

VAMHCS HUMAN RESEARCH PROTECTION  
STANDARD OPERATING PROCEDURE

SOP# HRP 01.14

Approval Date: 5/8/08

NEGOTIATING AND ENTERING INTO A PHASE I, II, III AND IV CLINICAL  
TRIAL AGREEMENTS (CTA) WITH SPONSORS

## OBJECTIVE:

- To establish procedures to be followed by the VA Maryland Health Care System (VAMHCS) when negotiating and executing agreements with study sponsors.
- To ensure that the VAMHCS has a written agreement with the sponsor of each research project that delineates the responsibilities and obligations that the VAMHCS will fulfill for the Sponsor and that the Sponsor will fulfill for the VAMHCS.
- To ensure that the VAMHCS and the Sponsor agree to specified actions that protect research participants, including: medical care for research participants with a research-related injury, reporting of findings that could affect the safety of participants or their willingness to continue participation, influence the conduct of the study, or alter the IRB's approval to continue the study, the publication or disclosure of results, and reporting of study results to participants.

## POLICIES:

The VAMHCS negotiates and executes CTAs for all sponsored research that does not meet CRADA criteria.

## BACKGROUND:

The VAMHCS conducts research by various sponsors. Research that involves pre-assignment of intellectual property rights is subject to Cooperative Research and Development Agreements (CRADA). For projects in which the pre-assignment of intellectual property is not an issue, clinical trial agreements (CTA) are used to document agreements with sponsors instead of CRADAs.

The Baltimore Research and Education Foundation (BREF), the VAMHCS-affiliated non-profit research and education corporation, is the conduit through which sponsor agreements are made.

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## DEFINITIONS

**Baltimore Research and Education Foundation (BREF)** – the VAMHCS-affiliated non-profit research and education corporation (NPC) created and operated under the laws of the State of Maryland. The NPC's role and obligations are set forth in the CRADA pursuant to its statutory authority under 38 U.S.C. §§ 7361-68 and VHA Handbook 1200.17.

**Cooperative Research and Development Agreements (CRADA)** - Established under the Federal Technology Transfer Act of 1986, Public Law (Pub. L.) 99-502, CRADAs were created to serve as a flexible form of agreement between Federal and non-Federal organizations for establishing the terms of collaborative research efforts. CRADAs were specifically designed to respect both government and non-government organizations' rights to intellectual property in order to foster translation of research results into commercial products. CRADAs, which are legally binding on all parties, allow the Department of Veterans Affairs (VA) to establish ownership and licensing rights to inventions in advance. A template is available at the VA Technology Transfer Program intranet site.

**Clinical Trial Agreement (CTA)** – a binding agreement with a Sponsor that delineates the responsibilities and actions that are expected from the investigator, the VAMHCS and the Sponsor. A template is available in the Research Service Office.

## RESPONSIBILITIES:

ACOS for R&D, Deputy ACOS, AO/ R&D and/or Executive Director (ED) of BREF

- Negotiates with the Sponsor the terms of Clinical Trial Agreements (CTA) when CRADA criteria do not apply.

### Principal Investigator

- Is responsible for notifying the ACOS, Deputy ACOS, AO/R&D, and/or ED of BREF when s/he has decided to participate in a clinical trial conducted by a Sponsor.

### VAMHCS Regional Counsel

Performs legal review and approval with changes to the CTA (if any) shown in tracked changes mode.

## PROCEDURES:

1. At the time that an investigator decides to initiate or participate in an industry-sponsored clinical trial s/he informs the ACOS, Deputy ACOS,

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AO/ACOS and/or and the Executive Director of BREF prior to entering into negotiations with the Sponsor.

2. To initiate development of a CTA for a project, BREF personnel provide the Sponsor with a copy of the CTA template. Alternatively the BREF may work from the Sponsor's template, but must ensure that all VA requirements are included in the final agreement. Regional Counsel may be involved as needed to negotiate terms acceptable to all parties.
3. The CTA template ensures that:
  - 3.1. there is an agreement that the organization will follow the protocol and applicable law;
  - 3.2. there is an agreement on who would provide care and who is responsible to pay for the care;
  - 3.3. there is an agreement that obligates the sponsor to promptly report to the VAMHCS any findings that could:
    - 3.3.1. Affect the safety of participants,
    - 3.3.2. Affect the willingness of participants to continue participation,
    - 3.3.3. Influence the conduct of the study,
    - 3.3.4. Alter the IRB's approval to continue the study.
  - 3.4. there is an agreement that obligates the sponsor to follow the DVA's policies and procedures regarding the publication of findings from sponsored research
  - 3.5. there is an agreement on how results from a research study will be communicated to participants when those results directly affected their safety or medical care.

If a Sponsor's template is used, all the above criteria must be met.
4. The BREF forwards to the RC a draft memo (the "justification memo") from the Regional Counsel to the Director of the VAMC or local equivalent that:
  - 4.1. states that there are no changes that are believed to be "significant," that the RC concurs in the proposed CTA and recommends that the Director sign it, or
  - 4.2. identifies changes that are believed to be "significant" and contains justification for the approval of the significant changes identified, including an explanation of the factors deemed to be important in the particular case, or
  - 4.3. identifies changes that are believed to be significant and contains a statement that the proposed CTA represents a best effort, although it contains significant variation for which there is not available justification.
5. Regional Counsel then:
  - 5.1. forwards the proposed CTA found by the RC not to contain significant changes to the MCD for signature, together with a final of the justification memo, concurring in the CTA; or
  - 5.2. forwards a tracked-changes electronic version of a proposed CTA found

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- by the RC to contain significant changes from the model CTA, together with the justification memo to the BREF.
6. In any case in which the proper documents are provided, the RC will complete its review in 10 working days or less. Where the documentation requires additional work, or is particularly complicated, the RC will complete its review and move the CTA on in no more than 20 working days.
  7. After the CTA is approved, the BREF will prepare a sufficient number of originals (one for each party) for signature. Each original must be signed by:
    - an authorized representative of the Sponsor;
    - an authorized representative of the BREF when applicable;
    - the Principal Investigator; and lastly
    - the Medical Center Director.
  8. The BREF will distribute the executed CT CRADA and copies thereof as follows:
    - Copies to the Director, ACOS/RD and RC
    - One original to each signatory of the CTA.
  9. Conflict of Interest (COI)
    - 9.1. Investigators must complete VA-required Conflict of Interest statements.
    - 9.2. For research projects to be submitted to the IRB, IRB-required Conflict of Interest statements must be completed by the investigator and key staff.
    - 9.3. The IRB has final authority to determine whether the research is approvable.

## APPROVAL:

This SOP entitled “Negotiating and Entering into a Phase I, II, III and IV Clinical Trial Agreements (CTA) with Sponsors” has been approved by the Medical Center Director, effective 5/8/08.