position) then:</p> <ul style="list-style-type: none"> -Relationships must be clearly described in the text of the application and elsewhere as needed. -UNC assesses and attempt to manage; sometimes change in role to co-PI is needed. -COI Matrix for Independent Data Confirmation Report will be applied. -Certain sponsors, such NSF, won't allow PI of proposed subaward if person has pay or BOD position or equity holder. -If UNC has an interest in the SBC and the project involves human subjects then study needs review under Institutional COI policy. Generally, the UNC PI cannot have Individual COI with human studies and potentially very limited engagement as co-investigator.
UNC student involvement at UNC (SBC/RI)	<p>If student is listed on subaward, then COI Process will need to be initiated for school specific review if PI or other investigators have relationships with SBC.</p> <p>No student dissertation work related to SBIR award can occur.</p> <p>Individual schools will make decision regarding whether and/or at what % effort student involvement is permitted. Certain schools, such as the School of Medicine, prohibit student involvement on such grants if there is any conflict of interest in the project.</p>	<p>If student is listed on subaward, then COI Process will need to be initiated for school specific review if PI or other investigators have relationships with SBC.</p> <p>No student dissertation work related to STTR award can occur.</p> <p>Individual schools will make decision regarding whether and/or at what % effort student involvement is permitted. Certain schools, such as the School of Medicine, prohibit student involvement on such grants if there are any conflicts of interest in the project.</p>
UNC student work at SBC grant	<p>COI Committees do not permit in conjunction with SBIR if it is faculty advisor's or thesis/dissertation committee's SBC. Separate review if for a different faculty company.</p>	<p>COI Committees do not permit in conjunction with STTR if it is faculty advisor's or thesis/dissertation committee's SBC. Separate review if for a different faculty company.</p>

UNC postdoc¹ involvement at UNC on Subaward	Permitted in all schools Note: Schools may possibly limit the % effort on SBIR for postdoc progression considerations; training opportunities; faculty member's COI increases sensitivity	Permitted in all schools Note: Schools may possibly limit the % effort on STTR for postdoc progression considerations; training opportunities; faculty member's COI increases sensitivity
UNC PostDoc involvement at SBC side of grant	Request should be reviewed with OPA before application. Form requesting reduction in effort (approved by OHR and OPA) must be uploaded into Ramses at time of award before COI review can occur. Individual COI Review by applicable school before subaward can be signed.	Request should be reviewed with OPA before application. Form requesting reduction in effort (approved by OHR and OPA) must be uploaded into Ramses at time of award before COI review can occur. Individual COI Review by applicable school before subaward can be signed.
UNC other staff involvement at RI	Permitted – listed as budgeted personnel in subaward	Permitted – listed as budgeted personnel in subaward
UNC other staff involvement at SBC side of grant	Not permitted for EHRA Non Faculty or SHRA. For temporary employees, not allowable when work overlaps with their UNC supervisor/employer.	Not permitted for EHRA Non Faculty or SHRA. For temporary employees, not allowable when work overlaps with their UNC supervisor/employer.
Using visiting researchers/scientists at RI	Generally, should not be involved in subaward given IP considerations. Would need to be included in Budget Justification as in-kind work; reported by PI to SBC, then SBC to Sponsor. NOTE: not listed on budget and may pose challenges in identifying possible involvement.	Generally, should not be involved in subaward given IP considerations. Would need to be included in Budget justification as in-kind work; reported by PI to SBC, then SBC to Sponsor. NOTE: not listed on budget and may pose challenges in identifying possible involvement.
Facility Use Agreement (FUA) for SBC	SBC may have an FUA at UNC consistent with University policies SBC must designate non-UNC person and non-spouse/partner of UNC person to negotiate FUA contract negotiations with UNC	SBC may have an FUA at UNC consistent with University policies SBC must designate non-UNC person and non-spouse/partner of UNC person to negotiate FUA contract negotiations with UNC

