FAQ

FREQUENTLY ASKED QUESTIONS

The answers provided are preliminary information about the Virtual Research Institute (Polish: Wirtualny Instytut Badawczy – WIB) and are intended for potential Applicants to familiarize themselves with the Open Bid Contest being prepared as early as possible.

In connection with the above, ŁUKASIEWICZ – PORT clearly informs that the presented responses cannot constitute the basis for formulating subsequent claims against ŁUKASIEWICZ – PORT as the Managing Entity.

Competition and application documents

When will the competition be opened and how long will it be open?

As per the framework schedule for the WIB Programme, the first call for applications for research team funding will be opened in early March 2021. For the exact date of the competition and call announcement, please see the competition announcement. Currently calls are available **here**.

Under the WIB Management Agreement, Łukasiewicz – PORT, as the Managing Entity, is required to select up to 10 research teams for the WIB Programme. If not all 10 research teams are selected during the first call, and there are still funds available as part of the programme allocation, the Managing Entity will arrange another competition/call. We encourage you to regularly visit our website for any new announcements.

Will the Rector of the university signing the Funding Agreement and the promissory note be personally liable as per the provisions of the Agreement?

The Managing Entity will disburse funds once the research unit has provided a security. The security should correspond to 100% of the funding defined in the funding agreement and have the form of an endorsable blank promissory note, with a signature certified by a notary or written in the presence of an authorised representative of the Managing Entity, accompanied by a promissory note declaration. In line with the promissory note rules, the Rector will not be personally liable. The Rector will sign the promissory note as the representative of the research unit (university), and it is the university that is liable for the liability secured by the promissory note.

Does the Application for funding and any other Application documents have to be in Polish and in English?

Only the Application for funding has to be made in both language versions. For the relevant information, please see the beginning of the “Instructions for filling the Application for funding…”, as appended to the Regulations of the Competition.

Funding Agreement

What percentage of the costs is eligible for funding under the WIB Programme?

The Programme covers 100% of the costs incurred by the Research Team for its scientific activities, as defined in Article 4 of the HE&S Act, excluding artistic activities, of particular significance for the implementation of the national development strategy, leading to the development of innovative products.

Applicant and consortium

May a single Research Unit submit several Applications for funding?

A single Applicant may submit several Funding Applications. However, a Research Team with a specific team composition may apply for funding only under one Application for funding. For detailed rules concerning the requirements for assembling Research Teams, please see the Regulations of the Competition.

Who will be signing the Funding Agreement with Łukasiewicz – PORT?

The Funding Agreement the Research Team will be concluded between the Managing Entity, i.e. ŁUKASIEWICZ – PORT and the Applicant, i.e. the institution which employs the Research Team Leader.

Do Research Team members have to come from a single entity?

No. What is unique about the WIB Programme is that it allows the assembly of Research Teams from people employed in various research units based in Poland. Such units have to be listed under Article 11 of the **Act of 4 April on supporting scientific activities from the Polish Science Fund (Journal of Laws of 6 May 2019, item 823)** or otherwise have to represent a legal person or an organisational unit without legal personality that employs or engages at least one member of the Research Team.

The funds available under the WIB Programme are allocated for the funding of Research Teams, whose operations, by focusing on a shared field, are complementary and provide opportunities for research multiplier effects.

More information about Research Teams are available in the tab: **here,** and in the Competition documentation: **here**.

If a consortium is established, is it necessary to sign a Consortium Agreement prior to submitting the Application?

Yes, as required under the Regulations of the Competition, the Consortium Agreement needs to be appended to the Application for funding.

May the consortium include foreign entities?

No. Under the Regulations of the Competition: “At the moment of commencing the work, the Research Team Members must be employed under a contract of employment or hired for the Research Task under a civil-law contract with entities registered in the Republic of Poland. The Research Team Members are allowed to hold other citizenship than Polish, if, at the moment of commencing the work, they are employed under a contract of employment or hired for the Research Task under a civil-law contract with entities registered in the Republic of Poland”

Are SMEs operating in R&D allowed to join WIB?

