

**Florida Department of Health
Bankhead-Coley Cancer Research Program
Open Call for Grant Applications:
Technology Transfer Feasibility (TTF) and
Technology Transfer/Commercialization Partnership (TTCP)
Grants for Cancer Fiscal Year 2011-2012**

**Questions and Answers
Last Updated January 5, 2012**

Questions are presented as received, with the exception that all identifying information has been removed.

The Bankhead-Coley Cancer Research Program “Open Call for Grant Applications: Technology Transfer Feasibility (TTF) and Technology Transfer/Commercialization Partnership (TTCP) Grants for Cancer Fiscal Year 2011-2012” is herein referred to as the “TT Call.”

Reminder: The Bankhead-Coley Cancer Research Program Open Call is available on the Program website: www.floridabiomed.com.

General Grant Question and Answers

1. *What is needed before the application deadline? Is there a short letter of intent that is due earlier?* (posted 7/21/11)

No document or correspondence is required before the application deadline. A letter of intent is not required. “Applicants must register to access the online application and forms. Register for an online application at <http://www.floridabiomed.com/login.html> and complete the brief project profile.” (TT Call, Part III, Ch. 1 B, p. 34)

2. *Is U.S. citizenship or a green card required before being awarded a grant?* (posted 7/21/11)

No, “there are no citizenship requirements to be eligible.” (TT Call, Part III, Ch. 2 B, p. 38). However, Executive Order 11-116 issued by the Governor of Florida makes all contracts and subcontracts conditional to the requirement that the U.S. Department of Homeland Security E-Verify system be used to verify the employment eligibility of all new employees hired by the contractor/grantee or sub-contractor during the grant period. This would include small business partners. For more information go to <http://www.flgov.com/wp-content/uploads/orders/2011/11-116-suspend.pdf>

3. *Can faculty members at the same university but within different departments submit proposals?* (posted 7/21/11)

Yes, all eligible investigators may submit an application regardless of the department; however, the Principal Investigator shall not “submit the same project/research to the Bankhead-Coley Program that is also being submitted by another investigator regardless of the grant mechanism.” (TT Call, Part II, Ch. 4 C, p. 18)

4. *Regarding the budget form, what is the difference between percent effort and percent salary? (posted 7/21/11)*

The percent effort on a project is the amount of an individual's time that is spent on this project. Percent salary is the percent of the person's salary that is funded by this project. For example, an individual could work 50% of his/her time on a project but only request funds for 40% of his/her salary. Most often these two numbers are the same. "Percent salary requested cannot exceed percent effort on the project." **(TT Call, Part III, Ch. 10 B, p. 48)**

5. *Are consortiums restricted to charging 15% in indirect costs? (posted 7/21/11)*

"Consortium indirect costs are limited to 15%. The institution and the consortium/contractor cannot both charge indirect costs on the consortium/contractor direct costs; one or the other may charge indirect costs." **(TT Call, Part III, Ch. 10 C, p. 49)**

6. *When calculating indirect costs in a grant that contains a consortium contract (where the consortium charges indirect costs included in the total cost of the contract that then show up as an expenditure as direct costs for the primary institution): are the indirect costs for the primary institution calculated on the total of the consortium contract (direct plus indirect), or only on a portion of the consortium contract. If it is the latter, what amount? (posted 7/21/11)*

As specified in Chapter 8, "Indirect costs are limited to 15% of the direct costs requested." Additionally, "Consortium indirect costs are limited to 15%. The institution and the consortium/contractor cannot both charge indirect costs on the consortium/contractor direct costs; one or the other may charge indirect costs." **(TT Call, Part III, Ch. 10 C, p. 49)** If your consortium contract includes the maximum permissible indirect cost, you must deduct the full value of the consortium contract from the primary institution's direct costs in calculating its indirect costs in order to avoid double billing.

For example:

Case 1 – Consortium contract includes indirect costs:

Budget items:

Personnel	\$50,000
Supplies	\$20,000
Consortium Contract	\$11,500 (\$10,000 direct + \$1,500 indirect)
Direct Costs	\$81,500

Then the applicant institution's indirect cost is limited to 15% of \$70,000 (\$50,000 + \$20,000) or \$10,500.