¹ UNC classification as EHRA temps; 5 year limit

	<p>SBC must be registered in NC with non-UNC address if their place of business is NC; also non-UNC address must be used for any grant documents submitted by SBC. Business in other states provide applicable information.</p> <p>SBC must properly identify space in its prime proposal for SBIR award; properly executed FUA and UNC's receipt of payments important for SBC's consideration of space/cost in their % resources towards the project</p>	<p>SBC must be registered in NC with non-UNC address if their place of business is NC; also use non-UNC address must be used for any grant documents submitted by SBC. Business in other states provide applicable information.</p> <p>SBC must properly identify space in its prime proposal for STTR award; properly executed FUA and UNC's receipt of payments important for SBC's consideration of space/cost in their % resources towards the project</p>
Use of UNC resources by SBC	<p>Recharge centers – SBC must pay external rate if work is on company side of project; SBC should have a contract with UNC for the services in the same form as other external entities.</p> <p>SBC may not directly utilize the services of the UNC IRB, IACUC or IBC. Work related to these areas must be done via a subaward to the University.</p> <p>Intellectual Property of any type: see IP section.</p>	<p>Recharge centers – SBC must pay external rate if work is on company side of project; SBC should have a contract with UNC for the services in the same form as other external entities.</p> <p>SBC may not directly utilize the services of the UNC IRB, IACUC or IBC. Work related to these areas must be done via a subaward to the University.</p> <p>Intellectual Property of any type: see IP section.</p>
Letter of Intent	Must use UNC template for SBIR STTR Proposal	Must use UNC template for SBIR STTR Proposals
Review of proposal/SOW	<p><u>OSP Review of Proposal</u></p> <ul style="list-style-type: none"> -Review LOI and clarify ability to back out -Request a copy of prime proposal by SBC to determine how UNC as RI is represented (faculty start-up especially); if push-back from SBC then require sections that represent UNC's role on the SBIR -- if unsuccessful then must obtain at time of award -Check NC Secretary of State website for SBC registration for NC based companies; confirm address for SBC is not a UNC address; draft note to file -Confirm SBC contact is not UNC employee or spouse/partner of UNC employee 	<p><u>OSP Review of Proposal</u></p> <ul style="list-style-type: none"> -Review LOI and clarify ability to back out -Request a copy of prime proposal by SBC to determine how UNC as RI is represented (faculty start-up especially); if push-back from SBC then require sections that represent UNC's role on the STTR – if unsuccessful then must obtain at time of award -Check NC Secretary of State website for SBC registration; confirm address for SBC is not a UNC address; draft note to file -Confirm SBC contact is not UNC employee or spouse/partner of UNC employee