The entities eligible for funding under the WIB Programme are listed in the Regulations of the Competition (§ 5, Sections 1 and 2). Each entity needs to have the status of a research and knowledge-dissemination organisation for which granting financial resources under the Programme will not constitute State aid pursuant to Articles 107 and 108 of the Treaty on the Functioning of the European Union, which is also described in detail in the Competition Regulations. The issue of the allowed business operations for the entities applying for funding under the WIB Programme is discussed in more detail in the “Criteria for the selection of Research Teams…”, as appended to the Regulations of the Competition.

Research Task

What are the minimum and maximum project amounts to be allocated to a Research Team?

The Programme does not specify the minimum amount of funding for a Research Team. The application amount should reflect the specific needs of a Research Team and correspond to its planned scientific activities. We will evaluate whether such expenditures are reasonable and necessary.

The maximum amount of funding may not be higher than PLN 450 million, which is the amount defined in **The Communication of the Minister of Science and Higher Education of 2 July 2019 on the area of research activity financed from the resources of the Polish Science Fund and the amount and period of financing.**

What types of research are eligible for funding?

The advantage of the Virtual Research Institute (WIB) Programme is that it provides funding for all types of research/work, provided that these show a considerable potential for commercialisation and belong to the field of study defined by the Minister of Science and Higher Education: medical biotechnology – oncology. The goal behind the scientific activities of the Research Teams is to commercialise its results.

For more information about the scope of Research Tasks, please go **here**, or see the Competition documentation available **here.**

Is it possible to specify several goals – Research Tasks, which have commercialisation

potential, related to a shared research subject?

As per the Regulations of the Competition, “The objective of the Research Team is to develop a new technology or group of technologies in accordance with specific procedures and standards necessary for its Commercialisation and implementation within a maximum of 5 (five) years from commencing the work.”

The Applicant is responsible for determining, describing and substantiating the research agenda in the Application for funding. The research agenda and the choice of goals to be achieved by the Research Task will be evaluated especially during the formal assessment against the scientific and socio-economic criteria, as per the “Criteria for the selection of Research Teams”, appended to the Regulations of the Competition.

What is the definition of innovative products which are to be the subject of scientific activities carried out as part of Research Tasks?

As per the Competition documentation, the intention behind the Programme is to support the development of innovative products, technologies, and services in the field of biotechnology – oncology, with an international potential, and which are not yet available in Poland, or which are available but offer new and innovative functionalities for the international market. The level of innovation of the scientific activities proposed by the Research Team in the Application for funding will be subject to substantive evaluation in terms of the criterion named “the potential of the Research Team to carry out world-class research activities – Research Task Description and Research Plan, which is described in detail in the “Criteria for the selection of Research Teams”, as appended to the Competition Regulations.

What is the maximum time for the implementation of a Research Task? What are its intended outcomes?

In its Application for funding, each Research Team is required to define the Research Task and its schedule and budget for up to 5 years. In the said period, the Research Team should achieve its objective, i.e. the development of a new technology/group of technologies necessary for its commercialisation and implementation, which will be put into the stage of development and then commercialisation.

If requested by the Leader, the financing of the Research Team may be extended for another period of no more than 5 years. If such a request is submitted, the Research Team must present a proposal regarding the continuation of the Research Task or the implementation of a new Research Task on the basis of new ideas or concepts. The proposal will be evaluated according to the evaluation protocol defined by the Managing Entity, as per Article 5 Section 5 of the Act.

Does the implementation of the Research Task need to start immediately after the Funding Agreement is signed?

In the Application for funding, the Applicant is required to define cut-off dates for the implementation of the Research Task.

Expenditures associated with the implementation of the Research Task may start to be incurred no earlier than after the day of submitting the Application for funding. In the period between the day of submitting the Funding Application and the day of concluding the Agreement for funding, the expenditures shall be borne by the Applicant / Research Team at the own responsibility and risk of the Applicant that the Research Team will not be selected for funding (which means that claims for cost refunds from the Managing Entity will be rejected).