Total Direct and Indirect Costs - \$92,000

Case 2 – Consortium contract excludes indirect costs:

Budget items:

Personnel	\$50,000
Supplies	\$20,000
Consortium Contract	\$10,000 (all direct costs to the consortium)
Direct Costs	\$80,000

Then the applicant institution's indirect cost is limited to 15% of \$80,000 (\$50,000 + \$20,000 + \$10,000) or \$12,000.

Total Direct and Indirect Costs - \$92,000

7. *Can a Principal Investigator submit the same project to both the Bankhead-Coley Program and the James and Esther King Program? (posted 7/21/11)*

No. Applicants shall not “submit duplicate projects or projects with significant scientific or financial overlap to both the Bankhead-Coley Cancer Research Program and the James and Esther King Biomedical Research Program during the same competition year.” **(TT Call, Part II, Ch. 4 C, p. 18)**

8. *Can a Principal Investigator submit two different projects to the Bankhead-Coley Program and the James and Esther King Program? (posted 7/21/11)*

“The Principal Investigator may submit two or more completely different projects at the same time to the two programs.” **(TT Call, Part II, Ch. 4 C, p. 18)** There shall be no scientific, commitment, or financial overlap between the projects. The Principal Investigator can receive funding from both programs for completely different projects.

9. *Does the Program solely fund biomedical research or does it also fund projects pertaining to motivational and behavior problems relevant to cancer without any biomedical component? (posted 7/21/11)*

No, the program does not solely fund biomedical research. Refer to Part II, Chapter 1, Cancer-Relatedness, which addresses behavioral research proposals. **“Social scientific and behavioral** proposals must address the development, implementation, and/or evaluation of existing or novel approaches to cancer prevention, diagnosis, or treatment.” **(TT Call, Part II, Ch. 1, p. 11)** Motivational and behavioral research proposals related to cancer are appropriate and encouraged.

10. *Are IRB or IACUC approvals needed before the application deadline, or can I submit them later? (posted 7/21/11)*

IRB and/or IACUC approvals are not required before the application deadline. You may submit an application without the necessary IRB or IACUC approvals. Immediately after award notification, grantees must submit all necessary applications to regulatory authorities including, but not limited to, the IACUC, local or institutional IRB, and if necessary the DOH IRB. Project work may not begin until all approvals are obtained. To determine if you will need to obtain the DOH IRB approval, please review the definition of DOH IRB in Part II, Chapter 10, Definitions.

11. *Can part of the work be supplemented by NIH grant funds to get it done? (We need a little more than \$100,000/yr total direct cost.) (posted 7/21/11)*

Projects may be supplemented with other funds as long as multiple sources are not paying for the same aims, experiments, supplies, or equipment. You can specify in the application what additional work will be covered by other funds. "Applicants must ensure that their proposed project does not duplicate or significantly overlap, scientifically or financially, with other projects in which they or any key personnel are involved. Overlap, whether scientific, financial, or commitment of a project member's effort greater than 100%, is prohibited." **(TT Call, Part II, Ch. 4 C, p. 18)**

TTF Grant Questions and Answers

12. *One of our investigators is preparing a grant for submission to the TTF program. We'd appreciate clarification on the following instruction:*

*** If the application contains information that the applicant believes constitutes trade secrets or proprietary information or is protected by a specific statutory exemption, it should be limited to the Main Application Body. The applicant must CLEARLY identify the information with [brackets] and a footnote that specifies the law, which makes the document or information exempt from the public records laws.*

Kindly let us know what law is to be specified, or provide a link to the appropriate statutes and laws. (posted 7/21/11)

The statement referenced does not assume a particular statute. Some institutions established in Florida law have specific statutory exemptions. Section 812.081 (1)(c), *Florida Statutes* defines "trade secret." You can find a complete set of Florida Statutes online at <http://www.flsenate.gov/Laws/Statutes/2010/Title46/#Title46>. However, you should consult your legal counsel to determine if any specific law applies. If you cannot obtain legal advice prior to the application deadline, you should still clearly identify proprietary information and trade secrets with brackets.

