

New Independent Consulting Agreement for Nancy Koch, Esq.

Brief Summary and Request for Approval

On March 5, 2009 the ICOC Governance Subcommittee approved an amendment to the Independent Consultant Agreement between CIRM and Nancy Koch in order to extend it through September 30, 2009 and to increase the maximum amount of the contract by \$180,000. The hourly rate under the Amendment remained unchanged at \$225. On or about September 30, 2009 an additional amendment to the Agreement was made to extend it to October 31, 2009 with no other change in terms. Staff is now recommending that a new Independent Consultant Agreement be entered into for a term of six months, at a rate of \$260/hour with the maximum contract amount not to exceed \$100,000. This new agreement will provide CIRM with the additional time needed to assess how best to execute collaborative funding and alliance management activities (e.g. through consulting or through in-house sourcing). In addition, it provides access to critical expertise which can be used on an as needed basis to support projects of importance to CIRM.

Background

Ms. Koch responded to a Request for Proposal posted in the spring of 2008 and was awarded the contract in April 2008. The original Independent Consultant Agreement was amended on four occasions which included extensions to the term, the hourly rate (which was initially \$150/hr) and to the maximum contract amount. The Third Amendment was approved by the ICOC Governance Subcommittee on March 5, 2009 and served to extend the Agreement through September 30, 2009 and increase the maximum amount of the contract by \$180,000 to \$425,000. No change in the hourly rate was made. The Fourth Amendment was entered into on September 30, 2009 and extended the Agreement until October 31, 2009.

Nancy Koch's services have varied over time. She has provided advice and counsel on intellectual property matters, prepared analysis and materials relating to legislation in the area of biosimilars and she has drafted and negotiated agreements with collaborative funding partners at CIRM's request. Ms. Koch's familiarity with CIRM's processes and regulations makes her a valuable resource.

Under the new Independent Consultant Agreement being proposed, Nancy Koch would provide the following services:

- Draft and negotiate agreements with collaborative funding partners

- Interface with collaborative funding partners to ensure compliance with CIRM's processes and regulations
- At the request of General Counsel, respond to inquiries from grantees and third parties on matters relating to CIRM's intellectual property regulations
- Upon request of Chairman, provide counsel and other services related to special projects which could include, but are not limited to, monitoring and reporting on specific legislative bills which are pending in California and at the federal level
- The Office of the Chair will continue to loan time of this consultant to the Office of the President to meet special project needs as they arise.