The schedule of works and expenditures related to the proposed research agenda, being the responsibility of the Applicant, will be evaluated during the substantive evaluation of the Application for funding to confirm that these are feasible and reasonable.

Is the preclinical development of oncology drugs eligible for this funding?

Yes, the WIB Programme supports this.

Research Team

May researchers employed in the research unit under a contract of employment become members of the Research Team under a civil-law contract (contract of mandate)?

As defined in the Regulations of the Competition, a Research Team Member is

a person being part of the Key Personnel and Support Personnel, employed under a contract of employment or civil-law contract outside the scope of economic activity.

May the Leader and Member of Key Personnel come from the same research unit under a single Application for funding?

According to the Competition guidelines, Key Personnel is made up of the Leader and at least two Key Personnel Members. The Leader has to be employed by the Applicant. The Programme does not specify any more detailed requirements for assembling Research Teams or concerning the employment of their individual members.

Is it obligatory or optional for the Research Team members to be employed with the research unit at the time the Application is being made?

The mere fact of listing someone by name as a member of the Research Team does not have to mean that they are actually employed at the time the Application for funding is being made. But the contract of employment should be concluded no later than when that member starts working to ensure that their salary (corresponding to their involvement in the Research Task) can be considered an eligible cost. In the section of the model Application for funding containing the details of Research Team members you can describe your current legal relationship with them (e.g. conditional agreement). But please bear in mind that the Application for funding is evaluated through the lens of the previous achievements and experience of your Research Team members. Therefore, it is necessary for your Research Team members to be actually employed with you when Research Task implementation commences to have their costs accepted as eligible. Any changes during the implementation of the Research Task, including those related to Research Team members, are possible only under specific circumstances, as defined in detail in the model Funding

Agreement (Appendix to the Competition Announcement).

If the Research Team members are not listed by name when applying for funding, the WIB Programme Competition rules clearly state that “Standards of recruitment (…)” need to be followed. Only Support Personnel members may be not listed by name.

Who can be a member of the Support Personnel for the Research Team?

Support Personnel are any Research Team Members who are not Key Personnel and participate in the implementation of the Research Task, as might be required for the specific nature and needs of the work. Therefore, these may be laboratory technicians, students, PhD students, etc., as long as they have been engaged to actually support the Research Task. All Research Team Members need to be employed under contracts of employment or civil-law contracts, with clearly defined responsibilities, working time, and salary, as per the Programme’s guidelines.

For more information about the Research Team, please go **here**, and about salary costs, go **here**, or see the Competition documentation available **here.**

Will there be any separate procedures for selecting Research Team Members?

The terms and conditions and procedures for recruiting Research Team personnel have been set out by the Managing Entity in a separate document. Any Research Team Members who have not been listed by name or described in the Funding Application during the Call by the Managing Entity will be recruited through a procedure supervised by the Recruitment Committees operating within the entities from which these Members come.

The development of a written plan of necessary Research Team recruitment actions, which is part of the documentation prepared and collected for each Research Task, is the responsibility of the Team Leader.

You may develop your own Research Team recruitment and assessment procedures to select and maintain top talent in your Research Team, avoid conflicts of interest, etc., but these will have to be consistent with the recruitment and evaluation standards for Research Teams, as developed by the Managing Entity.

As per “Standards of recruitment…”, Support Personnel does not have to be listed by name in the Application. In the project, we are planning to engage employees of our Institute, who are to be delegated to the project on a specific part-time basis. I understand there is no need to use the internal recruitment procedure for project activities, and the development of recruitment procedures applies to new personnel, hired solely for the purposes of project tasks?

The rules of the WIB Programme Competition clearly state that “Standards of recruitment (…)” need to be followed if any of the Research Team members are not listed by name when applying for funding. In their Application for funding, the Applicant may specify any number of Support Personnel Members and describe any responsibilities of such members, provided that these correspond to the Research Task agenda.

