



UT RESEARCH MANAGEMENT SUITE

Agreements Module Frequently Asked Questions

Material Transfer Agreements (MTA)

1. What is a Material Transfer Agreement?

A Material Transfer Agreement (MTA) is a legal contract governing the transfer of proprietary research material, including biological or chemical samples or materials that are infectious, hazardous or subject to special regulations, from one party to another. Whether receiving or sending material, an MTA request must be created and submitted in [UT Research Management Suite - Agreements](#) to commence a review in the Offices of Sponsored Projects and Industry Engagement (OSP/OIE).

MTAs are designed to protect the providing organization from any potential liability and may even restrict the use and further distribution of those materials. An MTA can also give providers certain rights to the results of the research in which the material or information is to be used.

MTAs manage the rights, obligations, and restrictions negotiated and agreed upon between UT Austin and external parties including:

- Ownership of the original material and any modifications
- Recipient's use of the material
- Recipient's ability to transfer the material, modifications, and derivatives to third parties
- Rights to inventions resulting from the use of the materials
- Rights to publish research obtained through the use of the materials
- Reporting and confidentiality obligations

To ensure proper compliance with UT Austin and federal and State of Texas guidelines and policies, all MTAs must be submitted in the [Agreements module](#) for review by the Offices of Sponsored Projects and Industry Engagement (OSP/OIE) and Environmental Health and Safety.

2. May I sign a Material Transfer Agreement on behalf of the University?

All finalized research-related MTAs at UT Austin – whether we are the sending or receiving party - must be signed by designated authorized officials of each institution or organization. **Principal Investigators may not sign on behalf of UT Austin for MTAs or any other research-related agreement.** However, they will be required to sign such agreements acknowledging their responsibilities and affirming their agreement to the terms and conditions of the contract. Authorized university contracts signatories are on staff in the Offices of Sponsored Projects and Industry Engagement (OIE/OSP).

In the event that a UT-employed researcher or staff member is either required by an external organization or individual to sign an MTA or requires an external party to sign an MTA, the process begins by creating an agreement in [UT Research Management Suite - Agreements](#) and selecting Material Transfer Agreement as the agreement type.

3. How does the direction (*Receiving/Sending*) of exchanging material affect the MTA review workflow?

MTA – Receiving (“incoming”)

When material is transferred from or on behalf of an external party (both non-profit and commercial) to UT Austin, an MTA is considered “incoming” and *Receiving* is selected as the direction of transfer in the course of completing an Agreement submission in [UT Research Management Suite - Agreements](#).

The time it may take to execute an incoming MTA varies depending upon the external party and the complexity of the MTA terms that they require for us to fulfill. Some recipients use MTAs that contain terms which do not comply with UT Austin policies or federal/State of Texas regulations or standards for use of such materials in the conduct of research. Negotiations may vary from a few weeks to several months depending on the terms to be negotiated and the responsiveness of the provider.

MTA – *Sending* (“outgoing”)

When material is transferred from UT Austin to an external party (both non-profit and commercial) for research purposes outside of the University, an MTA is considered “outgoing.”

To notify the Offices of Sponsored Projects and Industry Engagement (OSP/OIE) that you require an agreement to authorize shipment of research-related material to an external party, a UT Austin researcher (or their affiliated research/administrative support staff person(s)) must create and submit an MTA in **UT Research Management Suite - Agreements** and select *Sending* as the direction of transfer in the course of completing the agreement SmartForm.

The time it may take to execute an outgoing MTA varies depending upon the external party. Some recipients request MTA terms that do not comply with UT Austin policies or federal/State of Texas regulations or standards for use of such materials in the conduct of research. Negotiations may vary from a few weeks to several months depending on the terms to be negotiated and the responsiveness of the external party.

4. Will I still be able to submit MTA requests through the RMS MTA Database?

The MTA Database was retired to read-only on June 1st, 2020. All MTAs must be submitted using **UT Research Management Suite - Agreements** from that day forward.

