



UIDPCONNECT  
2020

# Amending Statements of Work Midstream

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UIDP



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# Amending Statements of Work Midstream

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# Anticipation- Recall why the SOW is important\*

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- Intellectual property rights that will be offered to sponsor
- Publications that may be reviewed by the sponsor
- Overlap with other research
- Need to use existing intellectual property
- Need to access sponsor confidential information
- Cost of and use of various personnel
- Appropriateness of activity in the university
- Appropriateness of student participation

\* **UIDP Contract Accord 1: Statement of Work**

<https://uidp.org/publication/contract-accord-1-statement-of-work/>

# Poll

**How many of you (check all that apply):**

- 1. Assume the SOW won't change over the life of a project**
- 2. Assume any SOW changes will not affect the SRA terms**
- 3. Let the PI deal with SOW changes as they see fit**
- 4. Require all SOW changes to be done by written formal amendment to the SRA**
- 5. Have had a bad situation happen because of SOW changes**



# Should the SOW be as detailed as possible

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## YES

- Clarifies expectations
- Provides clear instructions
- Sets basis/parameters for rights
- Limits liability - maybe
- Avoids overlap with other research

## NO

- Research is unpredictable
- Sponsor wants best efforts – improve as you go?
- Results could indicate path changes
- Personnel may change
- Stuff happens –COVID!



# Anticipation- Best Fit for SOW

<i>SOW Detail</i>	<b>Detailed</b>	<b>General</b>	<b>Phased</b>
<b><i>Certainty of SOW details</i></b>			
<b>Mostly Known - Clear objectives and how to achieve them</b>	<ul style="list-style-type: none"> <li>• Routine services</li> <li>• Milestone/Deliverable based</li> <li>• Clinical trials</li> </ul>		
<b>Unknown – Exploratory</b>		<ul style="list-style-type: none"> <li>• Hypothesis driven</li> <li>• Dissertation research</li> <li>• Grants</li> </ul>	
<b>Known unknowns- Clear objectives but path to achieve them speculative</b>			<ul style="list-style-type: none"> <li>• Collaborative/Flexible</li> <li>• Tasks are incremental</li> <li>• Known dependencies</li> <li>• Go/no go decisions</li> </ul>

# Poll

**Can you name any specific type of project where SOW changes are not possible:**

- 1. NO**
- 2. YES, briefly describe**



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# Poll

**Have you have dealt with an SOW change due to the pandemic?**

1. Yes
2. No

**Was the project sponsored by industry or involving industry collaboration?**

1. Yes
2. No





# Negotiation- Terms *directly related to SOW changes*

<i>SOW Detail</i> <i>Type of Change</i>	Detailed	General	Phased
<b>PI change</b>	Amend or terminate	Amend or terminate	Amend or terminate
<b>SOW change</b> <b>Deliverable change</b>	<ul style="list-style-type: none"> <li>Amend or terminate</li> <li>May be unilateral – sponsor directed after consultation</li> </ul>	<ul style="list-style-type: none"> <li>Amend or terminate</li> <li>PI/technical decide, documented per contract</li> </ul>	Changes anticipates- process built into SOW, documented per contract
<b>Term/time change</b>	Amend or terminate	Amend or terminate	Amend or terminate
<b>Budget changes</b>	Amend or terminate	<ul style="list-style-type: none"> <li>Define budget flexibility in contract</li> <li>Fixed Price increase on SOW change</li> </ul>	<ul style="list-style-type: none"> <li>Phases budgeted separately</li> <li>Trigger process in contract</li> </ul>

# Negotiation- Terms *affected by* SOW changes

<i>SOW Detail</i> <i>Type of Change</i>	Detailed	General	Phased
<b>BIP</b> <b>FIP</b>	Amend to revise if indicated by SOW change	Amend to revise if indicated by SOW change – less likely required	Amend to revise if indicated by change
<b>Confidentiality</b>	Amend to revise if indicated by SOW change	Amend to revise if indicated by SOW change – less likely required	Amend to revise if indicated by SOW change
<b>Publication</b>	Amend to revise if indicated by SOW change or other term changes	Amend to revise if indicated by SOW change – less likely required	Amend to revise if indicated by SOW change or other term changes
<b>Liability</b> <b>Insurance</b> <b>Indemnification</b>	Amend to revise if indicated by SOW change or other term changes	Amend to revise if indicated by SOW change – less likely required	Amend to revise if indicated by SOW change or other term changes

# Poll

**How many of you (check all that apply):**

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- 5. Have had a bad situation happen because of SOW changes**



# THANK YOU!

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