The Regulations specify the minimum monthly commitment – for Key Personnel this is 0.5 per month.
Therefore, assuming that the project will take 5 years to complete, may this commitment be 0% for the initial 2.5 years, and then 100% for the remaining 2.5 years? Would that be acceptable?

"Remuneration", an expenditure category described in detail in the "General eligibility rules for expenditures…" (Appendix 6 to the Regulations of the competition), describes the "Minimum monthly commitment" for each possible Key Personnel position, which is the minimum commitment of any employee in each month during Research Task implementation. Under the adopted nomenclature, this provision may not be interpreted as the average monthly commitment of each personnel member during Research Task implementation.

How should we interpret the following statement in the Competition documentation: "The maximum rates of remuneration of the Research Team Members result from these Rules, and take precedence over the internal regulations of the entity employing the Research Team Members"?

"General eligibility rules for expenditures", as appended to the Competition Regulations, in its part concerning the expenditure category "Remuneration" specifies the maximum eligible remuneration under the WIB Programme. Programme guidelines do not impose any specific rates of remuneration which may/should be set for individual Research Team Members, but only define maximum eligible rates of remuneration.

Ultimately, it is up to you, and your internal regulations, to estimate project costs so that it is not only reasonable from the point of view of your research agenda and Programme's requirements, but also takes into account any applicable law and your internal regulations. This precedence of your internal regulations in relation to the remuneration of your Research Team Members under the Programme allows you to apply rates of remuneration which are either lower or higher than those defined in the internal rules and regulations of your entity, as long as this is consistent with their provisions or your other internal regulations.

Cost estimate for the Research Task and eligible expenditures

Are there any cost restrictions for individual categories of expenditures under the Programme?

In a separate document, attached to the Competition Announcement, the Managing Entity has formulated general eligibility rules for expenditures of Research Teams conducting scientific activities in the form of the Virtual Research Institute.

The limits and restrictions concerning Research Task funding include:

- a cost limit of PLN 100,000.00 netto for the purchase of research equipment. Such purchases will be acceptable only if the Applicant provides sufficient evidence that it is impossible or financially unreasonable to use the equipment available in the entities where the Research Team operates on a paid-for basis;

- remuneration limits for Research Team Members, defined proportionately to each Member's involvement in the Research Task, which generally include all remuneration-related costs, i.e. basic pay, sick pay, paid holiday and any payment in lieu of holiday leave, any annual bonuses (if provided under the relevant remuneration scheme), as well as social security, health insurance, sickness, Labour Fund (FP), and Guaranteed Employee Benefits Fund (FGŚP) contributions;
- a limit of 276 hours per month for the total professional involvement of Key and Support Personnel (under an employment relationship, a civil-law relationship, self-employment or otherwise) into any professional activity, including the implementation of the Research Task under the WIB Programme.
- remuneration limits for the management and administrative personnel of the Research Task – (direct costs) may not be higher than 10% of the aggregate remuneration of Research Team Members (the remuneration components mentioned above are eligible).

For more information about Research Task costs, please go **here**, or see the Competition documentation available **here.**

May the purchase of equipment under the Research Task be accounted for on the amortisation/depreciation rules?

Yes, this is allowed. The category "Costs of scientific/research equipment, fixed and intangible assets, including procurement, leasing, depreciation write-offs, and paid use" describes various possible forms of equipment funding. Each of these is described in detail in the "General eligibility rules for expenditures…" (Appendix 6 to the Competition Regulations).

Is VAT considered an eligible cost under the WIB Programme?

The eligibility of VAT depends on its refundability under applicable law. For more details on the eligibility of expenditures, please consult the "General eligibility rules for expenditures…" (Appendix 6 to the Competition Regulations).

May the purchase of a patent constitute an eligible cost under the WIB Programme?

The research agenda and its related list of expected costs will be the subject of Application for funding evaluation. As per the "General eligibility rules for expenditures…", an expenditure may be considered eligible if it satisfies such requirements as being necessary for the implementation of the Research Task by the Research Team. For detailed guidance on eligible expenditures and their types, see the above-mentioned rules.