	<p><u>At time of Award</u></p> <ul style="list-style-type: none"> -If not obtained at time of proposal, then full copy of the SBIR application submitted to federal sponsor must be received from SBC and attached to Ramses IPF file. -Confirm SBC has a non-UNC address and non-UNC email address on Notice of Award - Check NC Secretary of State website for SBC registration for NC based business; confirm address for SBC is not a UNC address -Confirm SBC contact and signing authority is not UNC employee or spouse/partner of UNC employee - Confirm contract negotiations with non-UNC employee or spouse/partner of UNC -Review list of SBC personnel in proposal/award ensure no UNC individuals (with the exception of a part-time FTE at UNC; if UNC Postdoc then OHR/OPA approval form must be uploaded into Ramses by dept - Confirm who will be responsible at the SBC for fiscal, purchasing, grants processes -Confirm UNC SOW is substantive so determination of responsibilities for the project can be clearly identified -Confirm UNC SOW includes on data management plan -Confirm no animal, human, IBC work in FUA SBC space -Confirm SBC for financial risk assessment -Confirm and request if Organizational COI review is needed -Confirm and request export review if needed -Confirm UNC IP status and standards 	<ul style="list-style-type: none"> - If UNC faculty member is to serve as overall PI, ensure that UNC SOW clearly delineates the PI's role as scientific PI (not administrative) (i.e., technical and scientific aspects). See section above on "Overall PI of the grant" <p><u>At time of Award</u></p> <ul style="list-style-type: none"> --If not obtained at time proposal, then full copy of the STTR application submitted to federal sponsor must be received from SBC and attached to Ramses IPF file. -Confirm SBC has a non-UNC address and non-UNC email address on Notice of Award. EXCEPTION: Lead PI for contact purposes scientific and technical - For NC companies: Check NC Secretary of State website for SBC registration; confirm address for SBC is not a UNC address -Confirm SBC contact and signing authority is not UNC employee or spouse/partner of UNC employee - Confirm contract negotiations with non-UNC employee or spouse/partner of UNC -Review list of SBC personnel in proposal/award ensure no UNC individuals (with the exception of a part-time FTE at UNC; if UNC Postdoc then OHR/OPA approval form must be uploaded into Ramses by dept). - Confirm who will be responsible at the SBC for fiscal, purchasing, grants processes -Confirm UNC SOW is substantive so determination of responsibilities for the project can be clearly identified -Confirm UNC SOW includes a data management plan - Confirm no animal, human, IBC work in FUA SBC space - Confirm SBC for financial risk assessment - Confirm and request if Organizational COI review is needed -Confirm and request export review if needed -Confirm UNC IP status and standards
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Progress or Final Reports	<p>UNC PI will need to submit Progress/Final Reports through Ramses system before submission to SBC.</p> <p>Individual COI will be reviewed and confirmed, including any Independent Data reviews</p> <p>UNC PI will receive approval confirmation, then UNC PI can submit to SBC.</p>	<p>UNC PI will need to submit Progress/Final Reports through Ramses system before submission to SBC.</p> <p>Individual COI will be reviewed and confirmed, including any Independent Data reviews</p> <p>UNC PI will receive approval confirmation, then UNC PI can submit to SBC.</p>
Intellectual Property (IP) at Proposal and Award	<p>Proposal: For proposals using or planning to use UNC IP, clearly describe ownership.</p> <p>Award: If funded, SBC must complete an option or license agreement for the UNC IP. OTC needs full application for review. Standard UNC IP terms in contract. If non-standard terms, OSP to consult with OTC. Signed option or license must be on file with OTC before subaward is executed by OSP.</p>	<p>Proposal: For proposals using or planning to use UNC IP, clearly describe ownership.</p> <p>Award: If funded, SBC must complete an option or license agreement for the UNC IP. OTC needs full application for review. Standard UNC IP terms in contract. If non-standard terms, OSP to consult with OTC. Signed option or license must be on file with OTC before subaward is executed by OSP.</p>
Use of Data	<p>Per federal regulation, the data in this type of award <u>belongs to the SBC</u>.</p> <p>Data rights should be clearly outlined and established in the agreement between the University and the SBC. Accordingly, the PI should consult with OSR during negotiation of the agreement to ensure all necessary data rights are reserved prior to award set-up.</p>	<p>Per federal regulation, the data in this type of award <u>belongs to the SBC</u>.</p> <p>Data rights should be clearly outlined and established in the agreement between the University and the SBC. Accordingly, the PI should consult with OSR during negotiation of the agreement to ensure all necessary data rights are reserved prior to award set-up.</p>
Export Review	<p>If subaward to RI from SBC indicates a possible export concern, an export control review will need to be conducted before subaward can be signed.</p>	<p>If subaward to RI from SBC indicates a possible export concern, an export control review will need to be conducted before subaward can be signed.</p>
Human Subjects Studies	<p>Cannot be conducted by SBC in FUA space; only through subaward to UNC. Individual and Institutional COI reviews, if applicable, might cause change in roles for human study or additional independent reviews, including use of an external IRB.</p>	<p>Cannot be conducted by SBC in FUA space; only through subaward to UNC. Individual and Institutional COI reviews, if applicable, might cause change in roles for human study or additional independent reviews, including use of an external IRB.</p>

Legal counsel and formal company official (non-UNC) for SBC	<p>SBC must indicate legal counsel for the SBC.</p> <p>SBC must indicate non-UNC authorized company official</p>	<p>SBC must indicate legal counsel for the SBC.</p> <p>SBC must indicate non-UNC authorized company official</p>
Waivers of F&A subaward from SBC	VCR decision to waive F&A for Phase 1 only. Certain federal agencies require the F&A regardless.	VCR decision to waive F&A for Phase 1 only. Certain federal agencies require the F&A regardless.