

UNIVERSITY OF MARYLAND SYSTEM
REVOLVING EQUIPMENT LOAN PROGRAM

PRIVATE USE QUESTIONNAIRE AND CERTIFICATE

Institution: _____

Name of Person and Title: _____

Department: _____

Phone Number: _____

The purpose of this questionnaire and certificate is to enable University of Maryland System to comply with tax law requirements relating to the issuance of tax-exempt bonds, the proceeds of which are to be used to make a loan to the Institution pursuant to the Equipment Loan Program funded by tax-exempt bonds issued pursuant to the Indenture of Trust dated as of July 1, 2003. In order for the Systems' bonds to be tax-exempt, bond counsel needs to determine the amount of private use that may be attributable to each item of property being financed, if any. In a broad sense, private use is any use by an individual or any entity in a trade of business without regard as to whether the use is formalized in any agreement, such as a lease. A few examples of private use, that the Institution may not consider to be private, include use equipment for sponsored research under certain conditions, and management or operating agreements.

The Answers to the following questions are representations from the Institution that the answers are true and correct and the institution acknowledges that bond counsel will rely on these answers:

- 1. Please Provide a summary description of the type of equipment: for example, copy machines, telephone systems, desks, laboratory equipment, etc.

- 2. Describe where and how the equipment will be used: [for example, research equipment for a particular program or a copy machine for the English Department.]

- 3. Has payment for the equipment been made? ____ yes ____no. If yes, attach a copy of the Declaration of Intent to Reimburse.

- 4. Will any revenues be derived by the System or anyone else from the use of the equipment, including from a lease, license, operating agreement, management agreement, coin-operation, etc.? ____ yes ____no. If yes, attach a copy of the relevant agreement.

5. Will any of the equipment be used in sponsored research? ____ yes ____no. If yes, answer the following questions 5.1 through 5.6, as applicable, for each sponsored research arrangement pertaining to the equipment. If no, skip to 6:

5.1 Who is the sponsor of the research, if known?

5.2 If sponsors are not known at this time, will any of the sponsors anticipated be the Federal Government or private industry? ____ yes ____no.

5.3 Will the sponsored research activity constitute basic research, i.e. any original investigation for the advancement of scientific knowledge not having a specific commercial objective. (For example product testing supporting the trade or business of a specific nongovernmental person is not treated as basic research.) ____ yes ____no. If no, describe the research activity:

5.4 Will the System determine the research to be performed and the manner in which it is to be performed (for example, selection of the personnel to perform the research)? ____ yes ____no. If no, describe how the research will be organized and managed:

5.5 Will the agreement sponsoring the research give to the System exclusive and complete title and ownership to the research and to all patents, licenses, technology and other legal rights to any product or technology developed from the research? ____ yes ____no. If no, identify who else has an interest and describe the interest

5.6 Except for a right of first negotiation for fair market value upon completion of the research, does the sponsor or anyone other than the System have any option, right of first refusal or other similar right to the technology? ___ yes ___no. If yes, is the right limited to an entitlement of the sponsor or sponsors to no more than a nonexclusive, royalty-free license to use the product of that research? ___ yes ___no. If no, identify the person and describe the right:

Do not respond "yes" to 5.6. with respect to federally sponsored research solely because of march-in rights or other special rights of the Federal Government and its agencies mandated by the Bayh-Dole Act (35 U.S.C Section 203).

6. Do any persons, other than System's employees, staff, faculty and students have a right to use any of the equipment for their own purposes, including for example dining service provider, concessionaires, vendors and licensees? ___ yes ___no. If yes, describe or attach a copy of the agreement if any:

7. Does the Institution expect to sell the equipment prior to repayment of the Loan? ___ yes ___no. If yes, when?

Covenants of the Institution:

1. The Institution agrees that it will not make any use of the equipment which would cause any of the foregoing answers to be incorrect after taking into account such change in use unless the person in charge of the Equipment Loan Program at UMSA approves.
2. If the equipment is sold prior to repayment of the loan, the Institution will report on such sale to the person responsible for the Equipment Loan Program at UMSA.

Name

Signature

Date