What % of the overall costs may be spent on subcontracting?

The rules of the WIB Programme do not specify any limits for the individual expenditure categories under Costs of subcontracting and external services. However, any expenditure included in the cost estimate needs to be accounted for in relation to the Research Task, and the substantive evaluation will verify whether it is necessary, reasonable, and accurate.

May an external company, e.g. a business specialising in supporting European projects, be employed to provide administrative support?

Please read “General eligibility rules for expenditures”, including in particular the section on the employment of management personnel, including administrative personnel, for the purposes of implementing the research task. Also, please make sure you are familiar with the catalogue of indirect costs and the catalogue of non-eligible costs, including those provided in the said document.

Accounts and reporting

What are the research task accounting and reporting rules?

The accounting terms and methods for the research task will be set out in the Funding Agreement the research team.

As the Applicant/Consortium Leader, the research unit will be required to submit:

- periodic reports on the substantive and financial progress achieved by the research team in its research activities following each three-month reporting period;
- the final report on the implementation of the research task.

Each report will have to be appended with a statement of expenditures actually incurred in the reporting period. An actually incurred expenditure should be understood as an expenditure incurred on a disbursement basis, i.e. as the outflow of cash, or the outflow of funds from the payment account. Exceptions to this rule apply, among others, to depreciation costs and contributions to the Company Social Benefits Fund.

The competitiveness principle

Will the Funding Agreement set out any additional procedures for selecting goods/services below the statutory threshold defined by the Public Procurement Law?

If the contracts carried out as part of the research task are not subject to the Public Procurement Law Act in relation to the type or amount of the contract, the Research Team Funding Agreement requires that the research unit apply the rules and principles for ensuring openness and competitiveness. These rules also apply in the case of subjective exemption from the said Act.

Accordingly, the entities implementing the research task are required, as a minimum, to perform a market analysis to confirm that a given service or delivery has been carried out at a market price. This excludes recruitment to research teams (which is governed by the Labour Code and separate documents, as appended to the Funding Agreement).

In order to prove that the contract has been carried out at a price not higher than the market price, it is necessary to present evidence that at least three tenders from potential contractors have been submitted (provided that there are at least three potential contractors on the market) for the contract in question. If it is impossible to obtain three tenders from potential contractors, the research unit is required to issue a request for proposals with a time limit for proposal submission of at least 7 days. For more details, see the Competition Documentation **here.**

May subcontractors be selected outside the bidding process? If necessary, when should an invitation to tender be announced to select a subcontractor?

Information on the requirement to adhere to the competitiveness rules is provided in “General eligibility rules for expenditures” (Appendix 6 to the Competition Regulations).

Also, it is important to note that in accordance with the Regulations of the competition, the implementation of the research task may commence a day after the submission of the Application for funding at the earliest. The definition of the commencement of research task implementation is discussed in detail in “Criteria for the selection of Research Teams.” Moreover, in the period between the day of submitting the Application for funding and the day of concluding the Funding Agreement, any expenditures are borne by the Applicant / Research Team at the own responsibility and risk of the Applicant that the Research Team might not be selected for funding.

Protection of intellectual property (IP) and commercialisation

How long should it take from the commencement/completion of research task implementation for the newly created product/technology to start bringing profit from commercialisation?

The commercialisation process and its financing is the responsibility of the Managing Entity. The time it takes for the newly created product/technology to start bringing profit from commercialisation will depend on the commercialisation models adopted by the Managing Entity, and also on whether the market is interested in, and ready to, finance the acquisition of the rights to the intellectual property created in the research tasks as part of the WIB Programme.

Will a separate agreement be concluded for the commercialisation of Research Task results? How will the profit from the commercialisation of intellectual property be distributed?