13. *I would like to inquire whether a technology is eligible for the Bankhead-Coley Technology Transfer Feasibility Grant if the technology is subject to an Option Agreement.*

We have entered into an Option Agreement with [Company A] in which [Florida University] promises to license the technology to said [Company A] within 2 years, provided [Company A] is able to raise a predetermined amount of money. In the meantime, [Florida University] remains free to market the technology to other prospective commercial partners with [Company A] receiving the first chance to execute a license on better terms. (posted 7/21/11)

The Program does not prohibit the use of an Option Agreement; however, the Terms and Conditions of the grant must be met. The Terms and Conditions are available for review on the [Floridabiomed.com](http://forms.floridabiomed.com/jek_call/11-12TermsConditions.pdf) website at http://forms.floridabiomed.com/jek_call/11-12TermsConditions.pdf. Specifically reference, item 21, Patents, Licenses and Royalties.

14. *For the TTF grant, may a faculty member of the PI's institution serve as a paid consultant? (becomes relevant if the faculty member is already fully committed based on effort distribution (100%). So participation may only be possible as a consultant outside of the primary work.) If so, would the PI have to be listed as an inventor on the patents or could the consultant be the inventor? (posted 8/8/11)*

The faculty member can be an independent contractor (paid consultant) to the institution; however, you should first consult with your institution's policies regarding secondary employment before proceeding. Please note that "Overlap, whether scientific or financial, or commitment of a project member's effort greater than 100% is prohibited." **(TT Call, Part II, Ch. 4 C, p. 18)**

As stated in the award Terms and Conditions, "All inventions shall be the property of the Grantee (refers to both the eligible institution and their authorized agents) or business partner if a written agreement has been executed; and Grantee shall retain the entire right, title and interest to such." **(Patents, Copyrights, and Royalties section of the award [Terms and Conditions document](#))** Please refer to the award [Terms and Conditions](#) for additional Patent requirements.

15. *A provisional patent was recently filed for an invention that will be the subject of my application. Funds are needed to develop this invention to file a non-provisional patent and future licensing. Will such an invention be eligible for a TTF award? (posted 1/5/12)*

Assuming you meet all other TTF eligibility and application requirements specified in the Call, yes, the invention would be eligible for a TTF Grant under that circumstance. Also see the TTF Eligibility and Application Requirements in the **TT Call, Part II, Ch. 2, pp. 11-13 and Ch. 4, pp. 17-19.**

TTCP Grant Questions and Answers

16. *Is the eligible institution responsible for paying the small business for their part in the work? If the above is correct, is there a requirement for a written agreement between the eligible institution and small business? (posted 7/21/11)*

Yes, the eligible institution must be the applicant, and if a grant is awarded, the eligible institution must subcontract with the small business and pay them. The only required written agreement that must be provided to the Program is for intellectual property rights. "The small business and the institutional partner shall enter into an intellectual property rights agreement that is consistent with the provisions of federal STTR programs. A copy of the agreement must be provided to the Program at the end of the first quarter of the grant period." **(TT Call, Part II, Ch. 3 D, p. 16)**

17. *In regards to the 30% minimum work requirement by each party, can the small business contract its part out or does it have to be provided by its own employees? (posted 7/21/11)*

The small business may contract out part of its effort; however, if this contracting arrangement causes less than 30% of the total project effort to be produced by

employees of the small business, compelling justification must be provided in the “Partnership Information” section of the application.

18. *Is it possible for an individual to serve as key personnel for both entities? (posted 7/21/11)*

“The intent of this mechanism is to support collaboration between an academic researcher and a small business. For this reason, the same individual cannot be named as key personnel for both the eligible institution and the partnering eligible small business.” (TT Call, Part II, Ch. 3 C, p. 15)

19. *I am assisting a PI interested in submitting a TTCP application. The partnership would be between the institution and a company based in South Florida where the PI is a founder and major stock holder. Will this be an issue? (posted 7/21/11)*

It is acceptable that the PI, as an eligible applicant, is the Florida small business founder and stock holder; however, the PI cannot also be key personnel for the small business. Also see the TTCP Eligibility Requirements in the TT Call, Part II, Ch. 3 C, p. 15.

