

CCF AWARD RECIPIENTS CERTIFY COMPLIANCE TO THE FOLLOWING AWARD REQUIREMENTS AND CONDITIONS. CIT RESERVES THE RIGHT TO RESCIND THE AWARD, IN WHOLE OR IN PART, FOR NON-COMPLIANCE WITH ANY AWARD REQUIREMENTS OR CONDITIONS.

## Qualified Award Recipients

Qualified CCF award recipients (“Recipients”) shall comply with the following criteria:

- For-profit company headquartered in and with an express desire to grow the business in Virginia
- Founded or otherwise legally formed on or after January 1, 2016
- Virginia is the place of business for the CEO, CCF Project Manager, and majority of the company’s other senior executives and staff

In addition, qualified Recipients align with the criteria outlined in one of the following three categories:

- **CATEGORY 1: Companies whose CCF-supported technology does not require FDA approval**
  - Received between \$500,000 and \$1 million in combined capital investment, contracts, and/or grant funding for the CCF-supported product or service between July 1, 2019 and December 31, 2020 and/or generated revenue between \$100,000 and \$1 million for the CCF-supported product or service during the same period
  - Had a minimal viable product (MVP) available by December 1, 2020
- **CATEGORY 2: Companies whose CCF-supported technology requires FDA New Drug Application (NDA) or Biologics License Application (BLA)**
  - Received at least \$1 million in combined outside grants, contracts, and/or capital investment between July 1, 2019 and December 31, 2020
- **CATEGORY 3: Companies whose CCF-supported technology requires FDA Premarket Approval (PMA), 510(k) clearance<sup>(see also 1)</sup>, or is on the De Novo pathway<sup>(see also 2)</sup>**
  - Received at least \$500,000 in combined outside grants, contracts, and/or capital investment for the technology between July 1, 2019 and December 31, 2020
  - **(1) If the technology requires 510(k) clearance**, companies must have received 510(k) clearance or have submitted their 510(k) application; a CCF award is contingent upon receiving 510(k) clearance
  - **(2) If the technology is on the De Novo pathway**, companies must have had their De Novo request granted, have submitted their De Novo request, or have had a successful Q-Submission meeting with the FDA by December 31, 2020; a CCF award is contingent upon the De Novo request being granted

Recipients must be in good standing with the Commonwealth of Virginia (the “Commonwealth”) and federal government. See the following Terms and Conditions for more information.

## Terms and Conditions

### Eligibility

*The Recipient shall have the responsibility to provide sufficient proof of the following eligibility criteria if/when requested by CIT:*

- a. The Recipient's ability, including the ability of any of its proposed or actual partners, to perform the research and commercialization as set forth in its application, is critically important in the granting of a CCF award.
- b. Recipients and/or their partners who may be delinquent in any CRCF or VRIF obligation are not eligible to receive CCF funding until obligations are resolved to CIT's satisfaction.
- c. The indebtedness or breach of any material obligation to the Commonwealth, its political subdivisions, and/or its agents by a Recipient and/or a Recipient's proposed or actual partners results in ineligibility for CCF funding.
- d. Organizations listed as debarred in the U.S. System of Award Management (SAM.gov) are not eligible to receive CCF funding.

### Intellectual Property and Equipment

- e. CIT does not take ownership of intellectual property that may result from the performance of the CCF award.
- f. Where applicable, given the nature of the work in dual- or multi-party projects, an executed intellectual property agreement(s) must be provided prior to the disbursement of funds and within 60 days of the award announcement unless an alternate timeframe is approved by CIT. Intellectual property agreements must be durable enough to satisfy the requirements of commercialization and production as envisioned for the end product. CIT does not provide a template intellectual property agreement.
- g. Recipients retain the title of equipment pre-approved by CIT and purchased with CCF funds.
- h. Information provided by the Recipient, within their application, may be reviewed by/for other programs managed by CIT, such as the GAP Funds. As such, Recipients were to have indicated within their application if they prefer their information not be available to or for other programs.
- i. Inclusion of proprietary information in reports or other communications is discouraged unless necessary for a full understanding of project performance. Proprietary information must be clearly marked as such, or may be at risk of disclosure to the general public or to other third parties.

### Post-Award

- j. Award decisions are final and not subject to further review or appeal.
- k. Projects may start, at the earliest, on June 15, 2021, but should begin no later than 60 days after the award announcement date. Should award recipients desire an earlier or later start date, this may be negotiated at the time of award.
- l. Awards will be made subject to the availability of funds.
- m. A performance agreement memorializing the terms and conditions of the award must be executed by CIT and the Recipient before funds are disbursed. The performance agreement is comprised of the Recipient's CCF award letter, reporting schedule, and application, including its proposal and budget; program guidelines; and these Terms and Conditions.

### Project Modifications, Reporting, and Disbursement of Funds

- n. After initial disbursement, payments will be contingent upon successful performance against key milestones and other standards outlined in the performance agreement.
- o. Projects must be conducted as proposed and approved, including the project plan and budget, unless prior approval is sought and received from CIT. Recipients require prior approval from CIT for: (1) a no cost extension; (2) a plus or minus 20% deviation in any budget category, unless the change to the budget category is \$2,000 or less; (3) and/or other deviations from the project as defined in the performance agreement. Budget modifications may adjust the indirect cost ratio only if the change reduces the percent of the CCF award spent on indirect costs.
- p. Recipients requesting a no cost extension must notify CIT, in writing, at least 30 days prior to the project's period of performance end date.
- q. Award funding not expended by the end of the period of performance must be returned to CIT.
- r. As a condition of the award, Recipients are required to submit a progress report(s) and final report discussing project and financial performance and very briefly report on commercialization and/or other outcomes annually for five years after the project's period of performance.
- s. CIT has the prerogative to audit financial and/or other records associated with the CCF award for three years following the project end date.

### Termination and Repayment

- t. CIT may terminate awards in the event of non-compliance with the terms and conditions of the CCF award, including those conditions set forth herein, or other extenuating conditions. Repayment may be required in the event funds have been expended for purposes other than outlined in the Recipient's application or, for whatever reason, cannot be expended for those purposes outlined in the Recipient's application.
- u. Recipients shall notify CIT immediately if their ability to perform pursuant to the terms and conditions of the award, including those conditions set forth herein, is compromised for any reason or may be reasonably expected to become so compromised. CIT will use such notice exclusively for the purpose of determining the status of the CCF award, including any applicable repayment requirements.
- v. Recipients whose CCF-related activity leaves the Commonwealth during or within 24 months following the CCF period of performance end date will be required to repay, in full, awarded funds. Partial repayment will not be accepted. Repayment is not required if the CCF-supported technology is licensed to an out-of-state company. As contemplated by this provision, CCF-related activity "leaving" the Commonwealth could result from a variety of factors, including, for example, the relocation of all or part of the Recipient or the sale of the Recipient or the CCF-supported technology.
- w. Recipients must comply with federal and state laws, regulations, and policies. Violations or allegations of violations must be reported to CIT, in writing, within 30 days of the Recipient first becoming aware of any violation(s) or potential violation(s).

**By signing below, the Recipient acknowledges, understands, and agrees to the CCF performance agreement, which is comprised of the preceding Terms and Conditions, FY2021 Program Guidelines, and the Recipient’s award letter, reporting schedule, and application. The Recipient’s Authorized Representative also certifies that the information provided in the award acceptance form, including payment information, is true and accurate.**

CCF Reference Number

Organization Name

Printed Name of Authorized Representative

Printed Title of Authorized Representative

Signature of Authorized Representative  
*(electronic signature permitted)*

Date