5. What should I do if I’m required to sign an MTA when ordering materials on-line?

Contact **Office of Sponsored Projects** and notify us of the MTA. OSP has negotiated MTAs with several catalogue companies and repositories, and we may be able to substitute terms previously negotiated for the terms you were asked to sign. Please note: **only OSP or OIE can sign on behalf of UT Austin.**

6. Why do all of my agreement submissions trigger an ancillary (secondary) review by EHS?

The mission of **Environmental Health and Safety** (EHS) is to promote healthy and safe operations on campus, to protect students, faculty, staff and visitors, and to ensure protection of the environment. Accordingly, EHS reviews all MTAs to ensure that proper management of shipping and handling occurs between the exchange parties. Export Administration Regulations (EAR), enforced by the U. S. Department of Commerce’s Bureau of Industry and Security, require controls on the use and handling, as well as shipment out of the country, of a number of commodities. Included in this list of commodities are numerous chemicals, microorganisms, and toxins. Materials listed include both research and non-research items.

The CDC Select Agents Standard was designed to establish a system of safeguards regarding a specific list of microorganisms and toxins. Registration under these rules requires that a Responsible Facility Official certify that the facility and its laboratory operations meet biosafety level 2, 3, or 4 requirements for working with agents as described in the **BMBL**. EHS manages the registration process and a member of the EHS staff is the Responsible Facility Official. Any investigator who uses CDC Select Agents must formally apply and provide information regarding laboratory practices, equipment, and other pertinent information. Within the University, all proposed use of CDC Select Agents (biologicals and toxins) shall require approval of the Institutional Biosafety Committee (IBC). Materials which are specifically covered by these policies can be found in the **CDC Select Agents List (PDF)** and researchers using these materials should contact the EHS Lab Safety Coordinator.

Subsequent to an agreement between the Texas Department of Safety and the Texas Higher Education Coordinating Board, a list of controlled substances analogues and precursors, as well as select laboratory apparatus are restricted and subject to various controls. Anyone working with chemicals or using laboratory apparatus should become familiar with the policy potentially restricting their use.

7. How do I send potentially export-controlled materials to a non-U.S. location?

Create an MTA in [UT Research Management Suite – Agreements](#), selecting the *Sending* option when asked to identify the *Direction of Transfer*. In the course of conducting their review, [Environmental Health and Safety](#) (EHS) will make a determination about your material and notify the central staff reviewer assigned to your request if your material is export-controlled and requires review by the University’s Export Control Officer.

Export-controlled material requires a license application to the U.S. Department of Commerce (or other federal agency controlling the export process for your material). This application is managed by the Export Control Officer and may require you to provide additional information via the Agreements Module.

Not all license applications are approved by the federal government. Additionally, approval of applications may take six to eight weeks and could be delayed due to concerns about the recipient that arise after submission of the application.

8. How do I send select agents to a colleague?

Notify [Environmental Health and Safety](#) that you want to transfer a [select agent](#) before submitting an MTA request to OSP/OIE. The transfer and shipment of a select agent requires prior authorization by the CDC/USDA. See [training related to shipping select agents](#) on the EHS website.

9. Who will review my MTA if I already have a Sponsored Research Agreement (SRA) with industry?

If you are already working with the [Office of Industry Engagement](#) (OIE) on an SRA with a corporation with no funding from governmental sources, OIE will review your MTA. Submit your MTA request in [UT Research Management Suite - Agreements](#) where your request will be routed to an Industry Contract Coordinator for review. Email industry@austin.utexas.edu if you need specific guidance.

10. What are the guidelines for MTAs with transmittal fees?

MTA – Receiving (“incoming”)

If you will be receiving material from an external party that has associated transmittal fees, the fees must be approved in writing by the PI and paid for by their department. OSP/OIE will not facilitate payments related to MTAs. If the fees are substantial, OSP/OIE directors may also need to ensure the fees are reasonable before signing off on the MTA.

MTA – Sending (“outgoing”)

Since providing materials to a peer institution is generally considered a public service, materials are often provided at no cost to the recipient; however, provider organizations may charge a nominal “transmittal fee” in order to recoup costs related to the preparation and distribution of the materials.

If a UT Austin PI wants to charge transmittal fees on an outgoing MTA, the PI must affirm that the cost charged is equal or less than the cost of manufacturing, the PI will not make a profit, and the price aligns with industry standards. Affirmation is provided while completing the MTA request in [UT Research Management Suite - Agreements](#); no additional uploads or emails are required.

Any funds received by the University through collection of outgoing MTA transmittal fees will be sent to the University’s Office of Accounting for deposit into an appropriate designated funds (19) account, which includes a standard administrative fee (3.25%) and prohibits entertainment expenses.