

**MARYLAND BIOTECHNOLOGY INVESTMENT INCENTIVE TAX CREDIT  
APPLICATION FOR CERTIFICATION  
FORM B – QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY**

**APPLICATION FOR CERTIFICATION-TAX YEAR 201\_\_ or for Fiscal Year Taxpayers, Tax Year \_\_\_\_\_**

***IMPORTANT – Because the Maryland Biotechnology Investment Tax Credit is limited and capped, applications are accepted on a first come, first served basis. Signature required.***

WARNING: False statements made knowingly and willfully in this tax credit application, including affidavits or other supporting documents submitted therewith, are punishable by law. All statements and documents are subject to verification.

For Internal Use Only

<b>1. Full Legal Name of Organization</b>					
<b>2. Email Address</b>					
<b>3. Federal Tax Identification</b>					
<b>4. Unemployment Insurance Number</b>					
<b>5. Number of Full-time Maryland Employees</b>					
<b>6. Legal Form of Entity</b>					
C Corporation	S Corporation	LLC	LLP	Limited Partnership	General Partnership

<b>7. Primary Contact Person</b>			
Last Name		Suffix (Jr., Sr., III)	
First Name		Middle Name	
Title/ Occupation			
Main Telephone (Include Area Code)			
Business Telephone (Include Area Code)			
Email Address			

<b>8. Secondary Contact Person</b>			
Last Name		Suffix (Jr., Sr., III)	
First Name		Middle Name	
Title/ Occupation			
Main Telephone (Include Area Code)			
Business Telephone (Include Area Code)			
Email Address			

<b>9. Business Address</b>			
City	State	Postal Code	County

\*Applicants should be aware that all information submitted in or accompanying an application may be subject to the provisions of the Maryland Public Information Act (Md. Code, State Government Article, Title 10, Subtitle 6, Part III) and to the provisions of Md. Code, Tax General Article, § 10-725(h).

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APPLICATION FOR CERTIFICATION  
FORM B – QUALIFIED MARYLAND BIOTECHNOLOGY COMPANY**

**APPLICATION FOR CERTIFICATION-TAX YEAR 20\_\_ or for Fiscal Year Taxpayers, Tax Year \_\_\_\_\_**

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<b>10. Investment Information</b>	
<b>Proposed date upon which the investment will be made</b>	
<b>Total Investment Amount</b>	\$

**11. Attachments - Please attach the following information to your application. Multiple attachments 11 – Form B do not have to be completed for investors in a prospective QMBC if current Form B - attachments 11 are on file with Commerce and are 30 days old or less. However, Form B answers to numbers 1 through 10 and numbers 12 through 13 must be completed.**

- 11.1 A current certified copy of organization's articles of incorporation, articles of organization, partnership agreements, or other organizing documents issued within the last 30 days.
- 11.2 A current certificate of good standing, having been issued within the last 30 days, from the Maryland State Department of Assessments and Taxation (SDAT). For foreign entities, in addition to the Maryland SDAT certification, file a certificate of status issued within the last 30 days from the state/ jurisdiction of organization.
- 11.3 The names, business addresses and titles of all officers, directors, managing members, general partners, or other persons with management authority over the business of the applicant.
- 11.4 The name, address and the percentage of ownership of each person or entity who or which holds equity interests in the qualified Maryland biotechnology company of any class or classes that constitute five percent (5%) or more of the total equity capital of the company.
- 11.5 Submit two copies of any investment agreement or similar contract between the qualified investor and qualified Maryland biotechnology firm entered into or to be entered into in connection with the making of the investment.
- 11.6 Submit two copies of a formal business plan that describes in sufficient detail the business and operations of the company to establish that the company is organized and operated as a biotechnology company as defined in the Act, including general descriptions of the biological materials and related technology used or intended to be used or developed, the methods and goals of ongoing or anticipated research, and existing or anticipated commercial biological or biomolecular products. Also include: complete financial statements and the list of full-time employees with duties and work hours per week.  
As part of or supplemental to the business plan include:
  - 11.6(a) Copies of licenses, grants and awards with a schedule reflecting the amounts already drawn down and future availability.
  - 11.6(b) Verification of any intellectual property - list of patents and patent numbers already held; for applications pending submit confirmation of filing - can be appropriate pages from the patent application.
  - 11.6(c) Expenses in the Income Statement should contain a separate break out of R & D versus Selling, General and Administrative expenses.
  - 11.6(d) Balance Sheet should reflect Equity-common and preferred stock and paid in capital.