Issues around intellectual property rights and commercialisation rules will be governed by the Agreement for funding the research team concluded between the Managing Entity and the research unit which is the Applicant/Consortium Leader. Provisions governing these matters should also be included in the Consortium Agreement concluded between the Consortium Leader and Consortium Members. The detailed rules and guidelines for commercialisation are provided in a separate document, which is part of the competition documentation, available **here**, and this document will also be appended to the Agreement for funding.

Profit from commercialisation will be distributed as follows:

- 65% of profit from commercialisation will go to the creators based on their creative contributions as stated in the Intellectual Property Sheet;
- 15% of profit from commercialisation will go to the research unit and/or other units. Funds from commercialisation payable to the given research unit and/or other units will be calculated in proportion to the creative contribution of the given creator (or creators) from the research unit and/or other unit, as stated in the Intellectual Property Sheet.

- 20% of profit from commercialisation will go to the Polish Science Fund.

A portion of profit from the commercialisation of the intellectual property created by the Research Team as part of the research task will be paid by the Managing Entity to the research unit, and the research unit will make sure to further distribute these funds to the Leader, Team Members/creators and other units which employ Research Team Members.

Do the rules governing the distribution of funds in a team comprising personnel from various units need to be included in the Consortium Agreement, or are they regulated on a top-down basis?

Detailed rules governing the distribution and payment of funds from the commercialisation of Research Task results as part of the WIB Programme are laid down in "Rules and Regulations for the Management and Commercialisation of Intellectual Property", as appended to the Competition Announcement. The provisions of the Consortium Agreement should be consistent with the competition guidelines.

How to interpret the following provision in *"Rules and Regulations for the Management and Commercialisation of Intellectual Property": "All rights to the complete results of the Research Team's work, including in particular those constituting Intellectual Property, will be transferred to the State Treasury*"? Do the commercialisation and waiver of intellectual property rights in favour of the State Treasury result in the creators losing their copyrights?

The primary objective of the WIB Programme is to commercialise Research Task results into innovative products which are competitive on the Polish and global markets. Under the WIB Management Agreement this commercialisation is the responsibility of the Managing Entity appointed by the Minister of Science and Higher Education.

The research unit and other units are required to ensure that the research unit is entitled to all the Intellectual Property such that the research unit may transfer to the State Treasury – the minister in charge of science and higher education – all the Intellectual Property to the broadest extent allowed by law (free from third-party rights or claims).

In accordance with the said Rules and Regulations, the Managing Entity may issue binding detailed guidelines on the rules under which the Research Unit and Other Units should, to the broadest extent allowed by law, acquire all the Intellectual Property and transfer it to the State Treasury – the minister in charge of science and higher education. For the avoidance of doubt, this acquisition / transfer should be done to the broadest extent allowed by law, having regard to the legal nature of the specific subject of the Intellectual Property, in such a manner that the State Treasury – the minister in charge of science and higher education – secures all the possible Intellectual Property rights, unlimited in time and territory, in particular for all fields of use provided for by law, including the right to make decisions on derivative works and the exercise of moral rights. The foregoing is without prejudice to the rights of Research Team Members to exercise their moral rights as set out in Article 16 Sections 1 and 2 of the Copyright and Related Rights Act of 4 February 1994.

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How do you intend to resolve the issue around the use of Background IP in the

commercialisation process? And how do you intend to deal with the issue of supporting the team in the commercialisation process after project completion?

Detailed rules governing the use and management of IP during and after the completion of research tasks as part of the WIB Programme are laid down in “Rules and Regulations for the Management and Commercialisation of Intellectual Property”, as appended to the Competition Announcement.

When implementing a research task and after its completion, may scientists publish research results stemming from scientific activities conducted as part of the WIB Programme?

The rules governing confidentiality and providing information to the public and the global scientific community regarding the results of scientific activities conducted by research tasks, while implementing a research task and after its completion, are laid down in detail in the model of Agreement for funding and the “Rules and Regulations for the Management and Commercialisation of Intellectual Property”, as appended to the Competition Announcement.

Any activities involving the dissemination of knowledge about the research task and its results must at all times be consulted with, and accepted by, the Managing Entity.