20. *Does the technology under consideration for commercial development have to originate within the eligible institution which is applying for the grant? Can it originate in the company? Alternatively, could it be a technology that was licensed from an institution/company outside of the state, but will be developed at an eligible institution in Florida? (posted 7/21/11)*

The technology under consideration in the application does not have to originate within the eligible institution that is applying for the grant. It can originate in the small business partner. It is also acceptable for the technology to be licensed from an institution/company outside of the state, as long as it is to be developed at an eligible institution in collaboration with an eligible Florida small business partner.

21. *Patents costs are not listed specifically under the “Allowed Direct Costs”, not excluded under the “Disallowed Costs”. Can the funds be used to pay for patent costs to protect and advance the underlying technologies? (posted 7/21/11)*

Patent costs are considered an allowable direct cost in the “other expenses” budget category. Although there isn’t a specific patent cost limit, high patent costs will be scrutinized. Allowed patent costs must be for the patent for the intellectual property (IP) or invention associated with this grant only, and may include licensing or option fees, attorney’s fees, patent maintenance, or patent-related recording fees.

22. *Does it suffice if key personnel on the small business side of the TTCP grant will be a consultant? The company would like to hire a consultant as a key personnel to work on the business side. Could the consultant be the project leader on the business side or would they need another key personnel? (posted 8/12/11)*

A consultant can be key personnel or the project leader for the small business. The small business must perform 30% of the work/effort. If the contracting arrangement causes less than 30% of the total project effort to be produced by employees of the small business, compelling justification must be provided in the “Partnership

Information” section of the application. (Also, see question and answer 17)

23. *For the TTCP budget, is the business portion of the budget considered a subcontract/consortium? (posted 10/04/11)*

Yes, the small business would be a subcontractor and any funds from the grant paid to the small business should appear in the “consortium/contractual cost category” of the budget. See the definition of consortium/contractual agreement in **TT Call, Part II, Ch. 10, p. 30**. (Also, see question and answer 16)

24. *Our project leader on the small business side is a consultant who also holds grants in his occupation as a university professor. Should these grants be listed under “Other Support” even though the consultant does not act as an university employee on the TTCP grant? (posted 10/04/11)*

Yes, include all other support for the Principal Investigator and small business project leader regardless of employment status/locations. “Include all additional current and pending support (including institutional support such as recruitment packages) for the Principal Investigator (for TTF and TTCP applications) and the project leader at the small business partner entity (for TTCP applications). (**TT Call, Part III, Ch. 13, p. 52**)

25. I am currently funded by the James & Esther King TTF program ([grant id]) to investigate [specific research topic] by a new technology. I would like to expand the application of this new technology to cancer diagnosis by identifying [another specific research topic]. I will choose [specific type of] cancer as the first cancer to test this technology. My long-term goal is to diagnose [something specific] using the new technology. Given that I am currently funded by James & Esther King’s TTF, I would like to know whether I am eligible for the TTF grant of Bankhead-Coley Cancer Research Program. (posted 10/18/11)

We cannot make a pre-determination on this matter based on the information provided. Generally, the new projects can be related to ongoing projects; however, there can be no significant scientific or financial overlap between the two. “Applicants must ensure that their proposed project does not duplicate or significantly overlap, scientifically or financially, with other projects in which they or any key personnel are involved.” (**TT Call, Part II, Ch. 4 C, p. 18**) If you believe there is little to no overlap between the current King TTF and the proposed Bankhead-Coley TTF project and you meet all other TTF eligibility requirements identified in the TT Call, Part II, you should apply. The Program will determine if significant overlap exists between the two projects after a full review of the submitted Bankhead-Coley TTF application and the currently funded King TTF project.