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- 11.7 Address and detailed description of the company headquarters and addresses of additional sites and descriptions of the business, financial, research, production operations and number of full-time employees at each site.
- 11.8 Submit one copy of any private placement memorandum, prospectus or like disclosure and information documents, and of any filings with securities regulatory agencies, prepared or made by the qualified Maryland biotechnology company as issuer in connection with the investment.
- 11.9 A detailed description of the uses and purposes to which the investment will be applied by the qualified Maryland biotechnology company. Please be specific: giving the amount of anticipated investment and a breakdown of the costs and purposes for which the investment proceeds are to be used.

**12. Additional Information**  
**Has or does the Applicant, or any partner, director, officer, member, or principal stockholder:**

- |      |  |     |    |
|------|--|-----|----|
| 12.1 | Been convicted of a criminal offense other than a traffic violation? | Yes | No |
| 12.2 | Been a debtor in bankruptcy or insolvency proceedings?               | Yes | No |
| 12.3 | Been a party to any pending litigation in the past two years?        | Yes | No |

**Does the Applicant, or any partner, director, officer, member, or principal stockholder:**

- |      |                                |     |    |
|------|--------------------------------|-----|----|
| 12.4 | Owe any outstanding judgments? | Yes | No |
| 12.5 | Owe any delinquent taxes?      | Yes | No |

**13. Oath and Signature**

Under penalties of perjury, I declare that I have examined this application, and to the best of my knowledge and belief, it is true, correct, and accurately lists the amount of investments during the tax year.

**X** \_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date (mm-dd-yyyy)

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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# INSTRUCTIONS

## GENERAL INFORMATION

1. Complete appropriate Qualified Investor Form (Form A.1, A.2, or A.3).
2. Complete Qualified Maryland Biotechnology Company ("QMBC") Form (Form B).
3. Send complete application including appropriate investor form, QMBC Form B, and all requested documents to the Maryland Department of Commerce.
4. Applications should be delivered to the following address:

**ATTN: Biotechnology Investment Incentive Tax Credit Program  
Maryland Department of Commerce  
Tax Incentives Group  
World Trade Center  
401 East Pratt Street – 17<sup>th</sup> Floor  
Baltimore, Maryland 21202**

**Beginning on May 18, 2016, Commerce will accept Form B applications for companies to be pre-qualified as a QMBC. Early applications will be accepted through May 25, 2016. Precertification will occur as soon as the applications have been reviewed. Notifications will be sent out no later than June 6, 2016.**

## CERTIFICATION PROCESS

Commerce will be using a two-step application procedure for the fiscal year beginning July 1, 2016.

**Step 1:** Beginning June 1, 2016, completed applications with all attachments will be accepted at the Commerce offices located at the Maryland Department of Commerce, Tax Incentives Group, World Trade Center, 401 East Pratt Street, 17th Floor, Baltimore, MD 21202. A User Name and Reference Number will be issued within 48 hours, except applications received after June 24, 2016 will have a User Name and Reference Number issued after July 1, 2016.

**Step 2:** The second step of the application process will require that the User Name and Reference Number be used to electronically complete the submission beginning at 9:00 am EDT on July 1, 2016 through the website located at [www.mdbiotaxcredit.org](http://www.mdbiotaxcredit.org). Submission order of the applications will be determined by "first come first served" based ONLY on the electronic submission of the User Name and Reference Number. No physical application can be filed for purposes of the ordering of first come first served.

Multiple submissions by an applicant using the same user name and reference number will be considered filed at the date and time of the LAST submission. This rule is to maintain that the application procedure is as fair and equitable as possible. Any decision made by Commerce during the application process is considered final.

Applications are reviewed and approved based on the order received. At least 30 calendar days but no more than 60 calendar days prior to making a qualifying investment, the qualified investor submits a completed application to Commerce. Within 30 calendar days of receiving the application, Commerce will issue an initial tax credit certificate certifying the amount of any approved tax credits to a Qualified Investor or offer rejection. A qualified investor has 30 days after the date Commerce issues the initial tax credit certificate to make an investment in the QMBC. Within 10 days of making the investment, the qualified investor shall provide written notice with supporting documentation to Commerce. If the qualified investor fails to provide notice of investment to Commerce within 40 days after the issuance of the initial tax credit certificate Commerce shall rescind the certificate. Based on the actual investment Commerce shall issue a final tax credit certificate.

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